

January 3, 2011

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

Moved by Vermedahl, seconded by Sanders, to set February 1, 2011, at 9:15 a.m., as the time and date for a public hearing on a request for a land use change submitted by Ian and Erin Fores on a parcel located in the SE1/4 of the SW1/4 of Section 6-35-12. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Ron Buch as the Board Chairman for 2011. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Dave Vermedahl as the Vice-Chairman for 2011. All members voting aye thereon. Motion carried.

Supervisor Vermedahl took over as vice-chair.

Steve Meyer and Scott Hansen met with the Board to report that they were short in local match funds for the Emergency Operations Grant they received. The Emergency Management Agency is short approximately \$40,000. Meyers questioned where the additional \$40,000 was going to come from. Supervisor Sanders stated that the county did not have the money. Supervisor Vermedahl stated that the county will have to come up with the funds. Meyer reminded the Board that they had suggested that an I-Jobs II grant be used; however the Board did not want to adhere to the Smart Planning guidelines required. The auditor questioned where EMA was at with requesting reimbursement for the expenses already incurred. Hansen replied that he has not applied for any reimbursement yet as he is waiting for information from the county's architect and contractor regarding Davis Bacon wages, etc. Moved by Sanders, seconded by Vermedahl, that Benton County will pay for the shortfall in the local match for the emergency operations grant. Both members voting aye thereon. Motion carried.

The auditor clarified that EMA will totally vacate the office in the courthouse once their new facility is constructed. Also that the courthouse generator, which is owned by EMA, will remain in the courthouse with ownership being turned over to the county. Hansen stated that his board would have to make formal approval on the generator but that it would be his recommendation.

Supervisor Buch arrived at 9:40 a.m.

Moved by Sanders, seconded by Vermedahl, to accept the resignation due to retirement of Jackie Michael from the sheriff's department, effective the end of the work day on January 14, 2011 with payment for unused vacation and sick leave pursuant to union contracts. All members voting aye thereon. Motion carried. The board extended their gratitude to Michaels for her twenty years of service. Michael agreed to be retained on a part-time basis for training.

The sheriff stated that he has contacted two counties who have agreed to contract with Benton County to cover training of Jackie's replacement. The sheriff stated that there are things that Michael does that no one else has performed. Forsyth stated that with Michael leaving in two weeks that by the time he advertises and hires – he cannot fill the position prior to Michael leaving. Forsyth requested authority to proceed with covering the duties and training on a limited temporary basis. The board requested that Forsyth return next week with a final course of action for approval by the board, but that he had authority to proceed with retaining limited temporary assistance.

The board discussed the prohibition of weapons on county property. The sheriff advised that many counties are taking measures to prohibit weapons on county property in light of the new weapons permit law. The board deferred any action pending the county attorney's arrival.

Jerry Petermeier updated the board on the status of the construction project.

Moved by Vermedahl, seconded by Sanders, to appoint the following members to the respective boards for 2011. All members voting aye thereon. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Vermedahl

Regional HACAP –Supervisor Sanders

Emergency Management Commission - Supervisor Vermedahl

Supervisor Sanders, Alternate

Resource Enhancement & Protection (REAP) - Supervisor Vermedahl

Solid Waste Disposal Commission Advisory Board - Supervisor Buch

Supervisor Vermedahl, Alternate

Supervisor Sanders, Alternate

County Conference Board - Supervisor Sanders

Supervisor Buch

Supervisor Vermedahl

Benton County Health Board – Supervisor Sanders, Ex-Officio

6th Judicial District Department of Corrections – Supervisor David Vermedahl

Workforce Development - Supervisor Buch

Eastern Iowa Tourism – Supervisor Sanders

Supervisor Buch, Alternate

Supervisor Vermedahl, Alternate

North Iowa Juvenile Detention – Supervisor Buch

Area Substance Abuse Council (ASAC) – Supervisor Sanders

Regional Child Support Recovery – Buch

Benton County Empowerment Board – Buch

Benton County Conservation – Supervisor Sanders, Ex-Officio

DeCat – Supervisor Buch

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the Statement of Non-Issuance of Certificate of Occupancy for 2011. All members voting aye thereon. Motion carried.

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-1, CONSTRUCTION EVALUATION RESOLUTION. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION # 11-1

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, 2011 and January 31, 2012 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).

Chair, Board of Supervisors

Date: January 3, 2011

ATTEST:

Jill Marlow, County Auditor

Date: January 3, 2011

Moved by Vermedahl, seconded by Sanders, to approve the minutes of December 28, 2010. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint the county engineer as the county weed commissioner for 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the engineer to appoint an assistant weed commissioner. Said appointment is to be reported to the board of supervisors. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint the following persons to the Benton County Eminent Domain for 2011. All members voting aye thereon. Motion carried.

EMINENT DOMAIN

Licensed Real Estate Sales Person or Real Estate Broker

Denise Weeda

Danny Kaestner

Gloria Feuerbach

Shannon Feuerbach

Carmie Behrens

Wayne Siela

Kathy Tranel

Marion Schminke

Persons Having Knowledge of Property Values by Reason of Occupation

Roger Schlarbaum

Carol Goodchild

Jeff Geiger

Dave Coulter

Mary Wauters

Harold Knaack Jr.

Melissa McBride

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Owner-Operator Agricultural Property

Bonnie Sanders

Judi Hertle

David Rhinehart

Denise Wiley

John Elwick

Wayne Riley

Todd Hennings

Owners of City or Town Property

Darold Sindt

Jeff Kelly

Kathy Van Steenhuyse

Janice Eldred

Larry Weeda

Connie Ogier

Lloyd Benson

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

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

Moved by Vermedahl, seconded by Sanders, to appoint Myron Parizek and Kaye Buch to the Integrated Roadside Vegetation Management, representing the public sector, for three-year terms. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into an agreement with ISAC regarding the county's wellness program. All members voting aye thereon. Motion carried.

WELLNESS PROGRAM AGREEMENT BETWEEN THE IOWA STATE ASSOCIATION OF COUNTIES AND PARTICIPATING COUNTY

BACKGROUND

ISAC has demonstrated support for wellness programming for many years by providing financial resources to counties to be used on wellness programming. ISAC is dedicated to providing members every opportunity to become healthier, and to creating a culture of health and wellness in all counties participating in the ISAC Group Health Program. This is why ISAC is offering counties the opportunity to participate in a more robust wellness program, along with the assistance of a health management consultant and incentive program to help them achieve their goals. ISAC is determined to address rising health care costs through effective wellness programming to encourage healthy behavior changes in the employee population.

WORKSITE WELLNESS PLAN

The ISAC enhanced wellness program will include comprehensive consulting services and Online Lifestyle Management programs as well as an incentive program to both counties and policy holders for the plan year of 2011.

POPULATION TO BE SERVICED

The online programs, including the Wellness Assessment, are only available to member employees. Comprehensive consulting may assist county wellness committees in planning and implementing additional programs that can be available to all employees. The \$250 Visa gift card incentive is available to current county employees who are policyholders in the ISAC group health plan (this does not extend to spouses or dependents on the plan or to COBRA or retirees.)

ISAC WILL PROVIDE THE FOLLOWING:

- A dedicated Health Management Consultant to assist in assessment, planning, implementation and evaluation of wellness initiatives. The consultant will also create custom communication and incentive strategies for your county, to improve engagement in wellness programs.
- Online lifestyle management tools to help members better manage their health, including health trackers, nutrition planning, fitness planner and tracker, healthy recipes, forums, smoking cessation, online behavior change programs, and more.
- An on-line Wellness Assessment available for each county health plan participant to take one time during the wellness program year. This includes a personalized report detailing results and addressing risks.
- Printed promotional materials including posters, flyers, payroll stuffers, emails, etc. The consultant will assist in effectively communicating information to employees.
- A \$250 Visa gift card to any current county employee who is a policyholder with the ISAC group health plan and completes an annual physical with their physician and completes the Wellness Assessment in 2011.
- A rate discount beginning July 1, 2012 to any county that meets the criteria listed under

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"Participating County" and documents their achievement.

FEES

ISAC is assuming all fees associated with the wellness program enhancements, which includes comprehensive consulting and online lifestyle management programs through Wellmark Blue Cross Blue Shield. Participating counties will have no financial obligations associated with this program. Each participating county will continue to receive \$30 per contract per year to use toward approved wellness programs. Counties are encouraged to offer additional financial incentives to participants to increase engagement.

PARTICIPATING COUNTY WILL:

- Schedule one, 1-hour all-employee meeting prior to the Wellness Assessment campaign (March 7, 2011) to educate the employees about the programs, how to use the online services, and overall member experience. The Health Management Consultant and Wellmark Account Manager will speak at the meetings, along with the wellness committee chairperson, if possible. 90% employee participation is required.
- Form a wellness committee (volunteer or appointed), if one is not already established, that will meet at least 4 times per year to plan and implement wellness programming. The committee will promote wellness activities, as well as other wellness-focused programs ISAC provides, such as Disease Management, Pregnancy Care, and Personal Health Assistant 24/7. The Health Management Consultant will provide each county with the tools and materials needed to promote these programs.
- Include at least one Supervisor to support the wellness initiative by holding an active role in the wellness committee and allowing employees time to participate in wellness programs. County leaders are encouraged to be an example to employees by participating in programs themselves.
- Provide at least 2 wellness programs approved by ISAC that adhere to the program guidelines established in the most current version of the ISAC Wellness Guidelines. The wellness programs will be planned by the county wellness committee with the assistance of the Health Management Consultant. Approved programs will spend the \$30 per contract wellness funds toward creating positive behavior change in the county employees. Examples include but are not limited to incentives for participation in an approved program, onsite behavior change programs (i.e. Weight Watchers), walking programs, etc.
- Encourage employees to get an annual physical and complete the Wellness Assessment in 2011. To receive the rate reduction, in addition to completing the above, the county must have at minimum 50% of their employees complete an annual physical with their physician and the Wellness Assessment in 2011.

COLLABORATION

ISAC is committed to creating a culture of health and wellness at all ISAC counties. ISAC will work with the counties to identify and address its employee health risks through the proposed engagement. We look forward to collaborating with you to promote wellness programs, and welcome any information that you can provide to help us better understand and meet your wellness needs.

AGREEMENT

ISAC and the participating county have caused this agreement to be executed as of January 1, 2011. The undersigned hereby consent to render services accordingly:

_____ County elects to participate in the program detailed above.

_____ County elects NOT to participate in the program detailed above; understanding that the county will no longer receive the \$30/contract for wellness program funding.

William R. Peterson, Executive Director
Iowa State Association of Counties

Date

Chairperson, Board of Supervisors

Date

The agreement sets forth that a wellness committee is formed with a supervisor taking an active role in the committee and wellness program. Supervisor Sanders stated that he would like to be assigned to that committee in exchange for his position on the emergency management commission. Sanders stated that he no longer desires to attend any night meetings relative to his position as county supervisor and that the wellness committee will meet during normal business hours. Supervisor Vermedahl stated that he would take over the emergency management position.

Moved by Vermedahl, seconded by Sanders, to set forth the county's non-discrimination statement as follows:
"No Person shall be excluded from the receipt of services or benefits, and no employee shall be discriminated against on the basis of race, color, national origin, sex, age, religious, political affiliation, physical or mental disability, gender identity,

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or sexual orientation. Any incident of discrimination should be reported." All members voting aye thereon. Motion carried.

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

Ron Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

January 11, 2011

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of January 3, 2011. All members voting aye thereon. Motion carried.

Todd McNall reviewed change order requests for the law enforcement center as follows:

Change Order Request #19 – move roof canopy drain closer to building and adding heat tape to roof drains - \$4,959.03

Change Order Request #20 – adding heat tape to entry ramp, stairs, front landing etc. to law enforcement center - \$40,808.33

Change Order Request #21 – add receptacles on roof to put heat tape down conductor heads - \$10,549.37

Change Order Request #24 – putting conduit into cement from radio room to the communications room (not included in original plans) - \$19,427.42

Change Order Request #25 – cost to relocate digital video recorder from detective room to radio room (county request) - \$901.26

Change Order Request #26 – changing driveway on west side of sally port and increasing thickness of cement - \$14,389.98

The board expressed concern over the costs of change order request #21 and McNall is to research the matter further. The cost of electricity for heating the ramps and stairs was estimated at \$672.00 for 24 hours of continuous operation. Moved by Vermedahl, seconded by Sanders, to submit change order requests numbered 19, 24, 25, and 26 to FEMA for their approval. FEMA approval is required prior to the board granting approval. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 126288 through 126641, and ACH deposits numbered 10197 through 10304, for payment. All members voting aye thereon. Motion carried.

The sheriff told the board that he was not ready for action to be taken on his request for temporary assistance in the sheriff's civil department.

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David Thompson, county attorney, presented a resolution for the board's consideration prohibiting firearms and dangerous weapons on county property. The auditor questioned the statement that prohibition would be on "all county-owned property with certain exceptions" and asked if that would include county roadways. Thompson responded that county roadways were not included in county property. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-2, PROHIBITION OF FIREARMS AND DANGEROUS WEAPONS IN AND ON BENTON COUNTY BUILDINGS AND PROPERTY. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-2

PROHIBITION OF FIREARMS AND DANGEROUS WEAPONS IN AND ON BENTON COUNTY BUILDINGS AND PROPERTY.

WHEREAS, the Benton County Board of Supervisors, consistent with the safety of the public and county employees and officials and consistent with past practice and policy, desires to prohibit the presence of firearms and dangerous weapons in and on county buildings and property, and

WHEREAS, the Benton County Board of Supervisors, pursuant to Iowa Code Section 331.502(1), has the authority to direct the general custody and control of the courthouse and other county buildings and property and also, pursuant to Iowa Code Section 602.1303, to provide offices and spaces for the Courts, with appropriate funding, and

WHEREAS, the Benton County Board of Supervisors, Benton County Conservation Board, and Benton County Board of Health have adopted policies and regulations in their respective employee handbooks which address the safety of Benton County employees in the workplace, and

WHEREAS, the amendments to Chapter 724 contained in Senate File 2379 (effective January 1, 2011) relating to the issuance of non-professional permits to carry firearms does not infringe on the authority or power of the Board of Supervisors to enact regulations and pass resolutions regarding the protection of county property, the protection of the health, safety and welfare of county employees and officials and the public who may be present on county property by restricting firearms and dangerous weapons on property or in buildings owned, leased, or occupied by Benton County, and

WHEREAS, the order of the Chief Judge for the Sixth Judicial District already prohibits firearms in the courtrooms of the courthouse while court is in session, and

WHEREAS, the Supervisors recognize that all law enforcement officers and other persons who have valid professional permits to carry weapons will be exempt from this resolution, and

WHEREAS, the Benton County Conservation Board has previously adopted rules and regulations prohibiting firearms and dangerous weapons in all county parks, with the following specific exceptions:

- Designated hunting areas in county parks during the appropriate hunting seasons.
- Registered participants in Hunter Safety classes held at county parks or in county buildings by the Benton County Conservation Board or by other organizations or persons approved by the Conservation Board.

BE IT THEREFORE RESOLVED that all firearms and other dangerous weapons are prohibited in or on all buildings and property that is owned, leased, or occupied by Benton County, including but not limited to the courthouse, all county office buildings and property outside the court house, and with the exceptions previously adopted by the Benton County Conservation Board.

BE IT FURTHER RESOLVED that persons who have a valid professional permit to carry weapons are exempt from this resolution.

BE IT FURTHER RESOLVED that persons acting in violation of this policy shall be subject to prosecution for criminal trespass.

BE IT FURTHER RESOLVED that this policy shall be in full force and effect as of the date this resolution is approved by the Board of Supervisors.

APPROVED this 11th day of January 2011.

By _____
Ron Buch, Chairperson
Benton County Board of Supervisors

ATTEST:

Jill Marlow
Benton County Auditor

Date Signed

Moved by Sanders, seconded by Vermedahl, to approve the treasurer's semi-annual report for the period ending December 31, 2010. All members voting aye thereon. Motion carried.

Moved by, seconded by, to suspend taxes on parcel #070-06050 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

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Moved by, seconded by, to adopt Resolution #11-3, TRANSFER OF FUNDS. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-3 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$125,000.00 be transferred from General Basic to Capital Projects.

Dated this 11th day of January 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve the sheriff's and auditor's quarterly reports for the period ending December 31, 2011. All members voting aye thereon. Motion carried.

Moved by, seconded by, to acknowledge the receipt of the manure management plan filed by Christensen Farms for the facility located in the NW1/4 of the NW1/4 of 2-85-11. All members voting aye thereon. Motion carried.

The engineer reported that the bank balance in the landfill account at the Blainstown Bank on December 31, 2010 was \$49,430.57.

Moved by Vermedahl, seconded by Sanders, to approve 20.25 hours of vacation carry-over requested by Dan Higdon. Said carry-over to be used no later than May 1, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve 26.5 hours of vacation carry-over requested by Myron Parizek. Said carry-over to be used no later than May 1, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve and authorize the chair to sign the Federal Aid Agreement BROS-CO06PRIN80—5F-06 for the Highway Bridge Project north of Keystone. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the engineer to advertise and hire a mechanic in the secondary roads department. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-4, HIRE OF NEWHALL MAINTAINER OPERATOR. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

R E S O L U T I O N #11-4

WHEREAS: Benton County Secondary Road Department has a position to fill for a Maintainer Operator at Newhall and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Brian Toney be hired to fill the position of Equipment Operator (Maintainer Operator) at a starting wage of \$16.38 per hour starting January 17, 2011.

Signed this 11th of January 2011.

Chairman, Board of Supervisors

ATTEST:

County Auditor

The engineer discussed the current position of Penny Applegarth and her additional job responsibilities due to the retirement of the office manager. The auditor questioned if there was a job description on file for the position. The engineer stated that a company was employed by the county several years ago that created job descriptions; however that auditor stated she does not have one for the office manager position on file. The engineer stated he would check his files for a copy. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-5, CHANGING JOB TITLE AND SALARY OF PENNY APPLGARTH. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

R E S O L U T I O N #11-5

WHEREAS: The Benton County Secondary Roads Department had the office manager, Elaine Bolton, retire on December 31, 2010, and

WHEREAS: This office manager position needs to be filled, and

WHEREAS: Penny Applegarth is recommended and deserving of this promotion, and

WHEREAS: This position warrants a salary comparable with those positions within other counties,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that Penny Applegarth be the office manager of Benton County Secondary Roads at a salary of \$32,000 per year effective January 1, 2011, and

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BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that the salary for this position be evaluated again in December 2011 with another \$1000 increase being considered.

Signed this 11th day of January 2011.

Chairman, Board of Supervisors

ATTEST: _____
Benton County Auditor

The board discussed the current labor negotiations with secondary roads. This is exempt from open meetings.

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-6, AMENDING RESOLUTION #09-77, INTEGRATED VEGETATION ROADSIDE MANAGEMENT. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-6 AMENDING RESOLUTION #09-77

BENTON COUNTY INTEGRATED VEGETATION ROADSIDE MANAGEMENT (IVRM) ADVISORY COMMITTEE

WHEREAS, the Benton County Board of Supervisors adopted Resolution #9-77, on December 1, 2009, wherein an Integrated Vegetation Roadside Management (IVRM) Advisory Committee was established; and

WHEREAS, the Board of Supervisors has found it to be increasingly difficult to limit five members representing the public sector who are willing to service on said committee; and

WHEREAS, the Board of Supervisors desires to amend said Resolution #9-77 to allow variances in the requirement for five persons representing specific sectors,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #09-77 adopted on December 1, 2009, creating an Integrated Vegetation Roadside Management Advisory Committee is hereby amended as follows:

"An Integrated Vegetation Management Advisory Committee is formed to assist in the planning and implementation of Benton County's roadside management efforts. The committee shall consist of no more than ten persons. *The recommended, but not required, composition of the IVRM advisory committee is five persons representing the public sector (federal, state, and local) and five persons representing the private sector.* Committee members should possess a background in native vegetation, weed management, environmental sciences, conservation, agriculture or have a demonstrated interest in one of the stated areas and/or roadside management. "

All remaining parts of Resolution #09-77, Benton County Integrated Vegetation Roadside Management (IVRM) Advisory Committee as adopted on December 1, 2009, remain in full force and effect.

Dated this 11th day of January 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Jerry Petermeier provided an update on the construction progress of the law enforcement center. Petermeier stated that the project is on schedule. The contractor will start painting areas soon; electricians are on-site; the east dormitory wall is in place; isolation cell is under construction; as well as various other walls are being constructed. Petermeier stated that he would be checking the concrete blocks along the bottom to insure that it has been filled with cement as required.

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

Ronald R. Buch, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

January 18, 2011

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of January 11, 2011. All members voting aye thereon. Motion carried.

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

Chief District Court Judge Grady addressed the board regarding the prohibition of weapons on county property. Judge Grady stated that employees as well as the public should feel safe when coming into the courthouse. Grady stated that having the presence of a law enforcement officer during court brings a calming effect on potential problems, during court proceedings, but especially during domestic and juvenile court cases. Judge Grady understood that there were concerns as to what governmental entity provides relative to court matters. He stressed that people not feel intimidated when coming to court. Grady stated that he understood that the law allows persons to carry a weapon with a permit; however he believed it to be best to prohibit all weapons except for certified peace officers. Supervisor Buch questioned if the prohibitions were going to be challenged in the courts. Grady stated that Iowa has been a "shall issue" state since the 1960's; however there was a lot of attention now. Grady stated that property owners have the ability to regulate certain activities on their property. Grady believed that there would be litigation somewhere. Grady stated that there is already enough tension in the court system without factoring in the potential for weapons. Supervisor Vermedahl questioned what

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ability does any deputy have to remove a weapon from an individual in the absence of a resolution prohibiting it. Grady responded that the deputy would have little authority to remove the weapon until the individual reached the court system. Supervisor Buch questioned if there was any financial assistance available from the judicial system for courthouse security. Grady responded that they did not.

Sanders arrived at 9:07 a.m.

Moved by Sanders, seconded by Vermedahl, to amend the minutes of December 14, 2010, relative to the discussion on the FY12 rates for the Cedar Valley Ranch, by clarifying that the rates are proposed and not final. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the receipt of the annual manure management plan filed by Cedar Valley Farms, LLC for the facility located at 2188 78th Street, Blairstown, Iowa. All members voting aye thereon. Motion carried.

Adam Ralston and Kathy Van Steenhuyse representing the East Central Iowa Housing Trust Fund met with the Board to discuss the trust fund. The trust covers four counties including Benton County. The main source of funding is from the State of Iowa, which makes it different from other non-profit agencies. Ralston explained that funding is also being sought from the counties it serves. Ralston stated that \$259,000 has been appropriated by the State and the organization is asking for approximately \$2003 from Benton County.

Todd McNall spoke with the board about change orders to the contract for construction of the law enforcement center. The board specifically discussed proposed change order #10 in the amount of \$19,427.42, which is for the removal of cement and installation of conduit. The initial plans did not include the conduit. Supervisor Buch stated that he wanted a commitment from Design Dynamics that the labor for the correction would be paid by either Design Dynamics or one of their subcontractors. McNall stated he could not give a commitment at this time. McNall also stated that Kleiman requested an extension to the completion date of the project due to the change order. Jerry Petermeier stated that it was too early to give an extension to the completion date. McNall stated that Kleiman wanted it on the record that they wanted additional days. Supervisor Buch asked why the county should have a contract with a completion deadline if it was just changed. McNall said to encourage the contractor to get the project done. Moved by Vermedahl, seconded by Sanders, to approve Change Order #10 in the amount of \$19,427 to install conduit. It is understood that FEMA has not approved the change order at this time. It is also stipulated that Design Dynamics or their subcontractor is responsible for all additional expense incurred due to the error in the amount of \$9,672.80. No additional time is approved for the completion of the project as requested. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the submittal of Change Order Request #21 – add receptacles on roof to put heat tape down conductor heads - \$10,549.37, to FEMA for their consideration. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Jacque Hodgson to the Integrated Vegetation Roadside Management Commission for a three-year term. All members voting aye thereon. Motion carried.

The sheriff met with the board to discuss various fees relative to his department. Forsyth stated that the cities have asked if there would be an increase in the \$21.00 per hour fee for contract services, which is about one-half of the actual costs to provide the service. Forsyth was concerned that an increase in rate may result in a decrease of hours being contracted. Forsyth also spoke about the animal control officer. Forsyth stated that animal control is not considered a part of the law enforcement contract. Forsyth questioned if raising the cost of the per hour contract amount should be increased and then cover animal control. The auditor stated that a couple of dollars would not cover the county's cost. Forsyth discussed dispatch fees as well. Forsyth stated that Vinton and Belle Plaine currently pay dispatch fees, but no other cities currently do. The board directed Forsyth to look into charging dispatch fees to cities that have their own police departments. Discussion also took place on charging inmates for care and keep. County Attorney Thompson stated that other counties have implemented a similar fee and it is his belief that Benton County should assess a fee as well. The board agreed that the matter of imposing an inmate fee should be researched.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign a contract with CJ Cooper and Associates for alcohol testing services under commercial driver's licensing requirements for 2011. All members voting aye thereon. Motion carried.

The board met with approximately thirty people regarding the recent passage of a resolution prohibiting dangerous weapons on county property. Tom Boeckmann presented a letter to the board stating his concerns and it was entered into the record, attached hereto and incorporated herein by reference (located at the end of these type written minutes).

Supervisor Sanders stated he was the supervisor who Boeckmann referred to in his prepared comments.

Comments heard from various members of the public included but are not limited to the following:

Opposing the resolution: agreed with Boeckmann's comments; the resolution is a resolution of distrust; wanted the resolution rescinded; questioned the necessity for the resolution; government should take a deep breath and wait and see if there is going to be a problem; need to reduce regulation on individual freedom; if you disarm the people who have legal permits to carry, then only people armed are those who aren't permitted; the prohibition of weapons doesn't stop non-law abiding from carrying weapons; county is only restricting those who abide by the rules; if you don't allow someone to possess a firearm while camping in park and something happens to that person is the county opening itself up to liability?; have a little trust in your fellow citizens; the number of permits could double and it wouldn't be very many in comparison to the number of citizens in the county; criminals could care less about gun permits and are going to shoot a gun regardless of a law or resolution; been 372 people killed in auto accidents - should we outlaw cars?

Supporting the resolution: commended the county on their courage; if the regulation saves someone from getting hurt then why not; assumption that everyone who carries a gun is an expert and trained is wrong; if some angry person comes into courthouse and shoots someone – everyone will ask "how did this happen?"; there is no reason for guns in this courthouse.

County Attorney David Thompson responded that the board of supervisors has the authority to keep the prohibition in effect and or rescind it, or table it and do more research. Thompson disagreed that the county's response

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was a knee-jerk reaction stating that the matter had been on the agenda a couple of times and had been worked on for a couple of weeks. The county attorney stated that guns should not be involved in the judicial, legislative, or democratic process.

Those opposed predominately agreed that weapons should not be allowed in the courthouse, but disagreed with the restriction in park areas and other open areas owned by the county. They restated that the new law did not change a person's ability to carry a weapon but only standardized the permit process and reiterated their desire that the county rescind the resolution prohibiting weapons.

Supervisor Sanders stated that being a supervisor is multi-faceted and in no way did the county want to infringe on people's rights, but the county must consider their employees' security.

Supervisor Vermedahl echoed Sanders' comments stating that when he voted he was not trying to limit rights, but just trying to limit where a gun could be carried. Adding that is main concern was the courthouse. Vermedahl stated that the courthouse needed to be a safe place with no intimidation for people accessing the judicial system especially. Vermedahl stated that it was not just the rights of those opposed but everyone's rights need to be protected.

Supervisor Buch stated that he owns guns, but his concern was looking down the road when a little thing turns into a big thing and the need to protect people in our courthouse as well as other buildings. Buch stated that he didn't want to take their guns away from them, but places don't need guns around.

It was left that the group asked the board to reconsider the resolution and to allow weapons in parks and other similar places, but agreed that weapons should not be allowed in the courthouse.

The board did not tour the law enforcement facility to allow more time to work on the FY12 budgets. A preliminary budget was presented and reviewed by the supervisors.

No action was taken on setting fees for the medical examiner pending a recommendation from the medical examiner.

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

Ron Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

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LETTER SUBMITTED BY TOM BOECKMANN

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LETTER SUBMITTED BY TOM BOECKMANN

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January 25, 2011

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

Moved by Sanders, seconded by Buch, to approve checks numbered 126642 through 126915, and ACH deposits numbered 10305 through 10410, for payment. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to adopt Resolution #11-7, Service Area Budget Amendment. Voting aye were Buch and Sanders. Nays none. Motion carried.

RESOLUTION #11-7

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 6 (\$109 from Pioneer Cemetery to CDBG) and Service Area 8 (\$7500.00 from Elections to Motor Vehicle Registration). The auditor is directed and authorized to amend said service area as needed.

Dated this 25th day of January 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ron Buch, Chairman

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Sanders, seconded by Buch, to adopt Resolution #11-8, Transfer of Funds. Voting aye were Buch and Sanders. Nays none. Motion carried.

RESOLUTION #11-8

TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$74.32 be transferred from the Land Acquisition Fund to the Conservation Donation Fund.

Dated this 25th day of January 2011.

Ronald R. Buch, Chairman

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The auditor reviewed the capital projects budget for FY12 with the board.

Moved by Sanders, seconded by Buch, to sign the final plans for the bridge replacement project located on 13th Avenue, northwest of Keystone, BROS-CO06(80)—5F-06. Both members voting aye thereon. Motion carried.

Jerry Petermeier spoke to the board about the proposed change order for the law enforcement center. The board, on January 18, 2010, had approved a change order that provided for the installation of conduit that would allow for cabling to be run from the equipment room to the radio room. The board's action specifically denied the request for a 30-day extension to the project. Design Dynamics had notified the board that Kleiman has stated that they wanted the 30-day extension due to the delay as a result of an omission in the plans. Todd McNall (Design Dynamics) has informed the board of their options including granting the 30-day extension, doing the work themselves (the county), or giving a directive to Kleiman to proceed without an extension. McNall was concerned that the final option would create ill will with the contractor and recommended granting the 30-day extension. The board was concerned about the added costs to the county if the extension is granted due to expenses for housing prisoners, as well as loss of revenue generated by the law enforcement center. Petermeier questioned the design submitted for placement of the conduit, stating that he believed it to be too much as it required a three foot trench dug inside of the facility. A trench of this size would require that the material be hauled out of the facility and then brought back in once the conduit was placed. Petermeier also updated the board on the current construction progress.

Scott Hansen also spoke to the board about the EOC portion of the law enforcement. Hansen reported that he is continuing to try to get grant funding for change orders for FEMA 360 standard doors (tornado standards); however at this point it does not look promising. Hansen wanted the board to be aware so that they can make decisions accordingly.

Treasurer Kelly Geater spoke to the board about budgeting for full-time courthouse security. Geater was in support of full-time security.

The board worked on the FY12 budget. They reviewed the capital project and general supplemental fund expenses and revenues.

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

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

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January 26, 2011

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders and Buch present. Supervisor Vermedahl was absent. Supervisor Buch attended by telephone. The chair called the meeting to order at 1:00 p.m. in the boardroom room of the courthouse.

Todd McNall of Design Dynamics spoke to the board about the necessity for granting an extension to the project completion date for the law enforcement center. McNall stated that the county's only option if an extension was not granted was to direct Kleiman to do the work. McNall stated that Kleiman is not requesting additional compensation for the additional days. The extension is being requested due to an omission in the original plans for the facility that would allow the cabling to be run through the floor from the equipment room to the dispatch center. Supervisor Buch stated that the issue isn't Kleiman's fault, but that Design Dynamics should be held accountable for the design error.

Moved by Sanders, seconded by Buch, to approve a thirty-day extension to the project completion date for the construction of the law enforcement center. Further, that a meeting between Benton County and Design Dynamics is to be scheduled to discuss the omission in the original plans and other matters and to determine if any of the costs incurred by the county should be reimbursed by Design Dynamics. Both members voting aye thereon. Motion carried.

McNall stated that the owner of Design Dynamics would not be available for a week or two, but that he would schedule a meeting as directed. McNall added that Design Dynamics had completed a lot of legwork relative to FEMA that was over and above the contract and that the county should consider that when asking Design Dynamics for compensation.

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

Ron Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 31, 2011

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 7:00 p.m. in the emergency management room, in the basement of the courthouse.

The purpose of the meeting was to discuss current issues with the executive board of the emergency management commission, as well as budgetary matters. The board discussed the federal grant and possible sources of local match for the new emergency operations center. A suggestion was made to request that additional funding be sought from the nuclear facility. The supervisors said they would discuss the matter.

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

Ron Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

February 1, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of January 18, 2011, January 20, 2011, January 24, 2011, January 25, 2011, January 26, 2011, and January 31, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the receipt of the following annual manure management plans filed by the following facilities:

Swine Designs, LC at 1665 71st Street, Keystone, Iowa
Prairieview Hog Farm, Inc. at 7311 13th Ave., Belle Plaine, Iowa
K & W Hogs at 1641 71st St., Keystone, IA
Cedar Valley Farms LLC, at 2188 78th

All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the tentative agreement between Benton County and the Chauffeurs, Teamsters & Helpers Local Union 238, representing the sheriff's department, for fiscal year 2011-2012. The agreement provides for a 1.75% increase and no other changes. All members voting aye thereon. Motion carried.

The board reviewed the sanitarian's FY12 budget request with Marc Greenlee. Greenlee explained the basis for all of his requests, including salary requests. Vermedahl questioned if the county was going to proceed with adopting a new land use ordinance.

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 Ian Flores and Erin Flores, 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 parcel is an old farmstead and the access is pre-existing and meets all requirements. There is an existing well but rural water may also be available. Moved by Vermedahl, seconded by Sanders, 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 Parcel A located in the SE1/4 of the SW14/ of 6-85-12. All members voting aye thereon. Motion carried.

Representatives of the Shellsburg Library met with the board to discuss FY12 funding. Deb Harrison and Martha Travis presented information about the current usage of the Shellsburg Public Library, including the rural usage and the services being provided. They requested that the county fund the Shellsburg Public Library with an additional \$2,000.00 to the customary funding.

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The board discussed the recommendations of the compensation board for elected officials for FY12. The compensation board recommended a 2.2% across the board increase for all of the county's elected officials. The compensation board also recommended increasing the auditor's salary by an additional \$4,000 to compensate for all of the extra duties that the auditor has assumed due to reorganization of county offices, as well as the performance of duties not legally required of her. No action is taken on the recommendations until the hearing on the county's FY12 budget.

Jerry Michael, Urbana Police Chief, met with the board regarding the current law enforcement contract between Benton County and the City of Urbana. Michael summarized the current situation and the current status of the police department and the coverage being provided by the county. The city is currently investigating the possibility of a joint police department with the City of Center Point. The county provided approximately 18.5 hours of coverage in December and January appears to be less. The city would like to continue with the current agreement for a couple of more months. Michael advised that he had spoken with the sheriff, who was not opposed to continuation of the current contract. The current agreement provides for 10 hours per week of coverage. Moved by Vermedahl, seconded by Sanders, to extend the law enforcement agreement between Benton County and the City of Urbana through March 30, 2011, at the current level. All members voting aye thereon. Motion carried. Michael is to investigate whether the amount of hours can be reduced and return to the board if needed.

Moved by Vermedahl, seconded by Sanders, to appoint Jason Sanders, Jill Marlow, Kelly Geater, and Michelle Sauer to the county wellness committee. All members voting aye thereon. Motion carried. Additional persons may be appointed in the future.

Jerry Petermeier updated the board on the construction of the new law enforcement center. The board also toured the facility to view the construction progress.

Moved by Vermedahl, seconded by Sanders, to recess. All members voting aye thereon. Motion carried at 12:10 p.m.

The board reconvened at 1:00 p.m.

The board met with the Benton County Conservation Board to review their FY12 budget proposal.

The board reviewed the FY12 budget requests for transportation.

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

Ronald R. Buch, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

February 3, 2011

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 8:00 a.m. in the boardroom room of the courthouse.

Moved by Vermedahl, seconded by Sanders, to approve the quote to repair the courthouse boiler system submitted by Brecke Inc. in the amount of \$3,570.07. The repair includes a fluid power gas valve and installation of a Honeywell control with display board. All members voting aye thereon. Motion carried.

The board met with the treasurer, recorder, and social services director and reviewed their FY12 budget requests.

The board discussed salary increases for FY12 for non-union employees, excluding elected officials and their deputies. Supervisor Buch stated that budgets reflected a large variation in increases of salaries. Supervisor Sanders questioned if the board wanted to review individual positions or take an across the board approach as far as increases. Supervisor Vermedahl stated he would like to investigate pay ranges for individual positions and their salary classifications. Vermedahl requested that department heads be involved in determining a classification and pay range. Vermedahl continued that standardizing from one department to another is difficult as duties vary from department to department. Vermedahl stated that providing structure to the salaries. Supervisor Buch stated that pay ranges with minimum and maximum salaries. Buch stated that cost of living increases then would be in addition to the an individual's progression throughout the range. Buch stated that the county is not at that point yet but we need to get there. Mary Williams questioned how ranges would be implemented with current employees, who had been in the position for years. The board stated that a salary range should be based on a position and not on the person in the position. Once the range is established based on the duties of the position, then the performance of the person is considered as to where they would fall within that range. Supervisor Sanders stated salary ranges would take some of the subjectivity out of the decisions on salary increases. Williams questioned if some of the positions would be comparable, but added that a small staffed office has to handle more than a larger staffed office. Buch responded that a larger staffed office requires more staff due to the workload of the office and the size of the office should have no weight in determining the range for the position. Buch stated that the county has an obligation to justify the salaries that are being paid to the employees. County Attorney Thompson stated that the unions have been getting increases over the past several years that total over 3% more than many courthouse employees. Thompson stated that a three percent increase would be appropriate at this time. Moved by Vermedahl, seconded by Sanders, to defer action on the matter until February 14, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to recess. Motion carried at 11:58 a.m.

The Board reconvened at 1:00 p.m.

Moved by Sanders, seconded by Vermedahl, to authorize the chair and auditor to sign the farm lease agreement between Benton County and Jim Fix for 38.4 acres, more or less, described as All that part of the East One-Half (E1/2) of the Southeast Quarter (SE1/4) of Section 22, Township 85 North, Range 10 West of the 5th P.M., lying South of the Chicago, Rock Island & Pacific Railroad right-of-way excepting there from approximately five (5) acres on which the buildings are located. The lease is for a three-year period at \$11,520 per year, beginning March 2011. All members voting aye thereon. Motion carried.

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The board met with the engineer and reviewed his FY12 budget request for secondary roads and the sanitary landfill.

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

Ron Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 8, 2011

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Vermedahl present. Supervisor Sanders was absent. Chairman Buch called the meeting to order at 2:00 p.m.

Moved by Vermedahl, seconded by Buch, to approve the minutes of February 1 and February 3, 2011. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set March 8, 2011, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Patricia Poel located on a parcel generally described as being located in a part of the NW1/4 of the SE1/2 of 31-86-9. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the Veterans Affairs' quarterly report for the period ending December 31, 2010. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 126915 through 127189, and ACH deposits numbered 10411 through 10516, for payment. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Gary Thompson as a Union Township trustee, Stuart Towe as a Florence Township clerk, and Lyle Scheetz as Iowa Township trustee. Both members voting aye thereon. Motion carried.

The board discussed the fees for medical examiner services. The board currently pays \$200 per service, but realizes that some cases are much more involved and requiring additional attention by the medical examiner and his staff. Moved by Vermedahl, seconded by Buch, to set the fees for medical examiner cases at \$200.00 per case (current fee), plus expenses. In the event of an extraordinary case, the fee is set at \$400.00 plus expenses. The determination as to whether a case is extraordinary will be at the discretion of either the medical examiner or the deputy medical examiner. Medical Examiner Investigators, if paid, remain a part of the \$200 fee as is currently done, and will also be a part of the \$400 fee for extraordinary cases and not in addition thereto. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set March 8, 2011, at 10:30 a.m., as the time and date for amending the FY11 budget. Both members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account on January 31, 2011 was \$52,536.10.

The auditor questioned if the board wanted the local option sales tax allocated to secondary roads to be transferred into that fund or left in the LOSST fund. The board directed the auditor to budget the funds as a transfer to the secondary roads fund.

Gary Keller met with the board and asked what the status was on the Oak Grove Road project. Keller stated that some work with surveying was done last year and wondered what the future of the project is now. The board advised that they are reconsidering the project and whether to proceed with the project as designed or to just upgrade the road and leave it a granular surface.

Jerry Petermeier updated the board on the progress of the law enforcement center construction.

The board briefly discussed the FY12 budget.

Moved by Vermedahl, seconded by Buch, to recess. Motion carried at 4:00 p.m.

The board was reconvened at 6:50 p.m. at the Farm Bureau building in Vinton. The board discussed the FY12 budget with members of Farm Bureau, as well as issues currently facing the county. Discussion on the county's landfill, the Oak Grove Road project, health insurance, and property taxes was held.

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

Ronald Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 14, 2011

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 8, 2011. All members voting aye thereon. Motion carried.

Mary Williams requested that the Board consider amending her general assistance budget by \$3,400 for FY11. Williams also asked that her re-estimated amount for MH-DD services in the general supplemental fund be left at \$28,500. Williams had submitted a budget estimate for FY12, which indicated that she would not need as much funding in FY11 and FY12, but has now reviewed her budget and believes that the current year re-estimate should be left at \$28,500. The auditor questioned if the FY12 budget should be increased to \$28,500 as well. Williams stated that she would just request a budget amendment next year if she needed additional funding. The auditor stated that if Williams believed that she would continue to spend an amount similar to the past, then she should budget at a realistic level. Williams stated to increase the budget.

Mary Halstead questioned the board as to why the grand jury would not be viewing the General Sherman building. Halstead stated that she contacted the county attorney last year and asked why and asked him again this year as to why that building was not being toured. Williams stated that she had asked the same thing, stating that the building had been flood damaged and contained several county offices. The board stated that they would discuss with the county attorney.

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Mary Halstead, Transportation Director, and Dana Burmeister met with the board regarding the FY11 budget and FY12 budget. Halstead stated that she had reviewed both budgets and did not believe any changes were needed. Halstead also requested approval for her and Burmeister to attend the Route Match conference in Georgia from April 18 through April 22. Moved by Vermedahl, seconded by Sanders, to approve the request for Halstead and Burmeister to attend the conference in Georgia. All members voting aye thereon. Motion carried.

Supervisor Sanders left the meeting temporarily.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt and filing of a annual manure management plan filed by Phillip McKenna. The facility is not located in Benton County; however manure is applied to property located Big Grove Township in Benton County. Both members voting aye thereon. Motion carried.

Supervisor Sanders returned to the meeting.

Beverly Winkie met with the Board to request support for a Vision Iowa grant for a building addition to the Belle Plaine Museum. Winkie explained that the museum has received a collection from a family of historic items. However, the current building is not large enough to house the collection. The donor has also agreed to pay for a portion of the 30 x 60 foot addition required to house the collection. Supervisor Buch questioned if the museum was just requesting a letter of support or if a financial contribution is being sought. Winkie advised that financial support is beneficial when applying for Vision Iowa grants. Supervisor Vermedahl suggested that a letter of support be given to the Belle Plaine Historical Society museum project, stating that the county is currently providing \$500 of support to the organization and that the county provided past support of the original building in the amount of \$6000.00. Vermedahl stated that Vision Iowa should be aware that the economic condition is not that great and the county is already providing local support for other Vision Iowa grants in Benton County. Supervisor Buch asked the auditor if she would draft a letter. The auditor stated that she would be that due to the board meeting today – she wouldn't be able to draft it until tomorrow. The county attorney offered to write the letter of support for the board, stating that he would be able to draft the letter today. Moved by Sanders, seconded by Vermedahl, to offer a letter of support setting forth the previous comments. All members voting aye thereon. Motion carried.

The matter of FY12 wage increases for non-elected officials. Treasurer Geater supplied information on what she thought her employees should earn. Supervisors Vermedahl and Buch asked various questions on how the information was gathered. Supervisor Sanders did not comment. Marc Greenlee asked if anything additional was needed. Vermedahl and Buch stated that they needed time to review the budgets and the information presented. Moved by Vermedahl, seconded by Sanders, to table discussion on the matter until February 22, 2011. All members voting aye thereon. Motion carried. The auditor suggested that the matter be placed on the March 8th agenda, when the board might make a decision.

Brian Gruhn met with the Board regarding union contracts for FY12. Gruhn asked the board to go into exempt session. The auditor requested legal advice from the county attorney. The county attorney stated that the board could go into exempt session if discussions were to involve future years. Moved by Sanders, seconded by Vermedahl, to go into exempt session. All members voting aye thereon. Motion carried at 11:20 a.m.

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

Moved by Sanders, seconded by Vermedahl, to approve the labor agreement between Benton County and the PPME, representing the secondary roads for FY12. The contract will be presented at a future date for signature. Further, the chair is authorized to sign the labor agreement for FY12 between Benton County and Teamsters, representing the sheriff's department. The agreement had been approved at a previous meeting of the board of supervisors. All members voting aye thereon. Motion carried.

Engineer Myron Parizek spoke to the board about the budget amendment for sanitary disposal. Parizek stated that the DNR has approved payment from closure post-closure for expenses to close the cell at the landfill and therefore he is requesting a budget amendment from closure post closure for approximately \$77,000 and another \$250,000 in sanitary disposal.

