

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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January 2, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to appoint Jason Sanders as the chairman of the board of supervisors for 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to appoint Don Frese as the vice-chairman of the board of supervisors for 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the minutes of December 27, 2012. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-1, Authorizing Auditor to Issue Checks in 2013. Voting aye were Sanders, Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-1

AUTHORIZING THE BENTON COUNTY AUDITOR TO ISSUE CHECKS AND SIGN ACH AGREEMENTS FOR 2013

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 2nd day of January 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

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Moved by Hertle, seconded by Frese, to adopt Resolution #13-2, CONSTRUCTION EVALUATION RESOLUTION FOR 2013. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION # 13-2 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, 2013 and January 31, 2014 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).

Signed this 2nd day of January 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to authorize the chair to sign a Statement of Non-Issuance of Certificate of Occupancy for 2013. All members voting aye thereon. Motion carried.

BENTON COUNTY STATEMENT OF NON-ISSUANCE OF CERTIFICATE OF OCCUPANCY

"Benton County has not currently adopted building codes and does not perform inspections of structures located in the unincorporated area of the county. Therefore, Benton County does not issue a certificate of occupancy for said structures. Further, Benton County does not guarantee that any structure complies with any building codes and does not accept any liability, express or implied, regarding such structure.

If the property is located within the corporate limits of any city situated in Benton County, you are directed to contact that city regarding this matter."

Moved by Hertle, seconded by Frese, to amend the Community Development Block Grant Agreement #11-OT-001 to reflect a reduction in funding from \$550,000.00 to \$40,800.00. All members voting aye thereon. Motion carried. The grant is for the wind damage incurred on July 11, 2011. The requirements for funding changed after the grant was approved resulting in decreased eligibility.

There was no action taken on the appointment of a weed commissioner for 2013. Supervisor Hertle stated that he wanted additional time to consider the appointment.

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Moved by Hertle, seconded by Frese, to adopt Resolution #13-3, ESTABLISHING JAIL FEES. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-3 ESTABLISHING JAIL FEES

WHEREAS, Iowa Code Chapter 356.30 authorizes the Board of Supervisors to set a fee for board and meals for every prisoner of a county jail and,

WHEREAS, the Benton County Board of Supervisors desire to set the fees for said prisoners board and meals at \$50.00 per day and,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #06-02 adopted on January 10th, 2006 is HEREBY REPEALED, and,

IT IS RESOLVED that the daily fee for board and meals is hereby set at \$50.00 per day; and

IT IS FURTHER RESOLVED that the following fees be established as authorized as in accordance with Iowa Code Chapters 356.30 and 356.26:

Persons sentenced and allowed work release privileges:

8 hours or less per day	\$40.00*
8 – 12 hours per day	\$50.00*
12 hours or more per day	\$60.00*
Out of county prisoners, per day	\$60.00

A DAY is defined as any consecutive 24-hour period or any portion thereof. *Or half of prisoner's net wages as defined in Iowa Code 356.30, whichever is less.*

Said fees are effective this date,

Signed this 2nd day of January 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

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Moved by Hertle, seconded by Frese, to adopt Resolution #13-4, Amending Resolution #12-53, and A Resolution of the Board of Supervisors of Benton County Approving Participation in Planning. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-4 AMENDING RESOLUTION #12-53

A RESOLUTION OF THE BOARD OF SUPERVISORS OF BENTON COUNTY APPROVING PARTICIPATION IN PLANNING
WHEREAS, the Benton County Board of Supervisors adopted Resolution #12-53 on the 16th day of October 2012; and

WHEREAS, said resolution delegated persons to attend and participate in all planning meetings throughout the planning process; and

WHEREAS, the Board of Supervisors desires to change the persons so delegated,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #12-53, adopted on the 16th day of October 2012 is hereby amended by striking the following paragraph:

"BE IT FURTHER RESOLVED that Benton County hereby authorized the county's central point coordinator and delegates Supervisor Sanders, with Supervisor Vermedahl as alternate, to attend