The engineer provided cost estimates for improving the Oak Grove Road project versus hard surfacing the same road. The cost to complete the road as initially proposed \$2 million and would be \$1.3 million with the revised proposal. The road would not be hard surfaced. The revised proposal upgrades the road to a better grade, but leaves it with a gravel surface. The reduction in the project scope will free up money for the road upgrade near Atkins. The board questioned if the project would be done this year. The engineer stated that it would not be completed this year. Moved by Vermedahl, seconded by Buch, to change the project for the Oak Grove Road to reduce it to the \$1.3 million dollar project. Supervisor Sanders objected to the new proposal stating that the project was too far along to change it now. Buch stated his primary concern was to put the road in a useable condition and one that can be maintained. Buch stated that future funding for roads will probably decrease in the future and his objective is to put the funds Benton County has to the best use. Sanders stated that his constituents keep telling him that the board of supervisors has made a commitment to hard surface the road. Supervisor Vermedahl stated that he believes the new proposal will take less property from the landowners and is probably more in line with what the residents wanted. Vermedahl stated that if future traffic counts on the road support further upgrades, then that will be reviewed at that time. Voting aye were Vermedahl and Buch. Sanders voting nay. Motion carried.

The Board discussed the disposition of the temporary communications building. The auditor explained that in order for the project to be closed, the county needs to state what they intend to do with the building. The county can keep the building and FEMA will reduce the amount of payment to the county by the salvage value. If the county does not want the building, then it will need to be demolished. FEMA will pay for the expense to demolish the building. The board directed the sheriff to research what the value of the building is currently and the board will then decide how to dispose of it.

The board toured the law enforcement center to view the current construction progress. The board also discussed a date for an open house on the new facility. Moved by Sanders, seconded by Vermedahl, to set June 11,

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2011, as the date for an open house. All members voting aye thereon. Motion carried. The board stated that it was during the early morning hours of June 12, 2008, that the law enforcement center succumbed to the 2008 flood.

The board continued working on the FY12 budget. Although the board intends to continue working on the budget requests, it was moved by Sanders, seconded by Vermedahl, to set March 8, 2011, at 10:00 a.m. as the time and date for a public hearing on the FY12 county budget. All members voting aye thereon. Motion carried. The auditor is to publish the budget as it is currently presented; however the board noted that reductions could be made to the published budget.

Supervisor Vermedahl left the meeting at 4:10 p.m.; however an emergency item was brought before the remaining board members before departing and was then acted upon (see below).

The following action is being taken although the matter was not placed on the agenda. It is necessary to take the action due to the short time frame in which a response is needed and not being notified prior to the agenda being posted. Moved by Sanders, seconded by Buch, to authorize the chair to sign the *ACA Appeals Provisions Addendum, Culturally and Linguistically Appropriate Notices* to Benton County's health plan with the Iowa State Association of Counties Group. Both members voting aye thereon. Motion carried. This addendum is required as a part of the Health Care Reform Act.

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

Ron Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

February 22, 2011

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Vermedahl present. Supervisor Sanders was absent. Chairman Buch called the meeting to order at 9:00 a.m. Supervisor Sanders arrived at 9:15 a.m.

The board discussed the plaque for the new law enforcement center. Moved by Sanders, seconded by Vermedahl, to direct the architect to list the following on the plaque: The title of the facility, sheriff's logo, the date of completion (no roman numerals), the current board of supervisors, the sheriff, the architect, and the contractor. No subcontractors, engineering firms, or other persons involved in the project are to be listed. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 127190 through 127445, and ACH deposits numbered 10517 through 10622, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the receipt of the annual manure management plan filed by J & S Hogs, for the facility located at 7363 13th Avenue, Belle Plaine, Iowa. All members voting aye thereon. Motion carried.

The board continued their discussions on wages for non-union employees. Supervisor Vermedahl stated that a possibility would be to place an amount for salaries in each department's budget for wages and leave it to the department head to set the wage. Barb Greenlee stated that by setting ranges, it provides guidance. Greenlee stated that she has been in her position for 25 years and is making less than persons with much less time and experience. Marc Greenlee stated that the treasurer was attempting to equalize salaries for the employees in her office through larger salary increases and Greenlee was also trying to equalize the salaries within his office. M. Greenlee also stated that the board has approved increases in staffing for other departments and he has not. County Attorney David Thompson stated that the office manager for the sanitarian should be compensated more at the rate of a first deputy. Thompson also stated that the sanitarian/land use administrator is intricately involved in regulatory and enforcement matters and deals with tremendous day-to-day pressure and should be compensated fairly for those responsibilities. Supervisor Buch stated that a precedent had been set with when the board approved with salaries of the secretaries in the county attorney's office. Thompson stated that he would defend what his employees make in his office and that the board should base salaries on job duties, adding that his staff perform significantly different duties than persons in other offices. Thompson stated that it was an excuse to use what his office staff made as reasons for what employees in other offices should make. Thompson appreciated that Buch was open about the issue, but did not believe that his office staff should be the excuse used for other employees. B. Greenlee reiterated that she has been in her position for 25 years in comparison to other employees who make more than she with much less experience. Thompson stated that the discussion supported the need for salary ranges based on job position. Supervisor Vermedahl stated that there are inequities in salaries, and that some department heads are making the same as the office manager in the sanitarian's office. Vermedahl stated that it is hard to compare jobs and that we seem to have two arguments - one argument is that we want salaries to be equitable between departments but then turn around and argue that the responsibilities are different and compensation should be based on job responsibilities. Thompson stated that \$31,000 for a clerk's position is not an exorbitant wage. The board appreciated the comments presented but stated that they were not ready to make a decision on this date.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-9, TRANSFER OF FUNDS. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-9 TRANSFER OF FUNDS

BE IT RESOLVED that \$425,000.00 be transferred from the Local Option Sales and Services fund to the Secondary Roads fund.

Dated this 22nd day of February 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-10, SERVICE AREA AMENDMENT. Voting aye were Buch, Sanders, and Vermedahl. Nays none. Motion carried.

RESOLUTION #11-10 SERVICE AREA AMENDMENT

BE IT RESOLVED by the Benton County Board of Supervisors that

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 (moving spending authority between the conservation land acquisition fund and the REAP fund). The auditor is directed and authorized to amend said service area as needed. Dated this 22nd day of February 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-11, APPROVING HIRE OF GABE MCGOWAN. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-11

WHEREAS: Benton County Secondary Road Department has a position to fill for a Mechanic in Shop and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Gabe McGowan be hired to fill the position of Mechanic at a starting wage of \$16.68 per hour starting March 9, 2011.

Dated this 22nd day of February 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Auditor

The engineer spoke to the board about the per-capita rates for FY12. The engineer stated that he had compiled his FY12 budget based on the population that was known at the time. Parizek stated that now that the 2010 census figures are available, several clerks have contacted him as to whether the new population numbers would be used when calculating the landfill per-capita fees. Parizek stated that if the new census numbers were used there would be an overall increase for the cities of \$16,560 and the rural would increase \$580.00. The board checked with various cities that would be impacted with a significant increase. Those cities indicated that they were early enough in their budget process to incorporate the increase. Moved by Sanders, seconded by Vermedahl, to utilize the 2010 census figures for the per capita rate for FY12 landfill fees. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Sanders, seconded by Vermedahl, to approve the minutes of February 14, 2011. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

March 1, 2011

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

Moved by Sanders, seconded by Vermedahl, to set March 29, 2011, at 1:15 p.m., as the time and date for a public hearing on a land use change requested by David Powell on a parcel located in Parcel A of the NW1/4 of the SW1/4 of 1-86-11. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-12, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

Resolution #11-12 ABATEMENT OF TAX

WHEREAS, the treasurer has advised that certain cities have obtained property pursuant to Iowa Code 657A.10A; and WHEREAS, the treasurer advises that the cities are not required to pay taxes owing on property acquired under Iowa Code 657A.10A;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the all taxes owing on parcels numbered 030-35050 and 190-13150 are hereby abated pursuant to Iowa Code 657A.10A(5).

Dated this 1st day of March 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to acknowledge the receipt of the annual manure management plan filed by G & R Feeders, Inc. for the facility located at 1179 52nd Street, La Porte City, Iowa. All members voting aye thereon. Motion carried.

Supervisor Buch spoke to the members about convening the zoning commission. Buch stated that the land use administrator had several items that he wished to discuss with the commission, as well as Supervisor Sanders has indicated he would like to address some concerns with the county's current regulations. The board scheduled a March 22nd meeting with the zoning commission.

Mary Lou Erlacher of Workplace Learning Connection (WLC) updated the board on activities done by the WLC over the past year as well as upcoming events. The organization has provided learning resources to all three school districts in Benton County. Erlacher explained what some of the various programs provided to students in the area. Erlacher reviewed the various job shadowing and internship opportunities provided to students and the organizations hosting the those students. Erlacher spoke about group events that were organized by WLC including the Junior Mini Medial School hosted by the University of Iowa, being an FBI employee, and legal opportunities. Erlacher stated that she continues to apply and receive money from the Benton County Foundation.

The board continued their discussions on FY12 wages for non-union employees. The treasurer, recorder, county attorney, land use staff, and the media were present. Supervisor Vermedahl stated that he wanted to continue pursuing the establishment of salary ranges, but there wasn't enough time right now. Supervisor Vermedahl questioned Treasurer Kelly Geater whether she would be compensating any employees an additional \$3000 for the driver's license examiner duties. Geater stated that she had removed the extra \$3000 for driver's license examiner from her budget in fiscal year 2011 and that she would not be requesting any extra compensation for any employees in FY12 for performing those duties. Supervisor Sanders agreed that salary ranges were something that the board should pursue but there wasn't adequate time to accomplish that before the budget is adopted. Sanders stated he was not opposed to granting additional wages to some of the employees. Supervisor Buch agreed that additional compensation should be given to some employees, who he believed were underpaid. Comments were heard on the equalization of pay based on years of service versus job responsibilities from various persons present. The board continued to review the salaries of numerous employees.

Various officials and employees presented arguments to the board as to why they should be compensated at a greater level. Vermedahl presented recommendations for specific individuals stating that he was taking into consideration the position, time in the position, and whether the employee should be granted additional compensation. Supervisor Buch stated that setting wages was very difficult, as the supervisors were not given an opportunity to discuss them as a board prior to the meeting. Geater stated that she would leave the meeting if it made easier for the board and then subsequently left. Marc Greenlee requested that his office manager be compensated at \$45,000 per year explaining the additional duties and responsibilities of his department. Supervisor Buch responded that he could not grant that large of an increase, but suggested an additional \$3000 for each employee in the land use department.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Sanders, to grant a 2.5% across the board increase for non-union employees, both part-time and full-time, whose wages are not associated with an elected official, for fiscal year 2012. The engineers' department is not included in this action to allow further research into those salaries. The following salaries are set as stated and are not subject to the 2.5% across-the-board increase:

County Attorney's Office:

No change in salaries for the administrative assistants or second assistant county attorney.

Auditor's Office:

Gina Edler from \$28,175 to \$29,000

Treasurer's Office:

Nancy Jorgensen – from \$25,305 to \$27,000

Rose Sackett – from \$28,031.50 to \$29,000

Joy McGowan – from \$28,031.50 to \$29,000

Maintenance:

Rick Bramow – from \$37,310 to \$38,810

Justin Birker – from \$27,040 to \$27,540 on July 1, 2011 and \$28,040 on January 1, 2012

Social Services:

Carol Zander – from \$30,908.80 to \$31,808.80

Transportation:

Mary Halstead - from \$41,000 to \$42,500

Dana Burmeister – from \$30,368 to \$31,268.00

Land Use/Sanitarian:

Marc Greenlee – from \$61,295 to \$64,295

Barb Greenlee – from \$41,000 to \$44,000

Supervisor Sanders stated that he had difficulty with a 2.5% increase and would prefer to see a 2% increase instead. Sanders stated he understood that the conference board provided a 2.5% increase but was not in favor of that large of an increase for them either. Voting aye were Buch and Vermedahl. Voting nay was Sanders. Motion carried. The auditor is directed to make adjustments to reflect the above salaries in the FY12 budget documents.

Sheriff Forsyth and Chief Deputy Ferguson met with the board about creating a non-union office manager position in the sheriff's department. Forsyth requested permission to fill the position at a wage equal to a first deputy in the auditor's office. The board voiced concern on starting a new hire at the same salary being made by an employee with over ten years of experience. The board requested that the sheriff return with a salary range recommendation for the position for consideration by the board. No action was taken on the approval; however the board indicated that the position itself was acceptable.

The board toured the law enforcement facility to view the construction progress. No discussion or action was taken on issues with Design Dynamics.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of February 22, 2011. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, met with the Board to request clarification on the wage schedules set this morning. The county attorney stated that Halstead was not on the agenda and that she should have been present during the discussion earlier. Halstead requested that she be placed on the next agenda to discuss the matter.

The county attorney and Assistant County Attorney Emily Nydle met with the board to discuss the performance and benefits of Emily Nydle. Nydle requested that the board go into closed session pursuant to Iowa Code 21.5(1)(i). Moved by Vermedahl, seconded by Sanders, to enter into closed session. All members voting aye thereon. Motion carried at 2:05 p.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 3:00 p.m.

Moved by Vermedahl, seconded by Sanders, to enter into the Employment Contract between Benton County, Iowa and Assistant County Attorney Emily Nydle, with the addition of a statement that unused vacation will not be paid in the event the contract is terminated. All members voting thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 4:15 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 8, 2011

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 1, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the checks numbered 127446 through 127712, and ACH deposits numbered 10623 through 10728, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the receipt and filing of the annual manure management plan submitted by Pig Palace, LLC for the facility located at 5192 30th Avenue, Walker, Iowa, and for McKenna Farms, Inc. for the facility located at 3145 170th Street, Dysart, Iowa (this facility is located in Tama County but apply to ground located in Benton County). All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Sanders, to approve thirty-three hours of vacation carry-over requested by Gina Edler. Said carry-over is to be used no later than December 31, 2011. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Patricia Poel, 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 there may be a need for a non-conventional septic system. The board cautioned Poel about road dust, agricultural activity including livestock operations in the area, and the smells associated with livestock. Moved by Vermedahl, seconded by Sanders, 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 the NW1/4 of the SE1/4 of Section 31-86-9. All members voting aye thereon. Motion carried.

Stephanie Black, a member of the Benton County Conservation Board, met with the supervisors regarding payment of the hotel bills for conservation employees. Black stated that conservation employees attended a conference in Cedar Falls, driving county vehicles, and staying in hotels there. The county's policy provides that employees who stay in hotels in adjacent counties would only be reimbursed for the amount it would cost the county for the employee to drive back and forth. Black stated that Conservation Executive Director Heber had told the board he was not aware of the policy restricting hotel stays in adjacent counties. It was noted; however the same policy provides for a per diem reimbursement rate, which the conservation department has been submitted claims for reimbursement under. The auditor stated that it was her understanding that the conservation board had the authority to waive the policy and no longer follow it; however if they did not intend to follow the county's policies, then the conservation board would have to develop their own policies that complied with state and federal regulations. The county attorney agreed that the conservation board had the authority to adopt and/or waive policies. The auditor stated that in order for her office to process the bills for payment she would need a copy of formal action taken by the conservation board addressing the policy issue by either waiving it entirely or waiving on a one-time only basis. Black stated she would report back to the other board members but added that the employees were required to stay overnight.

The time of 10:00 a.m. having arrived, and this being the time and date set for a public hearing on the FY2012 county budget, the board took up the matter for consideration. Pursuant to Iowa law, the chair asked for board action regarding the compensation board's recommendation for elected officials. Moved by Vermedahl, seconded by Buch, that the recommendations of the compensation board be approved. Sanders stated that he would prefer to reduce the recommendation by 20%. Vote: Buch and Vermedahl voting aye thereon. Sanders voting nay. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-13, ADOPTION OF THE FY12 COUNTY BUDGET. All members voting aye thereon. Motion carried.

RESOLUTION #11-13

ADOPTION OF THE FY2 COUNTY BUDGET

BE IT REMEMBERED that on this, the 8th day of March 2011, 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 2011-12 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 FY12 salaries for elected officials was approved as follows:

County Auditor - \$64,322
County Treasurer - \$60,234
County Recorder - \$60,234
County Attorney - \$87,470
County Sheriff - \$73,329
County Supervisor - \$37,188

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

General Basic - \$8000 – Vehicle Replacement
General Supplemental - \$50,000.00 – Emergency Response
Rural Services - \$8,000 Vehicle Replacement
Other (Closure/Post Closure) - \$1,619,755

FURTHER the designation of unreserved fund balances indicates that 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 2011-12.

General Basic	\$3,963,843
General Supplemental	\$1,299,302
Mental Health Services	\$ 882,465
Rural Services Basic	\$2,131,057

IT IS THEREFORE RESOLVED, by the Benton County Board of Supervisors that the FY12 budget is hereby adopted. Dated this 8th day of March 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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The time of 10:30 a.m., having arrived, and this being the time and date for a public hearing on amending the FY11 county budget, the board took up the matter for consideration. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-14, AMENDING FY11 Benton County Budget. Voting aye were Sanders, Buch, and Vermedahl. Nays none. Motion carried.

RESOLUTION #11-14

BE IT REMEMBERED on this, the 8th day of March 2011, 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:

<u>Expenditures</u>	<u>Amendment</u>
Public Safety	\$ 0
Physical Health & Social Services	+\$15,000
Mental Health	\$ 0
County Environment & Education	+\$327,000
Government Services to Residents	\$ 0
Administration	\$ 0
Debt Service	-\$140,000
Capital Projects	-\$265,978
Operating Transfers Out	\$407,000

<u>REVENUES</u>	<u>Amount</u>
Intergovernmental	\$633,660
Other County Taxes	\$0
Use of Money & Property	\$65,566
Miscellaneous	-\$3,000
General Long Term Debt Proceeds	\$0
Operating Transfers – In	\$407,000
Proceeds of Fixed Assets	\$0
General Long Term Debt Proceeds	-\$1,000,000

Dated this 8th day of March 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Mary Halstead, Transportation Director, met with the board and requested an explanation as to her FY12 salary. Halstead stated that she is a department head in charge of over 28,000 rides per year, that she has 17 years of experience as director of transportation and believed that she should be compensated as such. Halstead stated she has a lot of coordination services required of her, as well as monitoring road conditions. Halstead spoke about various situations that she must consider, but stressed that she always had to consider the safety of the drivers and passengers. Halstead reviewed some of her job responsibilities with the board and requested that her FY12 salary be reconsidered and increased to \$47,000.00. Halstead added that she has a thankless job. Dana Burmeister, an employee of the transportation department, echoed that Halstead has a lot of responsibility. Halstead commented that working with the public can be difficult at times. The county attorney replied that he would hope that the county's official policy is that county employees enjoy working with the public. Vermedahl stated that he felt that the additional compensation was to reward Halstead for a good job, but added that the board should review her position and salary in the future. Halstead reiterated that she is a department head with employees and that she has to deal with hiring and firing, and she has to drive when necessary. Halstead stressed that she has lots of duties and that she is not being compensated fairly for all of her responsibilities. Sanders stated that the salary approved last week was above the 2.5% increase given to other employees and that it may not be happening as quickly as Halstead would like, but the wage approved last week was a catch-up in her salary. Burmeister stated that Sanders was not being fair. Halstead questioned Supervisor Buch as to his position on the matter. Buch stated that he cannot make a motion as chairman, but that Halstead had another full-time employee added to her staff last fall to assist her with the workload. Buch stated that he believes Halstead does a tremendous job. Steve Speidel questioned what Halstead's pay was in comparison to other counties. Halstead replied that it was difficult to compare due varied responsibilities and also some counties are in regional transportation systems. Treasurer Kelly Geater questioned the board as to how they came to their decision as to which employees got larger increases than others. Buch repeated that Halstead had received another full-time employee in her department and stated that the treasurer's office is still staffed at the same level and had not added any additional duties. Geater stated

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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that in 2002 she took on driver's license. Buch stated that the land use administrator received additional compensation but has assumed additional duties relative to flood plain enforcement. Buch stated that he is having a difficult time with the implementation of salary ranges because department heads will want to hire at the top of the salary range. Geater stated that she realizes the board is trying to meet her half way, but that her employee, Nancy Jorgenson, was hired at the bottom of the range, has never been raised throughout the range, and will never get to the top. Geater stated that she spent two days gathering wage information from other counties, as well as the private sector when she provided a salary proposal for her employees and believed that all of her efforts were for nothing. Vermedahl stated that he disagreed with Geater and that Jorgenson was given a \$1700 dollar raise versus the \$900 dollar raise given to the other clerks in her office. Vermedahl stated that he believed that the steps were being taken to bring Jorgenson up in salary. Vermedahl stated that he considered the length of service of the employees in the treasurer's office when making his recommendation. Jorgenson stated that she has been in her position longer than other employees in the courthouse who were hired after her and who are making more. Vermedahl stated that he did not compare positions with other offices but only within their respective offices. Burmeister stated that \$500 more than the 2.5% across-the-board was not adequate for Halstead. Vermedahl explained his thought process when making recommendation for salary increases and that his decisions were not personal. Mary Williams, Social Services Director, stated that the supervisors had created a lot of hard feelings among their staff. Williams stated that she thought it was only going to be an across-the-board increase in FY12 and that the board was not going to give individuals different salary increases. Williams stated that the average for her position is \$57,000 and she is only making \$48,000. Williams stated that the board's action this year did not place a value on the employee and added that the least the board could do is ask the departments to come in and talk about salaries. Williams stated that a 3% across-the-board increase would have been appropriate. Vermedahl stated that when across-the-board increases are given the board is criticized that lower paid employees are not getting as big a raise. Halstead responded that some employees received \$3000 dollar increases. Sanders stated that the board is going to continue to work on salary ranges, but that he was taken aback that the employees believe the only gauge of the employees' worth is based on their wage. Sanders stated that the board of supervisors supports the staff and believes that they are doing good jobs. Sanders continued to state that the employees do a great job and he thanked them for their work. Sanders stated that would not make a motion today on Halstead's request. Burmeister questioned what if the budget had adequate funds to pay for the raise. Geater responded that the board regardless of the budget sets the compensation, but commented that some new hires are paid more than current employees. Thompson questioned why the argument in the boardroom was always based on attacking someone else. Supervisor Buch stated that the board was moving on with other agenda items.

Transportation Director Mary Halstead requested that Dana Burmeister be promoted to Assistant Transportation Director. Halstead presented a job description for the position for review by the board. Halstead reiterated that she was not paid adequately. Lexa Speidel stated that she agreed that department heads had a lot of responsibility and that be taken into consideration. Halstead questioned if there was any negotiation in her wage. The board did not respond.

Moved by Sanders, seconded by Vermedahl, to approve the change in job position for Dana Burmeister to Assistant Transportation Director, effective immediately. All members voting aye thereon. Motion carried.

Geater asked about having the ceiling tile replaced in her office for the 2 large rooms as well as covering the air conditioning lines in her office. The auditor stated that a number of years ago, she sought quotes for covering the air conditioning lines in the treasurer's office, recorder's office and juvenile probation office, but that few people were interested in the project and that it was cost prohibitive at that time. The auditor stated that she would get a quote for covering the lines and ask the maintenance director to give a recommendation as to the ceiling tiles. It was questioned whether the ceiling tiles could be replaced individually or if the entire ceiling will need replaced. Recorder Lexa Speidel asked if the air conditioning lines could be covered in her office as well.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-15, AMENDING RESOLUTION 11-11 HIRE OF GABE MCGOWAN. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

Resolution #11-15

AMENDING RESOLUTION #11-11

WHEREAS: The Benton County Board of Supervisors adopted Resolution #11-11 pm February 22, 2011, approving the hire of Gabe McGowan as an employee with the Benton County Secondary Roads Department; and

WHEREAS: The engineer had requested a start date of March 9, 2011; and

WHEREAS: The engineer has requested that the starting date be changed to March 14, 2011,

THEREFORE BE IT RESOLVED BY The Benton County Board of Supervisors that Resolution #11-11 is hereby amended to reflect that the starting date of Gabe McGowan be March 14, 2011.

All other portions of the original resolution adopted on February 22, 2011, not in conflict with the resolution, remain in full force and effect.

Dated this 8th day of March 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to enter into the Agreement to Provide Professional Consulting Services with Cost Advisory Services, Inc. for preparation of cost allocations plans for FY11, FY12, and FY13. All members voting aye thereon. Motion carried.

Jerry Petermeier gave an update on the construction of the law enforcement center. Petermeier and Todd McNall of Design Dynamics also reviewed proposed change orders. McNall requested that the board approve Change Order #11, which consisted of the following change order requests: The change order would increase the contract with Kleiman by \$91,179.85 and include the following:

COR #11 – enclose generator +65,679.55

COR #19 – canopy roof drain +2,854.79

COR #21 REVISED – add roof receptacles +9,042.31

COR #22 – Lime backfill +570.94

COR #23 – duct rerouting +2,395.24

COR #26A – increase depth of concrete on sallyport +3389.94

COR #27A – 2nd revision – add card reader +1,582.30

COR #29 – Add door, frame & hardware at dryer chase +1,722.05

COR #30 – Add 2" of insulation to generator roof +1,211.95

COR #31 – Change door hardware +1,997.58

COR #32 – provide 4" conduit between Quest pedestal and pit/vault +733.20

Moved by Vermedahl, seconded by Sanders, to approve Change Order #11 in the amount of \$91,179.85. Said change order includes change order requests (COR) numbers 11, 19, 21 (revised), 22, 23, 26A, 27A, 29, 30, 31, and 32, as presented above. All members voting aye thereon. Motion carried.

The board spoke with Design Dynamics about issues with the plans and specifications for the law enforcement center. McNall asked if the matter could be placed on the board's agenda in two weeks when other personnel could be present. The auditor asked how to handle the bill she currently has. McNall stated that generally these matters are handled as a claim against their insurance and not through withholding payment to Design Dynamics. Moved by Sanders, seconded by Vermedahl, to direct the auditor to process the current invoice to Design Dynamics. All members voting aye thereon. Motion carried.

Sheriff Forsyth met with the board to review quotes received for radio console cabinetry. Forsyth stated that a Request For Quotations was published with the following quotes being submitted:

Evans - \$50,498.60

Viking - \$35,179.50

Watson - \$35,375.50

Xybix - \$39,018.53

Forsyth reviewed the bids in detail. The equipment quoted by Evans most closely matched the type of material in the cabinetry that was lost to the 2008 flood. The proposals received from Viking and Watson did meet the specifications requested. The equipment proposed by Xybix also met the specifications. Forsyth stated that in-depth comparison of the Evans cabinetry and the Xybix cabinetry resulted in a recommendation by him for the Evans cabinetry. Moved by Sanders, seconded by Vermedahl, that the radio console cabinetry be purchased from Evans at a cost of \$50,498.60 for two units. The quote is being awarded to Evans due to the equipment being the closest to specifications requested, being the most similar to the equipment lost in the flooding and the superior warranty. All members voting aye thereon. Motion carried.

Sheriff Forsyth also spoke to the board about the office manager position in his office. Forsyth had spoken to the board previously and was directed to return with a wage scale for the position. Forsyth stated that he had researched salaries for similar positions in other counties and found that many counties pay the office manager up to 80% of the sheriff's salary. However, Forsyth stated that he considered other wages being paid in the county and submitted a proposed salary range of \$35,875 to \$48,790. The sheriff stated that he had concerns with salary ranges as an employee would be eligible for an automatic step increase rather than merit increases. Supervisor Sanders clarified that the board of supervisors did not want automatic step increases but rather a range that would be adjusted annually with the cost-of-living increases and the employee would fall within that range based on experience and merit. David Thompson voiced concern that the salary range being proposed for the position would be much higher than what the employee who left was making. Sheriff Forsyth stated that the position of office manager was changed, additional duties added, and it would be a non-union position. Thompson stated that the position's salary being tied to the sheriff's salary would be a mistake based on other salary issues the board had been dealing with this year. Thompson stated he thought the ceiling would be more appropriate if set at \$45,000 for the position. The sheriff stated that the amount did not have to be tied to the sheriff's salary. Forsyth added that the prior employee was in the union and that wage was established through labor negotiations. Sanders stated that a first deputy in other offices must be able to step in and do the job of the elected official in their absence. Supervisor Vermedahl stated that he wanted additional time to consider the salary range presented as well as the job description. Thompson reiterated that the salary range was quite a jump when compared to what was paid to the prior employee. Sanders stated that the board could approve a starting salary without approving the salary scale. Sheriff Forsyth stated that he needed to fill the position and that the delay was beginning to be problematic. Moved by Sanders, seconded by Buch, to authorize the hire of an office manager in the sheriff's department at a salary of up to \$43,050, dependent upon experience and qualifications. Said position is an exempt position under Fair Labors Standard Act. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by Poweshiek Water Association to place utility lines in the county's right-of-way in St. Clair Township under 79th Street. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Sanders, seconded by Vermedahl, approve a utility permit requested by Atkins Telephone Company to place utility lines in the county's right-of-way in Fremont and Florence Townships, beginning ½ mile north of 72nd Street, then east along 29th Avenue to the county line then south to 74th Street. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to direct the chair to sign the FY12 labor agreement between Benton County and the PPME representing secondary roads. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account in Blairstown on February 28, 2011, was \$56,368.41.

Moved by Vermedahl, seconded by Sanders, to authorize the engineer to advertise for part-time drivers for seasonal weed control. All members voting aye thereon. Motion carried.

The board discussed FY12 wages for secondary roads employees. The Engineer Myron Parizek had put a 3% increase in his budget for non-union employees. Parizek stated that current wages for engineers across the state ranged from \$64,000 to over six figure salaries in urban areas and combined areas. The engineer stated that a salary average is \$75,000 to \$100,000. Parizek stated that his office manager was started at \$32,000 when she assumed the additional duties of the previous office manager. The hiring resolution for the office manager reflected an additional \$1000 in salary in December of 2011, and that there would be no wage increase in July 2011 for the office manager. Parizek stated that Randy Sherwood and Dan Higdon were non-union positions in the shop and that maintenance superintendents across the state make between \$19.00 and \$30.00 per hour, while shop foremen was paid between \$19 and \$25 per hour. The engineer technician range across the state ranges from \$17 to \$27 dollars and is currently making \$17.94 per hour. The weed eradication applicator had no wage range for comparable positions in other counties, but Parizek would estimate that the top end would be in the \$25.00 per hour range. A request for \$15.30 per hour was made for the landfill operator. Moved by Vermedahl, seconded by Sanders, to grant a 2.5% across-the-board increase for non-union personnel in the secondary roads department and landfill department for FY12, with the exception of the engineer and his office manager. The office manager's FY12 salary is pursuant to the hiring resolution wherein any salary increase would be January 1, 2012. The engineer's FY12 salary is still under consideration. All members voting aye thereon. Motion carried.

The board met with Marc Greenlee about reconvening the zoning commission. The board asked that Greenlee review the history of the county's current regulations with the zoning commission and then address concerns that have been expressed, but specifically water and sewer regulations. Greenlee stated redefinitions would need to be made in the subdivision ordinance as well, and cited fencing requirements as an example. Steve Speidel offered suggestions and comments that could be considered as well. Supervisor Vermedahl stated that the direction of the LESA program should also be determined. Greenlee was directed to prepare an agenda for the meeting to be held on March 22, 2011.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

March 15, 2011

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

Moved by Sanders, seconded by Vermedahl, to go into closed session pursuant to Iowa Code 21.1(c). All members voting aye thereon. Motion carried at 8:34 a.m.

Moved by Vermedahl, seconded by Sanders, to return to open session. All members voting aye thereon. Motion carried at 8:58 a.m.

Moved by Vermedahl, seconded by Sanders, to take action as discussed in closed session. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set April 12, 2011, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Cory and Sharon Vaupel on a parcel located in the Sw1/4 of the NE1/4 of 35-86-9. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-16, ACKNOWLEDGMENT OF TERMINATION OF LEASE AGREEMENT. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.
RESOLUTION #11-16

ACKNOWLEDGMENT OF TERMINATION OF LEASE AGREEMENT

WHEREAS, Benton County was issued a warranty deed from Brandts Livestock, Inc., dated December 22, 1982, recorded in Book 199, Page 340, conveying the following described real estate:

The east 127 feet of the north 150 feet of Section 21, T86N, R12W of the 5th P.M. containing 0.44 acres more or less, *subject to the existing lease of a parcel 50' by 50' by and between the grantors herein and the Bruce township trustees dated April 29, 1961.*

And

WHEREAS, the Bruce Township trustees have served notice on Benton County terminating the lease agreement entered into on April 29, 1961, recorded in Book 130, Page 151,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors acknowledges the receipt and filing of the Notice of Termination executed by the Bruce Township Trustees on February 22, 2011, terminating the lease agreement entered into on April 29, 1961, recorded in Book 130, Page 151, for the following:

A plat of ground 50' by 50' as measured due North and South and East and West, in the Northeast Corner of the Northeast Quarter of The Northeast Quarter of Section 21, Township 86 North, Range 12 West of the 5th P.M., Benton County, Iowa, excepting all legal highways and road right of way.

Signed this 8th day of March 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Rick Bramow spoke with the board about replacing the tile in the treasurer's office. Bramow stated that the cost to purchase the tile was \$4.95 each and would need about 65 tiles. Some of the old tile could then be used in other offices. Bramow stated his department could replace the tiles, but cautioned it wouldn't be done all at one time, but worked into his schedule. Moved by Vermedahl, seconded by Sanders, to direct the maintenance department to replace the ceiling tile in the north room of the treasurer's office. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Steve Meyer and Dick Duncalf to the Pioneer Cemetery Commission. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a fireworks permits requested by Charles Yedlik for displays on April 2, 2011, May 28, 2011, May 29, 2011, and November 5, 2011, located at 5898 ½ 28th Ave. Drive, Vinton, Iowa, 52349. All members voting aye thereon. Motion carried.

Steve Meyer updated the board on the Emergency Management Commissions efforts to obtain local match funding. Meyer has applied for a \$10,000 equipment grant and will be applying to Alliant Energy in April for grant funds as well. The board questioned if the nuclear power plant had been contacted about funding. Meyer stated that he would like to first try to obtain funding from Alliant Energy and if insufficient funds are received, then pursue the power plant funding.

Moved by Vermedahl, seconded by Buch, to approve 38.5 hours of vacation carry-over requested by Penny Applegarth. Said carry-over is to be used prior to July 1, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the use of the courthouse lawn by Veterans of Foreign Wars on March 30, 2011, at 6:00 p.m. for a Welcome Home Vietnam Veterans Day. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to direct the auditor to serve termination notices to ICAS for the rental of office space by the sheriff's department and Veterans Affairs, effective July 1, 2011. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by, seconded by, to adopt Resolution #11-17, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-17 ABATEMENT OF TAX

WHEREAS, the treasurer has recommended that the tax be abated on parcel number 370-5284 as it is here opinion that that tax is uncollectable,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors to abate all tax and penalty owing on mobile home parcel #370-5284.
Dated this 15th day of March 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to table action on abating taxes on parcels numbered #030-14800 and #030-49400 until additional information is obtained. All members voting aye thereon. Motion carried.

Sheriff Forsyth requested approval to hire an office manager. Forsyth stated that he would like to return to two full-time positions for administrative work in his office; however Forsyth said that it would depend on the budget apportioned for FY12. Moved by Sanders, seconded by Vermedahl, to approve the hire of Karen Sue Uthoff as the office manager in the sheriff's department, effective as a part-time employee on March 14, 2011, and moving to full-time on March 28, 2011, at a wage of \$42,000. All members voting aye thereon. Motion carried. The Board of Supervisors must approve any increase in salary.

The 2011 Grand Jury met with the board to discuss the current status of matters affecting the county. Supervisor Buch explained the board's duties, including the budget, secondary roads, transportation, land use, landfill, social services, and maintenance. Buch explained that board members serve on various other boards representing Benton County and detailed some of those. Supervisor Vermedahl commented on the Department of Human Services building. Vermedahl stated that the facility is state-occupied and contains workers from Iowa and Tama County. Vermedahl stated that the county is a little leery about making significant changes due to the situation at the state, citing that Jones County recently purchased and remodeled a building for DHS only to have DHS move out of the county. Vermedahl stated that it is an older building and that there may not be a lot of options available to the county. Vermedahl stated that the sound system has not been addressed, replacement of windows in the courthouse is very expensive and was considered several years ago. Supervisor Sanders commented that the windows were allowing light, that some may not open, but there isn't any wind blowing through them. Supervisor Buch stated that he had met with both Iowa and Tama counties to see if they would assist with the costs of housing DHS workers from their counties and both counties have said they would not assist with the added expense. Supervisor Vermedahl stated that the board approved replacement of ceiling tiles in the treasurer's office. It was questioned why if the other counties still have to maintain offices, why the workers weren't kept there. The board responded that it was determined by the state. Jo Keunnen, an employee of the county attorney's office, questioned if there was anything that could be done about the smell in that office. It was discussed that the odor was probably due to moisture in the basement, which was pretty ordinary in all of the buildings along that street. There was discussion on the new law enforcement facility, with Supervisor Vermedahl stating that it would not be a pleasant place to stay for an extended period due to the lack of stimulus from no windows in the cells. All natural light will be from skylights in the facility. Vermedahl stated that the primary concerns are for the safety of staff and inmates. Supervisor Sanders thanked the grand jury and added that the board valued their input.

Mary Halstead, Transportation Director, and Assistant Director Dana Burmeister, provided an update on her department. Halstead stated that with Roy's Grocery closing, she had considered how residents in that area who walked to the store would be able to get their groceries at Fareway. Halstead met with Fareway's manager and Fareway will provide a \$2.00 discount on peoples' grocery bills if they use Benton County Transportation to transport them to Fareway. Halstead stated it would be on a trial basis and hoped that the program would be successful. Supervisor Vermedahl questioned if just the City of Vinton area would be able to participate in the service. Halstead stated it would only be available to persons who were on a scheduled ride. Halstead spoke about other services she currently provides.

Moved by Vermedahl, seconded by Sanders, to accept the resignation of Harvey Dean McNeal from the transportation department, effective March 15, 2011. All members voting aye thereon. Motion carried. Halstead stated that she is beginning to need additional drivers due to resignations and other issues. Supervisor Buch questioned if Halstead had anyone to replace McNeal. Halstead stated that she does not at this time.

Halstead asked the board if they had reconsidered her FY12 wage and increase it over what was initially set. Supervisor Sanders questioned if the board had given any indication that they would reconsider it. Halstead stated no there was no indication given, but the board had a chance to consider her comments. Burmeister stated that especially after what the sheriff's new hire was just hired at – it should be reconsidered. Halstead questioned if she would have to be with the county another seven or eight years before being paid fairly. Supervisor Buch stated that it would probably be reconsidered next year and that he understood that Halstead was probably not happy about it. Supervisor Vermedahl stated that everything he had to say was done last week, which he believed Halstead was given a good raise, and that it should be looked at again next year. Halstead questioned what that raise would be next year. Supervisor Sanders stated it was a little early to make that determination. Halstead stated that when she read the minutes that the board ran out of time to make decisions. Supervisor Buch stated that was referring to the creation of salary ranges and that there wasn't

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enough time to develop those ranges for next fiscal year. Buch stated that he has some questions and concerns about that process. Buch stated that it would effect Halstead by where the high end of the range is set, but that Halstead may not agree with where that salary range is. Buch stated that he did not believe it was good to adopt that salary range process for next year. Burmeister questioned if the county was out of money. Vermedahl replied that Halstead was given a good increase. Vermedahl stated that Halstead was doing a good job, and that next year her salary is one that will be re-evaluated, but that he believed the board gave her a fair raise and that he still believes that. Vermedahl reiterated that the salary range process was what the board did not have time to develop for this fiscal year. Vermedahl stated that the board should still look into that process, but wasn't sure how that process should be developed. Vermedahl stated he didn't know who should determine those ranges and that he has been talking with individuals about it. Vermedahl stated that there are three positions that he believes should be elevated. Supervisor Buch stated that he hated to see what this is doing to Halstead. Halstead asked that her wage be brought up to \$43,000 in FY12. Supervisor Buch asked Halstead how many doors that would open if the board did that. Halstead stated that \$43,000 wasn't really fair, but merely justification. Supervisor Sanders stated that up until last fall, Halstead was ok with her salary. Sanders stated that the board gave a 2.5% raise and Halstead was given more, and now wasn't happy. Sanders stated that Halstead's repeated returning to the board is not helping her cause. Sanders stated that if the board gave a zero percent increase then Halstead may have justification; but the board gave her more than the 2.5% and Halstead's actions were not helping. Sanders stated that although she disagrees, he would ask that she respect the position the board is in even if she doesn't respect the board. Halstead stated that the board doesn't respect her for the job he is doing. Supervisor Sanders stated that he does respect the job that Halstead does. Burmeister followed up that she understands that the board has a difficult job.

The auditor asked the board if they were interested in amending their resolution regarding the local option sales tax gift/grant program to emergency services. The auditor stated that she has heard comments from different fire departments that they appreciated the funds, but that it would be more advantageous if smaller purchases were funded differently. The board is going to consider the issue further.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of March 1, 2011, and the March 8, 2011. All members voting aye thereon. Motion carried.

The board toured the law enforcement facility to view the current construction progress.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “M-M”

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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March 22, 2011

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of March 15, 2011. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, and Dan Knipper of Hall and Hall Engineering, met with the board regarding a Replat of Lot 4 of Gardemann's First Addition to Benton County. It was explained that Lot 4 currently consists of approximately 8 acres and the owner desires to divide off approximately one acre. Greenlee explained that the subdivision existed prior to the county's subdivision ordinance and therefore all existing lots of pre-existing septic systems with shared wells. The new lot would share an existing well but would need its own septic system. The county's current ordinance requires board approval for the Replat. The owner would like to divide the lot to allow his/her family to build a residence. Moved by Vermedahl, seconded by Sanders, that the requirements of Ordinance 26, as amended, are waived as the subdivision existed prior to passage of the original Ordinance, and further to adopt Resolution #11-18, REPLAT OF LOT '4', GARDEMANN FIRST ADDITION TO BENTON COUNTY, IOWA. All members voting aye thereon. Motion carried.

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RESOLUTION #11-18 REPLAT OF LOT '4', GARDEMANN FIRST ADDITION TO BENTON COUNTY, IOWA

WHEREAS, A Replat of Lot '4', Gardemann First 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', Gardemann First Addition in Benton County, Iowa is a subdivision of Lot '4', Gardemann First Addition in Benton County located in the Southeast Quarter, in Section 13, Township 8 North, Range 9 West of the Fifth Principal Meridian, Benton County, Iowa, as described on Exhibit "A" attached hereto and made a part hereof.

And

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and

WHEREAS, the owners will execute and file a Consent and Dedication for said Plat; and

WHEREAS, the Benton County Board of Supervisors 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', Gardemann First 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 22nd day of March 2011.

Ronald Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to certify the Cost Allocation Plan prepared by Cost Advisory Services, Inc. for fiscal year 2010, and to direct the chair to sign the same. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the annual report submitted by the Benton County Historic Preservation Commission for the 2010 calendar year, and to direct the chair to sign the same. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a quote submitted by West and Sons to paint the clerk's office at a cost of \$1,400.00 and install new window blinds with draw cords in the clerk's east office (seven windows) at a cost not to exceed \$749.00. Further to approve the quote submitted by West and Sons to construct boxes to cover air conditioning lines in the recorders, treasurer's, and juvenile probation offices at a cost not to exceed \$1,250.00. Voting aye were Vermedahl and Buch. Sanders voting nay. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the auditor to destroy closed session recordings and documents in accordance with Iowa law. All members voting aye thereon. Motion carried.

Amanda Downey of Wellmark provided an update to the supervisors on the ISAC/Wellmark health plan. Moved by Vermedahl, seconded by Sanders, to enter into the Renewal Group binder Agreement between Benton County and Wellmark for health insurance benefits for the fiscal year ending June 30, 2012. All members voting aye thereon. Motion carried.

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Representatives of the Cedar Valley Ranch, Inc. met with the board regarding the daily rate for the Cedar Valley Ranch for fiscal year 2012. The current rate is \$79.70 per day and the Ranch is requesting that the rate remain the same. Mary Williams, Social Services Director, is recommending a \$68.73 per day rate. Supervisor Vermedahl stated that the issue arises with the CRIS board that is an organization that attempts to keep rates similar throughout the state. Vermedahl questioned that the costs as they did not reflect the annual rent payable by the Ranch. The Ranch paid for replacement of the air conditioning at the facility in exchange for rental payments to the county through June 30, 2016 being suspended. Vermedahl stated that there should be a reflection of those costs in the determination of a rate. Vermedahl also commented that the rates were being determined by a proposed budget, and he questioned the costs that were used in that budget. Lorene Spencer, Director of the Ranch, explained that the facility continues to strive to operate as efficiently as possible. Williams stated that she only had EideBaily's report for actual costs for FY10 and the proposed budget to determine a rate. Vermedahl questioned why the payback on the \$200,000 initial loan to the Ranch was not figured into the daily rate. Williams stated that she does not consider the \$200,000, as it is not a part of the operating costs. Spencer stated that staffing has increased and she hopes to add more. The Ranch was able to payback approximately \$65,000 in FY11 in accordance with the lease agreement. Jerry Petermeier, Cedar Valley Ranch Board member, stated that when using the CRIS rate, it must be considered that Benton County only has five clients residing there with another 34 clients from other counties. Petermeier stated that if the CRIS rate is too low, then Benton County ultimately subsidizes the other counties because the Ranch isn't able to generate adequate income. The current rate is right in the middle of the range when considering surrounding facilities. The Ranch at one time did not have very many clients and the Ranch had to reduce the rate in order to attract more clients. The Ranch's client numbers increased significantly as a result. The Ranch has maintained the number of clients because of the services being offered not because of the rate. Petermeier stated that the Ranch is asking that the rate remain the same as the Ranch continues to stabilize their operation. Supervisor Buch stated he understood that the numbers had to be maintained in order to have the facility operate and did not see a problem with the facility making a little more. Buch stated that he understood that Williams would not agree but he believed that it was better to have adequate funds to operate. Williams stated that she is only doing her job. Williams questioned if the Ranch would be changing their status from non-profit to profit. Spencer stated that if the rate were reduced Benton County would save approximately \$15,000 per year while the Ranch would lose about \$108,000 from other counties. Supervisor Sanders stated that a non-profit is allowed to make money to an extent. Williams stated that she uses the report from EideBaily, the firm auditing the Cedar Valley Ranch. Vermedahl questioned if the EideBaily report reflected the money the Ranch spent towards the air conditioning that was done in lieu of rent as was told that it did not. Williams stated that if the board wants to negotiate the rate then they should drop out of the CRIS agreement, and the board could negotiate the rate each year instead of Williams. Vermedahl questioned what the past rates versus the costs of the Ranch over the past. Williams stated that one year the rate was higher than the costs and the next year the rate was less than the costs. Vermedahl stated that he did not like to get involved in setting the rate but also did not believe the county should not be giving services away. Moved by Vermedahl, seconded by Sanders, to leave the rate at \$79.70 for FY12, and that in the future the Ranch and Williams should work together to negotiate rates. Williams stated that she has worked every year with the Ranch to negotiate the rate and then the Ranch comes to the Board and the Board overrides the rate. All members voting aye thereon. Motion carried.

Jerry Petermeier, Construction Coordinator, provided an update on the construction progress of the new law enforcement center.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 127713 through 128020, and ACH deposits numbered 10729 through 10835, for payment. All members voting aye thereon. Motion carried.

The board met with County Engineer Myron Parizek for the purposes of an informal performance review. Parizek requested that the board go into closed session. Moved by Sanders, seconded by Vermedahl, to enter into closed session at the request of Myron Parizek, pursuant to Iowa Code 21.5(1)j. All members voting aye thereon. Motion carried at 11:55 p.m.

Moved by Sanders, seconded by Vermedahl, to return to open session. All members voting aye thereon. Motion carried at 12:50 p.m.

Moved by Vermedahl, seconded by Sanders, to direct the engineer to present a plan to the board addressing hiring issues, recycling, landfill, Atkins project, and Oak Grove project, on March 29, 2011, for board consideration. The issues are to be revisited each week until further notice. All members voting aye thereon. Motion carried.

No action was taken on setting the FY12 salary for the county engineer.

The board recessed at 1:00 p.m.

The board was reconvened at 6:30 p.m. in the basement of the courthouse for the purposes of meeting with the zoning commission. Supervisors Buch, Vermedahl, and Sanders were present. Chairman Buch reconvened the meeting at 6:36 p.m.

Members of the zoning commission present were: Nancy Jensen, Judi Hertle, Diane Pickart, Larry Koster, Renae Becker, Dan Kaestner, and Larry Beatty. Absent: Jim Hodgson and Steve Thompson.

Other persons present: Marc Greenlee, Land Use Administrator, Barbara Greenlee, and Steve Speidel.

Supervisor Buch called for nominations for zoning commission chair: Moved by Larry Koster, seconded by Dan Kaestner, to nominate Steve Thompson as board chair. Zoning commission vote: all ayes: Motion carried.

Moved by Larry Beatty, seconded by Larry Koster, to nominate Dan Kaestner as vice-chair. All zoning members voting aye thereon. Motion carried.

Moved by Larry Beatty, seconded by Judi Hertle, to nominate Nancy Jensen as secretary. All members voting aye thereon. Motion carried.

Zoning Commission meeting followed. Vice Chair Kaestner presided over the zoning commission meeting. Marc Greenlee presented a review of the existing county ordinances, including the history and the basis for their development. Greenlee also reviewed the legal requirements and responsibilities for the zoning commission – stating that the zoning commission meets and ultimately makes recommendations to the board of supervisors. The board of supervisors then acts on those recommendations. Greenlee stated that the zoning commission has met over the years

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and has spent time reviewing the comprehensive plan, land use ordinance, subdivision ordinance, and specifically the development of a LESA system (land evaluation and site assessment). The zoning commission made recommendations in 2008; however the flood of 2008 caused this issue to take a back seat. Greenlee explained that Benton County in 1986 adopted an Agricultural Land Use Preservation Ordinance (the Ordinance) and Comprehensive Plan (the Plan). In 1994 the zoning commission convened to review the Ordinance and the Plan with the Plan remaining in place and minor changes made to the ordinance. In 1995 the county adopted a subdivision ordinance to address the increased subdivision of land to provide an orderly process. In 1999 the county was under significant development pressure and the county's subdivision ordinance was reviewed. In 2000 the subdivision ordinance underwent major changes requiring subdivisions on hard surfaced roads, central water, and central sewer. Procedures were changed as to day-to-day decisions and a subdivision was defined as three or more divisions in a 40-acre tract. Since 2000 there have not been many subdivision proposals presented, adding that there has been a subdivision plat submitted for six lots that was located on a hard surfaced road, with a variance requested to the central sewer system, which was ultimately denied by the Board of Supervisors. Another subdivision plat was submitted containing four lots, with one pre-existing and creating three new lots, which was approved and is still in place.

Kaestner asked if the possibility of adopting the LESA was over. Greenlee stated that the LESA was not necessarily a dead option. The map showing where development could occur was shown when using the LESA plan proposed in 2008, which indicated that development would occur primarily in the flood plains. Vermedahl stated that the board had asked ECICOG to tweak the criteria and prepare a new map; however a new map was never received. Vermedahl stated that the county has not had many issues with the current land use ordinance as far as changes taking place. Supervisor Sanders commented that a question was what the county wanted for "density" in the rural area. Supervisor Buch added that the new census data shows a decline in population in the western part of the county. Larry Beatty stated that the old zoning commission came to the consensus that growth would have to occur on high CSR ground due to the proximity of services, but didn't want residential developments to be spattered throughout the county with a salt and pepper effect of housing and agriculture. Supervisor Buch voiced a concern about EPA rules and dust pollution. Beatty commented that Jasper County uses a form that would prevent people from suing agricultural operations when developing in the rural areas. Marc Greenlee stated that assumptions were made in the past that the growth near cities would be able to connect to the city's infrastructure; however some cities may not be able to handle the growth with their current systems. Greenlee concurred with Vermedahl in that people are finding places to build homes on less productive land. Greenlee stated that the supervisors have expressed that a farm use include land in the conservation reserve program. Greenlee added that his primary concern was with the subdivision ordinance and the central water and central sewer systems. Greenlee stated that the subdivision ordinance doesn't address geothermal wells and geothermal pumps. The subdivision ordinance implies that one central well is to be utilized, but it is implied that it is a drinking well. Greenlee reported that the county attorney stressed that the ordinance needed to be defined better. Greenlee stated that a central drinking type well could be required, but other wells could be drilled for geothermal systems or heat pump systems. Greenlee also stated that separation distance requirements between wells and potential sources of contamination needed to be addressed. Greenlee also suggested that developers be required to obtain an engineering review if more than one drinking type well was to be installed. Greenlee stated he has received complaints that the central sewer treatment requirement is very restrictive and that the ordinance needs to be brought up to date to meet state code relative to sewage systems.

Kaestner questioned the potential for pollution for geothermal systems that pump water out and then dump it back into another well. Steve Speidel, a member of the public, responded that wells that are installed with full grout would not pose a pollution threat and that the county's regulations needed to address the grouting of wells.

Auditor Jill Marlow stated that there were other issues that needed to be addressed, including (but not limited to) set back requirements for non-like uses, fencing, and definitions about what divisions of land would be subject to the subdivision ordinance.

The zoning commission then discussed future commission meetings.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 7:55 p.m.

Ronald Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 29, 2011

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 1:00 p.m. in the boardroom room of the courthouse.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of March 22, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set April 26, 2011, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Bryon Palmer on a parcel located in the NW1/4 of the SW1/4 of 33-83-9. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by David Powell, 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. Moved by Sanders, seconded by Vermedahl, 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 Parcel A in the NW1/4 of the SW1/4 of 1-86-11. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption submitted by Karl and Dawn Janssen. The applicant is involved in a farming operation on a 50/50 split with his grandfather, farming 145 acres in a corn and soybean

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rotation. Moved by Vermedahl, seconded by Sanders, 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 NE1/4 of the SE1/4 of Section 20-84-10. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan filed by Cedar Valley Egg Farm, LLP, for the facility located at 5141 22nd Avenue, Mt. Auburn, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan filed by Cedar Valley Farms, LLC, for the facility located at 2188 78th Street, Blainstown, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the change in employment status from part-time to full-time, effective April 1, 2011, for Whitney Stout and Matthew Stombaugh, both jailers in the sheriff's department. All members voting aye thereon. Motion carried.

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

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-19, SERVICE AREA BUDGET AMENDMENT. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-19

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 3 (\$5000 from activity 35000 to 35100). The auditor is directed and authorized to amend said service area as needed.

Dated this 29th day of March 2011.

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Ron Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Sanders, to approve and direct the payment for two patrol vehicles in the sheriff's department. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the display of the POW flag at the courthouse, with the understanding that initial and replacement flags will not be at the county's expense, but donated. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the quote submitted by McKenna Lawn & Landscape, to perform courthouse lawn chemical care services for 2011, at a cost of \$153.45 per application for three applications, paid at the beginning of the contract. All members voting aye thereon. Motion carried. One other quote was received from O'Grady Chemical at \$186.72 per application for three applications

Moved by Vermedahl, seconded by Sanders, to enter into the agreement between Benton County and Employee Benefit Systems for the administration of Benton County's partial self funding health insurance and flexible benefits plan for the period beginning July 1, 2011 and ending June 30, 2012, at a cost of \$6.50 per policy per month for self-funding and \$4.50 per month per participant in the flexible benefit plan. All members voting aye thereon. Motion carried.

Jerry Petermeier gave an update on the construction progress. Petermeier also recommended that the entire curb and sidewalk be replaced on the south side of the law enforcement facility. The sidewalk will need to be replaced in at least two to three sections on the west side. Sidewalk will need to be partially replaced along the new parking lot as well to the east of the facility. The board requested that McNall and Petermeier look into the sidewalk issues further.

Todd McNall presented two change orders (CO) for the law enforcement facility. CO #12 and #13 were discussed, which contained change order requests (COR):

COR 27 – 2nd revision – security-outbuildings - \$30,778.03 (CO #12)

COR 27B – conduit to equipment room 236 - \$4,915.02 (CO #13)

COR 33 – credit – sewage grinder – minus \$16,890.00 (CO #13)

COR 35 – add circuit and disconnects - \$1,281.71 (CO #13)

McNall stated that Change Orders 12 and 13 have been approved by the Iowa Department of Homeland and Security. Moved by Vermedahl, seconded by Sanders, to approve Change Order #12 in the amount of \$30,778.03 and Change Order #13 for a total reduction of \$10,653.27. All members voting aye thereon. Motion carried.

The Board spoke with Design Dynamics about the \$9000 expense due to an omission in the plans. McNall stated that since the county's additional expense was being reimbursed with FEMA funds, there wasn't any financial damage to the county. McNall stated that the omission was by KJJW Engineering; however the drawings were the responsibility of Design Dynamics. The additional costs to the project due to the omission have been approved for

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reimbursement through federal disaster funding. The board made Design Dynamics aware that they were not pleased with the omission, but believed at this point that the issue should be set aside.

Julie Devin of EMC spoke to the board about employee life insurance. Devin presented information about her insurance product. Devin requested the opportunity to meet with employees in an organized setting during the workday. The auditor stated that the trouble with allowing Devin to meet with employees during the workday, is that the county has many vendors who ask to meet with our employees on county time and where does the county stop it. Devin appreciated the county's position, but stated that the board would need to say which companies offer products that should be presented to the employees. Supervisor Sanders stated that he was not in favor of conducting this type of activity on county time at this time. Supervisor Vermedahl stated that the county has not allowed other agents the opportunity to meet with employees on county time in the past.

Chuck James, Veterans Affairs Director, met with the board about office space. Veterans Affairs is currently renting office space at the ICAS building; however the board took action terminating the lease agreement effective June 30, 2011. The board told James that they planned to put the veterans affairs office in the space currently occupied by the conservation department in the Governor Sherman building.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way along 58th Street Drive in Section 18 of Taylor Township. All members voting aye thereon. Motion carried.

Myron Parizek, County Engineer, reviewed a grant application to assist with the replacement of the recycling trailers with roll off containers. Parizek reviewed a proposed timetable for the implementation of the new program utilizing roll off containers. Moved by Vermedahl, seconded by Sanders, to direct the engineer to submit the grant application for the recycling program. All members voting aye thereon. Motion carried.

Parizek spoke to the board about hiring an assistant, as well as other matters in his department, including the status of various landfill issues.

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

Ronald Buch, Chairman

ATTEST: _____

Jill Marlow, Auditor

April 5, 2011

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 Sanders, seconded by Vermedahl, to approve the minutes of March 29, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to set the date for a land use hearing requested by Chauncey and Brittany Raue for May 3, 2011, at 9:15 a.m., on a parcel located in the NW ¼ SW ¼ Sec 10-86-10. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Class C Liquor License for Tara Hills Country Club. All members voting aye thereon. Motion carried.

Jerry Michael met with the board to discuss prior contracts between Benton County Law Enforcement and the City of Urbana. Urbana has an overpayment total of \$1050.00 to be credited on the next contract. Moved by Vermedahl, seconded by Sanders, to enter into the Law Enforcement Contract with City of Urbana from April 1, 2011 thru June 30, 2011 for 5 hours a week/20 hours a month. All members voting aye thereon. Motion carried.

Jerry Petermeier, project coordinator for the law enforcement construction project, gave the board a tour of the facility to view the recent progress. The windows are almost all in place, and most of the interior walls have been painted and things are really coming together nicely.

Myron Parizek, Benton County Engineer discussed status of a few projects and also some future hiring in his department. He also presented estimates for the 2011 MC-70 dust control program. The engineer stated that he calculated the cost of material and labor based on current prices would be \$1,110.14. The engineer recommended that the price increase \$40.00 from the previous 2 years where it was at \$1,060.00 for two applications of 400 feet of MC-70. Moved by Sanders, seconded by Vermedahl to have the cost of 2011 MC-70 Dust Control to be \$1100.00 per 400 feet with an additional footage available at \$2.25 a foot. 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 2011; the adoption of Resolution #11-19 DESTRUCTION OF NOXIOUS WEEDS; and to approve the notice to organic farmers and vineyard owners regarding the 2011 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.

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RESOLUTION #11-19 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 16, 2011** 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 5th day of April 2011.

Ronald Buch, Chairman

Jason Sanders

David Vermedahl

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to recess until 6:30 p.m. All members voting aye thereon. Motion carried at 11:40 a.m.

Ronald Buch, Chairman

ATTEST:

Hayley Rippel, Deputy Auditor

The board was reconvened at 6:30 p.m. in the basement of the courthouse for the purposes of meeting with the zoning commission. Supervisors Buch, Vermedahl, and Sanders were present. Chairman Buch reconvened the meeting at 6:30 p.m.

Members of the zoning commission present were: Judi Hertle, Nancy Jensen, Larry Beatty, Larry Koster, Steve Thompson, Ranae Becker, and Diane Pickart. Absent: Dan Kaestner and Jim Hodgson.

Other persons present: Marc Greenlee, Land Use Administrator, Barbara Greenlee, Charles Patten, Scott Schlarbaum, Steve Speidel, and Tim Bird.

Chairman Steve Thompson called the zoning commission meeting to order at 6:35 p.m.

Moved by Larry Koster, seconded by Judi Hertle to approve the minutes of the March 22, 2011 meeting with the following correction: Moved by Dan Kaestner, seconded by Larry Koster, to nominate Steve Thompson as board chair. Zoning Commission vote: all ayes. Motion carried.

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Zoning Commission meeting followed. Chairman Steve Thompson presided over the zoning commission meeting. Marc Greenlee Benton County Land Use Administrator presented two draft proposals that would change Benton County's Subdivision Ordinance #26 Article IV Improvements Section 4.03 Water Subsection (d).

Draft Proposal #1 – Drinking Water System. If an existing public water supply system (including rural water) is available within two hundred (200) feet from any edge of the proposed subdivision boundary, the developer shall connect to the existing public water supply system. If the entire proposed subdivision boundary is greater than two hundred (200) feet from an existing public water supply system, or the governing body of the public system denies access, then the developer shall be responsible to provide drinking water within the subdivision in a manner prescribed by the Department of Health based upon an evaluation that shall be conducted by a Registered Professional Engineer prior to submittal of a preliminary plat. Drinking water systems may be individual, shared or central. Individual geothermal wells may also be considered. In all cases, the drinking water system to be developed, and/or any geothermal wells shall conform to applicable county and/or state rules.

Draft Proposal #2 – Drinking Water System. If an existing public water supply system (including rural water) is available within two hundred (200) feet, then the developer shall provide the subdivision with water from the public water supply system. If the proposed subdivision is greater than two hundred (200) feet from an existing public system, or the governing body of the public system denies access, the developer shall construct a central (single) drinking water system for the subdivision. For subdivisions that have fifteen (15) or more service connections, or serves on average at least twenty-five (25) persons daily at least sixty (60) days out of a year, a central (single) public drinking water system must be planned for the subdivision. The well must be permitted by the Iowa Department of Natural Resources, and must conform to all applicable rules and regulations of the IDNR. For subdivisions that have fewer than fifteen (15) service connections (fourteen or less) and that serve less than twenty-five (25) persons on average for at least sixty (60) days out of a year, a central (single) private drinking water system must be provided for the subdivision. Such a system shall conform to all applicable state and county rules on water systems. This section does not prohibit any individual lot owner from installing a well or wells for the sole purpose of utilizing the geothermal properties of the ground, i.e.: ground source heat pump system, or the geothermal properties of water, i.e.: groundwater heat pump system. All private well, including geothermal wells, must be permitted by the Benton County Department of Health.

Greenlee explained that Benton County's subdivision ordinance language is not consistent with the current state regulations on water and sewer systems. The Zoning Commission has three choices. Number one: do nothing. Number two: change water and sewer system language to conform to state regulations and allow for geothermal wells. Number three: require a developer to have an evaluation from a registered professional engineer of a water and sewer system that would be submitted along with the subdivision application. A change would bring the ordinance more in line with state regulations, allow geothermal systems, and allow for the possibility of individual water systems.

Moved by Ranae Becker, seconded by Larry Beatty to adopt Draft Proposal #1 which would replace Article IV, Section 4.03, Subsection (d) of Ordinance #26 to give the option of individual wells based on an engineering evaluation. Discussion: New rule would apply to current subdivisions that are not developed and future subdivisions. Board of Supervisors would have the final approval of any subdivision proposals. Subdivision proposals must still be on hard service roads. Supervisor Sanders stated that a previous Board of Supervisors put the subdivision ordinance into place and none of the current Supervisors had anything to do with it. It was his belief that it was put into place to stop development in the county rural area. The current Board of Supervisors is trying to make some changes. Chairman Thompson closed the discussion. All members voting aye thereon. Motion carried.

Marc Greenlee presented a draft proposal to Benton County's subdivision Ordinance #26 Article IV, Section 4.03, Subsection (b) as follows:

Sanitary Sewer Systems: Adequate provisions for the treatment and disposal of sewage from the platted area shall be provided with due regard being given to present or reasonably foreseeable needs. If an existing public sanitary sewer system is available within two hundred (200) feet from any edge of the proposed subdivision boundary, the developer shall connect to the existing sanitary sewer system. If the entire proposed subdivision boundary is greater than two hundred (200) feet from an existing sanitary sewer system, or the governing body of the system denies access, the developer shall provide for sewage treatment and disposal systems in a manner prescribed by the Department of Health based upon an evaluation that shall be conducted by a Registered Professional Engineer prior to submittal of a preliminary plat. If the proposal is deemed by the Department of Health to be favorable to individual private sewage disposal systems, then such systems may be considered. Individual on-site sewage disposal systems shall be designed by a Registered Professional Engineer in accordance to specifications contained within Iowa Administrative Code Chapter 69. Plans and specifications shall be submitted to the Department of Health prior to approval and permit issuance. If individual sewage disposal systems are to be utilized within the subdivision then all lot sizes shall be a minimum of two (2) acres.

In the event that the development proposal is deemed by the Department of Health to be unsatisfactory for individual private sewage disposal systems, then the developer shall provide for the construction of a central sewage disposal system. A central sewage disposal system providing for the treatment and disposal of domestic sewage from four (4) or fewer dwelling units, or the equivalent of less than sixteen (16) individuals on a continuing basis shall be considered as private. Private central sewage disposal systems shall be designed by a Registered Professional Engineer with plans and specifications submitted to the Department of Health for approval. A central sewage disposal system providing for the treatment and disposal of domestic sewage from five (5) or more dwelling units, or the equivalent of sixteen (16) or more individuals on a continuing basis shall be considered as public. Public central sewage disposal systems shall be designed by a Registered Professional Engineer with plan and specifications submitted to the Iowa Department of Natural Resources (IDNR) for approval. Private central sewage disposal systems shall be required to have a system management and maintenance plan. Public central sewage disposal systems shall be subject to any maintenance provisions as mandated within the IDNR permit.

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Greenlee explained that it was important to have the lot size at 2 acres for individual water and sewage systems. Benton County currently has no central sewage disposal systems in any subdivision. Individual sewage disposal systems are the best way to keep from contamination.

Moved by Larry Beatty, seconded by Larry Koster to adopt new sanitary sewer system proposal, which would replace Article IV, Section 4.03, Subsection (b) of Ordinance #26.

Discussion: Maintenance would not be required on individual sanitary sewer systems only on alternative systems and public systems. Registered professional engineers would follow Chapter 69 of the Administrative Code of Iowa in designing systems for subdivisions. Final decision on subdivision sanitary sewer systems would be made by Board of Supervisors at the time of the subdivision plat. Chairman Thompson closed discussion. All members voting aye thereon. Motion carried.

Supervisor Sanders left meeting to attend another meeting at 7:45 p.m.

Zoning Commission agreed to hold a public meeting on the changes to Benton County's subdivision ordinance #26 on April 26, 2011 at 6:30 p.m. in the Benton County GIS room.

Moved by Larry Beatty, seconded by Diane Pickart to add the following language to Benton County's Land Use Ordinance #24, Article II Definitions, Section 2.13 "Land enrolled in the Conservation Reserve Program (CRP) of the USDA is a farm use under this ordinance". All members voting aye thereon. Motion carried.

Moved by Judi Hertle, seconded by Diane Pickart to adjourn the Zoning Commission meeting. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch to adjourn Board of Supervisor meeting at 8:00 p.m. Both members voting aye thereon. Motion carried.

Ronald Buch, Chairman Board of Supervisors

ATTEST: _____
Brenda Sutton, Deputy Auditor

April 12, 2011

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 5, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 128021 through 128432, and ACH deposits numbered 10836 through 11050, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the auditor's and recorder's quarterly reports for the period ending March 30, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the hire of Ralph Jones at \$10.00 per hour, effective April 1, 2011, and increasing to \$10.30 on July 1, 2011; Craig Brunssen at \$9.25 per hour, effective April 1, 2011, and increasing to \$9.52 on July 1, 2011; and Ron Carlson, at \$9.00 per hour, effective April 13, 2011, with no increase on July 1, 2011. All are to fill part-time seasonal positions in the conservation department, effective April 13, 2011. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Cory and Sharon Vaupel, 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 property is owned by a family member and is in timber and no agricultural production. The area is primarily rural residential. Greenlee reported that placement of well and septic would have to be strategically located due to a neighboring septic system. The request conforms to the county's comprehensive plan. Moved by Vermedahl, seconded by Sanders, to close the public hearing. All members voting aye thereon. Motion carried. Moved by Vermedahl, seconded by Sanders, to approve the request for a land use change from agricultural to non-agricultural on approximately 1.5 acres for a residential purpose on a parcel generally described as being a Part of the SW1/4 of the NE1/4 of 35-86-9. All members voting aye thereon. Motion carried.

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Tim McCormick and Kyle Helland met with the board to request a variance to the county's subdivision ordinance to allow for a division in the NE1/4 of the NE1/4 of 25-84-9. McCormick has land that he would like to divide for purposes of building a home and obtaining a mortgage; however the mortgage company is requiring that two acres be divided off for financing purposes. The parcel is a part of the McCormick's heritage family farm. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-20, GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-20 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 NE 1/4 of the NE1/4 of 25-84-9; and
WHEREAS, the owner desires create a split, which will allow for financing of a residential building site; and
WHEREAS, the original parcel is a part of the family heritage farm and is to remain in a farm use; and
WHEREAS, strict adherence to the ordinance would create an undue hardship due;
NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a variance is hereby granted on a parcel located in the NE1/4 of the NE1/4 of 25-84-9. Said variance is granted due to the extraordinary hardship the subdivider would incur if strict adherence were required as by definition the split is subject to the subdivision ordinance.
Dated this 12th day of April 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve a one-year maintenance contract with Morpho Trak for the finger print machine at a cost of \$1,972.00. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Thomas Lee Garwood, as a part-time correctional officer in the sheriff's department, effective this date, at a training wage of \$11.57 per hour. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Melissa Boisen for a part-time clerical position in the recorder's office, effective April 25, 2011, at a wage of \$10.00 per hour. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-21, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-21 ABATEMENT OF TAX

WHEREAS, the Benton County Treasurer has requested that taxes be abated on parcel #030-16397; and
WHEREAS, Iowa Code Chapter 555B authorizes said abatement; and
WHEREAS, Iowa District Court, case # SCSC020334, orders the same,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that tax, interest, costs, and penalty be abated in full on parcel #030-16397.
Dated this 12th day of April 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to enter into closed session pursuant to Iowa Code 21.5(1) c. All members voting aye thereon. Motion carried at 10:27 a.m.

Moved by Sanders, seconded by Vermedahl, to return to open session. All members voting aye thereon. Motion carried at 11:15 a.m.

Moved by Sanders, seconded by Vermedahl, to direct the county attorney to take the necessary actions to address issues discussed. All members voting aye thereon. Motion carried.

Jerry Petermeier provided an update on the construction of the law enforcement center.

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The engineer reported that the balance in the landfill bank account on March 30, 2011, was \$61,662.27.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Robert Beyer, effective April 18, 2011, at \$10.35 per hour, and Donavon Merchant, May 2, 2011, at a wage of \$10.10 per hour, as part-time seasonal truck drivers. All members voting aye thereon. Motion carried.

The engineer presented a proposed job description for a landfill manager, who would report to the engineer, and supervise activities and personnel at the landfill.

Moved by Sanders, seconded by Vermedahl, to approve the Iowa Department of Transportation FY12 Secondary Roads Budget. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the 5 year Secondary Road Construction Program for FY12. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

April 19, 2011

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of April 12, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to authorize the engineer to advertise for part-time clerical in secondary roads. All members voting aye thereon. Motion carried. The board instructed the engineer that the pay scale should be in the \$10.00 per hour range for said position.

The engineer reported that an incident with recycling was recently occurred where needles were placed inside a tin can and then placed in the recycling trailer. The engineer stated that this was an issue when sorting recyclables. The engineer also reported that he may have to move the recycling trailers from their current location in Vinton. Supervisor Vermedahl stated that the trailers should be placed where they could be accessed outside of normal working hours.

Moved by Sanders, seconded by Vermedahl, to approve the hire of the following part-time jailers in the sheriff's department, effective April 23, 2011, at a training wage of \$11.57 per hour: Amy S. Benson, Jeffrey B. Elliff, Joseph A. Wehage, and Jon Smith. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the receipt of the annual manure management plan filed by Derek Vopelak for the facility located at 5641 14th Avenue, Garrison, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to direct the chair to sign the Notice of Rate Approval for Cedar Valley Ranch relative to the CRIS agreement. All members voting aye thereon. Motion carried.

The auditor reported that she spoke with EideBailly, the consultant for the CRIS organization regarding the establishment of a provider rate. EideBailly told the auditor that the daily rate provided through their company was to be used as a tool in negotiating the rates and that other factors should be considered as well.

Moved by Sanders, seconded by Vermedahl, to enter into a contract with Affordable Hazards to remove asbestos in the county-owned building at 114 East 4th Street, Vinton, at a cost of \$1,057.00. All members voting aye thereon. Motion carried.

The auditor spoke to the board about the recent testing for mold at the same facility. MB Environmental conducted air tests and the results showed no mold hazards. The auditor further explained that MB Environmental will be submitting a written report on the findings and would be recommending that the glass block windows on the north side of the building be replaced as they are allowing moisture into the facility.

Moved by Sanders, seconded by Vermedahl, to appoint Brenda Sutton, Rosemary Schwartz, and Dave Vermedahl to the 2010 Benton County Redistricting Commission. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve payment of a claim to the Iowa Law Enforcement Academy submitted by the conservation department in the amount of \$431.00. All members voting aye thereon. Motion carried.

The auditor spoke to the board about a request from Tim Shafar to use the courthouse lawn to have a food stand during lunch hours. Shafar did not appear before the board and therefore no action was taken; however the board indicated that they would not be supportive of allowing food vendors on the courthouse lawn unless it was in association with a community event.

The auditor spoke to the board about the disposition of the Bruce Township hall. Moved by Vermedahl, seconded by Sanders, to proceed with the necessary steps to dispose of the hall as well as the temporary communications building. All members voting aye thereon. Motion carried.

Todd McNall of Design Dynamics and Jerry Petermeier met with the board regarding the construction status of the law enforcement center. McNall reviewed several change orders and requests for other change orders. Moved by Sanders, seconded by Vermedahl, to approve Change Order (CO) #14 and #15 containing the following change order requests (COR):

CO #14:

COR #21A – EOC (Emergency Operations Center) roof receptacles – add \$1,507.00

COR #42 – EOC power doors 302 & 307 – add \$709.83

COR #44 – EOC Fire alarm doors 302 & 307 – add \$1,114.81

Total for CO #14 – add \$3,331.69

CO #15:

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COR #34 – Fire Alarm monitoring for courthouse – add \$46,518.73

COR #25 – relocate DVR – add \$901.26

Total for CO #15 - \$47,419.99

It is understood that no time extensions are granted to the completion date for the project. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the following change order requests (COR), contingent upon approval from FEMA:

COR #36 – ACM panels – + \$1,187.75

COR #37 – FEC cabinet - + 72.22

COR #38(3) – add station – 201 - + \$8,675.26

COR #39 – card reader door 121A - +2,645.96

COR #40 (1) – Furr out 206 - +996.87

COR #40 (2) – GWB corridor 237 - +\$1,322.44

COR #41 – power for mech. Controls - +\$1,777.16

COR #42 – power doors 302, 307 (EOC) - + \$709.83

COR #43 – North and South paving - +\$31,643.50

COR #44 – Door 117 Fire alarm connect. - +557.40

It is understood that no time extensions are granted to the completion date for the project. The scheduled possession date by the county is May 29, 2011. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

April 26, 2011

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

Moved by Vermedahl, seconded by Buch, to direct the chair to sign the Understanding of Services for FY11 audit services with EideBailly. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the request from Vinton Parks and Recreation to use the courthouse lawn on June 23, 2011. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-22, AMENDING FY11 BUDGET WITHIN SERVICE AREA.

RESOLUTION #11-22

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 6 (activities 63200 and 62000) and Service Area 0 (activity 03000). The auditor is directed and authorized to amend said service area as needed.

Dated this 26th day of April 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ron Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-23, TRANSFER OF FUNDS. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #11-23 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$5,964.61 be transferred from TIF Fund to Secondary Roads fund.

Dated this 26th day of April 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Benton County Auditor

Supervisor Sanders arrived 9:10 a.m.

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 Bryon Palmer, the board took up the matter for consideration. Marc Greenlee presented that

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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 the access would be new and meets sight distance but would need to meet the ten percent rule. 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 Sanders, 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 the NW1/4 of the SW1/4 of 33-83-9. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption submitted by Robert J. Roettger. The applicant is involved in a farming operation, owning and farming 800 acres in a corn and soybean rotation. Moved by Sanders, 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 NW1/4 of the NW1/4 of Section 33-85-12. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 128433 through 128680, and ACH deposits numbered 11051 through 11161, for payment. All members voting aye thereon. Motion carried.

Nancy Farmer, Public Health Nurse, met with the board regarding the annual approval of the Public Health Emergency Preparedness Plan. Farmer reported that the Benton County Health Board as well as herself had approved the Plan. Moved by Sanders, seconded by Vermedahl, to approve the Public Health Emergency Preparedness Plan as presented. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolutions #11-24 and #11-25, NOTICE TO ACCEPT SEALED BIDS AND NOTICE OF PUBLIC HEARING ON PROPOSAL TO DISPOSE OF AN INTEREST IN PROPERTY. Voting aye were Sanders, Vermedahl, and Buch. Nays none. Motion carried.

RESOLUTION #11-24

NOTICE TO ACCEPT SEALED BIDS AND

NOTICE OF PUBLIC HEARING ON PROPOSAL TO DISPOSE OF AN INTEREST IN PROPERTY

WHEREAS, Benton County, Iowa owns certain property described as:

BUILDING ONLY

The building located on a plat of ground 50' by 50' as measured due North and South and East and West, in the Northeast Corner of the Northeast Quarter of The Northeast Quarter of Section 21, Township 86 North, Range 12 West of the 5th P.M., Benton County, commonly known as the Bruce Township hall.

This is for the building only and does not include any real property.

WHEREAS, the Board of Supervisors considers it is in the best interest of the County to dispose of said property by sale of the same; and

WHEREAS, the Board of Supervisors proposes to accept sealed bids on said property, and following a public hearing, sell said property,

NOW, THEREFORE BE IT RESOLVED that sealed bids will be accepted on said property until 8:30 o'clock A.M. on the 24th day of May, 2011, in the office of the County Auditor as evidenced by the auditor's file stamp.

BE IT FURTHER RESOLVED, that in accordance with Section 331.361, Iowa Code, a public hearing on said proposed sale of property is hereby fixed for the 24th day of May, 2011, at 9:15 o'clock A.M. in the Boardroom, Second Floor, Benton County Courthouse, Vinton, Iowa, for the purpose of selling said property. Said hearing shall be immediately following the opening and review of said bids.

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

BE IT FURTHER RESOLVED that the notice of this hearing be published pursuant to Section 331.305, the Code. Dated this 26th day of April 2011.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

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OFFICIAL PUBLICATION NOTICE OF PUBLIC HEARING AND ACCEPTANCE OF SEALED BIDS

Notice is hereby given, in accordance with Section 331.361, Iowa Code, that sealed bids will be accepted and a public hearing will be held by the Benton County Board of Supervisors on the 24th day of May, 2011 at 9:15 A.M., in the Boardroom, Benton County Courthouse, Vinton, Iowa, to offer for sale the building only located:

On a plat of ground 50' by 50' as measured due North and South and East and West, in the Northeast Corner of the Northeast Quarter of The Northeast Quarter of Section 21, Township 86 North, Range 12 West of the 5th P.M., Benton County, commonly known as the Bruce Township hall. **This is for the building only.**

The building will be open for interested parties to view by appointment only by contacting Benton County Supervisor Ron Buch at 319-560-9729 or 319-472-4869.

TERMS:

- **All bids must be accompanied by cash, check, or money order in an amount equal to 20% of the bid price.**
- **The successful bidder, if any, will forfeit all money in the event they fail to complete the purchase and removal of the building.**
- **The successful bidder will be responsible for all work and costs associated with removal of the building from its current location. The successful bidder shall be responsible for leaving the site free of debris from the removal of the building.**
- **The building shall be removed on a date mutually agreed upon between the county and the successful bidder, but in no event shall it be later than August 15, 2011.**
- **Cash for the remaining balance will be due prior to the removal of the building or August 1, 2011, whichever comes first.**
- **Money will be returned to unsuccessful bidders at the time of the bid opening.**

Any person interested in submitting a bid for said property may do so by filing a sealed bid in the office of the County Auditor no later than 8:30 A.M. on May 24, 2011. The auditor's file stamp will be evidence of timely submittal.

At said public hearing, the Board of Supervisors shall hear comments and objections, if any, regarding the proposed sale, including the price thereof, from any interested person.

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

May 2, 2011.

Jill Marlow
Benton County Auditor

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RESOLUTION #11-25 NOTICE TO ACCEPT SEALED BIDS AND NOTICE OF PUBLIC HEARING ON PROPOSAL TO DISPOSE OF AN INTEREST IN PROPERTY

WHEREAS, Benton County, Iowa owns certain property described as:

Portable concrete building located at 113 E. 3rd Street, Vinton, Iowa (behind the law enforcement center). This is for the building only and does not include any real property.

WHEREAS, the Board of Supervisors considers it is in the best interest of the County to dispose of said property by sale of the same; and

WHEREAS, the Board of Supervisors proposes to accept sealed bids on said property, and following a public hearing, sell said property,

NOW, THEREFORE BE IT RESOLVED that sealed bids will be accepted on said property until 8:30 o'clock A.M. on the 17th day of May, 2011, in the office of the County Auditor as evidenced by the auditor's file stamp.

BE IT FURTHER RESOLVED, that in accordance with Section 331.361, Iowa Code, a public hearing on said proposed sale of property is hereby fixed for the 17th day of May, 2011, at 9:15 o'clock A.M. in the Boardroom, Second Floor, Benton County Courthouse, Vinton, Iowa, for the purpose of selling said property. Said hearing shall be immediately following the opening and review of said bids.

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

BE IT FURTHER RESOLVED that the notice of this hearing be published pursuant to Section 331.305, the Code. Dated this 26th day of April 2011.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

OFFICIAL PUBLICATION NOTICE OF PUBLIC HEARING AND ACCEPTANCE OF SEALED BIDS

Notice is hereby given, in accordance with Section 331.361, Iowa Code, that sealed bids will be accepted and a public hearing will be held by the Benton County Board of Supervisors on the 17th day of May, 2011 at 9:15 A.M., in the Boardroom, Benton County Courthouse, Vinton, Iowa, to offer for sale a portable building located at 113 East 3rd Street, Vinton, Iowa:

The building will be open for interested parties to view by appointment only by contacting Benton County Sheriff Randy Forsyth at 319-472-2337.

TERMS:

- **All bids must be accompanied by cash, check, or money order in an amount equal to 20% of the bid price.**
- **The successful bidder, if any, will forfeit all money in the event they fail to complete the purchase and removal of the building.**
- **The successful bidder will be responsible for all work and costs associated with removal of the building from its current location.**
- **The building shall be removed on a date mutually agreed upon between the county and the successful bidder, but in no event shall it be later than June 15, 2011.**
- **Cash for the remaining balance will be due prior to the removal of the building or June 15, 2011, whichever comes first.**
- **Money will be returned to unsuccessful bidders at the time of the bid opening.**

Any person interested in submitting a bid for said property may do so by filing a sealed bid in the office of the County Auditor no later than 8:30 A.M. on May 17, 2011. The auditor's file stamp will be evidence of timely submittal.

At said public hearing, the Board of Supervisors shall hear comments and objections, if any, regarding the proposed sale, including the price thereof, from any interested person.

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

April 26, 2011.

Jill Marlow
Benton County Auditor

The Board discussed the lease agreement between Benton County and DHS Case Management for office space. The current agreement expires on July 1, 2011. The board stated that an offer for renewal should be made with all current language with the exception that the monthly rental shall be \$578.53 beginning July 1, 2011, \$595.89 beginning July 1, 2012, and \$613.76 beginning July 1, 2013. The auditor is to notify the state regarding the above.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of April 19, 2011. All members voting aye thereon. Motion carried.

Jerry Petermeier updated the board on the construction status of the law enforcement center.

The auditor spoke to the board and the engineer about the removal of the recycling trailers in Vinton and placing them at secondary roads. The auditor stated that by moving the trailers to secondary roads and only making the trailers available during weekday business hours the board was effectively telling rural people in the Vinton area not to recycle. The auditor stated that if the county was going to require that rural residents recycle that the county cannot make it so they have to take vacation from work in order to do so. Supervisor Buch disagreed stating that people would figure out how to recycle during the week. The county attorney stated that the county should make the trailers available after normal hours, although it did not have to be available 24 hours a day, 7 days a week. Supervisor Vermedahl agreed that a solution needed to be found with the location of the recycling trailers if the county was going to require recycling. The board discussed possible areas and concluded that recycling trailers should be placed across from the courthouse once the law enforcement center was completed. The board said a fence should be constructed around the area to control blowing waste as well as camera coverage and signage posted. The auditor also stated that a sign should be put up telling the public where the recycling trailers were located since they had been moved.

The engineer advised that he is beginning the interview process for an assistant county engineer.

The engineer stated that he spoke with the consultant on the Atkins project. The consultant informed the engineer that the DOT wanted six months to review right-of-way issues as well as an addition 2.5 months for contract and plan review prior to letting. The consultant is aware that the project needs to progress as quickly as possible.

The engineer stated that he has not had an opportunity to work on the Oak Grove Road project recently due to the work on other projects. The engineer stated that work should begin in June 2011. Supervisor Sanders reported that the frost boil problem experienced on the road last year is beginning to reappear. The engineer stated that the area had been worked on extensively last spring but it appears that the issue was not resolved and that this is a place where the road may be moved slightly.

The board told the engineer that the job description submitted for a manager at the landfill could be advertised. The county attorney questioned the need for another management position when action by current management relative to the operation of the landfill should be adequate assuming action is taken. Supervisor Sanders stated that it was necessary to have eyes and ears at the landfill to insure that proper operating steps are taken; however that the position will report to the engineer. Sanders questioned if another position could be eliminated at the landfill or if another full-time position is needed. Supervisor Buch stated that one position is going to be eliminated when the recycling trailers are eliminated. The county attorney stated that he still questioned the need for the position if proper steps were taken in managing the employees in that department by current management. Supervisor Buch stated that it takes two full-time positions to actually work in the "hole", but agreed that the manager could assume some of the scale house responsibilities. Sanders stated it was his hope that positions could be modified or eliminated. Moved by Sanders, seconded by Vermedahl, to authorize the engineer to advertise to fill the position of landfill manager. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-26, CLOSING BRIDGE. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-26

WHEREAS: Benton County has a bridge located on Benton-Iowa Road near the S¼ corner of Section 32-T82N-R11W, and

WHEREAS: This bridge has deteriorated to the extent that it is unsafe for traffic and

WHEREAS: The qualified bridge inspector has recommended closure of the bridge.

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that this bridge be closed and the county engineer continue developing plans for a replacement structure and

BE IT FURTHER RESOLVED that the bridge and approach road segment remain closed for construction through the completion of the project.

Signed this 26th day of April 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

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Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to recess until 6:30 p.m. All members voting aye thereon. Motion carried at 12:20 p.m.

The Board was reconvened at 6:32 p.m. in the GIS Room, located in the basement of the courthouse, with Supervisors Vermedahl and Sanders present. Supervisor Buch was absent. The meeting was a joint meeting with the Benton County Zoning Commission. Zoning Commission Chair Steve Thompson opened the public hearing on proposed changes to the Benton County Agricultural Land Use Preservation Ordinance and Benton County Amended Subdivision Ordinance.

Marc Greenlee presented proposed changes to the ordinances and those changes were discussed.

Benton County Agricultural Land Use Preservation Ordinance – definition of “Farm” is changed to add the following: “Land enrolled in the Conservation Reserve Program (CRP) of the USDA is a farm use under this ordinance”.

Benton County Amended Subdivision Ordinance -

ARTICLE II: Definitions (add in alphabetical order)

A central sewage disposal system is a single system constructed for the purpose of disposing and treating wastewater from multiple lots or residences. A central sewage disposal system may be private system or a public system.

A central well is a single well constructed for the purpose of providing drinking water to multiple properties. A central well may be a private water system or a public water system.

Department of Health means the Benton County Department of Health.

A drinking water system means a well or wells constructed for the purpose of supplying water for human consumption and use. A drinking water well may be an individual well, a shared well or a central well. The system may also be private or public.

A geothermal well means a well or wells constructed for the sole purpose of utilizing the geothermal properties of the ground or water. A groundwater heat pump well may also be a drinking water well.

A licensed Professional Engineer is an individual that has qualified by education, experience and examination, and has been issued a professional engineering license by the state examining board.

A private drinking water system means a well or wells that have fourteen (14) or less service connections and that serve less than twenty-five (25) persons on average for at least sixty (60) days out of a year.

A public drinking water system means a well that has fifteen (15) or more service connections, or a well that serves twenty-five (25) or more persons on average for at least sixty (60) days out of a year.

A private sewage disposal system is a system that serves four (4) or less dwelling units or the equivalent of less than sixteen (16) individuals on a continuing basis.

A public sewage disposal system is a system that serves five (5) or more dwelling units or the equivalent of sixteen (16) or more individuals on a continuing basis.

ARTICLE IV: Improvements (Replace existing Section 4.03 (b) with the following)

- b. Wastewater Systems: Adequate provisions for the treatment and disposal of sewage from the platted area shall be provided with due regard being given to present or reasonably foreseeable needs. If an existing public sewage disposal system is available within two hundred (200) feet from any edge of the proposed subdivision boundary, the developer shall connect to the existing public sewage disposal system. If the entire proposed subdivision boundary is greater than two hundred (200) feet from an existing public sewage disposal system, or the governing body of the public system denies access, the developer shall provide for sewage disposal systems in a manner prescribed by the Department of Health based upon an evaluation that shall be conducted by a licensed Professional Engineer prior to submittal of a preliminary plat. If the proposal is deemed by the Department of Health to be favorable to individual private sewage disposal systems, then such system may be considered. Individual private sewage disposal systems shall be designed by a licensed Professional Engineer in accordance to specifications contained within Iowa Administrative Code Chapter 69. Plans and specifications shall be submitted to the Department of Health prior to approval and permit issuance. If individual sewage disposal systems are to be utilized within the subdivision then all lot sizes shall be a minimum of two (2) acres. In the event that the development proposal is deemed by the Department of Health to be unsatisfactory for individual private sewage disposal systems then the developer shall provide for the construction of a central sewage disposal system. A central sewage disposal system providing for the treatment and disposal of domestic sewage from four (4) or less dwelling units, or the equivalent of less than sixteen (16) individuals on a continuing basis shall be considered as private. Private central sewage disposal systems shall be designed by a

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licensed Professional Engineer with plans and specifications submitted to the Department of Health for approval and permitting. A central sewage disposal system providing for the treatment and disposal of domestic sewage from five (5) or more dwelling units, or the equivalent of sixteen (16) or more individuals on a continuing basis shall be considered as public. Public central sewage disposal systems shall be designed by a licensed Professional Engineer with plans and specifications submitted to the Iowa Department of Natural Resources (IDNR) for approval and permitting. Private central sewage disposal systems shall be required to have a system management and maintenance plan. Public central sewage disposal systems shall be subject to any maintenance provisions as mandated within the IDNR permit.

ARTICLE IV: Improvements (replace existing Section 4.03 (d) with the following)

Drinking Water Systems: If an existing public drinking water system (including rural water) is available within two hundred (200) feet, then the developer shall provide the subdivision with water from the public system. If the proposed subdivision is greater than two hundred (200) feet from an existing public system, or the governing body of the public system denies access, then the developer shall be responsible to provide drinking water within the subdivision in a manner prescribed by the Department of Health based upon an evaluation that shall be conducted by a licensed Professional Engineer prior to submittal of a preliminary plat. Drinking water systems may be individual, shared or central. Individual geothermal wells may also be considered. In all cases, the drinking water system to be developed, and/or any geothermal wells shall conform to applicable county and/or state rules. A private drinking water system, and any geothermal wells must be permitted by the Department of Health. A public drinking water system must be permitted by the IDNR. Plans and specifications for a public drinking water system shall be prepared by a licensed Professional Engineer.

Steve Speidel questioned why the definitions would require a two-acre minimum for individual septic systems stating the need for two-acre minimums is not needed if no private well or heat pump was located on the parcel. Greenlee responded that the definition was drafted with the intent that both a septic and well would be on the parcel. Speidel stated that as a well contractor on geothermal systems, he would recommend that horizontal systems always be the first option, the second option be vertical holes that they are not in the aquifer, and the third option would be to allow the wells go into the limestone but at a distance as he could see the potential for contamination otherwise. Speidel stated that grout is the only thing protecting the geothermal well and if the grout deteriorates then there is a possibility of aquifer contamination. Greenlee said a horizontal geothermal system would not require a permit by the county and therefore agreed that it would be the first choice. Steve Thompson questioned how much the loops for a geothermal system take. Greenlee responded that it depends on the size of the system. Greenlee stated that there is no outside casing, only grout around the geothermal wells recently installed by the county for the law enforcement center. Speidel reiterated that the grout is the only thing protecting the aquifer. Greenlee stated that permitting is required for vertical drilling for geothermal systems.

Greenlee asked if there were questions on the proposed definitions. Thompson asked how the county would know the number of users on a system. Greenlee responded that the county has not customarily gone out and counted heads, but may have to if a new residence is added or some type of alternative use is proposed, i.e. church. There was no further discussion and Thompson declared the public hearing closed. The zoning commission subsequently approved the proposed changes as presented and recommended that they be forwarded to the board of supervisors for consideration.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

May 3, 2011

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

Moved by Vermedahl, seconded by Sanders, to accept the recommendations of the Benton County Zoning Commission for changes to the Benton County Subdivision Ordinance and Benton County Agricultural Land Preservation Ordinance. Further, that the time and date for considerations be set for May 17, 2011, May 20, 2011, and May 24, 2011, at 9:30 a.m. on Ordinance #61, Benton County Subdivision Ordinance and Ordinance #62, Amending Ordinance #24, Benton County Agricultural Land Preservation Ordinance reflecting the recommendations of the zoning commission. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Chauncey and Brittany Raue, the board took up the matter for consideration. Marc Greenlee presented that technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to change the classification to a single residential use. Greenlee reported that the north access is pre-existing and meets all requirements; however the south field entrance would not meet any requirements and is a dangerous access. There is no anticipated issues with a well and septic on the site. Moved by Sanders, 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 the NW1/4 of the SW1/4 of 10-86-10, Except Parcel A. All members voting aye thereon. Motion carried

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Sanders, seconded by Vermedahl, to approve the minutes of April 26, 2011. All members voting aye thereon. Motion carried.

Diane Stomer met with the Board regarding the Affordable Housing Program. Stomer explained that federal funds would be available for homeowners (who meet income guidelines and other eligibility requirements) to repair their homes. A lien would be placed on the home for a period of five years. Stomer reviewed the various criteria and types of projects eligible for the program. Stomer advised that the county has no financial commitment to the program and that her organization takes care of all associated paperwork. Moved by Vermedahl, seconded by Sanders, to support the program in Benton County. The maximum for projects is set at \$10,000.00 each, with a maximum of 20 persons be served. The Chelsea Bank is designated as the participating bank in Benton County. The income limit for the participants is set at 50 persons at 50% of the mortgage rate bond guidelines and 50% of persons at 60% of the mortgage rate bond guidelines. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Disabled Veterans Homestead Tax Credit on Parcel #010-16100. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve Loel Fink's request to use the courthouse lawn on May 5, 2011, for a prayer event. All members voting aye thereon. Motion carried.

The auditor presented a Memorandum of Understanding with Cerro Gordo County for the Precinct Atlas program. Precinct Atlas is an electronic poll book currently being used by Benton County. The auditor advised that currently there is a discrepancy between the Secretary of State and Cerro Gordo County as to who has authority to distribute the Precinct Atlas program and any updates to the same. Cerro Gordo County is asking each county to execute a Memorandum of Understanding, which would provide funding to Cerro Gordo County for continued maintenance and support of the program until June 2013. The auditor recommended that no action be taken at this time pending the legal outcome between Cerro Gordo County and the Secretary of State. Moved by Vermedahl, seconded by Sanders, to table action executing a Memorandum of Understanding with Cerro Gordo County for maintenance and support of the Precinct Atlas program until additional information is received. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to award the contract with Muscatine Bridge Co., Inc. for the bridge project BROS-C—6(80)-5F-06 located northwest of Keystone on 13th Avenue at a cost of \$246,024.00. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to sign the final Iowa Department of Transportation progress voucher for the HMA resurfacing project north of Norway. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the Blainstown bank landfill account on April 30, 2011, was \$69,749.73.

The board discussed the salary range for an assistant county engineer. A range of \$45,000 to \$50,000 for an entry-level salary was discussed.

The engineer stated that the consultant for the Atkins project would have a concept statement to the Department of Transportation by mid May with a kickoff meeting by June 30th.

Jerry Petermeier provided an update on the construction progress of the law enforcement center and the board then toured the facility.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

May 10, 2011

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders 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 Sanders, to approve the minutes of May 3, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the claim for payment submitted by Tammy Wetjen-Kestersen for services provided from July 2010 through April 2011 relative to the Decategorization grant in the amount of \$25,865.00 and to submit the same to the State of Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set June 7, 2011, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Douglas and Josie Berns on parcel located in the SE1/4 of the NE1/4 of 1-85-9. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the use of the courthouse lawn on July 23, 2011, by the Vinton Cruise Committee. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a Class B Liquor License requested by Blainstown Demo Derby. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 128681 through 128975, and ACH deposits numbered 11162 through 11271, for payment. All members voting aye thereon. Motion carried.

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

Moved by Vermedahl, seconded by Sanders, to enter into a Lease Agreement with State of Iowa for DHS Case Management office space. The amount of the lease is \$689.19 per month, and the term of the lease is for one year. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

56

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-20, WAGE AND LABOR GRADE CLASSIFICATION CHANGE FOR DAN MCKENNA. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-20 WAGE AND LABOR GRADE CLASSIFICATION CHANGE FOR DAN MCKENNA

WHEREAS: Benton County Secondary Road Department has an employee that has been employed at his present job classification for a sufficient length of time to change his respective job classification

THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that the Labor Grade classification of Daniel J. McKenna will be VE (excavator operator with one year working with the machine.) VE base wage for Dan McKenna will be \$17.94 per hour. Dan McKenna rate change will be effective May 9, 2011.

Signed this 10th day of May 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The auditor presented a request from the City of Belle Plaine for the abatement of tax. The auditor explained that she is not aware of any provision to provide for the abatement; however the property is currently in an exempt classification. The question is when the city obtained the property and if the taxes owed at that time. After discussing it fully, it was moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-21, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-21 ABATEMENT OF TAX

WHEREAS, the City of Belle Plaine owned two parcels, which were subsequently deeded to the Belle Plaine Development Corporation, a tax-exempt entity; and

WHEREAS, it is the opinion of the board that the taxes were owing before the city obtained said property; and

WHEREAS, the taxes should be abated,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the tax, penalty, and interest currently owing on parcels 030-14800 and 030-49400 are hereby abated in full.

BE IT FURTHER RESOLVED that taxes owing on the parcels for the 2010 assessment year are also abated and the auditor is ordered to correct the 2010 tax list for taxes collected in 2011/2012 to reflect the same at such time the tax list is prepared.

Dated this 10th day of May 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Jerry Petermeier, Project Coordinator, provided an update on the construction of the new law enforcement center. The project is scheduled for completion on May 29, 2011. The board toured the facility at the end of their meeting.

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

Ronald R. Buch, Chairman

ATTEST:

Jill Marlow, Auditor

May 17, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 10, 2011. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

57

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-22, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-22 ABATEMENT OF TAX

WHEREAS, the board has been advised that a building was removed on parcel #200-00250, and
WHEREAS, the owner reported that the building was removed to the assessor; and
WHEREAS, the owner has provided receipts showing the demolition and removal of said building; and
WHEREAS, the board has also been advised that building on leased land on parcel #270-12941 was destroyed in the 2008 flood and the owner of the building has abandoned it; and
WHEREAS, Iowa Code 445.62 provides that the board may abate taxes for any person whose buildings have been destroyed by unavoidable casualty; and
WHEREAS, the owner of the land has removed the building,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the taxes currently owing on the following parcels be abated in the amounts so reflected:
200-00250 - \$78.00
270-12941 - \$14.00
Dated this 17th day of May 2011.

Ronald Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The time of 9:15 a.m. having arrived, and this being the time and date for a public hearing on disposing the temporary communications building, the board proceeded with the matter. Two bids were received as follows:

USA Communications - \$2,500.00

Lattice Communications - \$4,500.00

There were no persons from the public present to support or oppose the sale of the building. There being no objections heard, the board closed the public hearing. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-23 DISPOSING OF INTEREST IN PORTABLE BUILDING. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried

RESOLUTION #11-23

WHEREAS, by the authority of the Board of Supervisors, public bids were received on May 17, 2011, on a temporary building described as

Portable concrete building located at 113 E. 3rd Street, Vinton, Iowa (behind the law enforcement center). This is for the building only and does not include any real property, and

WHEREAS, Lattice Communications has submitted a high bid of \$4,500.00; and

WHEREAS, a public hearing was conducted on May 17, 2011, on whether to sell said property to the high bidder; and

WHEREAS, the Board considers it is in the best interest of the Benton County to dispose of the building by the sale of the same; and

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that it is in the best interest of the County to sell the following described property and that the bid of \$4,500.00 submitted by Lattice Communications for said property be accepted

Portable concrete building located at 113 E. 3rd Street, Vinton, Iowa (behind the law enforcement center). This is for the building only and does not include any real property, and

Said building is to be removed by June 15, 2011, and all requirements set forth in the Notice to Accept Sealed Bids are to be complied with.

Dated this 17th day of May 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ron Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

58

Jill Marlow, Auditor

The time of 9:30 a.m. having arrived and this being the time and date for a public hearing on the first consideration of Ordinance #61, An Ordinance Regulating The Subdivision Of Land, Prescribing Standards For Subdivisions And For The Improvement Thereof, Prescribing Procedures For The Review Of Proposed Subdivision Plats And Establishing Fees Therefore And Prescribing Penalties For The Violation Of Such Ordinance. This Ordinance Is In Conformance With Chapter 354 Of The Code Of Iowa (the "Subdivision Ordinance") and Ordinance #62, Amendment To Benton County Ordinance No. 24 Benton County, Iowa, Agricultural Land Preservation Ordinance, the board took up the matter for discussion. Chairman Buch opened the public hearings with no members of the public or media present. The Board briefly discussed the ordinances with Marc Greenlee, Sanitarian. Hearing no comment, the Chair declared the public hearings closed. Moved by Sanders, seconded by Buch, to approve the first consideration of Ordinance #61, An Ordinance Regulating The Subdivision Of Land, Prescribing Standards For Subdivisions And For The Improvement Thereof, Prescribing Procedures For The Review Of Proposed Subdivision Plats And Establishing Fees Therefore And Prescribing Penalties For The Violation Of Such Ordinance. This Ordinance is in Conformance With Chapter 354 Of The Code Of Iowa (the "Subdivision Ordinance") and Ordinance #62, Amendment To Benton County Ordinance No. 24 Benton County, Iowa, Agricultural Land Preservation Ordinance, as presented. All members voting aye thereon. Motion carried.

Scott Hansen, Emergency Management Coordinator, updated the board on the status of the grant, which is funding the emergency operations center. As of this date, there have been no funds received to reimburse the county for the expenses incurred. Hansen stated that he is allowed to use \$12,486.50 of the geothermal system, \$11,750.00 of the parking lot, and an unknown portion of the telephone system towards the local match requirement (25% local match required). Hansen stated that if the parking lot is paved it must be paid at Davis Bacon wages if any part of the paving is to be used for local match. Hansen also reported that if the doors to the generator were paid by the grant then the entire law enforcement center would be subject to Davis Bacon requirements. Hansen stated that his commission has applied for \$9850 from the Benton County Community Foundation for equipment and \$50,000 from Alliant for both equipment and cash; however determinations on successful grant recipients has not been made at this time. Hansen stated that he submitted paperwork to the State for a partial distribution of the grant; however was told that the information was not detailed enough and that he was now working with Kleiman Construction to obtain the additional details needed.

Kyle Helland of Helland Engineering, representing Doug Arnold, who is requesting a variance to the county's subdivision ordinance. Arnold owns a small acreage and would like to split their property to allow a driveway easement and front yard to their neighbor. There are no improvements proposed with the only objective of the split is to allow the neighbor to own their own driveway and front yard, which is currently an easement. Moved by Sanders, seconded by Vermedahl to adopt Resolution #11-24, GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION # 11-24 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 NE1/4 of the SE1/4 of 35-86-9; 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 NE1/4 of the SE1/4 of 35-86-9. Said variance is granted due to the extraordinary hardship the subdivider would incur if strict adherence was required. The hardship is determined on the facts that the divisions merely transfer ownership of parcels that are not able to be developed due to the minimal size. The divisions allow a party to own the ingress and egress to his property versus an easement. Further that although the property divisions meet the definition of subdivision under the ordinance, the intended use would not as it will not change from its current use.

Dated this 17th day of May 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders.

ATTEST:

Jill Marlow, Benton County Auditor

Moved by, seconded by, to acknowledge receipt of the annual manure management plan filed by Kerkman Livestock for the facility located at 7027 31st Avenue, Atkins, Iowa. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

59

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-25, HIRE OF ASSISTANT COUNTY ENGINEER. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

Resolution #11-25

HIRE OF ASSISTANT COUNTY ENGINEER

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

WHEREAS, this position is the Assistant County Engineer; and

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

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Benjamin Vierling be hired to fill the position at a salary of \$48,000 per year starting on May 16, 2011.

Signed this 17th day of May 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to approve and sign the contract for the bridge replacement contract, BROS-CO06(80)—5F-06, with Muscatine Bridge Co., for the bridge on 13th Avenue in Kane Township crossing Prairie Creek. The cost is \$246,024.00. All members voting aye thereon. Motion carried.

The engineer reported that the paperwork is being submitted to the Department of Transportation this week for the Atkins road project.

Moved by Sanders, seconded by Vermedahl, to deny the request for suspension of tax under Iowa Code 427.8, as the request was required to be filed by March 1st of the current tax year. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to discount the cost of health insurance for FY12 by \$45.00 per plan per month, with said \$45.00 being paid/absorbed by the county's co-insurance fund. Further, \$5.00 per month per plan is to be paid from the co-insurance fund into the wellness account for employee wellness programming. The final cost of the health insurance is \$489.16 per month for a single plan and \$1,140.65 per month for a family plan. All members voting aye thereon. Motion carried.

Jerry Petermeier and Todd McNall met with the board to discuss the status of the law enforcement construction and change order requests. The project contract is scheduled for completion on May 29, 2011, with other work to be completed in June (not a part of the construction contract). The change order requests were discussed and to why they were needed. Moved by Sanders, seconded by Vermedahl, to approve the following Change Order Requests (COR):
COR #45 – provide conduit raceway from safety devices for 2 sectional doors to motor location – add \$1,163.59
COR #46 – installs fire stopping at the top of the cmu wall at the metal roof deck – add \$831.82
COR #47 – install wood base in sheriff's and deputy's office – add \$813.25
COR #48 – relocate power washer to SE corner of Sallyport; provide power and data receptacles on east wall of comm. 201 – add \$4,872.28

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to DENY COR #11A to upgrade double doors to generator enclosure at a cost of \$15,477.90, as the upgrade is not reimbursable under FEMA or the emergency operations center grant. All members voting aye thereon. Motion carried.

County Attorney David Thompson and Assistant County Attorney Jo Petersen met with the board regarding her performance and an employment contract. Petersen requested that the board go into closed session pursuant to Iowa Code 21.5(1)i. Moved by Vermedahl, seconded by Sanders, to enter into closed session. All members voting aye thereon. Motion carried at 11:45 a.m.

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

Moved by Vermedahl, seconded by Sanders, to enter into an employment contract between Benton County and Assistant County Attorney Jo Petersen. All members voting aye thereon. Motion carried.

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

Ronald Buch, Chairman

ATTEST:

Jill Marlow, Auditor

May 24, 2011

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

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 17, 2011, and May 20, 2011. All members voting aye thereon. Motion carried.

Mary Williams and Kathy Jordan met with the Board regarding renewal of provider contracts. Moved by Vermedahl, seconded by Sanders, to approve the DHS Case Management Agreement for the period July 1, 2011, through July 1, 2012, for case management services. The current cost is \$35.00 per 15-minute unit. The cost for FY12 has not yet been set. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

60

Moved by Sanders, seconded by Vermedahl, to approve the following provider contracts for client services for the period July 1, 2011 through June 30, 2012, unless otherwise noted:
Area Substance Abuse Clinic – residential substance abuse treatment related to commitment - \$36.63 per day;
Association for Behavioral Health – Initial evaluation - \$170.00, Testimony initial hearing - \$186.53, daily care - \$60.00, discharge plan - \$70.00;
Mercy Medical Center – related to mental health, substance abuse, chronic mental – pre hearing - \$530.00, post hearing - \$565.00.
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 disposing the old Bruce Township Hall, the board proceeded with the matter. One bid was received as follows:
Kenneth Bahr - \$53.00

There were no persons from the public present to support or oppose the sale of the building. There were no objections heard and the board closed the public hearing. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11- 24 DISPOSING OF INTEREST IN A BUILDING. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-24 DISPOSING OF INTEREST IN A BUILDING

WHEREAS, by the authority of the Board of Supervisors, public bids were received on May 24, 2011, on a building described as

The building located on a plat of ground 50' by 50' as measured due North and South and East and West, in the Northeast Corner of the Northeast Quarter of The Northeast Quarter of Section 21, Township 86 North, Range 12 West of the 5th P.M., Benton County, commonly known as the Bruce Township hall. This is for the building only and does not include any real property, and

WHEREAS, Kenneth Bahr has submitted a high bid of \$53.00; and

WHEREAS, a public hearing was conducted on May 24 2011, on whether to sell said property to the high bidder; and

WHEREAS, the Board considers it is in the best interest of the Benton County to dispose of the building by the sale of the same; and

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that it is in the best interest of the County to sell the following described property and that the bid of \$53.00 submitted by Kenneth Bahr for said property be accepted:

The building located on a plat of ground 50' by 50' as measured due North and South and East and West, in the Northeast Corner of the Northeast Quarter of The Northeast Quarter of Section 21, Township 86 North, Range 12 West of the 5th P.M., Benton County, commonly known as the Bruce Township hall. This is for the building only and does not include any real property.

Said building is to be removed by August 15, 2011, and all requirements set forth in the Notice to Accept Sealed Bids are to be complied with.

Dated this 24th day of May 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ron Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

The time of 9:30 a.m. having arrived and this being the time and date for a public hearing on the third consideration of Ordinance #61, An Ordinance Regulating The Subdivision Of Land, Prescribing Standards For Subdivisions And For The Improvement Thereof, Prescribing Procedures For The Review Of Proposed Subdivision Plats And Establishing Fees Therefore And Prescribing Penalties For The Violation Of Such Ordinance. This Ordinance Is In Conformance With Chapter 354 Of The Code Of Iowa (the "Subdivision Ordinance") and Ordinance #62, Amendment To Benton County Ordinance No. 24 Benton County, Iowa, Agricultural Land Preservation Ordinance, the board took up the matter for discussion. Chairman Buch opened the public hearings with no members of the public or media present. Hearing no comment, it was moved by Vermedahl, seconded by Sanders, to close the public hearings. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the third consideration of Ordinance #61, An Ordinance Regulating The Subdivision Of Land, Prescribing Standards For Subdivisions And For The Improvement Thereof, Prescribing Procedures For The Review Of Proposed Subdivision Plats And Establishing Fees Therefore And Prescribing Penalties For The Violation Of Such Ordinance. This Ordinance is in Conformance With Chapter 354 Of The Code Of Iowa (the "Subdivision Ordinance") and Ordinance #62, Amendment To Benton County Ordinance No. 24 Benton County, Iowa, Agricultural Land Preservation Ordinance, as presented. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

61

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-25, ADOPTION OF ORDINANCE #61, AN ORDINANCE REGULATING THE SUBDIVISION OF LAND, PRESCRIBING STANDARDS FOR SUBDIVISIONS AND FOR THE IMPROVEMENT THEREOF, PRESCRIBING PROCEDURES FOR THE REVIEW OF PROPOSED SUBDIVISION PLATS AND ESTABLISHING FEES THEREFORE AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SUCH ORDINANCE. THIS ORDINANCE IS IN CONFORMANCE WITH CHAPTER 354 OF THE CODE OF IOWA (THE "SUBDIVISION ORDINANCE") AND ORDINANCE #62, AMENDMENT TO BENTON COUNTY ORDINANCE NO. 24 BENTON COUNTY, IOWA, AGRICULTURAL LAND PRESERVATION ORDINANCE. Voting aye were Vermedahl, Buch, and Sanders. Nays none. Motion carried.

RESOLUTION #11-25

Ordinance #61, An Ordinance Regulating The Subdivision Of Land, Prescribing Standards For Subdivisions And For The Improvement Thereof, Prescribing Procedures For The Review Of Proposed Subdivision Plats And Establishing Fees Therefore And Prescribing Penalties For The Violation Of Such Ordinance. This Ordinance Is In Conformance With Chapter 354 Of The Code Of Iowa (the "Subdivision Ordinance") and Ordinance #62, Amendment To Benton County Ordinance No. 24 Benton County, Iowa, Agricultural Land Preservation Ordinance

WHEREAS, three considerations of Ordinance #61 and Ordinance #62 were held on May 17, 2011, May 20, 2011, and May 24, 2011, respectively; and

WHEREAS, publication of the hearings were made in accordance with Iowa Code; and

WHEREAS, a copy of said Ordinances were available to the public in the Benton County Auditor's office, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #61, An Ordinance Regulating The Subdivision Of Land, Prescribing Standards For Subdivisions And For The Improvement Thereof, Prescribing Procedures For The Review Of Proposed Subdivision Plats And Establishing Fees Therefore And Prescribing Penalties For The Violation Of Such Ordinance. This Ordinance Is In Conformance With Chapter 354 Of The Code Of Iowa (the "Subdivision Ordinance") and Ordinance #62, Amendment To Benton County Ordinance No. 24 Benton County, Iowa, Agricultural Land Preservation Ordinance are fully adopted. The Benton County Auditor is directed to publish Ordinance #61 and Ordinance #62 in their entirety in the official newspapers of Benton County.

Dated this 24th day of May 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason D. Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Marc Greenlee, Land Use Administrator, met with the board regarding the county's flood plain ordinance. Greenlee reported that his office is averaging about ten permits per year to allow persons to build in the flood plains. Greenlee stated that he is seeing an increasing number of projects for creek stabilization projects and similar projects. Greenlee stated that when the ordinance was adopted that the Department of Natural Resources would process the permits; however the county is becoming more and more involved. Greenlee stated that he takes the approach that he wants to see and understand the project prior to issuing a permit and therefore views the site and reviews the plans. Greenlee questioned if the county should establish a permit fee to cover the costs of his service in issuing the permits. Supervisor Vermedahl stated that it would cost the county \$500 to publish to amend the ordinance just to collect \$250 in permit fees. Supervisor Buch stated that the county should monitor the amount of permits being issued and if a significant increase occurs, the matter should be revisited.

The board met with the maintenance staff to review the 2011 Grand Jury recommendations. The Grand Jury had concerns regarding the Department of Human Services building. The board and maintenance toured the facility and reviewed a quote received for replacement of the north block windows; however the board believed that additional tuckpointing and brickwork may be required. The matter was placed on the next agenda for further discussion.

The board continued their discussion regarding the county-owned parking spaced on the north side of the courthouse. The board suggested that the west half of the parking be designated "county" and be available for all county employees to park. The public may also park in those spaces but while conducting county business only. The east half of the spaces will continue to be assigned to those departments believing they need reserved parking. Any extra spaces on the east half would be designated "county" and be available the same as on the west half.

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Moved by, seconded by, to adopt Resolution #11-26, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-26 ABATEMENT OF TAX

BE IT RESOLVED by the Benton County Board of Supervisors that the penalty and interest on parcel #350-03451, as the taxes were paid timely; however they were not posted to the account and therefore penalty and interest was erroneously assessed.

BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that tax and penalty on parcel #030-14250 be abated in full pursuant to Iowa Code 657A.10A.

Signed this 23rd day of May 2011.

Ronald Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Charles James, Veterans Affairs Director, met with the board regarding his office in the Governor Sherman building. James requested that the board replace the door to his office, clean the carpet, and have the office painted. James stated that the door was rather flimsy and he believed a solid door would provide more security. The board requested that a quote be obtained for replacing the door and if veterans affairs budget could handle the expense of cleaning the carpet and painting then James could proceed.

Moved by Vermedahl, seconded by Sanders, to acknowledge the receipt of the annual manure management plan filed by Christensen Farms for the facility located at 1819 6th Street, Vinton, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 128976 through 129216, and ACH deposits numbered 11272 through 11384, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-27, SERVICE AREA BUDGET AMENDMENT. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-27 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; Service Area 1; Service Area 3; Service Area 6, and Service Area 9. The auditor is directed and authorized to amend said service area as needed.

BE IT FURTHER RESOLVED that the auditor is authorized to make budget adjustments for previously approved fund transfers.

Dated this 24th day of May 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ron Buch, Chairman

Dave Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Auditor

County Attorney David Thompson requested that the Board change the current vacation policy for non-union full-time employees. The county's current policy provides for ten days after one year. Thompson is requesting that employees receive five days of vacation of six months in addition to the ten days of vacation after one year. The auditor questioned if that meant that a person could ultimately have three weeks of vacation by using five days immediately prior to the end of their first year and then ten days at their one-year anniversary date or if the five days were a part of the ten days earned after one year. Thompson stated that the five days were in addition to the ten days and that an employee could theoretically have three weeks off, but it would need to be approved by their department head. It was also questioned when the effective date of the change would be if it were approved. The attorney stated he wanted it to be retroactive so that approximately four employees would be eligible for the five days of vacation immediately. The auditor stated that she had a concern with making new policies retroactive adding that it is difficult to determine who and who would benefit. Kim Staab questioned if the additional five days could be carried over resulting in three weeks of vacation. The board stated the current policy allows for up to ten days of carry-over and that the five days could be carried over. Supervisor Vermedahl stated that if a change were made and it was based on what is in the best interest of the county, then it should be effective for employees hired after July 1, 2011, but if you are making a decision to effect current

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employees then more time should be taken to determine which employees would be effected. Supervisor Vermedahl questioned if every change to the handbook would be made retroactive. Thompson stated that the county should make it retroactive, as it would be good to benefit the employees currently employed. Transportation Director Mary Halstead questioned what the effect of additional vacation days would be on budgets as it would be necessary to cover the duties of those employees who would be gone with other employees. Supervisor Sanders added that the current employees knew the county benefit package, including vacation policies, when they accepted the position. Supervisor Buch stated he was in favor of the five days after six months, but was concerned about the effective date. Buch stated that the board's action should be in the best interest of the county as well as the employee. Discussion on how many employees would be effected by a retroactive date was discussed and it was determined that two employees in the county attorney's office, one in transportation, one in maintenance, one in secondary roads and one in the sheriff's department Halstead commented that the policy change should be effective July 1, 2011. Thompson questioned Halstead if she believed her new employee was not deserving of a vacation. Halstead responded that she could not accommodate an additional five days of vacation in her budget or in scheduling and believed that a July 1st effective date was fair.

Moved by Vermedahl, seconded by Sanders, to accept the proposal to change the current vacation policy by adding five days of vacation after six months for full-time employees hired on or after July 1, 2011. The county attorney asked that the board make the effective date retroactive to provide a positive impact on the lives of the six employees hired in the last year. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the utility permit requested by Farmers Mutual Telephone to place utility lines in the county's right-of-way in section 31 of Polk Township, along 55th Street Drive. All members voting aye thereon. Motion carried.

The engineer reported that the DOT has approved the Atkins project and stated that the project must be under contract by December 2012. It is anticipated that the project would start in the spring of 2012.

The engineer reported that his new assistant engineer is working on the Oak Grove Road project layout using the design software. It is anticipated that additional work on the project will be done in June 2011.

The board toured the construction on the law enforcement center.

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

Ronald Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

May 31, 2011

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 9:03 a.m.

Steve Meyer met with the board to discuss the Multi-Jurisdictional Hazard Mitigation Plan; he stated that FEMA approved the plan last week. He questioned to the board if it was necessary to print the 300 pages of Appendixes to the Community if they were available in the electronic copy, which is being provided to the board. The board agreed that the appendixes would not have to be printed out with the Plan since they were available electronically. Meyer's also updated the board about the grants for the emergency operations center. The commission has applied for two grants and has found a third possibility with State Farm Insurance. Meyer stated that he is going to wait to see what happens with the first two grants before applying for the third, which has an October deadline.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of May 24, 2011 with the correction of "disposing the temporary communications building" to "disposing the Bruce Township hall." All members voting aye thereon. Motion carried.

The Board discussed the 2011 Grand Jury Recommendations. The maintenance of the DHS Building was a primary concern. Supervisor Buch stated there is a lot of work that needs to be done on the inside; DHS likes the location of the building due to its close proximity to the courthouse. It is estimated that it would cost \$16,000 to fix the front of the building with replacing the block windows and brick repair. Jerry Petermeier offered his assistance by looking at the building inside and out to determine what could be done. Supervisor Vermedahl recommended the county have Petermeier walk thru the building and see what his suggestions would be to repair it. The Board was also concerned with the Grand Jury's report on Secondary Roads regarding a non-functioning eye washing station and needing more fire extinguishers in the building. The board was going to ask the Engineer when he came in later in the meeting for more information regarding this matter.

Moved by Vermedahl, seconded by Sanders to authorize chair to sign purchase of service agreement with ECICOG for Benton County Transportation services for the period July 1, 2011 through June 30, 2012. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders to acknowledge the receipt of the annual manure management plan filed by Rick Pickering for a facility located in the NE of the NW of 12-83-12. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders to acknowledge the receipt of the annual manure management plan filed by R & K Farms LLC for a facility located in the SW NW of 5-84-9. All members voting aye thereon. Motion carried.

Benton County Engineer, Myron Parizek, reported that he received thirty-three applications for the part-time office position in his department and six applications for the landfill manager position. The deadline for the landfill position was Friday and Parizek has not had time to look review the applications very closely. Supervisor Buch asked to be involved in the hiring decision of the landfill manager.

Parizek updated the board on the Oak Grove Road project stating that he before the actual project starts he would like to fix the seal coated section and re-seal coat it. Parizek also stated the project would begin late June depending on weather.

Parizek reported he is working with the DOT on a timeline for the Atkins project.

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Moved by Sanders, seconded by Vermedahl to sign the title sheet for final plans on HMA Resurfacing of V61 – Project #FM-CO06(81)—55-06. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl to sign the title sheet for final plans on HMA Resurfacing of V71 – Project #FM-CO06(82)—55-06. All members voting aye thereon. Motion carried.

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

The Board questioned Parizek on the Grand Jury report regarding the non-functioning eye washing station and needing more fire extinguishers in the building. Parizek stated that the old eye washing station that was built along with the building is not functioning; however they do have a portable eye washing station available at the site where the old eye washing station is located. Dan Higdon is in charge of maintaining the eye washing station and insuring that the solution at the station has not expired. Parizek also stated that the fire extinguishers are checked every year and the insurance company has never said anything in their walk-thru that there needed to be more. Supervisor Vermedahl suggested that if he does not have a service contract, that Parizek might want to look into getting one and that way the extinguishers are always up-to-date and available if they would need them. Sheriff Forsyth questioned if it would be in the best interest of the county to look into having the same service contractor for all of the departments in the county to save the county money. Supervisor Vermedahl said that would be something that would need to be checked into and worth investigating.

Jerry Petermeier, LEC Project Coordinator, updated the board on the progress of construction on the law enforcement center. Petermeier sent out a letter requesting quotes from eight local contractors on the removal of the pad in the alley after the portable communications building is removed. Petermeier advised that the quotes are to be submitted by June 6th to the Auditor's office. Petermeier reported that the utility companies have marked their lines so the fence can be put in around the parking lot east of the courthouse. Petermeier reported that the grass is beginning to grow, but until Benton County takes over the building it is Kleiman Construction's responsibility to water the grass.

Todd McNall met with the board to discuss three change orders. McNall stated that there is probably one more change order coming. Change order request #49 – Hydro Mulch to replace the straw for erosion control for \$1,473.03. The county must pay for landscaping and the work has already been completed. Moved by Vermedahl, seconded by Sanders, to approve Change Order Request #49 in the amount of \$1,473.03. All members voting aye thereon. Motion carried.

Change Order Request # 51 – PR#31 Add audio recording in rooms OWI/Vest. 218 & Booking 216 for \$2,389.66. McNall stated FEMA should cover cost. Sheriff Forsyth stated that this should have never been a change order, stating that the architect was told to include this in the plans but failed to do so. Board asked Forsyth whether they should deny the change order and Forsyth replied that since the sub-contractor put it in parts of the system, the county would still have to use that same sub-contractor. Moved by Sanders, seconded by Vermedahl, to approve Change Order Request #51 in the amount of \$2,389.66. All members voting aye thereon. Motion carried.

Change Order Request #52 – D & G Metal Works, placing metal over exposed insulation for \$178.98. This change order was a design flaw on the part of the architect. McNall stated FEMA should cover the cost; the work has already been done. Board questioned why if it was a design flaw should the county and/or FEMA be responsible for the cost of this change order. McNall responded that the work would had to have been done regardless. Moved by Sanders, seconded by Vermedahl, to approve Change Order #52 in the amount of \$178.98. All members voting aye thereon. Motion carried.

Sheriff Forsyth reported that it was taking two and one-half minutes for the water in the Kitchen area to get hot. Forsyth stated that the sub-contractor did not provide for the water to re-circulate. Forsyth stated other areas in the jail such as the emergency operations center also took up to one and one-half minutes to get hot water. Forsyth stated that this is an issue for the sub-contractor and that the county should have to pay for it. Supervisor Buch stated that it is wasting approximately five gallons of water waiting for the water to warm up each time. McNall commented that it should only occur once a day for the kitchen area. Supervisor Sanders stated that it wasn't just for a temporary time, this issue would be for the life of the jail and was unacceptable. Forsyth recommended that the county wait until everything was done with the jail and then hire a local contractor to fix the mistake; adding that the county wouldn't have the five to ten percent markup and that it would be more expensive to do it now. McNall added that it was engineered wrong and the issue rested with KJWW Engineering. Buch questioned McNall again why if it was someone else's mistake - the county again was being asked to pay for it. Buch questioned why aren't the sub-contractors weren't being held responsible. McNall asked if the board would like to speak with KJWW regarding this matter. Buch asked what that would do, but McNall did not respond. The Board told McNall that he needs to hold KJWW responsible and have them fix their own mistakes without having a change order. Forsyth stated there were other mix-ups that other sub-contractors assumed the responsibility for the cost.

Forsyth told the board that Kleiman wanted to hand over the keys to the jail on Friday, June 3, 2011. Forsyth stated that there was no one working on the punch list today and there were a lot of little things that had to be done in two days. He recommended that the board not accept the keys to the building until the jail can officially be up and running and added that Kleiman Construction is done but their sub-contractors are not. There are some minor things but the water problem should be taken care of before he accepts the keys to the new facility.

Benton County Auditor Jill Marlow, discussed with the board about the Open House for the jail, she stated that it was going to be held between 10:00 a.m. and 3:00 p.m. She asked the Board who would want to talk on the Board's behalf. Supervisor Buch will talk since he is the Chairman.

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

Ronald Buch, Chairman

ATTEST: _____
Gina Edler, Clerk

June 7, 2011

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The Benton County Board of Supervisors met in regular adjourned session with Supervisors Vermedahl and Sanders present. Supervisor Buch was absent. Vice-Chairman Vermedahl called the meeting to order at 9:00 a.m. Moved by Sanders, seconded by Vermedahl, to approve checks numbered 129218 through 129494, and ACH deposits numbered 11385 through 11497, for payment. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the hiring of Chad Galli at \$9.00 per hour, effective June 3, 2011, and increasing to \$9.27 per hour on July 1, 2011 as a part-time seasonal employee with Benton County conservation. Both members voting aye thereon. Motion carried.

Supervisor Buch arrived at 9:10 a.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of May 31, 2011. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Douglas and Josie Berns, the board took up the matter for consideration and opened the public hearing. 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 are no anticipated problems with water and septic. The parcel is currently in the conservation reserve program; however the applicants have been advised about the need to commence the use of the residential classification. There were no comments heard in support or opposition of the proposed change. Moved by Vermedahl, seconded by Sanders, to close the public hearing. All members voting aye thereon. Motion carried. Moved by Sanders, seconded by Vermedahl, to approve the request for a land use change from agricultural to non-agricultural on approximately one acre for a single residential purpose on a parcel generally described as being a Part of the S1/2 of the SE1/4 of the NE1/4 of 1-85-9. All members voting aye thereon. Motion carried.

Jerry Greif met with the board regarding the fireworks that have been occurring north of Vinton. Greif stated that the number of hours that fireworks and detonation of explosives is excessive. The neighbors' lives are disrupted all day and into the night. There are no restrictions placed on the events as to time. Greif stated his house shakes and he lives two miles away. Greif stated that the group should relocate to another area. Greif stated that the permit holders should be required to notify the neighbors whenever they have an event allowing him the opportunity to leave the area. Greif stated that this happened over a holiday weekend and people had graduations and other gatherings. Supervisor Vermedahl advised that another permit has been issued for November 5, 2011. Supervisor Buch stated that restrictions should be placed on the size of the fireworks/detonations. The board reviewed prior meeting minutes where they spoke with members/organizers of the events and asked that they be cognizant of the neighbors. The minutes reflect that the board was told by one of the organizers that the displays would be done by 11:00 p.m. or 11:15 p.m.; however the last event lasted past that time. Greif stated that if the event brought in a large economic benefit to the county, then it would be a different story. The board stated that they would contact the organizers.

Tammy Wetjen-Kestersen requested that the board renew the contract with Decategorization for Wetjen-Kestersen's services for FY12. Moved by Vermedahl, seconded by Sanders, to enter into a contract with Benton County and Tammy Wetjen-Kestersen for decategorization services for the period July 1, 2011 through June 30, 2012. There is no increase in the contract. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the claim submitted by Wetjen-Kestersen for May services in the amount of \$2,586.00. All members voting aye thereon. Motion carried.

Brad Svoboda and Kyle Griffin, representatives of ERBs, met with the board to provide an update on the information technology services they have been providing for Benton County since December 1, 2010. Svoboda reported that he and others had recently met with all departments in the courthouse to discuss information technology needs and determine if there were any issues that needed addresses. Svoboda reported that all but one office seemed to believe the new arrangement with information technology was working. Griffin also explained that ERBs was working on improving communications and explained his role with Benton County. The board indicated that the arrangement was working, but stated that they wanted to speak with the departments as well. The agreement with ERBs will continue unless terminated by either party at this time.

Dan Sears with New Century Farm Service met with the board to discuss the relocation of the anhydrous storage tanks in Van Horne. Sears explained that New Century Farm Service was relocating the tanks for various safety reasons. The new location would still be within the city limits of Van Horne, but would be at the very southwest corner of the city. Sears reviewed the proposed site in comparison to the current site, which clearing reflected increased separation distances from populated areas. The new site also has a natural barrier of trees, which would aid in the event of an anhydrous leak. Sears explained the Iowa Administrative Rules as to the location of anhydrous storage tanks as well. The property may be accessed through land co-owned by Farm Service or have an entrance off of a nearby hard surfaced road; however the landowner will have to either sell or provide an easement to Farm Service. Moved by Vermedahl, seconded by Sanders, to acknowledge the relocation of the storage tanks to the southwest corner of Van Horne and that the county has no objections to the relocation as it provides increased protection and security to the residents of Van Horne. All members voting aye thereon. Motion carried.

Jerry Petermeier, project coordinator, presented five quotes to the board for the removal of the cement foundation for the temporary communications building and to repair the cement below. Quotes were received as follows:

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Hamilton Construction & Concrete - #1 - \$1140.00; #2 - \$1695; Total: \$2835.00

C & S Concrete - Total - \$5,170.00

Karr - #1 - \$1,575.00; #2 - \$2,150.00; Total: \$3,725.00

Jack's Concrete - #1 - \$1500.00; #2 - \$1300.00; Total - \$2,800

Kimm's Ready Mix - #1 - \$1315.00; #2 - \$1,825.90; Total - \$3,140.00 less \$125.00

Moved by Vermedahl, seconded by Sanders, to award the work to Jack's Concrete for both item #1 and #2 for the removal of the cement foundation and repair of the cement underneath. Further, the contractor is required to provide proof of insurance. All members voting aye thereon. Motion carried.

Petermeier spoke to the board about putting a sidewalk on the east side of the law enforcement center. The board advised that they would address that matter after the project is completed.

Todd McNall presented Change Orders #18, in the amount of \$7,680.94 and #19, in the amount of \$1,652.01, for signature. Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the change orders as they contain previously approved change order requests numbered 45, 46, 47, (CO#18) and 48, 49, and 52 (CO#19). All members voting aye thereon. Motion carried.

McNall spoke to the board about substantial completion of the law enforcement center. McNall stated that the sheriff did not believe that the county should agree that substantial completion should be granted. McNall stated that the county could give substantial completion on the east end of the building and wait on the west side. Petermeier questioned how substantial completion could be granted on a portion of the building. Supervisor Vermedahl questioned why the board should grant partial substantial completion. McNall replied that it would eliminate part of the daily liquidated damages being incurred by Kleiman. The board stated that they would not grant substantial completion. McNall questioned who would make the determination that substantial completion was reached. The board replied that it would be the board's determination.

The engineer reported that he hopes to begin setting up interviews for the part-time clerical position and landfill manager this week.

Moved by Vermedahl, seconded by Sanders, to approve and authorize the chair to sign the Federal Aid Agreement for Bridge Replacement on the Benton/Iowa County Line in Section 32 of Leroy Township. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve and authorize the chair to sign the Federal Aid Agreement for Bridge Replacement on 50th Street in Section 3 of Cedar Township. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill bank account on May 30, 2011, was \$79,078.70.

No action was taken on the budget appropriations for FY12.

The board did not discuss the engineer's performance or FY12 salary, citing they needed additional time to put their thoughts together. The matter was placed on the board's next agenda.

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

Ron Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

June 14, 2011

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

Moved by Vermedahl, seconded by Buch to approve a fireworks permit requested by Daryl Erdmann for a display on June 18, 2011, with said display to be done before 11:00 P.M. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to authorize the chair to sign and enter into the Community Health Center Affiliation with Abbe Mental Health Center for year July 1, 2011 through June 30, 2012. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into a contract with Abbe Mental Health Center for client services for FY12. Both 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 John Fish for Red Brush Estates First Addition to Benton County. The owner currently has approximately 25 acres located in 23-85-9. There was previous parceling due to his own residency and he would now like to parcel out two more areas for his two sons to live nearby. Ownership of the new residential lots will remain in the same family and each lot has direct access to the existing County Road. Moved by Vermedahl, seconded by Buch, to approve a variance to the Benton County Subdivision Ordinance and waive the requirements for a preliminary plat, minimum improvements and minimum standards and attachments to the final plat. It is determined that strict compliance to these requirements would create an undue hardship as the residential lots are not to be marketed, but to allow family members to live near one another. Both members voting aye thereon. Motion carried.

Mary Halstead and Dana Burneister, Benton County Transportation, reported to the board about a conference they attended in Georgia in April about Route Match, a software they use for the current transportation system in Benton County. They both thought it was a very useful conference and enjoyed learning about the software and were informed of the upgrades to come in the near future.

Judy Funk met with the Board to discuss the county's insurance renewals through the Heartland Insurance Risk Pool. Funk advised that there were a few substantive coverage changes in the policies due to the new law enforcement center and also the required additional flood coverage. Funk stated that the Heartland Board is providing a premium credit of \$152,850 to Benton County in FY12. The premium for FY12 is \$319,686.00 excluding the premium credit. Funk reviewed various issues that affect premiums. Moved by Vermedahl, seconded by Buch, to authorize the chair to sign a

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renewal binder with Heartland Insurance Risk Pool for FY12 insurance coverage. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve minutes of June 7, 2011. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested by East Central Iowa REC to place utility lines in the county's right-of-way in section 31 of Polk Township. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve Resolution #11-28, BRIDGE WEIGHT RESTRICTION in St. Clair Township on 28th Ave. Both members voting aye thereon. Motion carried.

RESOLUTION #11-28 RESTRICTED WEIGHT LIMIT ON BRIDGE

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:

STC-5034

15 ton/20 ton/20 ton

0.4 miles south of the NW Corner of Section 24-82-10 (St. Clair Township) on 28th Avenue.

Signed this 14th day of June 2011.

Ronald R. Buch, Chairman

David Vermedahl

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Moved by Vermedahl, seconded by Buch, to enter into closed session at the request of Myron Parizek, pursuant to Iowa Code 21.5(1)i. Both members voting aye thereon. Motion carried at 11:45 a.m.

Moved by Vermedahl, seconded by Buch, to return to open session. Both members voting aye thereon. Motion carried at 12:15 p.m.

Moved by Vermedahl, seconded by Buch, to increase the Myron Parizek's annual salary by 1% effective July 1, 2011, and to review the matter in six months. Buch and Vermedahl voting aye. Nays none. Motion carried.

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

Ron Buch, Chairman

ATTEST: _____

Hayley Rippel, Deputy Auditor

June 21, 2011

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders 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 Sanders, to approve the minutes of June 14, 2011. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution 11-29, RESOLUTION ACCEPTING AND APPROVING THE "RED BRUSH ESTATES FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION NO. 11-29

RESOLUTION ACCEPTING AND APPROVING THE "RED BRUSH ESTATES FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, A Final Plat of Red Brush Estates First Addition to Benton County, Iowa, containing three (3) lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

Legal Description
(See attached)

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 Red Brush Estates 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 Red Brush Estates 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 June 21, 2011, at the request of John D. Fish, did grant a variance waiving the following items regarding the submission of the "Red Brush Estates 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 Minimum standards for the design of Subdivisions.

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 21st day of June 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Red Brush Estates 1st Addition to Benton County Legal Description

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Sanders, to approve the cigarette permit for Kimm's Mini-Mart for the year beginning July 1, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-30, RESOLUTION OF THE BENTON COUNTY BOARD OF SUPERVISORS ESTABLISHING FUND BALANCE POLICIES PURSUANT TO GASB 54. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION NO. 11-30

Resolution of the Benton County Board of Supervisors Establishing Fund Balance Policies pursuant to GASB 54

WHEREAS, the Governmental Accounting Standards Board ("GASB") has issued Statement 54 ("GASB 54"), a new standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years starting after June 15, 2010, and

WHEREAS, The Benton County Board of Supervisors is required to implement GASB 54 requirements, and to apply such requirements to its financial statements beginning with the fiscal year 2010-2011; and

NOW THEREFORE BE IT RESOLVED THAT the Benton County Board of Supervisors hereby adopts the following policy:

FUND BALANCE POLICY

Fund balance measures the net financial resources available to finance expenditures of future periods.

The Board of Supervisors has the authority to establish assignments in any and all funds. The Board of Supervisors further delegates this same authority to the County Auditor.

Fund Balances of Benton County may be committed for a specific source by Resolution of the Benton County Board of Supervisors. Amendments, modifications the discontinuance of the committed fund balance must also be approved by Resolution of the Benton County Board of Supervisors.

In circumstances where an expenditure is to be made for a purpose for which amounts are available in multiple fund balance classifications within the same fund, the order in which resources will be expended is as follows: restricted fund balance, followed by committed fund balance, assigned fund balance, and lastly, unassigned fund balance.

NOW THEREFORE BE IT RESOLVED that Benton County's financial goal is to have a sufficient balance in the General Fund with sufficient working capital and a margin of safety to address local and regional emergencies without borrowing. Benton County shall strive to maintain a yearly ending fund balance in the general operating fund in which the total end of year fund balance is 25 percent of the total operating expenditures.

The above Resolution is adopted this 21st day of June 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Steve and Lexa Speidel met with the board regarding Hidden Meadow Subdivision and the county's new subdivision ordinance. The county's subdivision ordinance requires a minimum lot size of two acres if individual septic systems and wells are installed. Steve Speidel explained that the subdivision's Lot #2 is 1.42 acres, Lot #3 is 2.45 acres, and Lot #4 is 1.94 acres and that he was seeking clarification. Speidel proposed that Lots 2 and 3 share a well and each have individual septic systems. S. Speidel stated that Lot 4 would have an individual septic system, well, and geothermal loop well. A variance is being requested to allow Lot #2 and Lot #4 to have individual septic systems. Marc Greenlee reviewed the requirements of the ordinance and the options available. Greenlee stated that a replat of the subdivision could be done to increase/decrease the size of the lots changing them to two acres lots or that a variance would be needed. Greenlee stated that he believes the soil is a light soil, although he cannot guarantee that, which would not require long lateral lines for the septic system, which could allow for smaller lot sizes. Sanders questioned if a hardship had been created by the change in the ordinance, but added that the separation distances had to be met. After discussing the request, it was moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-31, GRANTING A

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE FOR HIDDEN MEADOW FIRST ADDITION TO BENTON COUNTY. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION # 11-31
GRANTING A VARIANCE TO
THE BENTON COUNTY SUBDIVISION ORDINANCE FOR HIDDEN MEADOW FIRST ADDITION TO BENTON
COUNTY

WHEREAS, Benton County adopted an Ordinance #61 on May 24, 2011, 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 requested on the requirement for two acre lots on Lots 2, 3 and 4 and to allow for the placement of individual septic systems, wells, and geothermal loops on all or some of said lots;

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a variance is hereby granted to Hidden Meadow First Addition to Benton County, Iowa located in the SE1/4 of the NE1/4 of 34-85-9. Said variance is granted due to the extraordinary hardship that the subdivider would incur if strict adherence were required. Said hardship is determined on the fact that the current placement of the entrance and interior road to Hidden Meadow First Addition to Benton County, Iowa, prohibits a change in lot sizes and that if the entrance were relocated then drainage issues would occur as a result.

The variance is granted to the lot size requirements for the following purposes only:

Lots 2, 3, and 4 – allow individual septic systems
Lots 2 & 3 – allow for a shared well
Lot 3 – allow for a geothermal system
Lot #4 – allow for an individual private well and geothermal system

Dated this 21st day of June 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders.

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-31, TRANSFER OF FUNDS. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-31
TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that the following funds be transferred from the Local Option Sales and Services Tax fund to:

Rural Services fund: \$202,304.22
Secondary Roads fund: \$104,116.27

Dated this 21st day of June 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 129495 through 129829, and ACH deposits numbered 11498 through 11609, for payment. The auditor is directed to hold payment to Design Dynamics at this time. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-32, ROAD CLOSING. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-32 ROAD CLOSING

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from June 10, 2011, through the completion of the project.

From the NW corner of Section 10-T83N-R12W thence south one (1) mile to the SW corner of Section 10-T83N-R12W along 13th Avenue in Kane Township.

Signed this 21st day of June 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-33, TRANSFER OF FUNDS. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-33 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$80,000.00 be transferred from Sanitary Disposal fund to the Closure/Post Closure Fund.

Signed this 21st day of June 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The engineer reported on the status of hiring a landfill manager. Interviews were conducted last week, but a decision has not yet been reached.

Seven students of the Iowa Braille and Sight Saving School met with the board. The board explained some of the duties of a supervisor as well as answered questions from the students. The students were touring the courthouse.

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

Ronald R. Buch, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

June 28, 2011

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 room of the courthouse.

Moved by Vermedahl, seconded by Buch, to approve the minutes of June 21, 2011. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to enter into the following provider contracts for client services for FY12, effective July 1, 2011: Iowa Northland Regional Transit Commission – Per trip - \$25.00 and Indianola Residential - \$70 per day. Both 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 9, 2011, at the Watkins ball diamond. Said display is to be completed no later than 11:00 p.m. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-34, RESOLUTION ACCEPTING AND APPROVING THE "McCORMICK FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION NO. 11-34

RESOLUTION ACCEPTING AND APPROVING THE "McCORMICK FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, A Final Plat of McCormick 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:

McCormick First Addition is a subdivision of the Northeast ¼ Northeast ¼ except Parcel "B" in the North ½ of the Northeast of the Northeast ¼ per Survey recorded in Book 06, Page 603, and except the South 10 acres, Section No. Twenty-five (25), Township No. Eighty-Four (84) North, Range No. Nine (9) West of the Fifth P. M. recorded in Book 11 page 2313 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 McCormick 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 McCormick 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 April 12, 2011, at the request of Timothy McCormick, Developer, did grant a variance waiving the following items regarding the submission of the "McCormick 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 28th day of June 2011.

Ronald R. Buch, Chairman

(absent)

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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EXHIBIT "A"

THIS PLAT REPRESENTS A SURVEY OF McCORMICK 1ST ADDITION

That part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section No. 25, Township No. 84 North, Range No. 9 West of the Fifth Principal Meridian, Benton County, Iowa, described as follows:

Beginning at the Northeast corner of said Northeast Quarter of the Northeast Quarter, point being a found cut "X" in P.C.C. pavement;
thence along the East line of said Northeast Quarter of the Northeast Quarter South 01°56¾' West a distance of 993.3 feet to the Northeast corner of the South 10 acres of said Northeast Quarter of the Northeast Quarter, point being a set ½" rebar with license #16264;
thence along the North line of the South 10 acres of said Northeast Quarter of the Northeast Quarter South 89°47½' West a distance of 1,327.65 feet to the Northwest corner of the South 10 acres of said Northeast Quarter of the Northeast Quarter;
thence along the West line of said Northeast Quarter of the Northeast Quarter North 01°56¼' East a distance of 602.25 feet to the South line of Parcel "B" per Plat of Survey dated 2/3/2006 and recorded in Book 6 Page 603 in the Office of the Benton County Recorder;
thence along the South line of said Parcel "B" Due East a distance of 236.0 feet to the Southeast corner of said Parcel "B", point being a found ½" rebar;
thence along the East line of said Parcel "B" North 02°21¼' East a distance of 395.95 feet to the North line of said Northeast Quarter of the Northeast Quarter, point being a set "mag" nail in A.C.C. pavement;
thence along said North line Due East a distance of 1,088.75 feet to the point of beginning.
Containing 28.17 acres including 1.97 acres of right-of-way.
Subject to restrictions, easements, covenants, ordinances, and limited access provisions of record and not of record.

Note: The North line of said Northeast Quarter of the Northeast Quarter is assumed to bear Due East for this description.

NOTES

UNADJUSTED ERROR OF CLOSURE

Boundary: Less than 1 in 10,000

Lots: Less than 1 in 5,000

AREA OF ADDITION

28.17 Acres

PROPRIETOR

Timothy & Angie McCormick

SURVEY REQUESTED BY:

Timothy & Angie McCormick

DATE OF SURVEY:

4/20/2011

FLOOD PLAIN

By graphic plotting only, this property is in Zone X of the Flood Insurance Rate Map (FIRM), Map No. 19011C0375, which bears an effective date of 6/3/2008. No field surveying was performed to determine this zone and an elevation certificate may be need to verify this determination.

NOTES

No Deed of Dedication

Marc Greenlee presented an application for a farm exemption submitted by Tim and Angie McCormick. The applicant is involved in a farming operation on a 50/50 split with his grandfather, farming 145 acres in a corn and soybean rotation. 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 Lot 1 of McCormicks First Addition to Benton County, Iowa. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a Class B liquor license requested by Bloomsbury Farm, Inc. Both members voting aye thereon. Motion carried.

Kevin and Barb Robinson met with the Board to discuss the various alternatives for the expansion of Highway 30 through Benton County, and specifically the Highway 30 and Highway 218 interchange. They wanted the board to be aware of the impact on surrounding farm operations, effect on farm values and the county's tax base. A meeting is scheduled with the State Department of Transportation on June 29th regarding the issue.

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-35, RESOLUTION COMMITTING FUND BALANCES. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #11-35

RESOLUTION COMMITTING FUND BALANCES IN ACCORDANCE WITH GASB 54

WHEREAS, the Governmental Accounting Standards Board has adopted statement #54 (GASB 54); and WHEREAS, Benton County desires to commit a portion of fund balances in accordance with GASB 54, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following funds are committed as of June 30, 2011:

COMMITTED FUND BALANCES:

General Fund: \$51,463 vehicle replacement; \$125,000 election equipment replacement; \$50,000 emergency response; \$250,000 courthouse renovation; \$75,000 DHS building renovation

Rural Services Fund - \$6,000 vehicle replacement

EMS Revolving Loan Fund – 23,277.04 for emergency services loans

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

Dated this 28th day of June 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST: _____

Jill Marlow, Auditor

Doug Elliott, Executive Director of East Central Iowa Council of Governments (ECICOG), requested that Benton County commit funds towards a regional local match to secure a 3 million dollar Economic Development Administration grant. Elliott explained that a similar 1.5 million dollar grant had been received that required a \$100,000 local match. That grant has all been loaned out with two loans being made to a Benton County company. Elliott stated that an additional \$2.9 million was available from the Economic Development Administration because it was returned from another agency. Elliott advised that the \$2.9 million has been offered to ECICOG; however it requires a local match. Elliott stated that it was an extraordinary opportunity but ECICOG needed a \$195,000 local match but would be leveraging \$3 million. The grants would create a five million dollar Regional Business Assistance Revolving Loan Fund. The funds would be available to any credit worthy company in the region. Elliott stressed that ECICOG must have the local match up front and that he must certify local match availability by July 5, 2011. Elliott reported that ECICOG had secured \$35,000 from Cedar Rapids Chamber, \$25,000 from Washington County Foundation; \$15,000 from ECICOG; and had an application into the Cedar Rapids Greater Community Foundation for \$50,000. Moved by Vermedahl, seconded by Buch, that Benton County commit \$5,000 towards the \$195,000 local match for an Economic Development Administration grant as requested by the East Central Council of Governments for the purpose of securing a \$2.9 million dollar grant. Both members voting aye thereon. Said commitment is contingent upon ECICOG securing the total local match requirement. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-36, AMENDING BUDGET WITHIN SERVICE AREA. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #11-36

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 service areas, NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors the FY2011 county budget is hereby amended within the following service areas: Activity 1, Activity 4, Activity 6, and Service Area 9. The auditor is directed and authorized to amend said activities as needed. The auditor is further authorized to adjust the budget record to reflect transfers previously authorized.

Dated this 28th day of June 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald Buch, Chairman

David Vermedahl

ATTEST: _____

Jill Marlow, Auditor

Moved by Vermedahl, seconded by Buch, to approve checks numbered 129830 through 129885, for payment. Both members voting aye thereon. Motion carried.

Darrell Miller, Mayor of the City of Norway, met with the board regarding the hold harmless agreement in the new law enforcement contract (par. 8) between the county sheriff and the city. Miller stated that the language is carte

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blanche into anything of the city's should a suit be filed and this is without the having any input into training, etc., of the sheriff's personnel. Miller stated that the additional language was not discussed prior to being included in the contract. Miller stated that Norway had no objection to coverage or cost, but stated that the city's insurance company advised it will increase the city's insurance rates if the city signs the contract. Miller added that he has spoken to other cities and they told him that they would not be signing the agreement either. Miller commented that some cities already signed the agreements without realizing the language had been added.

Sheriff Forsyth told the board the he had forgotten that the change had been made and it was an oversight that the cities were not notified in advance of the contract renewal. Forsyth stated that the county's insurance company requested that the language be included in the contracts last fall. Forsyth stated that he made the change in the master contract when notified even though the contracts would not be up for renewal until now. That action was taken so that his office would not forget to include the additional language when renewals were needed. Forsyth stated that he simply forgot and therefore failed to notify the cities in advance. Forsyth stated that he was holding the contracts that had already been signed by some of the cities pending the board's action today. Carlton Salmons, attorney for the county's insurance carrier, was present. Salmons explained that he had given a presentation to supervisors on the liability of counties. Salmons stated Supervisor Ron Buch subsequently contacted him about placing language into the county's law enforcement contracts. Salmons spoke to a 1997 Iowa Supreme Court case involving Jasper County and the City of Mingo and law enforcement services. It was stated in the decision of the Supreme Court that a town must provide law enforcement either through their own employees or through a contract with another party. If the city does not employ their own law enforcement department then they must pay for that service from another party.

Mayor Miller reiterated that the city had no time to look into the new language and research the options. Miller stated that he would like to have paragraph 8 removed from the agreement.

Moved by Vermedahl, seconded by Buch, to approve the new form of law enforcement contract between Benton County and the cities, with the removal of paragraph #8, Hold Harmless and Indemnity Clause, and changing the term of the contracts to six months. This is to allow cities an opportunity to research their obligations and options for law enforcement protection. Both members voting aye thereon. Motion carried. The sheriff will present the town specific contracts for approval at the next board meeting.

Moved by Vermedahl, seconded by Buch, to approve the sheriff's quarterly report for the period ending March 31, 2011, noting that the report contains an unreconciled error in the amount of \$18.10. It is further noted that a change in administrative staff further complicates the issue, which ultimately is delaying the reconciliation. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to set August 2, 2011, at 9:30 a.m.; August 5, 2011, and August 9, 2011, at 9:30 a.m., as the time and dates for considerations on an ordinance adopting a Code of Ordinances. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to appoint Marvin Lindsey to the Veterans Affairs Commission for a three-year term. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the request of Vinton Unlimited to use the courthouse lawn on August 27, 2011, for Boomfest. Both members voting aye thereon. Motion carried.

Todd McNall of Design Dynamics presented Change Order Requests for consideration by the board. McNall stated that all of the CORs had been approved by the State for inclusion in the project. Moved by Vermedahl, seconded by Buch, to approve Change Order #20 in the amount of \$6,704.90 and consisting of the following change order requests (COR):

COR #51 – audio recording - \$2,389.66

COR #53 rev – Hot H2O recirculation – kitchen only - \$3,085.01

COR #54 – electric costs - \$725.84

COR #55 – two hand rails at master control - \$504.39

Both members voting aye thereon. Motion carried.

Jerry Petermeier provided an update on the project and the accompanying parking lot.

Moved by Vermedahl, seconded by Buch, to acknowledge that the construction of the law enforcement center reached substantial completion on June 8, 2011. The sheriff, project coordinator, and architect all agreed that substantial completion had been reached on that date and that the building could begin to be occupied for its intended use. The chair is authorized to sign the Certificate of Substantial Completion for said project. There is approximately \$2,250 in liquidated damages due to the project extending beyond the project deadline. A 45-day period is being granted to the contractor to complete the project, which is determined to be July 23, 2011. Both 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, 2011. 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 –

Emily Nydle – 85%

Jo Peterson - \$57,913.00

Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolutions #11-37, BANK DEPOSITORIES, #11-38, COUNTY OFFICIAL BANK DEPOSITORY AMOUNTS, #11-39, APPROPRIATIONS, and #11-40, INTERFUND OPERATING TRANSFERS. Further, the auditor is directed to reduce/increase the budgets as necessary to reflect the approved FY12 wages, payroll tax, and insurance within the limitations of the adopted FY12 budget, and said adjusted

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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budgets are subject to this appropriation resolution, as well as reducing the sheriff's appropriation for flood related expenses. The auditor is further directed to make changes to the adopted budget to reflect changes in the chart of accounts and activities within the budget. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

Resolution #11-37
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 2012.

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	
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
Security State Bank	
Independence	\$ 500,000

Signed this 28th day of June 2011.

Ronald R. Buch, Chairman

David Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

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RESOLUTION #11-38

IT IS HEREBY RESOLVED by the Benton County Board of Supervisors that we do hereby designate the following named banks to be depositories for County funds in amounts not to exceed the amount named opposite said depository and the following named county officers are hereby authorized to deposit said County funds in amounts not to exceed the maximum amount named after said bank as follows for fiscal year 2012:

Lexa Speidel, Recorder

Farmers Savings Bank & Trust – Vinton	\$150,000
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Randall Forsyth, Sheriff

Farmers Savings Bank & Trust – Vinton	\$ 250,000
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Randall Forsyth, Sheriff

US Bank	\$ 1,000
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Randall Forsyth, Sheriff

Regions Bank	\$ 100,000
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Jill Marlow, Auditor

US Bank	\$ 5,000
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Farmers Savings Bank	\$ 5,000
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Myron Parizek

Benton County State Bank	\$250,000
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Signed this 28th day of June, 2011

Ronald R. Buch, Chairman

David Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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RESOLUTION # 11-39 APPROPRIATIONS

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2011, 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, 2011 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, 2011.

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 2011-2012 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 2011-2012 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2012.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 28, 2011.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David Vermedahl

ATTEST: _____
Jill Marlow, Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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RESOLUTION #11-40 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 2011-2012 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, 2012, 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	\$ 147,588.00
General Basic	General Supplemental	\$ 200,000.00
General Basic	Debt Service	\$ 264,625.00
General Basic	Land Acquisition	\$ 57,500.00
Rural Services Basic	Secondary Road	\$ 1,897,873.00
Rural Services Basic	Sanitary Disposal	\$ 262,740.00
Sanitary Disposal	Closure/Post Closure	\$ 85,000.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2011-2012 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. Notwithstanding the provisions of Sections 2 and 3, the transfer from general basic to land acquisition is limited to the amount of funds received during the fiscal year for flood related repairs, unless otherwise authorized by the board of supervisors.

Section 7. 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 28, 2011.

Ronald R. Buch, Chairman

David Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Buch, to set July 19, 2011, at 9:30 a.m. as the time and date for amending the FY12 budget. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST:

Jill Marlow, Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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July 1, 2011

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Vermedahl present. Supervisor Sanders was absent. Chairman Buch called the meeting to order at 8:45 a.m.

Moved by Vermedahl, seconded by Buch, to approve a fireworks permit requested by David Sutton for an event to be held outside of Newhall on July 3, 2011. Said display is to be completed no later than 11:00 p.m. Both members voting aye thereon. Motion carried.

There was no permit submitted by Michael Wayson for a fireworks permit.

Moved by Vermedahl, seconded by Buch, to approve the purchase of flood insurance for the law enforcement center through Loyds of London, CRC Insurance Service and Arthur J. Gallagher Risk Insurance Management Services for an annual premium of \$17,927.50. The coverage is \$6,481,949 for building coverage and \$367,267 for contents. There is a \$500,000 deductible. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

July 5, 2011

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

Moved by Vermedahl, seconded by Sanders, to approve the request to use the courthouse lawn on September 11, 2011, for a remembrance on the ten-year anniversary of the September 11, 2001, terrorist attack. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the following law enforcement contracts with the changes to the contract language eliminating paragraph 8, Indemnity and Hold Harmless, and the contract end date is December 31, 2011. 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, 2011 and ending December 31, 2011: Atkins, Garrison, Keystone, Luzerne, Mt. Auburn, Newhall, and Norway. All members voting aye thereon. Motion carried.

Atkins - \$20,592 annually – 936 hours
Garrison - \$3,432 annually – 156 hours
Keystone - \$5,720 annually – 260 hours
Luzerne - \$572 annually – 26 hours
Mt Auburn - \$572 annually – 26 hours
Newhall - \$17,160 annually – 780 hours
Norway - \$11,440 annually – 520 hours

Moved by Vermedahl, seconded by Sanders, to acknowledge the receipt of the annual manure management plan filed by Porken Farm for the facility located at 6168 Highway 21, Dysart, Iowa. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the auditor's quarterly report for the period ending June 30, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-41, Amending Resolution #11-22 Abatement of Tax. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION 11-41

AMENDING RESOLUTION #11-22 ABATEMENT OF TAX

WHEREAS the Benton County Board of Supervisors adopted Resolution #11-22 abating tax on May 17, 2011, and WHEREAS the Board desires to amend said resolution to include interest and penalty in the abatement; and WHEREAS, the Board also desires to amend said resolution to include an additional year of tax abatement; NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #11-22, adopted on May 17, 2011, is hereby amended to include the following:

- #1. All interest and penalty is abated.
- #2. The taxes abated on parcel 270-12941 is for \$14.00 in each of the assessment years 2008 and 2009.
- #3. This amendment is effective as of the date the original resolution #11-22 was adopted.

All remaining parts of the original resolution remain in full force and effect.

Dated this 5th day of July 2011.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to appoint Rod Kubicek to a four-year term on the county compensation board. All members voting aye thereon. Motion carried.

Mary Halstead and Dana Burmeister met with the Board to provide an update on transportation activities. Halstead reported that she is receiving a new van through the East Central Council of Governments. Halstead requested that any unused garage space, if any, be allocated to her for the new vehicle. The board was not aware of any garage space available at this time.

Halstead and Burmeister spoke to the board about TMS, which schedules transportation services, which are Medicaid reimbursable. The board was made aware of issues surrounding the service within the administration of the transportation department. Halstead stated that the TMS program provides a large benefit to Benton County through the services provided to county residents. Halstead reported that the number of rides being provided has increased as a result of the service and that she would probably need additional drivers. Halstead added that she has one driver resigning and possibly a second. Halstead stated she may need to hire three drivers and that she is advertising for the same. Halstead questioned if this was the direction the board wanted her to pursue. The board indicated that the county should continue to provide the TMS services.

Halstead questioned the board about her salary. Halstead stated that the employees in the auditor's office were making more than she. Halstead stated that a new employee in the sheriff's office started at a salary almost at the same wage that Halstead was making. Halstead questioned if she was doing something wrong. Sanders responded that this issue had been discussed previously. Halstead stated that she has been doing this job for twenty years and that the board has the power to increase her salary. Halstead questioned why she was not being paid more. The board did not respond.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of June 28, 2011 and July 1, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-42, WAGE AND CLASSIFICATION CHANGE FOR BRIAN TONEY. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-42

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 Brian Toney be set at \$17.36 effective July 17, 2011. This position carries a Labor Grade IVB classification.

Signed this 5th day of July 2011.

Chairman, Board of Supervisors

ATTEST: _____
Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to direct the chair to sign the final Iowa Department of Transportation progress voucher for project #BRS-4600(601)—60-06. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-43, HIRE OF CYNDI CHRISTENSEN. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION 11-43

WHEREAS, the Benton County Secondary Roads Department has a need to fill a part-time management position in the county engineer's office, and

WHEREAS, this position is the Office Assistant, and

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

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Cynthia Christensen be hired to fill the position at a wage of \$10.00 per hour starting on July 18, 2011.

Signed this 5th day of July 2011.

Chairman, Board of Supervisors

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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ATTEST: _____

Benton County Auditor

The engineer reported that the balance in the landfill bank account on June 30, 2011 in the Benton County State Bank was \$1,017.74.

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

Ronald R. Buch, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

July 13, 2011

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

Renae Becker of Benton Development Group updated the Board on the current status of Fiberright. Becker stated that she had traveled to Virginia and toured a similar facility and stated that she had no concerns. Fiberright has applied for funding from the US Department of Agriculture and is one of ten applicants still being considered. Becker stated that Fiberright would like a letter of support from the county for their project. Becker presented a "Non-Binding Term Sheet" and stated that the Board could use that as an instrument showing support. The Board stated that they would need time to review the issue before agreeing to anything. The auditor stated that the "Non-Binding Term Sheet" suggested that the county would pay 10-20% below market tipping fees on an estimated 60 tons per day. The board agreed that the county was going to have to consider the entire situation before taking any action.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of July 5, 2011. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-44, Canceling Outstanding Warrants. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-44

WHEREAS, Iowa Code 331.554(7) provides for the cancellation of outstanding warrants; and

WHEREAS, the Benton County Auditor has requested that outstanding checks issued prior to July 1, 2009, 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

08/12/2008	#101759	\$128.00	Contractor Services
02/24/2009	#111941	\$463.25	Richards Plumbing
Fund Total		<u>\$591.25</u>	

General Supplemental Fund

08/07/2008	#101730	\$166.88	Benton County Sheriff
08/07/2008	#101930	\$10.00	Scott Rawson
03/05/2009	#112196	\$5.00	Jamie Fisher
03/05/2009	#112201	\$5.00	Julie Fisher
Fund Total		<u>186.88</u>	

Mental Health Fund

08/12/2008	#101730	\$381.23	Benton County Sheriff
Fund Total		<u>\$381.23</u>	

Secondary Road Fund

06/18/2009	#114737	\$138.44	United States Cellular
Fund Total		<u>\$138.44</u>	

Empowerment Fund

06/18/2009	#114687	\$380.00	Norway Elementary
Fund Total		<u>\$380.00</u>	

Grand Total: \$1,677.80

This resolution adopted on the 13th day of July 2011.

Benton County Board of Supervisors

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 129886 through 130207 and ACH deposits numbered 11610 through 11722, for payment. All 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, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve 36 hours of vacation carry-over requested by Rick Bramow. Said vacation to be used no later than October 1, 2011. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Sanders, to approve the treasurer's semi-annual report for the period ending June 30, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Brad Osborn as a part-time election technician and clerk in the auditor's office, effective this date, at a wage of \$16.50 per hour. All members voting aye thereon. Motion carried.

The Board reviewed the fireworks permit submitted by Kristeen & Roger Opfer for a July 30, 2011, event. The documents submitted did not include the required proof of insurance and therefore no action was taken.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by Farmers Mutual Telephone to place utility lines in the county's right-of-way in Canton Township, Section 3, along the south side of 62nd Street. All members voting aye thereon. Motion carried.

The Board was updated on the status of damage from the July 11, 2011, windstorm. A state disaster declaration has been issued for Benton County. The damage to county facilities and parks was incurred at the courthouse, Rodger's Park, the river parks, the county care facility, the animal shelter, secondary roads, as well as other county structures. The auditor advised that she was getting a proposal from Renaissance Roofing for repair to the courthouse, but estimated it to be in the \$50,000 range. The insurance company had been notified and an adjuster would be coming to view the damage. There was extensive tree damage incurred as well.

Moved by Vermedahl, seconded by Sanders, to approve the contract between Benton County and Asplundh Tree Expert Company for clean-up of storm damaged trees, including the chipping and removal of limbs. Large wood debris would be left on-site for county removal. The cost of a lift truck and chipper with two tree trimmers is \$145.00 hour (straight time) and \$185.00 per hour (overtime). Additionally, the on-site general foreman is \$65.00 per hour (straight time) and \$78.00 per hour (overtime). All members voting aye thereon. Motion carried.

The auditor updated the board on the new financial software for the county. The auditor, treasurer, and county engineer recently met with representatives from Tyler Technology to view the new Version X financial software. Benton County Treasurer Kelly Geater stated that the new program would bring Benton County into a single ledger environment versus the current two-ledger system. The auditor stated that the new software would always provide "live" data instead of monthly. The auditor also stated that Benton County would be the first in the State to use the new program although it is in use in other states. The new software would not be installed until after January 1, 2012.

The auditor asked the board to take formal action amending the budget by service area to include the changes for salaries and benefits, which were made after the FY12 budget was published and adopted in March. Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-45, Service Area Budget Amendment. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-45 SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2012 budget on March 8, 2011; and

WHEREAS, the Board now desires to amend said budget within a service area to adjust for various changes determined after the budget was adopted; and

WHEREAS, the auditor was directed to make said changes in conjunction with the appropriation of funds; and

WHEREAS, the Board desires to formally amend the FY12 budget to reflect those changes,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the FY2012 county budget is hereby amended across all services areas to reflect changes in salaries, benefits, and other budgetary items. The auditor is directed and authorized to amend said service areas as needed.

Dated this 13th day of July 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ron Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Auditor

The board discussed a request from Jamie Schoch to waive the landfill fee for disposal of shredded tires from Shellsburg Elementary playground. The engineer stated that he could not use the shredded material for cell lining as it was contaminated with dirt and foreign materials. The board discussed the impact of waiving fees and the need to be consistent. Moved by Sanders, seconded by Buch, to deny the request to waive the landfill fee as requested for the disposal of shredded tires from the Shellsburg Elementary playground. Buch and Sanders voting aye. Nays none. Motion carried. Vermedahl abstained due to a conflict of interest.

Jerry Petermeier updated the board on the sheriff's parking area. Petermeier stated that the City of Vinton requires a set back from the property lines and that he has determined where the fencing should be placed. Petermeier asked the board about cementing the entrance/exit to the parking area. Moved by Vermedahl, seconded by Sanders, to authorize Petermeier to request quotes for cement and dirt work for the installation of an entrance and exit to the sheriff's parking area. Said quotes to be acted on August 2, 2011. All members voting aye thereon. Motion carried.

The board discussed the possible repairs to the building occupied by the Department of Human Services. The functionality of the building was discussed, as well as the amount of repairs versus the value of the overall building. The board requested that Petermeier research the options available relative to repairing the facility and cost associated with the same.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

July 19, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve a provider agreement for client services with Covenant Hospital at \$614.00 per day for pre-hearing services and \$229.99 for post hearing services. Said agreement is effective August 1, 2011. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the minutes of July 13, 2011. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to accept the following resignations from Benton County Transportation: Cletus Friedman, effective July 14, 2011 and Steve Benham, effective May 1, 2011. Both persons were part-time drivers. Both members voting aye thereon. Motion carried.

Dana Burmeister, Assistant Transportation Director, spoke to the board about the services provided by transportation during the recent disaster. Burmeister also updated the board on the status of hiring of part-time drivers. Burmeister questioned if Benton County Transportation should continue to deliver meals on Sundays in Vinton. Burmeister was concerned that it would be difficult to find applicants willing to drive on that day. Burmeister stated that an average of forty meals are delivered in Vinton each week.

Moved by Sanders, seconded by Buch, to approve the law enforcement agreement between Benton County and the City of Walford for 520 hours at \$11,440.00. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to enter into a Fiscal Agent Agreement between Benton County and Benton County Empowerment for fiscal year 2012. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve the recorder's quarterly report for the period ending June 30, 2011. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to allow the Vinton Cruise Committee to use the courthouse lawn on August 13, 2011, for the annual Vinton Cruise. Both members voting aye thereon. Motion carried. The event had originally been scheduled for July 23, 2011; however with the recent storm and the damage incurred in Vinton, the event has been rescheduled.

Moved by Sanders, seconded by Buch, to approve the proposal and enter into the agreement with Renaissance Roofing to repair the courthouse roof at a cost of \$44,450.00. Both 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 amending the FY12 county budget, the board took up the matter for consideration. The auditor advised that all three official newspapers had been given the Notice of Public Hearing; however the Vinton Eagle failed to publish it. The auditor stated that she checked with the state auditor's office that deferred the matter to the county attorney for direction. The county attorney advised that the county tried to comply with the intent of the law and through no fault of their own, the newspaper failed to publish. The notice had been published in two official newspapers, placed on the county's website, and posted on an electronic newspaper serving the area. Therefore, the county attorney stated that the board should proceed with the amendment. There was no one present for the public hearing. Hearing no objections, it was moved by Sanders, seconded by Buch, to adopt Resolution #11-46, AMENDING THE FY12 COUNTY BUDGET. Voting aye were Buch and Sanders. Nays none. Motion carried.

RESOLUTION #11-46

BE IT REMEMBERED on this, the 19th day of July 2011, 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 8, 2011. 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. It is noted that The Vinton Eagle failed to publish the required notice. After consultation with the state auditor's office and the county attorney, it is determined that the county made every effort to comply with the law. That delay in amending the budget could result in financial harm and therefore that the facts support that the county made every to comply and through no fault of their own did not make the required publications, and that is in the best interest of the county to continue with the budget amendment. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<u>Expenditures</u>	<u>Amendment</u>
County Environment & Education	\$+10,000
Capital Projects	\$ +450,000

Dated this 19th day of July 2011.

Ronald R. Buch, Chairman

Jason Sanders

ATTEST: _____

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Jill Marlow, Benton County Auditor

Jerry Petermeier updated the board on the storm damage to the Cedar Valley Ranch. Petermeier reported that the storage building had the roof taken off and should be demolished. Petermeier will get two quotes to demolish the building and submit them to the board for action.

Petermeier spoke to the board about the repairs needed to the Department of Human Services building. Petermeier explained the quote that was received from McDowell's for replacement of the north windows and brick repair. The estimated cost is \$16,000 to \$20,000. The board discussed whether to put off repairs at this time. The board decided to wait until the county gets the storm damage repairs completed and see the written report from MB Environmental as to the air quality. Supervisor Sanders stated that he wanted to repair the building right, if it is to be repaired. The chair asked that the matter be placed on the agenda in two weeks when a full board is present.

Petermeier updated the board on the parking lot for the law enforcement center. Petermeier reviewed the design for the entrance and exit, which included going through existing sidewalks and landscaping. Petermeier questioned if the board wanted a sidewalk included on the east side of the jail. The board directed Petermeier to quote the sidewalk as well, but as a separate quote from the parking lot work.

Marc Greenlee presented the Final Plat for Arnold's Addition to Benton County. Greenlee stated that this matter had been brought before the board in May for a variance and was granted the same. This was to address two neighbors exchanging property to allow one neighbor to own their drive. Moved by Sanders, seconded by Buch, to adopt Resolution #11-47, RESOLUTION ACCEPTING AND APPROVING THE "ARNOLD ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA. Voting aye were Buch and Sanders. Both members voting aye thereon. Motion carried.

RESOLUTION NO. 11-47

RESOLUTION ACCEPTING AND APPROVING THE "ARNOLD ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, A Final Plat of Arnold 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:

Arnold Addition is a subdivision of part of the Northeast ¼ Southeast ¼, Section No. Thirty-five (35), Township No. Eighty-Six (86) North, Range No. Nine (9) West of the Fifth P. M. as described and recorded in Warranty Deed Book 284 page 155 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 Arnold 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 Arnold 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 May 17, 2011, at the request of Doug P. Arnold, Developer, did grant a variance waiving the following items regarding the submission of the "Arnold 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 19th day of July 2011.

Ronald R. Buch, Chairman

Jason Sanders

_____-absent -_____
David H. Vermedahl

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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ATTEST:

Jill Marlow, Benton County Auditor

EXHIBIT "A"

DESCRIPTION OF "ARNOLD ADDITION"

(Warranty Deed Book 284 Page 155 dated 9/23/1998)

All that part of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) In Section Thirty-five (35), Township Eighty-six (86) North, Range Nine (9) West of the 5th P.M., Benton County, Iowa, lying within the following described boundaries: Beginning at the Northwest corner of said Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4), thence along the North line of said Quarter Quarter (1/4 1/4), North 88deg 16' East, 420.7 feet; thence South 7deg 30' West, 205.2 feet; thence South 37deg 28' West 50 feet to the point on centerline of existing county road; thence along said centerline on a curve to the right, and tangent, to a point thereon (the direct bearing between the two said points being North 62deg 40' West 409 feet); thence along the West line said Quarter Quarter (1/4 1/4), North 42.5 feet to Point of Beginning. Containing 1.3 acres, more or less, including that part thereof now used and acknowledged as public way. Bearing along said North line is assumed for this description. Subject to restrictions, easements, covenants, ordinances, and limited access provisions of record and not of record.

Kyle Helland and Jay Smith met with the board to request a variance to the subdivision ordinance. The variance is to allow a lot to be created north of the existing road, a retracement of boundaries around the existing acreage, and the remainder of the land would create a third lot. Helland stated that the road has created a boundary resulting in three parcels in the quarter quarter. There are no new public improvements proposed. Smith would like to sell his home/acreage. The acreage was surveyed prior to the county's subdivision ordinance; however it did not include the outbuildings and well. The owner would like to correct the boundaries of the existing parcel so that it includes the buildings and well creating a split. The parcel also has a roadway that runs through the parcel creating a parcel north of the road and south of the road. The acreage is located south of the road and the remaining part south of the road is tillable ground and provides ingress and egress to the property located further to the south. Moved by Sanders, seconded by Buch, to approve a variance to the subdivision ordinance in the SW1/4 of the SE1/4 of 25-86-9. The board finds that an undue hardship is created due to another split being approved by another owner in the aliquot part and that the original homestead/acreage under review should have included the well and outbuildings. Further the land located in the adjacent quarter to the south will become landlocked without the third division in the proposed subdivision. Both members voting aye thereon. Motion carried.

Matt Dulin met with the Board to request a variance to the subdivision ordinance. Dulin and his brother are being conveyed parts of the family farm and Dulin would also like to divide for purposes of building a home and obtaining a mortgage; however the mortgage company is requiring that a smaller amount of acres be divided off for financing purposes. The land is currently being farmed and also includes a privately owned campground. Moved by Sanders, seconded by Buch, to adopt Resolution #11-48, GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Buch and Sanders. Nays none. Motion carried.

RESOLUTION #11-48

GRANTING A VARIANCE TO

THE BENTON COUNTY SUBDIVISION ORDINANCE

WHEREAS, Benton County adopted an Ordinance #61 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 Matt Dulin, the owner of a parcel located in the SE 1/4 of the NE1/4 of 22-84-10; and
WHEREAS, the owner desires to create a split, which will allow for financing of a residential building site; and
WHEREAS, the original parcel is a part of the family farm and commercial campground and is to remain in said uses; and
WHEREAS, strict adherence to the ordinance would create an undue hardship due;
NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a variance is hereby granted on a parcel located in the SE1/4 of the NE1/4 of 22-84-10. Said variance is granted due to the extraordinary hardship the subdivider would incur if strict adherence were required as by definition the split is subject to the subdivision ordinance. Dated this 19th day of July 2011.

Ronald R. Buch, Chairman

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The board discussed the repairs to the Department of Human Services building. Jerry Petermeier had looked at the building and questioned how much the board wanted to invest considering the age, condition, and value of the current structure. Petermeier stated to replace the front window and associated masonry work the cost could be in the area of \$16,000, which included up to 450 bricks. The board discussed possible options, but decided a full board should be present for further discussion.

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

Ronald R. Buch, Chairman

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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ATTEST: _____
Jill Marlow, Auditor

July 26, 2011

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

Moved by Vermedahl, seconded by Buch, to approve the minutes of July 19, 2011. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to accept the resignation of Richard Scheer from the Benton County Civil Service Commission, effective December 30, 2011. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the hire of Dakota Rundlett as a part-time jailer in the sheriff's department, effective July 26, 2011, starting at a training wage of \$11.57 per hour. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the claim submitted for decategorization program administration services for June 2011 in the amount of \$2,586.00. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the fireworks permit requested by Roger and Kristeen Opfer for an event to be held on July 30, 2011, at 5242 31st Avenue, Walker, Iowa. The display is to be done no later than 11:00 p.m. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-48, RESCINDING RESOLUTION #11-43. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #11-48

RESCINDING RESOLUTION #11-43

WHEREAS, the Board of Supervisors adopted Resolution #11-43 on July 5, 2011, hiring Cyndi Christensen; and

WHEREAS, Christensen has informed the engineer that she is no longer interested in the position,

THEREFORE be it resolved by the Benton County Board of Supervisors that Resolution #11-43, adopted on July 5, 2011 hiring Cyndi Christensen, is hereby rescinded in its entirety.

Dated this 26th day of July 2011.

Ronald R. Buch, Chairman

David Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Buch, to approve checks numbered 130208 through 130446, and ACH deposits numbered 11723 through 11836, for payment. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested Poweshiek Water Association to place utility lines in the county's right-of-way in Section 31 of Leroy Township, under and along 16th Avenue and 78th Street Drive. Both members voting aye thereon. Motion carried.

The board discussed the request for release of retainage in the amount of \$259,996.07 submitted by Kleiman Construction. The auditor stated that she contacted Design Dynamics on July 19, 2011, regarding the letter and has not heard back from them. The auditor stated that there weren't any lien waivers included with Kleiman's request or documentation that all subcontractors had been notified of his request for release of the retainage. The request specifies that \$63,700 is to be held by the county representing 200% of the cost of the terra cotta sunscreens. Moved by Vermedahl, seconded by Buch, that no action be taken on the request for early retainage until either the architect approve the release or documentation that all subcontractors and suppliers have been notified of the request for the release. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

August 2, 2011

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

Moved by Vermedahl, seconded by Buch, to approve a utility permit for Mediacom to place utility lines in the county's right-of-way from Highway 218 west on 61st Street (to the cell tower). Both members voting aye thereon.

The engineer reported that the balance in the Blainstown bank for the landfill on July 30, 2011 was \$18,389.64.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-49, AMENDING RESOLUTION #05-15, Establishing Requirements for Issuance of Fireworks Permit. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #11-49 AMENDING RESOLUTION #05-15 ESTABLISHING REQUIREMENTS FOR ISSUANCE OF FIREWORKS PERMIT

WHEREAS, the Benton County Board of Supervisors adopted Resolution #05-15, Establishing Requirements for Issuance of Fireworks Permit, on June 24, 2005; and
WHEREAS, the Board of Supervisors desires to amend said resolution to restrict the hours of displays to prohibit displays between the hours of 12:00 a.m. and 7:00 a.m.,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors to amend Resolution #05-15, Establishing Requirements for Issuance of Fireworks Permit to add the following:

All permits issued under this resolution are not valid between the hours of 12:00 a.m. and 7:00 a.m.

All other parts of the original resolution adopted on June 24, 2005, remain in full force and effect.

Dated this 2nd day of August 2011.

Ronald R. Buch, Chairman

David Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Buch, to approve the hire of Simon Gunderson and Matthew Friedman as part-time jailers in the sheriff's department, effective August 2, 2011, at a training wage of \$11.80 per hour. Both members voting aye thereon. Motion carried.

The sheriff met with the board regarding the replacement of a leased vehicle that was damaged during the windstorm. The sheriff questioned whether a vehicle should be leased or purchased outright. The sheriff explained the differences between leasing, purchasing on loan, or outright purchase. Moved by Vermedahl, seconded by Buch, to authorize the sheriff to purchase a new vehicle to replace the damaged leased vehicle. The sheriff is to solicit quotes and return to the board for a final purchase decision. Both members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived and this being the time and date for the first consideration on Ordinance #63, an Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein, the Board took up the matter for public hearing. There were no persons present for the hearing. The board then tabled aside action on the consideration until later in this meeting due to agenda time constraints.

Mary Williams provided an update to the supervisors on issues revolving around the contract for client services with St. Luke's Hospital. Williams explained that St. Luke's Hospital is requesting that counties, except Linn County, enter into an agreement for higher rates, guaranteeing county payment of days not reimbursed by the primary payor, and agreeing that the agreement supercedes the County Management Plan. The requirements are not being applied to Linn County. Williams reported that the county spent \$17,000 out of \$21,000 for inpatient services with St. Luke's last year. Williams stated that the county had various options including signing the agreement with the removal of the controversial statements. Williams recommended that Benton County wait to enter into an agreement at this time and to submit a letter in response to the proposed agreement.

The Board took up the matter of the first consideration on Ordinance #63, tabled earlier in the meeting. Hearing no comment, it was moved by Vermedahl, seconded by Buch, to approve the first consideration of Ordinance #63, An Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein. Both members voting aye thereon. Motion carried.

The auditor advised that the notice for the consideration and adoption of Ordinance #63 had been done in a manner to allow the board to waive all future considerations and adopt the ordinance.

Moved by Vermedahl, seconded by Buch, to waive future considerations of Ordinance #63, An Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein, as this ordinance is a formality to readopt existing ordinances that have already been adopted through their own hearings and considerations. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-50, adopting Ordinance #63, An Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein, in its entirety. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #11-50

Ordinance #63, An Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein

WHEREAS, the Board of Supervisors considered the adoption of Ordinance #63 on this date; and

WHEREAS, publication of the hearings were made in accordance with Iowa Code; and

WHEREAS, a copy of said Ordinance was available to the public in the Benton County Auditor's office, and

WHEREAS, no persons appeared or filed comment either for or against said Ordinance; and

WHEREAS, no persons requested a copy of Ordinance #63 prior to this date; and

WHEREAS, the Ordinance merely readopts ordinances already legally adopted; and

WHEREAS, the second and third considerations were waived,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #63, An Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein, is fully adopted. The Benton County Auditor is directed to publish Ordinance #63 in the official newspapers of Benton County.

Dated this 2nd day of August 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Buch, to approve the law enforcement contract between Benton County and the City of Van Horne, to provide 780 hours of coverage annually at a cost of \$17,160.00. The contract is effective July 1, 2011 through December 31, 2011. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to elect to have acts of terrorism excluded from the flood insurance policy for the law enforcement center. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of July 26, 2011. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-51, RESOLUTION ACCEPTING AND APPROVING THE "JAY SMITH ADDITION" FINAL PLAN, BY BENTON COUNTY, IOWA. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

Resolution #11-51

RESOLUTION ACCEPTING AND APPROVING THE "JAY SMITH ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, A final Plat of Jay Smith Addition to Benton County, Iowa, containing three (3) lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following describe real estate:

Arnold Addition is a subdivision of part of the Southwest ¼ Southeast ¼, Section No. Twenty-five (25), Township No. Eighty-Six (86) North, Range No. Nine (9) West of the Fifth P.M. as described and recorded in Deed Book 166 page 137, Deed Book 169 page 121 and Deed Book 310 page 148 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 Jay Smith 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 Jay Smith 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 July 19, 2011, at the request of Jay Smith, Developer, did grant a variance waiving the following items regarding the submission of the "Jay Smith 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 the Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided by law.

ADOPTED AND PASSED this 2nd day of August 2011.

Ronald R. Buch, Chairman

_____-absent-_____
Jason Sanders

David Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Kyle Helland of Helland Engineering, and representing John Lee, requested a variance to the county's subdivision ordinance. Lee owns a small acreage and would like to split their property to allow a driveway easement and front yard to their neighbor. There are no improvements proposed with the only objective of the split is to allow the neighbor to own their own driveway and front yard, which is currently an easement. Moved by Sanders, seconded by Vermedahl to adopt Resolution #11-52, GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION # 11-52 GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE

WHEREAS, Benton County adopted an Ordinance #61 on May 24, 2011 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 N1/2 of 4-86-11; and

WHEREAS, the owner desires to create a split, which will allow for the adjacent property owner to own his ingress and egress as well as buildings surrounding his resident; 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 N1/2 of 4-86-11. Said variance is granted due to the extraordinary hardship the subdivider would incur if strict adherence were required. The hardship is determined on the facts that the divisions merely transfer ownership of parcels that are not able to be developed due to the minimal size. The divisions allow a party to own the ingress and egress to his property versus an easement. Further that although the property divisions meet the definition of subdivision under the ordinance, the intended use would not as it will not change from its current use.

Dated this 2nd day of August 2011.

Ronald R. Buch, Chairman

David Vermedahl

-absent-

Jason Sanders.

ATTEST:

Jill Marlow, Benton County Auditor

Todd Dudley and Tim Dudley met with the Board to request a variance to the county's subdivision ordinance. Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-53 GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION # 11-53 GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE

WHEREAS, Benton County adopted an Ordinance #61 on May 24, 2011 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 Todd Dudley, the owner of property located in the NW1/4 of the SW1/4 of 2-86-9; and

WHEREAS, the owner desires to create a split, which will allow for the distribution of land to family members; 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; and

WHEREAS, the division will allow for the sale of real property for the purposes of funding a trust fund, which is needed for another family member,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a variance is hereby granted on parcel located in the NW1/4 of the SW1/4 of 2-86-9. Said variance is granted due to the extraordinary hardship the subdivider would incur if strict adherence were required. The hardship is determined on the facts that the divisions will allow for the distribution of property to family members, and generate income for a trust fund needed for the care of another family member. Further that although the property divisions meet the definition of subdivision under the ordinance, the intended use would not as it will not change from its current use.

Dated this 2nd day of August 2011.

Ronald R. Buch, Chairman

David Vermedahl

-Absent

Jason Sanders.

ATTEST:

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Jill Marlow, Benton County Auditor

Jerry Petermeier did not update the board on the DHS building. The matter is pending until a full board is present.

The board received four quotes for cement work at the sheriff's parking lot. The quotes were requested for cement work for: Item #1 is for parking lot entrances and related work and Item #2 is for the sidewalk along the east side of the law enforcement center. The quotes were received as follows:

C & S Concrete –
Item #1 – \$5710.00
Item #2 – \$3275
Total – 8985.00

Hamilton Concrete –
Item #1 - \$3852
Item #2 - \$2593.50
Total - \$6445.50

Jack's Concrete –
Item #1 - \$4500.00
Item #2 – \$3600.00
Total - \$8100.00

Kimm's
Item #1 – \$4504.25
Item #2 – \$4086.45
Total – \$9,590.70

Moved by Vermedahl, seconded by Buch, to award the quote to Hamilton Concrete for both Item #1 and Item #2 for a total of \$6445.50. 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 to discuss pending litigation. Both members voting aye thereon. Motion carried at 11:20 a.m.

Moved by Vermedahl, seconded by Buch, to return to open session. Both members voting aye thereon. Motion carried at 11:39 a.m. No action was taken.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

August 9, 2011

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

The county attorney requested that the supervisors take action on an emergency basis due to a staffing issue in his office. The county attorney stated that one of his employees suffered a loss in the family and will not be returning to work for a short but undetermined period of time; however he needs to have the office duties performed. He requested that the board approve the hire of Mary Ann Blumer on a temporary basis. Moved by Sanders, seconded by Vermedahl, to approve the temporary hire of Mary Ann Blumer at a wage of \$15.00 per hour, effective this date. It is understood that the temporary hire will be only for a week or two, but the hire is authorized until the full-time employee returns. This action is taken without proper notice to the public due to the emergency nature of the matter and was not known at the time the agenda was posted. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-54, RESOLUTION ACCEPTING AND APPROVING THE "DUDLEY'S FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-54 RESOLUTION ACCEPTING AND APPROVING THE "DUDLEY'S FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, A Final Plat of Dudley's 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:

Dudley's First Addition is a subdivision in the Northwest ¼ of the Southwest ¼, and the Southwest ¼ of the Northwest ¼, all in Section 2, Township 86 North Range 9 West of the 5th Principal Meridian, as described and recorded in Warrant Deed Book 4, Page(s) 4898 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 Dudley's First Addition would be advantageous to Benton County, Iowa, and

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that said Final Plat of Dudley's 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 August 2nd, 2011, at the request of Todd Dudley, Developer, did grant a variance waiving the following items regarding the submission of the "Dudley's First Addition To Benton County" 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 the Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided by law.

ADOPTED AND PASSED this 9th day of August 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approved checks numbered 130447 through 130735, and ACH deposits numbered 11837 through 11949, for payment. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, requested approval for the hire of David Davis as a part-time driver for Benton County Transportation. Moved by Vermedahl, seconded by Sanders, to approve the hire of David Davis, effective this date, as a part-time driver, at a rate of \$11.80 per hour. All members voting aye thereon. Motion carried.

Mary Halstead submitted her resignation to the board stating that she plans to take early retirement effective June 30, 2012. The matter was placed on the next agenda for action.

Dana Burmeister asked that the minutes of July 19, 2011, be amended to clarify that the transportation department delivers 40 meals per day. Moved by Sanders, seconded by Vermedahl, to amend the minutes of July 19, 2011, to reflect that transportation delivers 40 meals per day (minutes reflect 40 meals per week). All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge that Jeff Eliff is no longer employed with the Benton County Sheriff's Department. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 2, 2011, with the following correction to the action relative to Resolution #11-52:

"Moved by Vermedahl, seconded by Buch, to adopt Resolution #11-52, GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Buch and Vermedahl. Nays none. Motion carried."

All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to grant the application for a farm exemption to the Benton County Agricultural Land Preservation Ordinance requested by Brandon Reinberg for the expansion of a family farm by constructing a twelve hundred feeder pig facility, to be located in section 16-84-12. All members voting aye thereon. Motion carried.

Julie Havran asked the board of supervisors to consider entering into a lease agreement with Friends of the Shelter. Havran told the board that the organization is not eligible for grants if there is no lease agreement in place. Havran stated that without ownership the lease agreement is the only option to allow them grant opportunities. Havran stated that they would like to construct an additional building on the property. Supervisor Buch questioned if the organization was no longer going to seek an alternate location. Havran stated that they liked the current location and is no longer looking to move the facility; however would like to enlarge the facility to make it more usable. The board stated that they were willing to consider the request; however the City of Vinton would need to be involved as well since there is a management agreement between the city and the county. The board will contact the county attorney.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "M-M"

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Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-55, WEIGHT EMBARGO REMOVAL. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-55

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:

KA-3011 0.1 mile south of the NW corner of section 10-83-12 (Kane Township) on 13th Avenue.

Signed this 9th day of August 2011.

Chair, Board of Supervisors

ATTEST: _____
Auditor

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

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-56, TRANSFER OF FUNDS. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-56 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$16,394.72 be transferred from the Conservation Donation Fund to Conservation Land Acquisition.

Dated this 9th day of August 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve a Class B Liquor License for Blairstown Sauerkraut Days. All members voting aye thereon. Motion carried.

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Brenda Sutton, Deputy Auditor, presented the Supervisor Redistricting Plan. The plan was drawn and approved by the redistricting commission, who also held a public hearing on the new plan. Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-57, RESOLUTION ESTABLISHING SUPERVISOR DISTRICTS. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-57

RESOLUTION ESTABLISHING SUPERVISOR DISTRICTS

WHEREAS, a Benton County Redistricting Commission (the "commission") was established in accordance with Iowa law; and

WHEREAS, the commission reviewed the 2010 census data and developed a plan for supervisor districts in accordance with Iowa law; and

WHEREAS, the commission published and held a public hearing on a new Supervisor District Plan; and

WHEREAS, the commission subsequently approved the Supervisor District Plan and has presented it to the Board of Supervisors for approval, and

WHEREAS, the 2010 census shows the population of Benton County is 26,076; and

WHEREAS, the ideal population of each supervisor district is 8692; and

WHEREAS, the proposed plan meets and complies with the population distribution between districts; and

WHEREAS, the Board of Supervisors believes the plan is well developed,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the new supervisor district plan is hereby approved and adopted. The plan is as follows:

SUPERVISOR DISTRICT PLAN

District 1	Benton Township	928	
	Canton Township	883	
	City of Shellsburg	983	
	Eldorado Township	339	
	City of Newhall	875	
	Fremont Township	772	
	City of Atkins	1670	
	Polk Township	844	
	City of Urbana	1458	Total 8752
District 2	Big Grove Township	204	
	Bruce Township	317	
	Cedar Township	376	
	City of Mt Auburn	150	
	Eden Township	285	
	Harrison Township	366	
	Jackson Township	282	
	City of Garrison	371	
	Monroe Township	234	
	Taylor Township	815	
	City of Vinton	5257	Total 8657
District 3	Union Township	301	
	City of Van Horne	682	
	Florence Township	482	
	City of Norway	545	
	City of Walford	1081	
	Homer Township	203	
	Iowa Township	400	
	City of Belle Plaine	2534	
	City of Luzerne	96	
	Kane Township	242	
	City of Keystone	622	
	Leroy Township	387	
	City of Blairstown	692	
	St Clair Township	400	Total 8667

SUPERVISOR DISTRICTS

DISTRICT I

All of the following townships and cities in Benton County, Iowa:

Polk-Urbana, Benton, Canton-Shellsburg, Fremont-Atkins, and Eldorado-Newhall

DISTRICT II

All of the following townships and cities in Benton County, Iowa:

Bruce, Cedar-Mt. Auburn, Harrison, Monroe, Jackson-Garrison,

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Taylor-Vinton, Eden, and Big Grove

DISTRICT III

All of the following townships and cities in Benton County, Iowa:

Florence-Norway, Walford, St. Clair, Leroy-Blairstown, Iowa-Belle Plaine, Luzerne, Kane-Keystone, Homer, and Union-Van Horne

Dated this 9th day of August 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to acknowledge the receipt of the annual manure management plan filed by SMT Pork, LLC for the facility located at 2850 65th Street, Shellsburg, Iowa. All members voting aye thereon. Motion carried.

The auditor told the Board that a resolution prepared by Hall and Hall engineers and adopted on June 14, 1996, contained an error in a legal description. The auditor stated that an attorney preparing a title opinion reported the error and requested that the Board take action correcting the same. Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-58, A RESOLUTION AMENDING RESOLUTION #96-39, EASTRIDGE ACRES FIRST ADDITION TO BENTON COUNTY, IOWA, RESOLUTION APPROVING PLAT. Voting aye were Vermedahl and Sanders. Nays none. Motion carried. Buch abstained due to a conflict of interest.

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RESOLUTION #11-58

A RESOLUTION AMENDING RESOLUTION #96-39, EASTRIDGE ACRES FIRST ADDITION TO BENTON COUNTY, IOWA, RESOLUTION APPROVING PLAT

WHEREAS, the Benton County Board of Supervisors adopted Resolution #96-39, Eastridge Acres First Addition to Benton County, Iowa, Resolution Approving Plat, on June 14, 1996; and

WHEREAS, the Board of Supervisors has now been advised that the original resolution contained an error in the legal description by omitting "of the Northeast Quarter"; and

WHEREAS, the Board of Supervisors has determined that the same should be corrected,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #96-39, Eastridge Acres First Addition to Benton County, Iowa, Resolution Approving Plat, adopted on June 14, 1996, and recorded at Book 267, Page 217, in the Office of the Benton County Recorder, should be and is hereby amended to reflect the following legal description :

"Whereas, the Benton County Board of Supervisors has been presented with a Plat for Eastridge Acres First Addition to Benton County, Iowa, a subdivision of 21.58 acres, containing 17 lots, and specifically described as follows:

Part of the South Half of the Northwest Quarter *of the Northeast Quarter* and the north 10 acres of the Southwest Quarter of the Northeast Quarter, all located in Section 29, Township 82 North, Range 12 West of the 5th Principal Meridian, Benton County, Iowa described as follows:

Commencing at the North Quarter Corner of Section 29, Township 82 North, Range 12 West of the 5th Principal Meridian; thence S0°00'00"E along the west line of the Northeast Quarter of Said Section 29, 1061.96 feet to the point of beginning; thence continuing S0°00'00"E along said west line, 599.83 feet to the Southwest Corner of the north 10 acres of the Southwest Quarter of said Northeast Quarter; thence S88°22'40"E along the south line of said north 10 acres, 1289.82 feet to the Southeast Corner of said north 10 acres; thence N0°36'35"W along the east line of said Southwest Quarter of the Northeast Quarter and the east line of the Northwest Quarter of said Northeast Quarter, 776.13 feet; thence N88°08'20"W, 932.11 feet to the east line of parcel A located in said Northwest Quarter of the Northeast Quarter; thence S2°34'15"W along said east line, 168.21 feet; thence S89°40'05"W, 341.89 feet to the point of beginning.

Said parcel contains 21.58 acres, subject to easements and restrictions of record."

The above paragraph replaces the original paragraph contained in Resolution #96-39. The remainder of the original Resolution #96-39, adopted on June 14, 1996, remains in full force and effect.

Dated this 9th day of August 2011.

-abstained-
Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

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

Ronald Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor

August 16, 2011

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

Moved by Sanders, seconded by Vermedahl to approve the minutes of August 9, 2011. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to accept resignation of Mary Halstead, Transportation Director effective June 30, 2012, due to retirement. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Tim Rathe, as a part time driver for Benton County Transportation, effective August 16, 2011, at a wage of \$11.80 an hour. Both members voting aye thereon. Motion carried.

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Sheriff Forsyth presented bids to the board for the purchase of a new detective's truck. The previous was a leased vehicle. The bids were received as followed:

Grieder Motors-\$26,333.83

Karl Chevrolet-\$24,667.00

Ervin Motor-\$27,550.00

Thys Automotive Group (2 different bids)-\$27,676.00 and \$27,813.00.

Moved by Sanders, seconded by Vermedahl, to purchase a 4-wheel drive Chevrolet truck at a price of \$24,667.00 from Karl Chevrolet. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the law enforcement contract with the City of Keystone from July 1, 2011 through December 30, 2011 for the total annual sum of \$5720.00 to be paid quarterly. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to close the road on the 1st block of 26th Ave in Watkins on September 10th, from 9:00 a.m. - 4:00 p.m. for the Watkins car show. Both members voting aye thereon. Motion carried.

Todd McNall of Design Dynamics presented a change order for the law enforcement center. It was for extra work done by Justice Electric Co. to move electrical outlets. Moved by Sanders, seconded by Vermedahl, to approve Change Order #56 in the amount of \$496.03 to move stove and microwave outlets. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the Veterans Affairs' quarterly report for the period ending June 30, 2011. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by Mediacom to place utility lines in the county's right-of-way in Fremont Township. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to accept the resignation of Michael Beumer, effective June 30, 2012, due to retirement. Both members voting aye thereon. Motion carried.

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

David Vermedahl, Vice-Chairman

ATTEST: _____

Hayley Rippel, Deputy Auditor

August 23, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 130736 through 131021, and ACH deposits numbered 11950 through 12063, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to accept the resignation of Greg Benesh from conservation, effective August 17, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 16, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve and authorize the chair to sign the Federal Equitable Sharing Agreement and Certification. All members voting aye thereon. Motion carried.

Will Heber updated the supervisors on the July 11, 2011 storm damage and the status of repairs. Heber stated that his employees will have worked enough hours to essentially be off all winter due to the amount of compensatory time being earned. Heber stated that he will not have the funds or labor to continue working on the clean-up.

Moved by Sanders, seconded by Vermedahl, to accept the resignation of Michele Sauer from the county wellness committee, effective this date. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-59, ABATEMENT OF TAX. Buch, Vermedahl, and Sanders voting aye. Nays none. Motion carried.

RESOLUTION #11-59 ABATEMENT OF TAX

WHEREAS, the Benton County Conservation Board purchased real property for use a nature center; and

WHEREAS, taxes were levied on said property on the 2010 assessment; and

WHEREAS, the conservation board has requested that the Board of Supervisors abate the tax,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the taxes owing on parcel #691-26110, are hereby abated in full pursuant to Iowa Code 445.63.

Dated this 23rd day of August 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow, Benton County Auditor

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Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by South Slope Cooperative Telephone to place utility lines in the county's right-of-way located in St. Clair and Florence Townships along 28th Avenue. All members voting aye thereon. Motion carried.

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

Moved by Vermedahl, seconded by Sanders, to appoint Ben Vierling as an alternate to the East Central Iowa Council of Governments Transportation Technical Advisory Committee. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to accept the low bid of Mathy construction for projects FM-CO06(81)—55-06 and FM-CO06(82)—55-06. The State of Iowa let the project. All members voting aye thereon. Motion carried.

Donita Casey and Julie Havarán of the Friends of the Shelter met with the board of supervisors, as well as County Attorney David Thompson, to discuss the possibility of a long-term lease agreement. Casey and Havarán had requested the possibility of entering into a lease agreement previously. Thompson advised that the county could enter into a long-term lease, but questioned what the terms of the lease would be.

The board reviewed the quotes received for repairs for storm-related damage to the animal shelter. The board requested the maintenance department to compare the bids and return next Tuesday with a recommendation.

The board discussed the disposition of the current facility being used by the Department of Human Services (DHS). The board discussed whether to sell the current facility and move the DHS offices or to repair the current facility. The discussion of leasing space at the ICAS building was held. Supervisor Buch commented that the current personnel at DHS would like to stay in their current location. The county attorney stated that the current facility is not large enough or adequate. The board discussed the possibility of leasing space at the Braille school. The board determined that possible options should be researched.

The board began preliminary discussions on the development of a wage/salary scale. Supervisor Vermedahl proposed that Supervisor Sanders meet with each department head to begin the process of developing a scale. Vermedahl suggested that Sanders gather input from each department and bring a draft back to the board for further consideration. The county attorney suggested the county view what Linn County and Blackhawk County currently have and develop something similar. The county attorney stated that Benton County could reduce the pay rates in those counties by a percentage to determine a scale for Benton County.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

August 30, 2011

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

The board reviewed the quotes for doing repair at the animal shelter and various other county buildings. Two quotes were received; however one quote included repairs that the other did not. The repairs are covered by the county's insurance. The board discussed the quotes. Moved by Vermedahl, seconded by Sanders, to award the quote for storm damaged facility repairs to Ameristar as follows: animal shelter: \$17,254.10; sheriff's storage: \$2,260.46; transportation building \$ 2,445.74; and the maintenance garage: \$3,882.83. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of August 23, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plans filed by J & R Pigs, LLC for the facility located at 1840 69th Street, Keystone, Iowa, and by Prairieview Hog Farm, Inc. for the facility located at 1652 72nd Street, Keystone, Iowa, and by Dennis Zieser for the facility located at 5299 33rd Avenue, Center Point, Iowa. All members voting aye thereon. Motion carried.

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-60, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-60 ABATEMENT OF TAX

WHEREAS, the City of Shellsburg has requested that the taxes be abated on parcels 190-13150 and 190-13100; and WHEREAS, Iowa Code 445.63 provides that the county shall abate the tax if the governing body immediately fails to pay the taxes due; and WHEREAS, the City of Shellsburg has requested that the taxes be abated on parcels 190-1315- and 190-13100 and has not paid the taxes due,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the 2010 taxes assessed on parcels #190-13150 in the amount of \$462.00 and 190-13100 in the amount of \$18.00 is abated in full.
Dated this 30th day of August 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve the hire of Steve Miller as a part-time driver for Benton County Transportation, effective this date, at a starting wage of \$11.80 per hour. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-61, RESCINDING RESOLUTION #11-51, and adopting in lieu thereof Resolution #11-62, RESOLUTION ACCEPTING AND APPROVING THE "JAY SMITH ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-61 RESCINDING RESOLUTION #11-51 RESOLUTION ACCEPTING AND APPROVING THE "JAY SMITH ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, The Benton County Board of Supervisors adopted Resolution #11-51, RESOLUTION ACCEPTING AND APPROVING THE "JAY SMITH ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA, on August 2, 2011;

WHEREAS, the resolution presented to the supervisors for adoption contained a typographical error; and

WHEREAS, the board finds it would be in the best interest of Benton County to rescind the original resolution in its entirety,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #11-51, RESOLUTION ACCEPTING AND APPROVING THE "JAY SMITH ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA, is hereby **RESCINDED** in its entirety.

Dated this 30th day of August 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

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RESOLUTION NO. 11-62

RESOLUTION ACCEPTING AND APPROVING THE "JAY SMITH ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, A Final Plat of Jay Smith Addition to Benton County, Iowa, containing three (3) lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

Jay Smith Addition is a subdivision of part of the Southwest ¼ Southeast ¼, Section No. Twenty-five (25), Township No. Eighty-Six (86) North, Range No. Nine (9) West of the Fifth P. M. as described and recorded in Deed Book 166 page137, Deed Book 169 page121 and Deed Book 310 page148 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 Jay Smith 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 Jay Smith 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 July 19, 2011, at the request of Jay Smith, Developer, did grant a variance waiving the following items regarding the submission of the "Jay Smith 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 30th day of August 2011.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

Jerry Petermeier provided an update on the law enforcement facility and the associated parking area. Petermeier reported that he would need to obtain quotes for electrical work for the parking area for the card readers. Petermeier also spoke about the type of cantilever gates being installed, explaining that they would open horizontally. Petermeier stated that the louvers were being placed on the windows. Petermeier stated that he has not received the well field drawings or other documentation related to the facility.

Supervisor Vermedahl reported that he met with the City of Vinton regarding the animal shelter. Vermedahl stated that a meeting would be held with city and county representatives to discuss and develop an agreement regarding the ongoing maintenance and management of the facility.

Supervisor Buch reported that he met with a representative of the Braille school regarding available office space. Buch reported that the facility does not have any space available at this time.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit for Windstream Communications Company to place utility lines in the county's right-of-way in Iowa Township along 78th Street Trail. All members voting aye thereon. Motion carried.

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The engineer presented the quotes received for two pickups for his department. Moved by Vermedahl, seconded by Sanders, to defer any action including accepting the quotes until additional quotes are received. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 6, 2011

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

Moved by Sanders, seconded by Buch, to approve the minutes of August 30, 2011. Both members voting aye thereon. Motion carried.

Supervisor Vermedahl arrived at 9:03 a.m.

Shellsburg Police Chief Marty Evans and Councilman Phillip Travis met with the board and the sheriff to discuss a possible contract for partial law enforcement coverage in Shellsburg. Evans explained that Shellsburg was interested in entering into an agreement with Benton County for law enforcement coverage on an as-needed basis. Evans stated that coverage is needed during periods of officer absences, as well as allowing for twenty-four hour coverage when the Shellsburg police department is unavailable due to scheduling and other situations. Sheriff Forsyth stated that he had no concerns with providing the service; however he questioned what the fees would be for the coverage. The discussion included the current contract with the City of Urbana and if a similar contract could be drafted with Shellsburg. Moved by Vermedahl, seconded by Sanders, to request that the sheriff draft an agreement for consideration by the supervisors to provide law enforcement coverage to the City of Shellsburg to assist them as needed to provide twenty-four hour coverage or during periods of scheduled and unscheduled departmental absences. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-63, GRANTING VARIANCE TO SUBDIVISION ORDINANCE. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried,

RESOLUTION # 11-63 GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE

WHEREAS, Benton County adopted an Ordinance #61 on May 24, 2011 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 Derold Happel, the owner of a parcel located in the NW1/4 of SE1/4 of 19-85-10; and

WHEREAS, the owner desires to create a split, which will allow for the agricultural buildings to be conveyed to his son for a farming operation while retaining his homestead; 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 the SE1/4 of 19-85-10. Said variance is granted due to the extraordinary hardship the subdivider would incur if strict adherence were required. The hardship is determined on the facts that the divisions merely transfer ownership of a parcel that is a part of the existing farming operation and will not be developed as it currently has agricultural buildings located on it. Further, that although the property divisions meet the definition of subdivision under the ordinance, the intended use would not as it will not change from its current use.

Dated this 6th day of September 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders.

ATTEST: _____
Jill Marlow, Benton County Auditor

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-64, Change in Labor Classification for Gabe McGowan. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-64

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 Gabe McGowan be set at \$17.51 effective September 14, 2011. This position carries a Labor Grade VB classification.

Signed this 6th day of September, 2011.

Chairman, Board of Supervisors

ATTEST: _____

Benton County Auditor

Moved by Vermedahl, seconded by Buch, to approve a utility permit requested by Poweshiek Water Association to place utility lines in the county's right-of-way in Monroe Township along 61st Street. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the Federal-Aid Agreement #6-11-HBRRS-16 BRS-CO06(85)—60-06 for the county bridge located in Section 18 of Bruce Township approximately 5.2 miles north of Dysart on V37. All members voting aye thereon. Motion carried. The estimated cost is \$400,000.00.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt of the annual manure managements plans filed by the following:

Rebuh Feeders, Inc. for the facility located at 1230 51st Street, La Porte City, Iowa

Rick Selk for the facility located at 7235 16th Avenue, Keystone, Iowa

Ritscher Farms, Inc. for the facility located at 1826 73rd Street, Van Horne, Iowa

All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to proclaim the week of September 17, 2011, as Constitution Week. All members voting aye thereon. Motion carried.

PROCLAMATION Constitution Week 2011

Whereas, September 17, 2011 marks the two hundred and twenty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA, do hereby proclaim September 17, 2011 through September 23, 2011 to be

CONSTITUTION WEEK

In Benton County, Iowa and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

Ronald R. Buch, Chairman Board of Supervisors

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of Benton County, Iowa, this sixth day of September in the year of our Lord two thousand eleven and of the Independence of the United States of America the two hundred and thirty fifth.

Moved by Vermedahl, seconded by Sanders, to enter into a contract with Tyler Technologies for the purchase the Version X financial software program. The cost of the program is \$56,323.00 plus travel expenses. The annual subscription is \$14,823.00. The annual subscription price is locked in for a period of five years. All members voting aye thereon. Motion carried.

The board discussed the building housing the Department of Human Services personnel. The board has researched moving the offices to a different location or repairing the current facility. Supervisor Sanders voiced concern as to whether it was the best use of county funds to repair the facility and make it more functional versus renting another facility and selling the current building. Supervisor Vermedahl also had concerns but indicated that there were not viable

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options at this time and that repairs needed to be done to the existing building. Supervisor Buch echoed Vermedahl's position. The Board indicated that action to repair the current facility should proceed.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 12, 2011

The Benton County Board of Supervisors met in special joint session with the Linn and Johnson County Boards of Supervisors in Johnson County. Chairman Buch called the meeting to order at 7:00 p.m. with Supervisors Buch and Vermedahl present. Supervisor Sanders was attending another meeting.

The purpose of the joint meeting was to discuss the regionalization of the county mental health service system. Legislation was enacted requiring the redesign of the mental health system. The legislation requires that regional areas be developed with various criteria, i.e. population, service facilities, etc. Linn County and Johnson County proposed that a region be developed consisting of Benton, Cedar, Iowa, Johnson, Jones, and Linn counties. Benton County's current mental health has an annual budget of \$2 million plus.

There was discussion on how the system would function and the duties of the various counties. Linn County Supervisor Langston commented that the stated counties have a lot of other commonalities, including the judicial district and the council of governments. Langston expressed concern on the funding of the regional services and that making it equitable between the counties would take considerable work and cooperation.

It was decided that each county should state their intent as to whether they were interested in joining the proposed region, with Johnson County being the central contact.

Moved by Vermedahl, seconded by Buch, to adjourn. Motion carried at 8:15 p.m. Additional meeting minutes of the discussion are available from the Johnson County Auditor's office as the overall meeting was a Johnson County board meeting.

Ronald R. Buch, Chairman

Attest: _____
Jill Marlow, Benton County Auditor

September 13, 2011

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

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 131022 through 131460 and ACH deposits numbered 12064 through 12298, for payment. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set October 11, 2011, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Dusty and McShane in a Part of the E1/2 of the SE1/4 of the NW ¼ of 3-85-9. All members voting aye thereon. Motion carried.

Rick Bramow reported that the repair work on the Department of Human Services cannot get started until next spring due to contractor schedules.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of September 6, 2011 and September 12, 2011. All members voting aye thereon. Motion carried.

No action was taken on the Ameristar contract as it has not been received yet.

Jerry Petermeier updated the board on the parking lot for the law enforcement center. Petermeier is waiting for quotes on running conduit for the card readers. The card readers are a part of the law enforcement center, which needs to be completed by September 30, 2011. Petermeier stated that he is having difficulty finding someone to even bid the work. The board authorized Petermeier to rent the equipment and install the conduit with county labor, if necessary.

Petermeier updated that board on the repairs for storm-related damage at the Cedar Valley Ranch. An inspection of the damaged building (to be demolished) had a small amount of asbestos. Petermeier has contacted a company about removing the material and once completed the facility will be demolished.

Todd McNall of Design Dynamics spoke with the Board about early release of partial retainage with Kleiman Construction. McNall stated that the contractor has notified all known subcontractors but has not received releases from several subcontractors yet. Those subcontractors are awaiting final payment which will be made from the early release in retainage. The auditor questioned if there was an affidavit from the contractor stating that all known subcontractors and subcontractors had been notified of the intent to request early retainage. McNall stated that he had a copy and would forward it to the county. McNall recommended that the release of early retainage be approved with approximately \$60,000 being retained by the county. McNall stated that all work had been completed. The Board took no action.

Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the Notice of Substantial Completion with Kleiman Construction for the construction of the law enforcement center, effective June 8, 2011. All members voting aye thereon. Motion carried.

Mike Hart, Gary Hughes, and John Ferring, met with the Board to request that the county sponsor a Community Development Block Grant for rural water to be delivered to Timber Ridge Trailer Court located south of Shellsburg. The county had agreed to sponsor a grant last year; however the grant was not awarded. The project has been changed from the proposal last year by stating that the area would be served by rural water instead of its own water system. Gary Hughes of East Central Iowa Council of Governments advised that a public hearing would need to be held on October 25, 2011, with publication by October 11, 2011 (or sooner). Hughes stated that much of the original application would be duplicated in this application. Moved by Sanders, seconded by Vermedahl, to enter into a service agreement with East

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Central Iowa Council of Governments for the preparation of an application for a Community Development Block Grant for connecting Timber Ridge Trailer Court to rural water. All members voting aye thereon. Motion carried.

Will Heber spoke to the board about the possible acquisition of property. The conservation board has been given the first right of refusal on property located near a county park and would like to pursue the option to purchase. The conservation board voted to make an offer for the property, with the county assuming any septic system responsibility. Moved by Sanders, seconded by Vermedahl, to support the purchase of the property and if necessary take action to transfer spending authority or amending the budget to necessitate the purchase of said property. The board is not committing other funds for other projects at this time. All members voting aye thereon. Motion carried.

Mark Kelty, representative of the secondary road's union (PPME), presented the union's labor proposal for 2012/2013.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by Poweshiek Water to place utility lines in the county's right-of-way in Iowa Township along 75th Street. All members voting aye thereon. Motion carried.

The engineer reported that balance in the landfill account at the Blainstown bank on August 31, 2011, was \$11,913.29 with a payment transferred to the county in August of \$42,500.00.

The engineer presented quotes received for a one-ton pickup as follows:

Thys Motor Co. – Dodge Ram 3500 ST crew cab 172" wheel base - \$24,540

Junge Center Point – ford F350 XL crew cab 176" wheel base - \$24,992

Ervin Motor Co. – GMC Sierra 3500 HD crew cab 167" wheel base - \$26,932

Junge Center Point – Dodge Ram 3500 ST crew cab 172" wheel base - \$24,148

Schallau Motor Co – Ford F350 XL crew cab - \$30,000

No quotes were received from John Grieder Motors, Inc. of Belle Plaine, Thys Motor Co. of Blainstown, and Grovert Chevrolet-GM of Newhall.

Moved by Sanders, seconded by Vermedahl, to purchase one vehicle from Junge Center Point from Center Point at a cost of \$24,148.00. All members voting aye thereon. Motion carried.

The engineer presented quotes received for a half-ton four-wheel drive pickup with regular cab as follows:

Thys Motor Co. – Dodge Ram 1500 SLT 4WD regular cab - \$23,449

Junge Center Point – Ford F150 XL 4WD regular cab - \$21,968

Ervin Motor Co. – GMC Sierra 1500 SLE 4WD regular cab - \$25,288

Junge Center Point – Dodge Ram 1500 ST regular cab - \$20,545

Schallau Motor Co – Ford F150 XL 4WD regular cab - \$27,600

No quotes were received from John Grieder Motors, Inc. of Belle Plaine, Thys Motor Co. of Blainstown, and Grovert Chevrolet-GM of Newhall.

Moved by Vermedahl, seconded by Sanders, to purchase a Dodge Ram from Thys Motor Co. as the vehicle meets the required specifications whereas the vehicle from Junge Center Point did not. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into closed session pursuant to Iowa Code 21.5(1)c. All members voting aye thereon. Motion carried at 11:40 a.m.

Moved by Sanders, seconded by Vermedahl, to return to open session and direct the county attorney to draft a document pursuant to discussion. All members voting aye thereon. Motion carried at 12:25 p.m.

Moved by Sanders, seconded by Vermedahl, to direct the county attorney to draft a document pursuant to the discussion of the closed session. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

September 16, 2011

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

The time of 9:05 a.m. having arrived, and this being the time and date set for canvassing the Regular School Election held on September 13, 2011, the Board took up the matter. Having reviewed all tallies from the individual precincts, and finding no corrections to be made, it was moved by Sanders, seconded by Vermedahl, to approve the results of the September 13, 2011, Regular School Election. The auditor is directed to record the results in the official records and to certify the results to the respective entities. All members voting aye thereon. Motion carried.

The Board discussed entering a contract with Ameristar for storm related repair services. Supervisor Vermedahl having looked at the proof of insurance that was provided by Ameristar was worried that there was nothing provided for workers compensation. He also was worried that the County was not listed as additional insurer on the proof of liability insurance. Moved by Sanders, seconded by Vermedahl to table the decision on entering a contract with Ameristar for storm related repair services till the board's next agenda. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl to set dates for consideration of ordinance establishing county supervisor districts and election precincts to September 27, 2011 at 9:30, September 28, 2011 at 9:30 and October 4, 2011 at 9:30. All members voting aye thereon. Motion carried.

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

Dave Vermedahl, Vice-Chairman

ATTEST: _____
Gina Edler, Benton County Clerk

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September 20, 2011

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

Moved by, seconded by, to approve the minutes of September 13, 2011 and September 16, 2011. All members voting aye thereon. Motion carried.

Lexa Speidel, Benton County Recorder, requested that the Board replace the carpet in her office, as well as the window shades in her office. Speidel stated that the carpet in the back room is bubbling and in need of replacement. Speidel also asked that the carpet in the front office be replaced so that both rooms would match. Supervisor Vermedahl requested that quotes be received for replacing the carpet in both rooms, as well as just replacing the carpet in the back room. The board also asked for quotes for replacement of the two shades in the front office.

Kyle Helland met with the board to request the board approve the final plat for John Lee Addition. Helland explained that he had been before the board earlier to request a variance to certain requirements of the county's subdivision ordinance, which was approved. Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-65,

RESOLUTION NO. 11-65

RESOLUTION ACCEPTING AND APPROVING THE "JOHN LEE ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, A Final Plat of John Lee 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:

John Lee Addition is a subdivision of part of the NW FRL ¼ NE FRL ¼ & part of the NE FRL ¼ NW FRL ¼, Section No. Four (4), Township No. Eighty-Six (86) North, Range No. Eleven (11) West of the Fifth P. M. as described and recorded in Deed Book 6 page 84 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 John Lee 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 John Lee Addition to Benton County, Iowa, will be and the same hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

3. Any new private water supply system will be constructed with the approval of the Benton County Health Department.
4. Any new private on-site sewage treatment system will be constructed with the approval of the Benton County Health Department

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Benton County Board of Supervisors that said board, on August 2, 2011, at the request of John Lee, Developer, did grant a variance waiving the following items regarding the submission of the "John Lee 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 20th day of September, 2011.

Ronald R. Buch, Chairman

Jason Sanders

David H. Vermedahl

ATTEST:

Jill Marlow, Benton County Auditor

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Ron Woeste of Linn Coop Oil Company (the Coop) met with the board regarding the Newhall facility. Woeste explained that the Coop is 100% owned by its members. Woeste stated that the Newhall facility needs to expand its existing site. The growth in the farming business has created the need for the expansion would require five acres for a new fertilizer building, parking, and green space. Woeste explained that he has spoken with Marc Greenlee, Benton County's land use administrator, about the need for a land use change. Greenlee explained that the corn suitability rating is in the 90's on the property, which is currently being cropped, and that Benton County's land use regulations protects high productivity farm ground. Supervisor Buch commented that this is an existing business and that the county would be limiting the expansion of a current business if the Coop is not given a land use change. Buch stated that he would not be in favor of the change in land use if it was for a new business.

Kevin Robinson, owner of the property under discussion, stated that there is an old railroad bed running through the property, which is not good production ground. Robinson added that when the CSR was determined – the railroad bed was not separated out.

Greenlee explained that the county's land use ordinance states that if there is an enlargement of a pre-existing use/parcel county approval is needed. Greenlee stated that the property is a Dinsdale soil with 90- 95 CSR, adding that he is required to use the existing soil survey. Greenlee stated that the county's comprehensive plan sets out that land with a CSR over 70 is considered to be productive and to be used for an agricultural use. Greenlee commented that the Coop is an agriculture related use, but the Coop is not in the production of food and fiber as required by the county's ordinance. Greenlee stated that he cannot change soil survey and suggested that Robinson petition the ASCS to change the CSR rating. Robinson responded that he had spoken to the ASCS office and they would not change the rating.

Supervisor Buch stated that the board has had many discussions on the development along Highway 30 and whether commercial uses would be allowed due to the high CSR. Buch reiterated his concern that the county is limiting the expansion of existing businesses. Buch questioned if the county should stop the growth of current business and if so, how does the county justify that position.

Supervisor Vermedahl questioned if the supervisors have the ability to grant variance under land use ordinance. Greenlee explained that the applicants can ask the board of adjustment to grant a variance. Greenlee added that he would like to seek legal counsel before commenting more on the issue. The board asked Greenlee and the Coop to return to the next board meeting for more discussion on the issue.

Moved by Sanders, seconded by Vermedahl, to approve the hire of Joshua Karsten, as a full-time sheriff's deputy, effective October 1, 2011. Karsten has been through the law enforcement academy and is five-year veteran of the armed services. All members voting aye thereon. Motion carried.

Jill Marlow, county auditor, spoke to the board about the county's policy on lodging. She stated that the board should consider allowing employees to stay in hotels in adjacent counties if it could be shown that it would be a cost savings to the county. Marlow stated that she had an employee attending a two-day meeting and when calculating the mileage and overtime being paid for the employee to drive back and forth, it would have cost the county less to have paid for overnight lodging. The board advised that they did not want to make any changes to the current policy.

The board did not take action on entering into contracts with Ameristar as Supervisor Vermedahl still had concerns with the insurance documents provided.

The board did not take action on approving the early release of retainage for Kleiman Construction.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-66, Transfer of Funds. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-66 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$5.29 be transferred from the Conservation Donation Fund to the Conservation Land Acquisition Fund resulting in a zero fund balance in the Conservation Donation Fund.

Dated this 20th day of September 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to set October 18, 2011, at 9:30 a.m., as the time and date for a public hearing on the Community Development Block Grant application to provide public water to Timber Ridge Mobile Home Court. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to commit \$2500.00 towards the East Central Iowa Housing Trust Fund local match. All members voting aye thereon. Motion carried.

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

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Moved by Vermedahl, seconded by Sanders, to approve the final Iowa Department of Transportation progress voucher for project FM-CO06(79)—55-06, HMA resurfacing on E66, as the project is complete. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve and sign the contracts and contractor's bond with Mathy Construction Company for the HMA resurfacing project on V71 (Project CO06(82)—55-06 and on V61 (Project FM-CO06(81)—55-06). All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve and sign the final plan sheets for projects BROS-CO06(83)—8J-06 (bridge replacement on Benton-Iowa road) and BROS-CO06(84)—5F-06 (bridge replacement on 50th Street). All members voting aye thereon. Motion carried.

The auditor questioned the status of the snow removal priority map presented to the board in 2005. The auditor explained that she was in the process of putting the county's ordinances in digital format and wanted to include the map if it had been implemented. The engineer stated that he had presented the map; however implementation proved problematic and that he discovered it was more efficient to address snow removal without utilization of the priority map.

The board spoke about replacing trees on the courthouse lawn. Supervisor Buch reported that the Belle Plaine Nursery has offered to donate 25-foot sugar maples (or other trees) to the county. However, the county would have to pay to have the trees moved and planted. Supervisor Buch was to meet with the nursery and determine what trees to accept.

Brian Gruhn, the attorney representing Benton County in union negotiations, met with the board for a preliminary strategy session. This portion of the meeting is exempt from Chapter 21 of the Code of Iowa. The board entered exemption session at 11:00 a.m.

The Board returned to regular session at 11:25 a.m.

Moved by Sanders, seconded by Vermedahl, to enter into closed session pursuant to Iowa Code 21.5(1)j. All members voting aye thereon. Motion carried at 11:52 a.m.

Moved by Sanders, seconded by Vermedahl, to return to open session. All members voting aye thereon. Motion carried at 12:15 a.m.

Moved by Vermedahl, seconded by Sanders, to take the action discussed in closed session. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

September 27, 2011

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

Mary Williams met with the board to discuss a provider contract between Benton County and St. Luke's Hospital for client services. Williams explained that negotiations for the contract had been difficult noting that Linn County contract is different than the Benton County contract resulting in a lesser rate overall than being paid by Linn County. The supervisors voiced their disappointment over the provisions of the contract. After fully discussing the impact on Benton County clients and taxpayers, it was moved by Sanders, seconded by Vermedahl, to deny entering into a provider contract with St. Luke's Hospital based on the provisions in the proposed contract not being in the best interest of Benton County. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of September 20, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 131461 through 131769, and ACH deposits numbered 12299 through 12414, for payment. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date for the first consideration on Ordinance #64, An Ordinance Establishing The County Supervisor Districts and Election Precincts, the board took up the matter. There were no members of the media or public present. Notice of the hearing had been published in accordance with Iowa law and copies made available to the public. Hearing no comment, it was moved by Sanders, seconded by Vermedahl, to approve the first consideration of Ordinance #64, An Ordinance Establishing the County Supervisor Districts and Election Precincts. All members voting aye thereon. Motion carried.

The Board discussed the implementation of animal control fees, to be assessed against persons whose animal is captured in the unincorporated area. Moved by Vermedahl, seconded by Sanders, to implement a fee of \$25.00 for the first apprehension, \$50.00 for the second apprehension, and \$100.00 for the third apprehension – all within a six-month period. Additionally, the amount of mileage paid to the animal control officer as well as a \$50.00 impoundment fee per occurrence. The auditor is asked to draft the necessary resolution for approval by the board and speak with personnel at the animal shelter regarding this action. All members voting aye thereon. Motion carried.

Marc Greenlee and representatives of the Newhall Cooperative (the Coop) met with the board to discuss a land use change for expansion of the Coop. Greenlee explained that after speaking with the county attorney it was determined that an appeal to the board of adjustment can only be made after a decision has been made by the Board of Supervisors. Applicants cannot bypass the board of supervisors and go directly to the board of adjustment. Supervisor Buch commented that our current ordinance states "production of food and fiber" and whether that should be changed to include agricultural related activities. Buch questioned if there was a way to change the language to allow those types of activities. Supervisor Vermedahl thought the best approach was to reconvene the land use commission and look at an amendment to the current ordinance, but the county needs to be very careful about what it means "related to agriculture" as well as "pre-existing business". It was questioned how Frontier Cooperative was allowed to expand and golf courses,

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as well as the demolition derby site north of Blairstown – all properties are classified as "agricultural". The board asked Greenlee to notify the zoning commission of a meeting scheduled for October 11, 2011 at 6:30 a.m.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-67, A RESOLUTION SUPPORTING BENTON COUNTY'S 2011 STATE OF IOWA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) TORNADO AND WIND DAMAGE ASSISTANCE PROGRAM APPLICATION. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

Resolution No. 11-67

A RESOLUTION SUPPORTING BENTON COUNTY'S 2011 STATE OF IOWA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) TORNADO AND WIND DAMAGE ASSISTANCE PROGRAM APPLICATION

WHEREAS: Benton County, Iowa experienced substantial wind damage on July 11, 2011. The next day, Governor Terry Branstad declared Benton County a disaster area; and,

WHEREAS; Benton County Emergency Management has concluded that 2,180 homes were impacted by the storm. This determination is based on Emergency Management's conclusion that 85% of the homes in the 10-mile path of the storm were affected, most of which were minor repairs including roofs, siding and windows, along with minor structural damage. Emergency Management has noted that six homes were considered major or destroyed, four of which had no insurance. Of the 2,180 homes affected, many would not be eligible for the CDBG Tornado and Wind Damage program. Removing insured and other unqualified homeowners, as well as homes that Benton County Coalition is assisting, has left 102 potential homes in the county without assistance; and,

WHEREAS, Benton County will apply for the 2011 State of Iowa CDBG Tornado and Wind Damage Assistance Program to assist the 102 storm-impacted homes; and,

WHEREAS, Upon notification of award, Benton County would offer assistance to uninsured or underinsured, low-to-moderate income households, which are at or below 80% of the FMI according to HUD guidelines that primarily reside in the storm affected home. In addition, upon approval of the award, the East Central Iowa Council of Governments (ECICOG) will be the Administrator of the program to ensure compliance with federal CDBG regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Benton County, Iowa requests assistance through the 2011 State of Iowa CDBG Tornado and Wind Damage Assistance Program.

Passed and approved this 27th day of September, 2011.

Signed: _____
Chair, Benton County Board of Supervisors

Attest: _____
Benton County Auditor
Moved by, seconded by, to acknowledge the receipt of the annual manure management plan filed by Wilco Farm Ltd. For the facility located at 7944 28th Avenue, Norway, Iowa. All members voting aye thereon. Motion carried.
The board presented their initial labor contract proposal to the PPME representing secondary roads.
The auditor reported that the county received a \$94,420.00 equity transfer from the Cedar Valley Ranch in accordance with the current lease agreement. The county received \$65,566 last year from the Cedar Valley Ranch.
Moved by, seconded by, to adopt Resolution #11-69, TRANSFER OF FUNDS. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-69 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors to transfer \$253,845.47 from the General Basic Fund to the Capital Projects Fund.

Signed this 27th day of September 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-68, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-68 ABATEMENT OF TAX

BE IT RESOLVED by the Benton County Board of Supervisors that the 2010 (current) tax on the below listed parcels are abated in full in accordance with Iowa Code 445.63:

240-85500
240-49050
240-11200

BE IT FURTHER RESOLVED that the 2010 (current) tax on the below listed parcels are abated in full in accordance with Iowa Code 357A.10A:

030-35050
030-14250

Dated this 20th day of September 2011.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

No action was taken on the request to abate tax on parcel 250-03050 pending further information.

Moved by Vermedahl, seconded by Sanders, to enter into law enforcement contracts with the City of Shellsburg at \$22.00 per hour for an unspecified number of hours, and the City of Blainstown at \$17,160.00 for 780 hours of coverage. All members voting aye thereon. Motion carried.

Senator Tim Kapucian and Representative Dawn Pettengill met with the Board to discuss various issues. Specifically, the redesign of mental health delivery system was discussed. Representative Pettengill informed the supervisors that all redesign plans were subject to approval by the Iowa legislature in 2012; however study committees were developed to create specific plans in various areas. Representative Pettengill also invited the supervisors to a meeting on October 7, 2011, to meet with Representative Schulte who chaired the committee.

The board discussed aligning with a regional area for delivery of mental health. A study committee has been charged with the creation of regional delivery areas and although the plans would need legislative approval, it would be in the county's best interest to preliminary align with an area. The board met with supervisors from Linn, Johnson, Jones, and Iowa counties about such an area. Moved by Vermedahl, seconded by Sanders, to provide a letter to Johnson County informing them of the board's desire to join a regional area with the aforementioned counties. However, it is stressed that the Benton County Board of Supervisors is not in support of regionalization. All members voting aye thereon. Motion carried.

Supervisor Sanders left the meeting at 12:00 p.m.

The board met with Todd McNall and Assistant County Attorney Emily Nydle regarding early release of retainage to Kleiman Construction. Kleiman has not fully completed the work on the law enforcement center, but has provided much of the required documentation required for early release. McNall recommended as he has done several times prior that the county release 100% of the retainage – stating that the county could file a claim against the performance bond if the work isn't completed. The auditor stated that she had requested the county attorney's office to provide legal guidance as she did not believe the county should release the entire retainage, but agreed that the documentation she had requested earlier had now been provided. Nydle stated that Iowa law still provides that the county the authority to withhold up to 200% of the cost of labor and material yet to be completed. Moved by Vermedahl, seconded by Buch, to release all but \$32,779.32 to Kleiman Construction. The remaining funds withheld are to cover the labor and material for the licensing from Accurate Controls, the audio-visual system, and well field diagrams. Both members voting aye thereon. Motion carried.

The auditor briefly spoke to the board about legal issues arising with subdivision variances. Due to the time and a meeting the auditor had with FEMA representatives at 1:00 p.m., the matter was deferred to the next meeting.

Moved by Vermedahl, seconded by Buch, to adjourn. All members voting aye thereon. Motion carried at 1:00 pm.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

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September 28, 2011

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

Supervisor Buch attended by telephone made available through a speakerphone.

The time of 9:30 a.m. having arrived, and this being the time and date for the second consideration on Ordinance #64, An Ordinance Establishing The County Supervisor Districts and Election Precincts, the board took up the matter. There were no members of the media or public present. Notice of the hearing had been published in accordance with Iowa law and copies made available to the public. Hearing no comment, it was moved by Vermedahl, seconded by Buch, to approve the second consideration of Ordinance #64, An Ordinance Establishing the County Supervisor Districts and Election Precincts. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

October 4, 2011

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

Nathan Hesson with Vinton Unlimited requested to use the courthouse lawn on October 7, 2011, for a kick-off of the Iowa Initiative walking program. Moved by Vermedahl, seconded by Sanders, to approve the request to use of the courthouse lawn on October 7, 2011, by Vinton Unlimited. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to acknowledge the resignation of Diane Buckingham, due to retirement, effective November 4, 2011. Buckingham is eligible to participate in the retirement incentive under Resolution #10-. All members voting aye thereon. The Board extends their appreciation to the many years of service Buckingham as provided to Benton County. Motion carried.

Moved by Sanders, seconded by Vermedahl, to enter into contracts with Ameristar for storm damage repair upon receipt of the required performance bond. The bond is set at \$20,000.00. All members voting aye thereon. Motion carried.

Moved by, seconded by, to approve the auditor's quarterly report for the period ending September 30, 2011. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date for the third and final consideration on Ordinance #64, An Ordinance Establishing The County Supervisor Districts and Election Precincts, the board took up the matter. There was one member of the public present. Notice of the hearing had been published in accordance with Iowa law and copies made available to the public. Hearing no comment, it was moved by Sanders, seconded by Vermedahl, to approve the third consideration of Ordinance #64, An Ordinance Establishing the County Supervisor Districts and Election Precincts. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-70, ADOPTING ORDINANCE #64, AN ORDINANCE ESTABLISHING THE COUNTY SUPERVISOR DISTRICTS AND ELECTION PRECINCTS AND AMENDING CHAPTER 3 OF THE BENTON COUNTY CODE OF ORDINANCES. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-70

ADOPTING ORDINANCE #64, AN ORDINANCE ESTABLISHING THE COUNTY SUPERVISOR DISTRICTS AND ELECTION PRECINCTS AND AMENDING CHAPTER 3 OF THE BENTON COUNTY CODE OF ORDINANCES

WHEREAS, the Benton County Board of Supervisors desires to establish new county supervisor districts and election precincts in accordance with Iowa law and the 2010 census; and

WHEREAS, three considerations of Ordinance #64 were held on September 27, 2011, September 28, 2011, and October 4, 2011; and

WHEREAS, publication of the considerations were made according to Iowa Code; and

WHEREAS, a copy of said Ordinance #64 has been available to the public in the Benton County Auditor's office;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that ORDINANCE #64, AN ORDINANCE ESTABLISHING THE COUNTY SUPERVISOR DISTRICTS AND ELECTION PRECINCTS is fully with an effective date of January 15, 2012, and

FURTHER IT IS RESOLVED THAT CHAPTER 3 OF THE BENTON COUNTY CODE OF ORDINANCES is hereby amended to include said Ordinance 64, and remove Ordinance #41, which is repealed through Ordinance #64, effective January 15, 2012. The Benton County Auditor is directed to publish Ordinance #64 in its entirety in the official newspapers of Benton County.

Signed this 4th day of October 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Benton County Auditor

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Assistant County Attorney Nydle, Chuck Juhl, Benton County Recorder Lexa Speidel, Land Use Administrator Marc Greenlee, and Benton County Auditor Jill Marlow, met with the board regarding issues arising with variances to the county's subdivision ordinance. Marlow explained that a title attorney will not provide a clear title opinion on a recent title transfer due to documentation not being recorded with the subdivision plat. The attorney has questioned what authority the county has to waive state law. Marlow explained that the board of supervisors does not have authority to waive state law but does have the authority to waive requirements under the county's ordinance. The issue is that the requirements of the ordinance being waived mirror state law as well. Supervisor Vermedahl stated that the county has never waived the requirement of the state law when granting variances. Attorney Nydle stated that the board of supervisors has not done anything outside of their authority in that they did not waive state law requirements. Recorder Speidel questioned what she was to do with future subdivision plats brought in for recording that have previously had certain provision waived. She was told that she needed to require the attachments as required.

Jerry Petermeier told the board that the Belle Plaine Nursery contacted him about the lawn around the law enforcement center. The Nursery provided the grass/landscaping around the facility under the construction contract; however stated that they were not happy with the product and asked if they could make improvements at no charge to the county. Petermeier stated that he authorized the improvements as well as asked the Nursery to landscape around the new sidewalk that was installed on the east side the law enforcement center and parking lot.

Petermeier reported on problems arising with the controls in the parking lot. Petermeier stated that the electricians are having difficulty installing the electrical due to poor communication with Accurate Controls, who are installing the gate controls. Petermeier was hopeful that the issues are being resolved.

Petermeier stated that he is going to contact secondary roads about putting a load of gravel in the parking area, but is waiting for the new cement to set. Petermeier added that rock would need to be placed around the tower.

Petermeier reported on the status of the storm-related repairs at the storage building at the Cedar Valley Ranch. Petermeier stated that asbestos abatement has been arranged and once removed the building will be demolished.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by South Slope Telephone Company to place utility lines in the county's right-of-way in Eldorado, Fremont, and Florence Townships along 27th Avenue, 72nd Street, and 29th Avenue to 75th Street. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by MidAmerican Energy to place utility lines in the county's right-of-way in Eden Township Sections 3 and 4 along 25th Avenue. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve a utility permit requested by Windstream Communications to place utility lines in the county's right-of-way in Iowa Township Sections 15 and 16 along 13th Avenue/old Highway 131. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of September 27, 2011 and September 28, 2011. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

October 7, 2011

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch and Sanders present. Supervisor Vermedahl absent. Chairman Buch called the meeting to order at 1:00 p.m. at the Kirkwood Continuing Education Center in Cedar Rapids.

The Board met with representatives from Cedar County, as well as State Representatives Dawn Pettengill, Jeff Kaufman, and Renee Schulte.

The purpose of the meeting was to discuss the legislation passed during the 2011 legislation session directing the redesign of delivery of mental health services in Iowa. The legislation created study groups to develop various aspects towards the redesign of the mental health system. One possible change would encourage regionalization of services. The Benton County supervisors had voiced concern over the concept of regionalization questioning if that was the best direction for Benton County's service population.

Representative Pettengill had previously told the Board that the legislature had not required regionalization and that all study groups would submit plans to a committee, who in turn, would submit a proposed plan to the Iowa legislature for consideration in 2012. However, it was reported that DHS Director Charles Palmer had stated that regionalization was in essence going to materialize and that counties needed to prepare for the redesign.

Concerns voiced by county representatives relative to regionalization of mental health serviced included, but are not limited to, the following: Distance to services, local presence in the county, costs, efficiency, differing services between counties, ability to cross regional boundaries to access services, equitable funding in a regional based service area, management and governance of a regionally based service area, equal county representation on regional boards, implementation time-line, bed shortages, oversight, the need to change a system that is working in many counties.

Representative Schulte responded that not all counties are providing the services currently mandated and that the redesign of the mental health system was to provide a standardized set of services across the state. Rep. Schulte stated that the legislation would eliminate legal settlement requirements currently in place. The redesign would eliminate seventy-eight central point coordinators currently in place – adding that the funds are not always getting to the right people. There would be standardized administration, billing, provider rates, and eligibility. Rep. Schulte stated that service providers are not being removed from communities but that a regional service area could provide more services in

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some counties, i.e. a mobile clinic. Rep. Schulte added that some counties are providing services that are not good practices citing the use of sheltered workshops for mentally ill clients. Rep. Schulte added there would be no more legacy services and that there would be delivery changes that give the consumer more choice and more service options. Rep. Schulte and Rep. Pettengill both echoed that there was no discussion on the delivery of services on the local level, but that if regionalization was the best for delivery of services, then guidelines were included in the legislation regarding the creation and responsibilities of the region. Rep. Schulte encouraged those present to contact their lobbyist and legislators so that the 2012 legislature could consider all aspects of the system redesign. Rep. Schulte did reiterate however that the delivery of mental health was going to change, how that change is effectuated is what is under consideration through interim committee and study groups.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

October 11, 2011

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

Moved by Vermedahl, seconded by Buch, to approve checks numbered 131770 through 132084, and ACH deposits numbered 12415 through 12531, for payment. All members voting aye thereon. Motion carried.

Acknowledge the landfill account balance as of September 30, 2011 to be \$35,995.01.

Moved by Vermedahl, seconded by Sanders, to set Tuesday November 8, 2011 at 9:15 a.m. for a land use hearing for Scott and Cheryl Atwood for part of the SE1/4 of the SW1/4 of Section 23-83-11. Voting aye were Sanders, Vermedahl and Buch. Nays none. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the resignation of Sherri McGowan, due to retirement, effective October 20, 2011. All members voting aye thereon. The Board extends their appreciation to the many years of service McGowan has provided to Benton County. 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 Dusty and Stacy McShane, the board took up the matter for consideration. Stacy McShane was present. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The applicant is requesting a change to allow for the construction of a new nonagricultural use for a single residential structure on approximately 3 acres of their existing 16 tillable acres. The ground has an average CSR of 24 with 3 different soil types. Greenlee advised that a well and septic system would be needed. The driveway met the criteria needed and the adjacent property owners along with the newspapers were notified. Upon hearing no further discussion, the chair declared the public hearing closed. Moved by Sanders, seconded by Vermedahl, to approve the request for a land use change from agricultural to non-agricultural on approximately three acres for a residential purpose on a parcel generally described as being a Part of the NE1/4 of the SW1/4 of 23-83-11. All members voting aye thereon. Motion carried.

The board received a brief update on Genesis Development from Terry Johnson. The organization has been working steady serving 12 clients in both Vinton and the Belle Plaine area.

Continued discussion about the parking lot to the law enforcement center and wiring issues and other issues with Change Order #20. The matter was placed on the next agenda for further discussion.

Moved by Vermedahl, seconded by Sanders, to pay Kleiman Construction's retainage relative to Accurate Controls for the work done on upgrading equipment, when we receive the licensing in the mail and know it is all final. All members voting aye thereon. Motion carried.

Jerry Petermeier updated the board on the lawn of the law enforcement center. Belle Plaine Nursery would like to wait until the spring to come put the final touches to the lawn since its getting a little late in the season and feels they can do a better job then.

Moved by Vermedahl, seconded by Sanders, to approve the recorder's quarterly report for the period ending September 30, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to suspend the tax on parcel number 240-87350, pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Moved by Buch, seconded by Sanders, to recess until 6:30 p.m. All members voting aye thereon. Motion carried at 11:15 a.m.

Ronald R. Buch, Chairman

ATTEST: _____
Hayley Rippel, Deputy Auditor

The Board was reconvened at 6:32 p.m. in the GIS Room, located in the basement of the courthouse, with Supervisors Vermedahl and Buch present. Supervisor Sanders arrived later. The meeting was a joint meeting with the Benton County Zoning Commission. Zoning Commission members present were Jim Hodgson, Nancy Jensen, Larry Koster, Larry Beatty, and Ranae Becker.

Supervisor Ron Buch explained to everyone that there was an issue with the current land use that does not allow existing businesses to expand if the land has a CSR higher than 70.

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Marc Greenlee presented proposed changes to the ordinance and those changes were discussed. The present ordinance states:

ARTICLE VI NONCONFORMING USE PROVISIONS

SECTION 1. INTENT – Within the Agricultural Land Use District, established by this Ordinance, there exists structures and use of land which were established and lawful prior to the adoption of this Ordinance. Such uses are now subject to the provisions of this Ordinance. This Ordinance recognized these non-conformities and will permit them to continue until they are removed or abandoned. This section will prescribe when permission approval procedures and compliance permit approvals are required. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption of this Ordinance.

SECTION 2. PERMISSION APPROVAL PROCEDURES REQUIRED – The following instances require that the County Board review the development in accordance with Article V, Section 3, "Permission Approval Request Procedures", of this Ordinance:

2.1 The enlargement or extending of a nonconforming use of land to occupy additional lot or parcel are beyond the lot or parcel occupied by the use at the time of adoption of this Ordinance must be approved.

2.2 If any such nonconforming use of land ceases or is discontinued for a period of more than three (3) years, any re-establishment of the previous use or any new use must be approved.

2.3 The change in use of land must be approved, unless such use is a principal permitted use of the Agricultural Land Use District.

DRAFT OF PROPOSED AMENDMENT TO SECTION 2. 2.1

2.1 The enlargement or extending of a nonconforming use of land to occupy additional lot or parcel area must be approved unless the use is determined by the Administrative Officer to be a service essential to the agricultural production of food and fiber. Uses that may be enlarged or extended to additional lot or parcel of land irregardless of CSR ratings include an agricultural implement and equipment sales and service business, an agricultural feed, seed and fertilizer business, an agricultural building sales and construction business, an agricultural seed processing and storage facility, and an agricultural research and development facility.

Moved by Larry Koster, seconded by Larry Beatty to change the proposed amendment to the following:

2.1 The enlargement or extending of a nonconforming use of land to occupy additional lot or parcel area must be approved unless the use is determined by the Administrative Officer to be a service essential to the agricultural production of food and fiber. Uses that may be enlarged or extended to additional lot or parcel of land irregardless of CSR ratings include an agricultural implement and equipment sales and service business, an agricultural feed, seed and fertilizer business, an agricultural building sales and construction business, an agricultural product(s) processing and storage facility, a veterinary medicine facility, and an agricultural research and development facility.

All members voting aye thereon. Motion carried.

Public hearing date of November 1, 2011 at 6:30 p.m. was set to review the amendments to land use ordinance.

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

Ronald R. Buch, Chairman

ATTEST: _____
Brenda Sutton, Deputy Auditor

October 18, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of October 4, 2011, October 7, 2011, and October 11, 2011. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date for a public hearing to consider a Community Development Block Grant (CDBG) Water Application, the board took up the matter for discussion. There were no members of the public or media present. Notice of the hearing had been made in accordance with law. No comments were heard or filed prior to the public hearing. The following was read aloud during the public hearing: The County's proposed application for Water Improvements to assist the Timber Ridge Mobile Home Park, through the Federal Community Development Block Grant (CDBG) Program, requires that the following topics be identified for consideration:

- A. As concerned with how the need for proposed activities was identified, it is noted that proposed activity need has been identified because observed raw water ammonia concentration at the Timber Ridge Mobile Home Park is cause of concern for nitrite formation in the distribution system and imposed health risk.

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- B. As concerned with how proposed activities will be funded and the source of funds, it is noted that with proposed project cost estimated to total \$298,800, financial assistance in the form of grant is being requested from the CDBG Program, to be combined with match to be incurred by the Timber Ridge Water Utility Corporation from the State Revolving Loan Fund.
 - C. As concerned with the date the application will be submitted, it is noted that the CDBG Program funding application will be submitted to the Iowa Department of Economic Development for receipt by November 2, 2011.
 - D. As concerned with the requested amount of federal funds, it is noted that \$146,000 is being requested from the CDBG Program, with balance of the budget to be secured from the State Revolving Loan Fund.
 - E. As concerned with benefit from federal funding, local survey estimates that 88.5% of persons benefiting from the project will have low- to moderate-income.
 - F. As concerned with where proposed activities will be conducted, it is noted that the Timber Ridge Mobile Home Park is located at 6676 32nd Ave., Shellsburg, Iowa, with water supply to be provided through an approximate 9,740 foot connection to the Poweshiek Rural Water Association.
- G&H. As concerned with plans to minimize the displacement of persons or businesses as a result of funded activities, and plans to assist persons actually displaced, it is noted that because only easement acquisition on vacant land is proposed only for water extension, there will be no displacement of persons or businesses as a result of funded activities.
- I. As concerned with the nature of the proposed activities, it is noted that the project proposes an approximate 9,740 foot extension of the Poweshiek Water Association (PWA) Rural Water System to allow connection to the distribution system of the Timber Ridge Mobile Home Park, together with internal park improvements that include the installation of remote read water service meters.

Hearing no comment either for or against the application, it was moved by Sanders, seconded by Vermedahl, to approve the Community Development Block Grant Water Application for submission to the Iowa Department of Economic Development and to authorize the chair to execute the same. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, and Dana Burmeister, Assistant, met with the board to talk about the Transportation Management System (TMS). The system is used by Medicaid eligible clients for transportation to non-emergency medical appointments. Benton County is in the third year of a three-year contract as a provider with TMS. The county provided 952 rides during the period October 1, 2010 through September 30, 2011. The county is reimbursed by TMS at \$1.40 per loaded mile driven. There is no cost to the client. The regular cost for transportation by Benton County is \$25.00 per hour. Halstead and Burmeister told the Board that the program has caused a tremendous increase in the workload of the department. Halstead stated that there is no reimbursement for transportation of preschool children to Headstart. Halstead stated that the program revenue for her department in the period October 1, 2010 through September 30, 2011, was approximately \$32,000. Supervisor Vermedahl questioned if Halstead had analyzed the cost of providing the service. Halstead said she did not have those figures at this time. Halstead and Burmeister stated that the purpose of the meeting was to make the supervisors aware of the program, its effect on the department, and the service it provided.

Sheriff Forsyth spoke to the board about the law enforcement contracts between the county and the cities. Forsyth reminded the board that they had asked that language be added to the contracts regarding hold harmless and indemnity. The current contracts were limited to a six-month period to allow the supervisors time to work out all of the language details. Forsyth stated that the Blairstown city attorney was opposed to the county's proposed language and submitted different language for the county's consideration. Forsyth reminded the board that the contracts all expire on December 30th and that the cities will be without coverage if the issue isn't resolved and new contracts signed prior to that date. Supervisor Vermedahl stated that he would be at the next meeting of the county's insurance pool and the matter was on the agenda to discuss.

Jerry Petermeier met with the board to discuss the status of the parking lot at the law enforcement center. Petermeier stated that the sheriff had inquired about adding a walk-in gate to the lot. Petermeier reported that the gates could be set to stay open for a pre-determined length of time. The gates could be set to close up to five minutes after opening to allow time for an employee to walk through the drive-through gate. Petermeier reported that rock had been placed in the lot and that he "pulled in" the dirt around the cement entry pads. Petermeier stated that he did not pull the dirt around the sidewalk at the law enforcement center, but thought perhaps an inmate could take care of it.

Petermeier also reported that he received the well field diagrams and information from Barker LeMar for the geothermal system for the law enforcement center. The county had been withholding retainage from Kleiman Construction pending receipt of the diagrams.

Moved by Vermedahl, seconded by Sanders, to release the entire retainage to Kleiman Construction upon notice by the sheriff that Accurate Controls has completed the audio/visual installation. All members voting aye thereon. Motion carried.

The board spoke about the conduit that was installed by Justice Electric for the audio/visual installation. The architect had omitted the work from change order #20 and change order request #51. The board instructed the sheriff to contact Justice Electric and have them submit a bill directly to the county for payment.

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Moved by Sanders, seconded by Vermedahl, to designate the auditor as the authorized representative and financial officer for FEMA Disaster Declaration DR-4016 for all county related damage except for conservation and secondary roads. The county engineer is designated as the authorized representative and financial officer for FEMA Disaster Declaration DR-4016 for secondary roads related damage. The conservation board is responsible for designations related to that department. All members voting aye thereon. Motion carried.

The board spoke about the new cell at the landfill. The cell has been in use for approximately one year and it appears that it is already at almost 50% fill. The board was concerned that the cell was not going to last as originally estimated. One specific issue that was discussed was the use of dirt as a daily cover instead of the tarp, which was to have been implemented. The board questioned why the directive to use a tarp for cover had not been implemented. The engineer was not present to discuss the matter.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

October 26, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of October 18, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve checks numbered 132085 through 132345, and ACH deposits numbered 12532 through 12646, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-71, Amending Resolution #10-73, and Authorizing Auditor to Issue Checks and Execute Agreements Related to Electronic Financial Activities. Voting aye were Vermedahl, Sanders and Buch. Nays none. Motion carried.

RESOLUTION #11-71
AMENDING RESOLUTION #10-73
AUTHORIZING AUDITOR TO ISSUE CHECKS AND EXECUTE AGREEMENTS RELATED TO ELECTRONIC
FINANCIAL ACTIVITIES

WHEREAS: The Board of Supervisors adopted Resolution #10-73, on December 28, 2010, giving the auditor authority to issue checks in accordance with Iowa Code 331.506; and

WHEREAS: Benton County conducts a part of this activity through the use of ACH deposits and/or electronic means; and

WHEREAS: It is necessary for the auditor to have the authority to execute agreements on behalf of Benton County when necessary to allow for the use of electronic banking, including but not limited to ACH deposits, and other financial activities, and

NOW BE IT RESOLVED that Resolution #10-73 is amended to add the following:

"The Benton County Auditor is hereby authorized to execute the necessary agreements on behalf of Benton County for the purposes of ACH deposits and other electronic financial activities of Benton County. The auditor may at her discretion delegate authority to staff within the auditor's office."

BE IT FURTHER RESOLVED that this authority is retroactive to the date of the original resolution adopted on December 28, 2010.

All other portions of Resolution #10-73 adopted on December 28, 2010, remain in full force and effect.

Signed this 26th day of October 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve and authorize the Chair to sign the annual contract with Employee Benefit Services for administration of the county's Section 125 plan. All members voting aye thereon. Motion carried.

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Moved by Sanders, seconded by Vermedahl, to authorize the chair to sign the acknowledgement of receipt of Veterans Affairs annual grant requirements. All members voting aye thereon. Motion carried.

Nathan Hesson with Vinton Unlimited met with the board to discuss various upcoming holiday events they would like to use the courthouse lawn and/or facilities. Moved by Vermedahl, seconded by Sanders to approve the use of the courthouse lawn on Saturday October 29, 2011, by Vinton Parks and Recreation. Further, to approve the use of the courthouse lawn by Vinton Unlimited on November 17, 2011, for the holiday tree lighting ceremony and approve using the courthouse for the related Santa visit. Approval is given to Vinton Unlimited to use of the courthouse lawn on December 3, 2011 and December 15, 2011, for holiday activities as well. 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 Joanne Zuber. The owner currently has a small strip of land lying between two properties. Zuber would like to erect a boundary fence and clean up the existing boundary line without cutting down mature evergreen trees along the neighboring property. Zuber would also like to eliminate potential liability issues arising from the adjacent property owner having to travel across Zuber's property in order to access to his building at the rear of the adjacent parcel. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-72, Granting a Variance to the Benton County Subdivision Ordinance. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-72

GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE

WHEREAS, Benton County adopted an Ordinance #61 on May 24, 2011 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 Dennis Kunze on behalf of the Joanne Zuber, the owner of a parcel located in the NW1/4 of the SW1/4 of 28-82-9; and

WHEREAS, the owner desires to create a split, which will move the boundary line between two parcels so that it follows the natural physical boundary between the two properties; and

WHEREAS, the new boundary will allow the adjacent property owner access to their own building without traveling over Zuber's property; and

WHEREAS, strict adherence to the ordinance would create an undue hardship due;

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a variance is hereby granted to Ordinance #61 in its entirety, on a parcel located in the NW1/4 of the SW1/4 of 28-82-9. Said variance is granted due to the extraordinary hardship the subdivider would incur if adherence were required as the parcel split will not be for building purposes and will act as a property line boundary.

conductive

Dated this 25th day of October 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Dan Sears with New Century Farm Service met with the board to discuss the relocation of the Vinton Farm Service plant to a location on the west side of Vinton, but within the city limits. Sears explained that New Century Farm Service was relocating for various safety reasons and also to expand. They are hoping to reach an agreement with Tama-Benton Coop to share some of the railroad access. Moved by Sanders, seconded by Vermedahl, to acknowledge the proposed relocation of New Century Farm Service to the west area of Vinton. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve 46.25 hours of vacation carryover for Randy Sherwood. Said carry-over is to be used by the end of January 2012. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a utility permit requested by Windstream Communications to place utility lines in the county's right-of-way in sections 6 and 7 of Polk Township. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST:

Hayley Rippel, Deputy Auditor

November 1, 2011

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Buch, Vermedahl, and Sanders present. Chairman Buch called the meeting to order at 5:05 p.m.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of October 26, 2011. All members voting aye thereon. Motion carried.

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Moved by Vermedahl, seconded by Sanders, to approve the hire of Becky Fisher as a part-time driver in the transportation department, effective November 1, 2011, at a wage of \$11.80 per hour. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan filed by Team Dairy, LLC for the facility located at 5978 17th Avenue, Garrison, Iowa. All members voting aye thereon. Motion carried.

County Auditor Jill Marlow updated the board on the status of the grant for the Multi-Jurisdictional Hazard Mitigation Plan. The auditor explained that local match was required by the county. There was to be no actual cost to the county as the project was to be paid for with grant funds and local match made up of volunteer hours. The board contracted with Steve Meyer and Robyn Reese to compile the plan, hold all necessary planning meetings, and prepare all required grant documentation. The volunteer hours were to be obtained during the planning process. However, not enough hours were volunteered to meet the requirement. Marlow stated that she has been working with the state to try and search out additional volunteer hours that may have been missed in the documentation. Marlow advised that additional hours from the City of Vinton and the City of Newhall were obtained, as well as additional documentation from Meyer, which has provided additional match but the county is still short. Marlow advised that the shortage in local match will require the county to expend funds that initially were not planned.

County Auditor Marlow spoke to the board about the current management agreement with ERBs Business Solutions for information technology. Marlow explained that there have been some concerns over the past year, primarily with response to issues. Marlow told the board that ERBs was seeking to continue the agreement and was requesting a one-year contract, with a price increase, for FY13. The board asked Marlow to arrange a meeting with ERBs representatives.

Marlow also updated that board on a recent disaster recovery required in the courthouse computer system. Marlow explained the cause of the initial problem and the steps taken to recover. Marlow also updated the board on the planned upgrade to the county's financial software. Marlow stated that the best alternative for secondary roads would be a fiber optics link to the courthouse and that she was waiting for a quote from the City of Vinton. Marlow also spoke briefly about the possibility of a microwave link to establish a better connection, but stated that fiber optics would be the best option as well as open up other connectivity options.

The auditor updated the board on the replacement of the current election system. The auditor has arranged for a demonstration of the Unisyn Voting System for the board.

Marlow updated the board on the current states of the Routematch upgrade for transportation. Routematch is to install the upgrade remotely on November 3, 2011, and ERBs will be present to address any issues. Once the upgrade is installed on the desktop, then training will take place and upon completion, the new upgraded software will go live. Marlow stated that the unknown in the timeline is the length of training.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-73, AMENDING BUDGET WITHIN SERVICE AREA. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-73

SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2012 budget on March 8, 2011; and **WHEREAS**, the Board now desires to amend said budget within a service area to adjust for various changes determined after the budget was adopted; and

WHEREAS, the auditor was directed to make said changes in conjunction with the appropriation of funds; and

WHEREAS, the Board desires to formally amend the FY12 budget to reflect those changes,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the FY2012 county budget is hereby amended in Service Area 02200 to move \$19,000.00 from the Conservation Land Acquisition fund to the LOSST fund. The auditor is directed and authorized to amend said service areas as needed.

Dated this 1st day of November 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ron Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Auditor

Keith and John Elwick were present during the board meeting due to the agenda item concerning the animal control agreement. J. Elwick stated that if the agenda item was about the lease agreement with the shelter that they were interested in the issue. The matter on the agenda however concerns the county's agreement with the animal control officer, Garrett Wittmer, and not the lease agreement with the shelter. Both Elwicks expressed concern if the present facility is expanded at its current location. J. Elwick believed that the site of the shelter should be moved as the animals get excited and noisy if expanded. Supervisor Vermedahl stated that the county should begin drafting a lease agreement with the shelter. Elwick also asked to be kept informed of meetings where the lease of the facility is discussed.

The auditor spoke to the board about the current agreement with Garrett Wittmer for animal control services. The current agreement was for one year with no language on automatic renewal. Marlow stated that she has spoken with Wittmer and that plans to continue providing the services; however several areas of the agreement need to be revised. Marlow is to consult with Wittmer and the county attorney's office regarding a new agreement.

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Auditor Jill Marlow presented a resolution for consideration by the board establishing impoundment fees for animals at-large. The board had taken action in September establishing a three-step fee and directing the auditor to prepare a resolution incorporating the same. The auditor explained that she had met with the county attorney's office, who believed that the three-step fee would be deemed as a penalty and not an impoundment fee.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-74, ESTABLISHING IMPOUNDMENT FEES PURSUANT TO ORDINANCE #37, ANIMAL PROTECTION AND CONTROL. Further the action of September 27, 2011, establishing fees for the impoundment of animals at-large is repealed. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-74 ESTABLISHING IMPOUNDMENT FEES PURSUANT TO ORDINANCE #37, ANIMAL PROTECTION AND CONTROL

WHEREAS, The Benton County Board of Supervisors adopted Ordinance #37, Animal Protection and Control on March 29, 2000 and recorded the same on April 4, 2000; and

WHEREAS, Section 37.07 of said Ordinance #37 makes it unlawful for any owner to allow an animal to run at large within the unincorporated areas of Benton County; and

WHEREAS, Section 37.13 of said Ordinance #37, authorizes the seizure and impoundment of animals at-large; and

WHEREAS, Section 37.14 of said Ordinance #37, provides the authority for the Board of Supervisors to establish impounding costs by resolution; and

WHEREAS, the Board of Supervisors desires to establish costs for the impoundment of animals at-large in the unincorporated areas of Benton County,

NOW THEREFORE BE IT RESOLVED that pursuant to Benton County Ordinance #37, Animal Protection and Control, that the following impoundment costs are hereby established and include, but are not limited to, the following:

1. A \$50.00 per animal apprehension fee, which includes any routine mileage expense; and
2. Any other expense incurred in the apprehension and/or impoundment of the animal

Further, all costs are to be paid in the office of the county sheriff prior to the release of said animal to the owner.

Impounded animals may not be released without proof that payment has been made to Benton County.

Impoundment costs for animals not claimed and/or returned to the owner may be waived.

This resolution shall be effective this date.

Dated this 1st day of November 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to approve 48 hours in vacation carry-over requested by John Lindaman. Said carry-over is to be used no later than December 31, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to contract with B. G. Breche to remove the existing condensate transfer unit from the courthouse boiler and replace it with a new one at a cost not to exceed \$2,210.80. All members voting aye thereon. Motion carried.

The board moved the meeting to the basement of the courthouse and held a joint meeting with members of the zoning commission. The purpose of the meeting was to hold a public hearing on a change to the Benton County Agricultural Land Use Preservation Ordinance. The zoning commission had published notice of the public hearing in accordance with law.

Land Use Administrator Marc Greenlee summarized the discussion and action taken previously by the zoning commission relative to amending the ordinance.

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The zoning commission conducted the public hearing and took formal action to forward a recommendation to amend the county's ordinance as follows:

Article VI, Section 2., 2.1. PERMISSION APPROVAL PROCEDURES REQUIRED

(A draft proposed amendment to Section 2., 2.1)

- 2.1 The enlargement or extending of a nonconforming use of land to occupy additional lot or parcel area must be approved unless the use is determined by the Administrative Officer to be a service essential to the agricultural production of food and fiber. Uses that may be enlarged or extended to additional lot or parcel of land regardless of CSR ratings include an agricultural implement and equipment sales and service business, an agricultural feed, seed and fertilizer business, an agricultural building sales and construction business, an agricultural product(s) processing and storage facility, a veterinary medicine facility, and an agricultural research and development facility.

Article II. DEFINITIONS

- 2.4 Agricultural Feed, Seed, and Fertilizer Business. An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.
- 2.5 Agricultural Implement and Equipment Sales and Service Business. An establishment that sells, rents, or repairs agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of agricultural products, and other operations and processes pertaining to agricultural production of food and fiber.
- 2.6 Agricultural Building Sales and Construction Business. An establishment that builds or erects structures or buildings used for agricultural purposes.
- 2.7 Agricultural Product(s) Processing and Storage Facility. A building or land area used for processing or storage of products produced on a farm.
- 2.8 Agricultural Research and Development Facility. A facility, including associated cultivated areas, whose primary purpose is research in food and agricultural sciences.
- 2.9 Veterinary Medicine Facility. A facility built and designed for the purpose of providing medical care to agricultural livestock.

Moved by Sanders, seconded by Vermedahl, to adjourn. All members voting aye thereon. Motion carried at 6:45 p.m.

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

November 8, 2011

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

Carter Baldwin of Iowa Workforce Development met with the Board to inquire about placing a public computer in the courthouse for the public to use to access job search sites and the Iowa Workforce Development website. The site would need internet access. The board discussed possible sites within the courthouse, but internet access is only available inside the various offices. The county does not have wireless internet in the courthouse. It was determined that there wasn't any site available at this time in the courthouse, but if wireless internet becomes available, they would notify Iowa Workforce Development.

The time of 9:15 a.m. has arrived, and this being the time and date set for a public hearing on a land use change requested by Scott and Cheryl Atwood, 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 and the ten percent slope rule. The applicants would need to install water and septic. The proposed use is on an old farmstead with buildings still in existence. 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 located in the East ½ of the SW 1/4 of 23-83-11. Both members voting aye thereon. Motion carried.

County Recorder Lexa Speidel presented estimates for replacing carpet in her office. Speidel obtained three estimates as follows:

Barnes Furniture: front office – 720.15; vault area - \$819.19; total - \$1539.64
Country Floors: front office – 1018.08; vault area- \$1084.83; total – \$2102.91

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Michael & Dowd: total - \$3089.50 (not broken down between rooms)

Supervisor Vermedahl stated that he wanted to look at the carpet before making on decision on whether to replace the carpet in the front office, since it was installed in 2005. Supervisor Buch questioned if the carpet could be re-stretched in the vault instead of the replacing it. Moved by Vermedahl, seconded by Buch, to replace the carpet in the vault area only and to purchase the same from Barnes Furniture. Both members voting aye thereon. Motion carried.

Kyle Helland and Dan Kearns met with the board to request a variance to the county's subdivision ordinance. Moved by Supervisor Vermedahl, seconded by Buch, to adopt Resolution 11-75, Granting a Variance to the Benton County Subdivision Ordinance. Voting aye were Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #11-75

GRANTING A VARIANCE TO THE BENTON COUNTY SUBDIVISION ORDINANCE

WHEREAS, Benton County adopted an Ordinance #61 on May 24, 2011 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 on behalf of Dan Kearns, the owner of a parcel located in the NW FRL 1/4 of 6-85-10; and

WHEREAS, the owner is selling the property once owned by his late parent located at 2299 57th Street Trail; and

WHEREAS, a requirement of the sale is the installation of a new septic system; and

WHEREAS, due to the topography of the existing property, said system will be partially constructed outside of the existing legal property lines and onto other property owned by Kearns; and

WHEREAS, the owner desires to separate his own adjacent home site located at 2297 22nd Avenue (located directly west of 2299 57th Street Trail) from the existing farm, to avoid the hardship of an unwanted easement for the septic system on his remaining property; and

WHEREAS, both residences were constructed prior to the county's ordinance regulating subdivision of land; and

WHEREAS, strict adherence to the ordinance would create an undue hardship;

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a variance is hereby granted to Ordinance #61 in its entirety, on a parcel located in the NW FRL ¼ of 6-85-10. Said variance is granted due to the extraordinary hardship the subdivider would incur if adherence were required as the parcel split will not be for building purposes and will allow the subdivider to comply with septic regulations without providing an easement for said septic system and avoiding potential liability concerns .

Dated this 8th day of November 2011.

Ronald R. Buch, Chairman

David Vermedahl

The engineer reported the balance at the landfill bank account on October 31, 2011 was \$52,487.47.

Moved by Vermedahl, seconded by Buch authorizing the chair to sign the updated Storm Water Pollution Prevention Plan, which is required by the Department of Natural Resources. Both members voting aye thereon. Motion carried.

The engineer spoke to the board about the reconstitution letter received from the Farm Service Agency for the farm ground at the landfill. Moved by Vermedahl, seconded by Buch, to authorize Supervisor Buch to sign the required documentation needed for the reconstitution of the landfill property. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to acknowledge the receipt of the manure management plan filed by McKinley Swine, LLC for the facility located at 3334 King Avenue, Walker, Iowa. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve checks numbered 132346 through 132610, and ACH deposits numbered 12647 through 12762, for payment. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Buch, to approve the minutes of November 1, 2011. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

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November 15, 2011

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

The time of 9:00 a.m. having arrived, the board proceeded with canvassing the November 8, 2011 regular City Election. Having reviewed all results, it was moved by Vermedahl, seconded by Sanders, to approve the canvass of the November 8, 2011, City Election, and declare the winners so elected. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of November 8, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adjourn at 10:30 a.m. All members voting aye thereon. Motion carried.

Ronald R. Buch, Chairman

ATTEST: _____
Brenda Sutton, Benton County Deputy Auditor

November 22, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of November 15, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to amend the minutes of October 18, 2011 to reflect that the TMS contract is a two-year contract. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to checks numbered 132611 through 132953, and ACH deposits numbered 12763 through 12879, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve a Class C Beer and Sunday Sales license for Kimm's Sinclair. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-77, AMENDING RESOLUTION #11-13, ADOPTION OF THE FY12 BUDGET. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

Resolution #11-77

Amending Resolution #11-13 Adoption of the FY12 Budget

WHEREAS, The Benton County Board of Supervisors adopted Resolution #11-13 on March 8, 2011; and

WHEREAS, The official budget, notices, and public hearings relative to the adoption of the FY12 budget included a debt service levy; and

WHEREAS, the resolution adopting the FY12 budget erroneously omitted language on the debt service levy; and

WHEREAS, the debt creating the debt service levy was legally created and the levy therefore,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a clerical correction to Resolution #11-13, Adoption of the FY12 Budget, is hereby adopted as follows:

The budget as adopted will approve the following property taxes for fiscal year 2011-12.

General Basic	\$3,963,843
General Supplemental	\$1,299,302
Mental Health Services	\$ 882,465
Rural Services Basic	\$2,131,057
Debt Service	\$340,270

All other parts of the original resolution adopted on March 8, 2011, shall remain in full force and effect.

Dated this 22nd day of November 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

The board discussed the recommendation received by the Benton County Zoning Commission for amending the Benton County Agricultural Land Preservation Ordinance. Moved by Vermedahl, seconded by Sanders, to set December 6, 2011, December 8, 2011, and December 13, 2011, at 9:15 a.m. as the dates and times for consideration on adopting Ordinance #65, amending Ordinance #24, Benton County Agricultural Land Preservation Ordinance. All members voting aye thereon. Motion carried.

Steve Bateman and Brad Svoboda, representatives of ERBs, met with the board to discuss the current services being provided for information technology services. The county has been contracting with ERBs for approximately one year. The purpose of the meeting was to review the services being provided and if the county would continue with the

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contract. Various issues were discussed and ERBs proposals to address them. The board indicated that it was their desire to continue with the current arrangement for another year, with quarterly meetings with ERBs.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-78, REPLAT OF LOT '5', MAPLE RIDGE ESTATES ADDITION TO BENTON COUNTY, IOWA. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

Resolution #11-78

REPLAT OF LOT '5', MAPLE RIDGE ESTATES ADDITION TO BENTON COUNTY, IOWA.

WHEREAS, A Replat Of Lot '5', Maple Ridge Estates Addition To 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 '5', Maple Ridge Estates Addition to Benton County, Iowa is a subdivision of Lot '5', Maple Ridge Estates Addition in Benton County located in the Southwest Quarter of the Southeast Quarter, in Section 21, Township 85 North, Range 9 West of the Fifth Principal Meridian, Benton County, Iowa, as described on Exhibit "A" attached hereto and made a part hereof.

and

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa and the ordinances of Benton County, Iowa, and

WHEREAS, the owners have executed and filed a Consent and Dedication for said Plat; and

WHEREAS, the Benton County Board of Supervisors have granted the owners a change in land use from agricultural to a nonagricultural use for the above-described real estate; and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that said Replat Of Lot '5', Maple Ridge Estates Addition To Benton County, Iowa, will be and the same is hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new driveways will be built to comply with Benton County's driveway resolution dated October 17, 1975, and amended September 4, 1981, and April 17, 2008.
2. Any new private water supply will be constructed with the approval of the Benton County Health Department.
3. Any private on-site sewage treatment system will be constructed with the approval of the Benton County Department of Health.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

Dated this 22nd day of November 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

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EXHIBIT "A" LEGAL DESCRIPTION

LOT '5', MAPLE RIDGE ESTATES TO BENTON COUNTY, IOWA AS RECORDED IN BOOK 9, PAGES 189-190 IN THE OFFICE OF THE BENTON COUNTY, IOWA RECORDER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 21, TOWNSHIP 85 NORTH, RANGE 9 WEST OF THE 5TH PRINCIPAL MERIDIAN AND THE NORTHEAST CORNER OF SAID LOT '5'; THENCE S0°22'27"E ALONG THE EAST LINE OF SAID LOT '5' TO THE SOUTHEAST CORNER OF SAID LOT '5' A DISTANCE OF 375.00 FEET; THENCE N72°03'04"W ALONG THE SOUTH LINE OF SAID LOT '5' TO THE SOUTHWEST CORNER OF SAID LOT '5' AND THE EAST RIGHT OF WAY OF 59TH STREET TRAIL A DISTANCE OF 753.34 FEET; THENCE NORTHERLY A DISTANCE OF 57.72 FEET ALONG THE WEST LINE OF SAID LOT '5' AND SAID EAST RIGHT OF WAY AND THE ARC OF A 456.42 FOOT RADIUS CURVE, CONCAVE WESTERLY (CHORD BEARS N16°13'43"E A DISTANCE OF 57.68 FEET); THENCE N12°40'37"E ALONG SAID WEST LINE AND SAID EAST RIGHT OF WAY TO THE NORTHEAST CORNER OF SAID LOT '5' A DISTANCE OF 61.73 FEET; THENCE N87°43'18"E ALONG THE NORTH LINE OF SAID LOT '5' POINT OF BEGINNING A DISTANCE OF 685.10 FEET.

SAID PARCEL CONTAINS 173,108 SQ. FT., 3.97 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

The board recessed briefly from 10:25 a.m. to 10:30 a.m.

Moved by Vermedahl, seconded by Sanders, to approve the hire of Amy Benson and John Smith as full-time correctional officers in the sheriff's department, effective December 1, 2011. All members voting aye thereon. Motion carried.

Sheriff Forsyth spoke to the board about the current law enforcement contracts with various towns in the county. The contracts are set to expire at the end of December 2011. The early expiration date was set in July due to concerns on insurance coverage. Supervisor Vermedahl stated that the county should have an answer from the insurance carrier sometime in December and that the contracts should continue until the end of January 2012 to allow time to implement changes if any. Moved by Vermedahl, seconded by Sanders, to extend the current law enforcement contracts through January 30, 2012. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to contract with Belle Plaine Nursery to replace the lawn area around the law enforcement center. The work includes removal of material, grading, seeding, and fertilizing at a cost of \$3,814.10. All members voting aye thereon. Motion carried.

Jerry Petermeier provided a brief update on the removal of the storage building at the Cedar Valley Ranch that was destroyed during the July windstorm.

The board briefly discussed the FY13 budget process, including timelines and actions needed to be completed.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

November 29, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of November 22, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve five days of vacation carry-over requested by Marc Greenlee. Said carry-over is to be used by March 1, 2012. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan filed by Rick Selk for the facility located at 1252 65th Street, Dysart, Iowa. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 132954 through 132961, for payment. Both members voting aye thereon. Motion carried.

Kyle Helland of Helland Engineering met with the board to request that the county subdivision ordinance be waived on a parcel in the NW1/4 of Section 16-84-11. Helland explained that Brett Flickinger would like to purchase an adjacent five acre parcel, which would be subject to the county's subdivision ordinance. The board asked Helland to seek affidavits from the property owners stating that both parcels will remain in agricultural use and therefore meeting the exception provided under the ordinance. Moved by Sanders, seconded by Vermedahl, to table action on the request for a variance to the Benton County Subdivision Ordinance on a parcel located in the NW1/4 of Section 16-84-11. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the 2011 Weed Commissioner's Report. Both members voting aye thereon. Motion carried.

The engineer requested that the board approve the issuance of a check for the interest due on the landfill loans. The board advised that it was included in the earlier action approving the issuance of other checks.

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The engineer spoke to the board about sand and salt prices for during the 2011/2012 winter season. The engineer recommended a \$1.00 increase due to the increase in salt prices. Moved by Sanders, seconded by Vermedahl, to set the sand/salt mixture for the 2011/2012 winter at \$29.00 per ton for governmental entities and \$33.00 for non-governmental entities. Both members voting aye thereon. Motion carried.

The board discussed the FY13 budget. Discussion was very preliminary and centered primarily on a time-line for the process. Supervisor Vermedahl reported that he had received a preliminary budget from emergency management. There was discussion on the status of the emergency operations grant. The board briefly discussed how salaries should be addressed for FY13 and whether to look at individual positions or an across-the-board salary adjustment.

Supervisor Sanders provided an update on the conservation board meeting held on November 28, 2011. Sanders stated that there was extensive discussion on job descriptions and duties of the various personnel, but specifically on a new assistant position.

Moved by Sanders, seconded by Vermedahl, to enter into closed session pursuant to Iowa Code 21.5 (c). Voting aye were Vermedahl and Sanders. Nays none. Motion carried at 11:15 a.m.

Moved by Sanders, seconded by Vermedahl, to return to open session. Both members voting aye thereon. Motion carried at 11:30 a.m.

Moved by Sanders, seconded by Vermedahl, to recommend that the nature of the closed session be referred to the conservation board. Both members voting aye thereon. Motion carried.

Supervisor Vermedahl reported that he attended the Sixth Judicial District Department of Corrections meeting yesterday. Vermedahl stated that the department is having financial difficulties.

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

David H. Vermedahl, Vice-Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

December 6, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of November 29, 2011. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-79, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-79 ABATEMENT OF TAX

WHEREAS, the treasurer has informed the Board of Supervisors, that she believes that grain tax on parcel #371789 is uncollectable and recommends the same be abated; and

WHEREAS, Iowa law allows that the taxes may be abated upon the recommendation of the treasurer,

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors that \$716.35 in tax and \$234 in penalty and costs are abated in full on parcel #371789, pursuant to Iowa Code 445.16.

Dated this 6th day of December 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to change the dates for the considerations on Ordinance #65 Amending Ordinance #24, Benton County Agricultural Land Use Preservation, to December 8, 2011, December 12, 2011, and December 13, 2011 at 9:15 a.m. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the change in the employment status of LaDonna Fairbanks from part-time to full-time food service/custodian in the sheriff's department, effective December 1, 2011, at \$15.17 per hour. All members voting aye thereon. Motion carried.

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-80, TRANSFER OF FUNDS. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-80 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors to transfer \$3012.76 from the General Basic Fund to the Capital Project Fund.

Dated this 6th day of December 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-81, AMEND FY12 BUDGET WITHIN SERVICE AREA. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION 11-81 AMEND FY12 BUDGET WITHIN SERVICE AREA

WHEREAS, the Benton County Board of Supervisors adopted the FY2012 budget on March 8, 2011; and

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

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the FY2012 county budget is hereby amended in Service Area 9 and Service Area 0. The auditor is directed and authorized to amend said service areas as needed.

Dated this 6th day of December 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan filed by the Cedar Valley Farms, LLC for the facility located at 2188 78th Street, Blairstown, Iowa. All members voting aye thereon. Motion carried.

Julie Havran and Donita Casey, representatives of Friends of the Shelter, met with the board to discuss various issues relative to the animal shelter. They provided a copy of the current management/lease agreement between their organization and the City of Vinton; however they believed that a new agreement should be written with both the city and the county since the county owns the facility. They also asked about the current resolution establishing an abandoned animal fee. Havran and Casey stated that it is difficult to collect fees to cover their costs without adding an additional fee by the county. They asked that the county consider trying to collect the fee after the animal has been re-claimed versus before. A meeting was scheduled on December 15th to meet with representatives of their organization and city representatives to begin work on a management and lease agreement.

Don and Virginia Becker met with the Board to discuss the county's land use ordinance. The Beckers are losing their residence due to the Highway 30 relocation. D. Becker stated he would like to relocate to an abandoned farmstead and questioned if that would be possible under the county's ordinances. The farmstead has had the buildings removed; however there is evidence of its existence. Marc Greenlee explained that the county's comprehensive plan encouraged development on abandoned farmsteads. The board encouraged Becker to work with Greenlee and the current landowner about changing the use on the property.

Librarians representing Keystone, Atkins, Belle Plaine, Vinton, Newhall, Blairstown, and Van Horne met with the Board regarding future county funding for libraries. The representatives also proposed that a new contract be entered into between the county and libraries, stating that the only agreement in existence was twenty years old. The representatives asked that the board consider applying any extra local option sales tax revenue to the distribution to the libraries, if possible, adding that the extra revenue would allow for increased materials and services. The board discussed the proposed contract and if there was a need for a written contract. The auditor stated that there may be a statutory requirement for a written contract and stated she would ask the county attorney for an opinion.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

December 8, 2011

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

Supervisor Buch attended the meeting by telephone. Attendance in person was impractical as the only item on the agenda was the first consideration of amending an ordinance. There had been previous agenda items concerning the same and there had been no public input. Buch was on a speaker phone during the entire meeting allowing for the public to listen and participate. Supervisor Buch's attendance in person would have resulted in an unnecessary expense to the county.

The time of 9:15 a.m. having arrived and this being the time and date for a public hearing on the first consideration of Ordinance #65 Amending Ordinance #24, Benton County Agricultural Land Use Preservation, the board took up the matter for discussion. Chairman Buch opened the public hearings with no members of the public or media present. The Board briefly discussed the changes with Marc Greenlee, Sanitarian. Hearing no comment, the Chair declared the public hearings closed. Moved by Vermedahl, seconded by Buch, to approve the first consideration of Ordinance #65 Amending Ordinance #24, Benton County Agricultural Land Use Preservation, as presented. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

December 12, 2011

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

Supervisor Buch attended the meeting by telephone. Attendance in person was impractical as the only item on the agenda was the second consideration of amending an ordinance. There had been previous agenda items concerning the same and there had been no public input. Buch was on a speaker phone during the entire meeting allowing for the public to listen and participate. Supervisor Buch's attendance in person would have resulted in an unnecessary expense to the county.

The time of 9:15 a.m. having arrived and this being the time and date for a public hearing on the second consideration of Ordinance #65 Amending Ordinance #24, Benton County Agricultural Land Use Preservation, the board took up the matter for discussion. Chairman Buch opened the public hearings with no members of the public or media present. Hearing no comment, the Chair declared the public hearings closed. Moved by Vermedahl, seconded by Buch, to approve the second consideration of Ordinance #65 Amending Ordinance #24, Benton County Agricultural Land Use Preservation, as presented. Both members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

December 13, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 132962 through 133298, and ACH deposits numbered 12880 through 12995, for payment. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to deny the application for a military exemption on parcel #170-23275, as the applicant is not eligible according to the Iowa Department of Revenue and the county assessor has recommended disallowance. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve the veterans' affairs quarterly report for the period ending September 30, 2011. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to acknowledge the receipt of the annual manure management plan filed by Christensen Farms located at 5602 20th Avenue, Vinton. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to approve the minutes of December 6, 2011, December 8, 2011, and December 12, 2011. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived and this being the time and date for a public hearing on the third consideration of Ordinance #65 Amending Ordinance #24, Benton County Agricultural Land Use Preservation, the board took up the matter for discussion. Chairman Buch opened the public hearings with no members of the public or media present. Hearing no comment, the Chair declared the public hearings closed. Moved by Sanders, seconded by Vermedahl, to approve the third consideration of Ordinance #65 Amending Ordinance #24, Benton County Agricultural Land Use Preservation, as presented. All members voting aye thereon. Motion carried.

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Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-82, Adopting Ordinance #65 Amending Ordinance #24, Benton County Agricultural Land Use Preservation, and Amending Ordinance #63, Benton County Code of Ordinances, Chapter 4, Section 4.1. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-82

ADOPTING ORDINANCE #65 AMENDING BENTON COUNTY ORDINANCE NO. 24, BENTON COUNTY, IOWA, AGRICULTURAL LAND PRESERVATION ORDINANCE, AND AMENDING ORDINANCE #63, BENTON COUNTY CODE OF ORDINANCES, CHAPTER 4, SECTION 4.1

WHEREAS, the Benton County Board of Supervisors desires to amend the Benton County, Iowa, Agricultural Land Preservation Ordinance; and

WHEREAS, three considerations of Ordinance #65 were held on December 8, 2011, December 12, 2011, and December 13, 2011; and

WHEREAS, publication of the considerations were made according to Iowa Code; and

WHEREAS, a copy of said Ordinance #65 has been available to the public in the Benton County Auditor's office; NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that ORDINANCE #65 AMENDING BENTON COUNTY ORDINANCE NO. 24, BENTON COUNTY, IOWA, AGRICULTURAL LAND PRESERVATION ORDINANCE, AND AMENDING ORDINANCE #63, BENTON COUNTY CODE OF ORDINANCES, CHAPTER 4, SECTION 4.1, in its entirety, effective upon publication and recording.

BENTON COUNTY ORDINANCE NO. 65

AMENDING BENTON COUNTY ORDINANCE NO. 24, BENTON COUNTY, IOWA, AGRICULTURAL LAND PRESERVATION ORDINANCE, AND AMENDING ORDINANCE #63, BENTON COUNTY CODE OF ORDINANCES, CHAPTER 4, SECTION 4.1

SECTION 1. Purpose. The purpose of this ordinance is to amend Ordinance No. 24, Benton County, Iowa, Agricultural Land Preservation Ordinance, to add to Article II, Section 2. Definitions and to amend Article VI, Section 2, Paragraph 2.1 Permission Approval Procedures Required. It is also the purpose of this ordinance to amend Ordinance #63, the Benton County Code of Ordinances, to include Ordinance #65 in Chapter 4, Section 4.1.

SECTION 2. Ordinance Number 24, Article II, Section 2. Definitions. is amended by adding the following definitions:

- 2.2.1 Agricultural Feed, Seed, and Fertilizer Business. An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.
- 2.2.2 Agricultural Building Sales and Construction Business. An establishment that builds or erects structures or buildings used for agricultural purposes.
- 2.2.3 Agricultural Implement and Equipment Sales and Service Business. An establishment that sells, rents, or repairs agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of agricultural products, and other operations and processes pertaining to agricultural production of food and fiber.
- 2.3.1 Agricultural Product(s) Processing and Storage Facility. A building or land area used for processing or storage of products produced on a farm.
- 2.3.2 Agricultural Research and Development Facility. A facility, including associated cultivated areas, whose primary purpose is research in food and agricultural sciences.
- 2.26.1 Veterinary Medicine Facility. A facility built and designed for the purpose of providing medical care to agricultural livestock.

SECTION 3. Ordinance Number 24, Article VI, Section 2. Permission Approval Procedures Required is amended by striking Paragraph 2.1 and inserting in lieu thereof the following:

- 2.2 The enlargement or extending of a nonconforming use of land to occupy additional lot or parcel area must be approved unless the use is determined by the Administrative Officer to be a service essential to the agricultural production of food and fiber. Uses that may be enlarged or extended to additional lot(s) or parcels of land, regardless of CSR ratings, include an agricultural implement and equipment sales and service business, an agricultural feed, seed and fertilizer business, an agricultural building sales and construction business, an agricultural product(s) processing and storage facility, a veterinary medicine facility, and an agricultural research and development facility.

SECTION 4. Ordinance #63, BENTON COUNTY CODE OF ORDINANCES, Chapter 4, Section 4.1, is amended to include Ordinance #65.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

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Passed and adopted by the Benton County Board of Supervisors on this 13th day of December 2011.

BENTON COUNTY BOARD OF SUPERVISORS

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____

Jill Marlow
Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to accept the resignation of Duane Eldred as a part-time driver in the transportation department, effective December 29, 2011. All members voting aye thereon. Motion carried.

Mary Halstead, Transportation Director, stated that she may need to hire another part-time driver to replace Eldred; however she is in the process of re-evaluating work flow through her department and determining work processes. Halstead asked for direction from the supervisors on the FY13 budget. Halstead and Dana Burnmeister asked how they were to budget for salaries as Halstead has planned retirement. Supervisor Buch stated that the board has not discussed specific salary increases for FY13. Supervisor Sanders advised that the line item should just be entered as it is now and a decision will be made in the future. Sanders said the board did not know how the director's position will look in FY13. Supervisor Buch stated that they could put in a three percent increase, as he did not believe the increases would be greater than that. Halstead questioned if the position would not pay any more than three percent of what is currently being paid. Buch stated that Halstead could be anything in the budget that she wanted, but that the board would take action on the budget submitted.

Halstead also spoke about the ECICOG TAC advisory board is meeting on January 26, 2012, and they are discussing tweaking the funding formula about transit funding and suggested that Supervisor Vermedahl speak with her prior to then so that he can be better informed for that meeting.

Mayor John Watson, City of Vinton, and Andy Lent, met with the Board regarding the abatement of tax on parcel #240-54950, commonly known as the Vinton Popcorn property. The parcel was flooded in 2008 and the city tried to purchase the property, but was unable to reach an agreement. The city subsequently determined the property to be abandoned and the court has assigned the title to the City of Vinton. The city has been approached by a private individual, who may be interested in purchasing the property and returning it to a taxable property. The City of Vinton is requesting that the county abate the tax so that the property can be sold. Watson stated that the city would like an agreement with the purchaser that if the property is resold that he will reimburse both the city and the county for any taxes abated.

Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-83, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-83 ABATEMENT OF TAX

Whereas, the Iowa District Court has issued an order conveying ownership of parcel #240-54950 to the City of Vinton under Iowa Code 657A.10A.; and

Whereas, there are taxes owing on said parcel in the amount of \$6,125.00; and

Whereas, the Court has ordered that the property is transferred free and clear,

NOW THEREFORE IT IS RESOLVED by the Benton County Board of Supervisors that the taxes, penalty, and interest, owing on parcel #240-54950, are abated in full pursuant to the order of the Iowa District Court Case EQCV008069.

Dated this 13th day of December 2011.

David H. Vermedahl, Chairman

Ronald R. Buch

Jason Sanders

ATTEST: _____

Jill Marlow, Benton County Auditor

The engineer reported that the balance in the landfill account on November 30, 2011, was \$65,743.17.

The engineer requested that the board set a public hearing to vacate a part of 16th Avenue lying between Section 1 of Monroe Township (west) and Section 6 of Jackson Township (east). Moved by Vermedahl, seconded by

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Sanders, to set January 17, 2012, at 11:00 a.m., as the date and time for a public hearing on vacating a part of 16th Avenue located between Monroe and Jackson Townships. All members voting aye thereon. Motion carried.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

December 20, 2011

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

Moved by Sanders, seconded by Vermedahl, to approve the minutes of December 13, 2011. All members voting aye thereon. Motion carried.

Ann Jorgenson, Mark Pingnot, and Myron Parizek, members of the Benton County Integrated Roadside Vegetation Management committee presented their annual report to the supervisors. The committee held various meetings over the past year, developed a brochure about the program, received funding for and purchased equipment, and provided educational opportunities for Benton County residents. A hydro seeder was purchased for use by the secondary roads department for roadside seeding and employees trained on its operation. Several committee members attended conferences, attended the legislative awareness day, and the Governor's Transportation 2020 Citizen Advisory Commission public input meeting.

The county engineer requested a salary increase for Penny Applegarth, the office manager for his department. Applegarth was promoted to office manager on January 1, 2011, at a salary of \$32,000 per year. The hiring resolution provided that Applegarth's performance and salary would be reviewed December 2011, with a possible \$1000.00 increase being granted (see Resolution 11-5). The engineer requested that the board grant the salary increase effective January 1, 2012. Moved by Sanders, seconded by Vermedahl, to approve a \$1,000.00 increase for Penny Applegarth, effective January 1, 2012, at the recommendation of the county engineer and as referred to in Resolution #11-5. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Buch, to approve 22.75 hours of vacation carry-over requested by Hayley Rippel. Rippel plans to use the carry-over by the end of the calendar year. 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 70th Street, Van Horne, Iowa. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-84, AMENDING RESOLUTION #11-39, APPROPRIATIONS. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION # 11-84 AMENDING RESOLUTION 11-39 APPROPRIATIONS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #11-39, on June 28, 2011 setting forth the annual appropriates for FY12; and

WHEREAS, the Board desires to amend said resolution to include the tax increment annual appropriations,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #11-39, adopted on June 28, 2011, it hereby amended to include the following:

Section 6. Tax Increment payments, which are subject to annual appropriations are authorized.

Be it further resolved that the original paragraph 6 contained in the original resolution is renumbered to be Section 7, as follows:

Section 7. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2012.

The remainder of Resolution #11-39, Appropriations, adopted on June 28, 2011, remains in full force and effect.

Dated this 21st day of December 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST: _____
Jill Marlow, Benton County Auditor

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Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-85, ABATEMENT OF TAX. Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-85 ABATEMENT OF TAX

Whereas, the Iowa District Court has issued an order conveying ownership of parcel #240-93525 to the City of Vinton under Iowa Code 657A.10A.; and

Whereas, there are taxes owing on said parcel; and

Whereas, the Court has ordered that the property is transferred free and clear,

NOW THEREFORE IT IS RESOLVED by the Benton County Board of Supervisors that the taxes, penalty, and interest, owing on parcel #240-93525, are abated in full pursuant to the order of the Iowa District Court.

Dated this 21st day of December 2011.

Ronald R. Buch, Chairman

David Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Vermedahl, seconded by Sanders, to direct the chair to sign the HAVA Equipment Annual Certification to the Iowa Secretary of State. All members voting aye thereon. Motion carried. The certification lists the amount and type of election equipment purchased with HAVA funds.

Jen Draper of Area Substance Abuse updated the board on the activities of the agency. Draper reported that the agency has received a \$70,000 three-year grant to address alcohol consumption in Benton County. Draper informed the board that Benton County ranks ninth in the state for binge drinking and nineteenth for alcohol abuse overall. The grant provided for an assessment to establish the best programs to address the issues. Draper stated that environmental factors are considered, i.e. a dark place where binge drinking occurs could have lighting added, if law enforcement lacking in that particular area adding additional coverage, policy changes, etc.

Keiaffa Green of Substance Abuse Prevention also spoke to the Board about the Drug Free Communities \$125,000 per year for five years to improve the lives of kids by combating drug abuse in youth aged 12 through 17. The agency will address tobacco abuse, as well as prescription drugs, marijuana and alcohol. Benton County above the Influence Coalition is a group that meets regularly, that make recommendations for addressing abuse and recommendations on the local level to address the issues.

Kirk Tumilty and Scott Deklotz met with the board to request a variance to the county's subdivision ordinance. Deklotz explained that they would like to split a parcel to allow for estate planning. The divisions would require adherence to the subdivision ordinance. Marc Greenlee, Land Use Administrator, explained that the county's subdivision ordinance provides an exception of the land is to remain non-residential agricultural; however the owners do not want to restrict the future use of the land. Deklotz commented that he may want his own kids to have the ability to build on a piece of the property. It was recommended that Tumilty request an agricultural exception to the subdivision ordinance, which will allow for the estate planning, with the understanding that if the use of the property changes from agricultural non-residential it will require that the subdivision ordinance be adhered to.

Nancy Farmer, Public Health Director and Community Liaison/Coordinator, provided an annual report on the Home Health agency. Farmer reported that the by-laws were being updated to reflect the state legislated mandate that the health board meet six times a year versus four times. Farmer stated that some changes were made internally relative to referrals. The referrals had dropped significantly in 2010, but rebounded due to some of the changes implemented by the agency. Farmer stated that a program is being developed to make sure that patients being discharged from hospitals are safe and have the tools available to remain safe. The number of agency visits for rehabilitation services increased in 2011 over 2010. Farmer stated that putting health records available electronically is in the future. The agency is continually working to improve outcomes and provide safety in the home.

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The board discussed amending the bylaws and articles of the North Iowa Juvenile Detention Services to provide for crisis recovery and transportation services. Mary Williams, Social Services Director, explained that the cost would be \$175.00 per day for transitional mental health services upon discharge from a hospital. The service would provide a place for clients to stay under a doctor's order as an interim to being placed somewhere else or while waiting for services. The service would not be available for placement of mental commitments. Moved by Vermedahl, seconded by Sanders, to adopt Resolution #11-86, **Resolution by the Benton County Board of Supervisors to contract with County Social Services 28E Governing Board to provide crisis recovery and transportation services at the North Iowa Juvenile Detention Services Facility, 1440 W. Dunkerton Road, Waterloo, Iowa.** Voting aye were Buch, Vermedahl, and Sanders. Nays none. Motion carried.

RESOLUTION #11-86

Resolution by the Benton County Board of Supervisors to contract with County Social Services 28E Governing Board to provide crisis recovery and transportation services at the North Iowa Juvenile Detention Services Facility, 1440 W. Dunkerton Road, Waterloo, Iowa

WHEREAS, Benton County is a member of the North Iowa Juvenile Detention Services Commission per the North Iowa Juvenile Detention Services Multi-County Articles of 28E Agreement, which was created to establish and govern the operation of the North Iowa Juvenile Detention Services Commission filed with the Iowa Secretary of State as a document Number M038504; and

WHEREAS, Article V, PURPOSES, Section 1. States: the purposes of this agreement is to create a commission within the member counties which shall be the vehicle for establishing and maintaining juvenile detention and related services in accordance with state and federal statute; and

WHEREAS, it is the desire of the Benton County Board of Supervisors to expand the purpose of the 28E agreement to include crisis recovery and transportation services by entering to a contract with County Social Services 28E Governing Board for the purpose of the North Iowa Juvenile Detention Services Center to provide crisis recovery and transportation services; and

NOW THEREFORE, the Benton County Board of Supervisors hereby resolves to expand the purpose of the North Iowa Juvenile Detention Services Center to provide crisis recovery and transportation services.

Passed and approved this 20th day of December 2011.

Ronald R. Buch, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

Supervisor Vermedahl reported on the meeting with the City of Vinton and Friends of the Shelter regarding the animal shelter. Friends of the Shelter, Inc. (FOTSI) is pressing for a new facility stating that the current facility does not meet their needs or inspection criteria; however the City of Vinton does not want the facility to be continued to be located in its current place. Mayor John Watson stated that the city hoped to have residential housing in that area and that the facility would not be conducive to the development of the area. Watson stated that the city has considered placing the facility at the airport or near the waste water treatment facility. FOTSI was not in agreement with the site at the waste water treatment facility stating that they would like to be on a hard-surfaced road with good visibility. Vermedahl stated that the county owns the facility but has a lease agreement with the City of Vinton. The city in turns has a management agreement with FOTSI. The city told FOTSI that they would consider a five-year management agreement at this time at the current facility.

The board spoke with Mary Williams, Social Services Director, Carol Zander, Social Services staff member, and Benton County Attorney Dave Thompson, regarding St. Luke's Hospital. Larry Maiers of St. Luke's Hospital attended by speaker phone. The board received a letter from St. Luke's Hospital informing them that St. Luke's would no longer be able to accept Benton County clients due to conflicts with payment. Maiers stated that St. Luke's wanted to serve Benton County clients; however it had been difficult getting paid by Benton County Social Services for services provided. Mary Williams, Social Services Director, agreed that St. Luke's Hospital had provided services and she had agreed to pay for the services, but only at the contracted rate (\$526.23 per day). Maiers advised that Benton County had refused to enter into a contract with St. Luke's Hospital earlier in the year and therefore were not able to take advantage of the reduced rate and was required to pay the full amount of \$605.22 per day. Williams stated that the board did not enter into the contract due to language that would require Benton County to pay for services when insurance stopped. The county attorney stated that payment would only be in cases of court-ordered commitments and not all cases. Williams stated that she was not contacted about the placement of the two clients at St. Luke's Hospital (the subject of the current billing). However, Maiers stated that the hospital cannot deny emergency services based on ability to pay and therefore admitted the patients who were then subsequently ordered by the court to be held for evaluation. Maiers stated that the county's management plan also provides that services may be paid for after being reviewed on a case-by-case basis. Maiers stated that insurance will only pay when the client meets the acute criteria; however the person may be determined to be dangerous by a magistrate or family member. These are the only times when the counties are asked to subsidize the cost of hospitalization.

Dave Thompson asked if services were rendered by the hospital. Williams responded that St. Luke's had rendered the service. Thompson stated that the hospital was entitled to payment for services rendered and advised the Board to pay the invoice. Thompson also stated that he thought it was a mistake that the county did not have a contract with St. Luke's Hospital due to the limited number of beds available for mental commitments. Thompson was concerned that the county was getting a letter from a provider who no longer wants to do business with the county and emphasized that the county should have good relationships with these vendors.

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Maiers stated that Benton County had sent a Notice of Decision to St. Luke's stating that they were denying payment. Then Williams contacted them and agreed to pay the contracted rate. Maiers stated that he wanted it on record that St. Luke's was asking that the full cost of \$605.22 per day be paid by Benton County. Maiers also stated that St. Luke's would like to provide services to Benton County and hopes to negotiate a contract for the year beginning July 1, 2012.

Thompson stated that there was no legal reason not to pay the bill and that the issue was how much to pay. Thompson stated that there would be little legal defense for not paying the full amount, since according to Williams the services had been rendered.

Moved by Sanders, seconded by Vermedahl, to direct that St. Luke's Hospital be paid \$605.22 per day for services rendered. All members voting aye thereon. Motion carried.

Ron Tippet presented the initial bargaining proposal to the board for the sheriff's department.

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

Ronald R. Buch, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

December 27, 2011

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

Treasurer Kelly Geater requested permission to place a drop box outside of the courthouse near the west entrance. The drop box will allow residents to drop off registrations and tax payments after hours. The auditor stated that it would need to have signage that placement of absentee ballots and voter registration material could not be placed in the box. The board directed the treasurer to get a cost on the entire project – including cement work, installation, etc. and return to the board. The board will then consider the cost versus the service.

Moved by Sanders, seconded by Vermedahl, to approve the minutes of December 20, 2011. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11- 87, RESOLUTION ACCEPTING AND APPROVING THE "DULIN'S FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA. Voting aye were Vermedahl and Sanders. Nays none. Motion carried.

RESOLUTION NO. 11-87

RESOLUTION ACCEPTING AND APPROVING THE "DULIN'S FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA

WHEREAS, A Final Plat of Dulin's First Addition to Benton County, Iowa, containing three (2) lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

Dulin's First Addition is a subdivision of part of the Southeast Quarter (SE1/4) Northeast Quarter (NE1/4) Section Twenty-two (22), Township Eighty-five (85) North, Range Ten (10) West of the 5th P.M., Benton County, Iowa.

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 Red Brush Estates 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 Dulin's 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 July 19, 2011, at the request of Mattt Dulin, Developer, did grant a variance waiving the following items regarding the submission of the "Dulin's First Addition" Final Plat:

Article IV: 4.03 Minimum improvements, A-F

Article VI: 6.02 Requirements of the Preliminary Plat, A-Q

Article V: 5.01-5.07 Minimum standards for the design of Subdivisions.

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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 27th day of December 2011.

_____-ABSENT_____
Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to designate the official newspapers for Benton County for 2012 as The Star Press Union, The Cedar Valley Times, and The Vinton Eagle. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-88, Authorizing Auditor to Issue Checks in 2012. Voting aye were Sanders, Buch and Vermedahl. Nays none. Motion carried.

RESOLUTION #11-88

AUTHORIZING THE BENTON COUNTY AUDITOR TO ISSUE CHECKS AND SIGN ACH AGREEMENTS FOR 2012

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

WHEREAS: Iowa Code §331.506(3) allows the auditor to issue checks under the authority of the Board of Supervisors without prior approval, and

WHEREAS: Benton County conducts part of this activity through the use of ACH deposits and other electronic means; and

WHEREAS: It is necessary for the auditor to have the authority to execute agreements on behalf of Benton County when necessary to allow for the use of electronic banking, including but not limited to ACH deposits, and other financial activities, and

NOW BE IT RESOLVED that the Board of Supervisors hereby authorizes the auditor and/or her designee to issue checks in accordance with Iowa Code Section 331.506 and specifically Iowa Code Section 331.506(3).

IT IS RESOLVED that the Benton County Auditor and/or her designee is hereby authorized to execute all necessary agreements on behalf of Benton County for the purposes of ACH deposits and other financial activities of Benton County.

IT IS RESOLVED that this authority may be amended from time to time by resolution of the Board of Supervisors.

IT IS RESOLVED that this authority is granted beginning this date and shall remain in effect until revoked by the Board of Supervisors.

Signed this 27th day of December 2011.

Ronald R. Buch, Chairman

David H. Vermedahl

Jason D. Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to adopt Resolution #11-89, CONSTRUCTION EVALUATION RESOLUTION. Voting aye were Vermedahl and Sanders. Nays none. Buch absent. Motion carried.

RESOLUTION # 11-89

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, 2012 and January 31, 2013 and submit an adopted recommendation regarding that application to the DNR; and

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WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Dated this 27th day of December 2011.

-ABSENT -
Ronald R. Buch, Chairman

David H. Vermedahl

Jason Sanders

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Sanders, seconded by Vermedahl, to appoint David Vermedahl as the chairman of the board of supervisors for 2012. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Jason Sanders as the vice-chairman of the board of supervisors for 2012. Both members voting aye thereon. Motion carried.

Jill Marlow, county auditor, updated the board on the possibility of running a fiber optics cable from the courthouse to the secondary road facility. Marlow stated that she had worked with the sheriff and Swick Cabling about an estimate; however Swick Cabling advised that an engineering study would have to be completed due to the railroad and state highways. The cost of the study would be around \$20,000.00. Marlow advised that she also spoke to the Vinton Municipal Electric Utility about placing overhead cable on their poles; however they have been busy with repairing storm damage and have not been able to provide an estimated cost. The utility is not certain that cable can be placed on their poles due to clearance regulations. Marlow stated that she contacted the City of Vinton about the possibility of jointly running a cable to the west side of Vinton, which could ultimately promote economic development and use tax increment revenue to pay the costs. The city has asked for more information at this time.

The board requested a spreadsheet of current salaries and wages as they begin to enter the FY13 budget work sessions.

The Eastern Iowa Airport has requested a letter of support from Benton County for the airport's application to use a new procedure to provide quick and simple access to the Foreign Trade Zone service for companies in the region, which would include all of Benton County. The authority being requested would enable the airport to quickly bring Foreign Trade Zone designation to any company within the service area, providing companies with customs duty savings and logistical benefits encouraging them to establish or maintain operation in the United States. Moved by Sanders, seconded by Vermedahl, to provide a letter of support to the Eastern Iowa Airport Commission's Alternative Site Framework application to the U.S. Foreign-Trade Zones Board. Both members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to approve checks numbered 133299 through 133534, and ACH deposits numbered 12996 through 13111, for payment. Both members voting aye thereon. Motion carried.

The board began the appointments for 2012 and beyond. The auditor advised that an ad had been run in the county's official newspapers, as well as the Livewire and 4-County Market, in October seeking applicants and presented those applications received to the board for consideration.

Supervisor Ron Buch joined the meeting via telephone at 10:30 a.m. Supervisor Buch was unable to attend in person due to illness.

The Board discussed a request from the county engineer to compensate Kevin Atkinson, an employee of the secondary roads department, for two weeks of military duty pay (\$1,452.80 gross). Atkinson has recently been on full-time active duty through the Iowa National Guard and upon his discharge from active duty; Atkinson immediately completed two weeks of annual National Guard training. Had Atkinson returned to work prior to fulfilling his annual training requirement, the time would have been compensable under Iowa law. However, since Atkinson did not return to work prior to the training, the county is not legally required to compensate him for that time. The board expressed their gratitude to our local area service men and women and believed that the county should support our service people. Moved by Vermedahl, seconded by Sanders, to compensate Kevin Atkinson for two-weeks of annual National Guard training. Both members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to authorize the chair to sign the Statement of Non-Issuance of Certificate of Occupancy for 2012. All members voting aye thereon. Motion carried.

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

Moved by Vermedahl, seconded by Sanders, to appoint the county engineer as the county weed commissioner for 2012, and the assistant weed commissioner is at the discretion of the county engineer. The engineer is to report to the Board of Supervisors his designee for the assistant weed commissioner. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, 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.

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

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

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

Van Horne Benefited #1 – Dean Werner

Keystone Benefited #2 – Jeff Kromminga

Newhall Benefited #4 – Duane Rinderknecht

Ben-Linn Benefited #3-#5 – Allan Schanbacher

Moved by Sanders, seconded by Vermedahl, to appoint Jean Ohlen to the Benton County Conservation Board for a five-year term. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint David Kelty and Kaitlin Emrich to the Benton County Public Health Board for a three-year term. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to appoint Jennifer Zahradnik as the Benton County Civil Rights Coordinator for 2012. All members voting aye thereon. Motion carried.

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

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

Moved by Vermedahl, seconded by Sanders, 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 Sanders, seconded by Vermedahl, to appoint John Stiegelmeyer to the Eastern Iowa Airport Zoning Commission. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint the following members to the respective boards for 2012. All members voting aye thereon. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Vermedahl

Regional HACAP –Supervisor Sanders

Emergency Management Commission - Supervisor Vermedahl

Supervisor Sanders, Alternate

Resource Enhancement & Protection (REAP) - Supervisor Vermedahl

Solid Waste Disposal Commission Advisory Board - Supervisor Buch

Supervisor Vermedahl, Alternate

Supervisor Sanders, Alternate

County Conference Board - Supervisor Sanders

Supervisor Buch

Supervisor Vermedahl

Benton County Health Board – Supervisor Sanders, Ex-Officio

6th Judicial District Department of Corrections – Supervisor David Vermedahl

Workforce Development - Supervisor Buch

Eastern Iowa Tourism – Supervisor Sanders

Supervisor Buch, Alternate

Supervisor Vermedahl, Alternate

North Iowa Juvenile Detention – Supervisor Buch

Area Substance Abuse Council (ASAC) – Supervisor Sanders

Regional Child Support Recovery – Buch

Benton County Empowerment Board – Buch

Benton County Conservation – Supervisor Sanders, Ex-Officio

DeCat – Supervisor Buch

Moved by Vermedahl, seconded by Sanders, to appoint the following persons to the Benton County Eminent Domain for 2012. All members voting aye thereon. Motion carried.

EMINENT DOMAIN

Licensed Real Estate Sales Person or Real Estate Broker

Denise Weeda

Danny Kaestner

Gloria Feuerbach

Shannon Feuerbach

Carmie Behrens

Wayne Siela

Kathy Tranel

Marion Schminke

Persons Having Knowledge of Property Values by Reason of Occupation

Roger Schlarbaum

Carol Goodchild

Jeff Geiger

Dave Coulter

Harold Knaack Jr.

Melissa McBride

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Owner-Operator Agricultural Property

Bonnie Sanders

Judi Hertle

David Rhinehart

Denise Wiley

John Elwick

Wayne Riley

Todd Hennings

Owners of City or Town Property

Darold Sindt

Jeff Kelly

Kathy Van Steenhuyse

Janice Eldred

Larry Weeda

Connie Ogier

Lloyd Benson

Moved by Vermedahl, seconded by Sanders, to appoint the county engineer as the ADA Coordinator for Benton County for 2012. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Deb Christianson to the Pioneer Cemetery Commission. Other appointments are deferred until the next meeting. All members voting aye thereon. Motion carried.

Moved by Vermedahl, seconded by Sanders, to appoint Carol Zander and Harold Cassens to the Integrated Roadside Vegetation Management, representing the public sector, and Barb Higdon and Calvin Wolter, representing the private sector, all for three-year terms. Carol Zander replaces Kaye Buch, who has resigned from the committee. All members voting aye thereon. Motion carried.

Moved by Sanders, seconded by Vermedahl, to set forth the county's non-discrimination statement as follows: "No Person shall be excluded from the receipt of services or benefits, and no employee shall be discriminated against on the basis of race, color, national origin, sex, age, religious, political affiliation, physical or mental disability, gender identity, or sexual orientation. Any incident of discrimination should be reported." All members voting aye thereon. Motion carried. Supervisor Sanders requested that the record reflect that under Iowa law discrimination may be required due to gender balancing.

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

Ronald Buch, Chairman

ATTEST: _____
Jill Marlow, Auditor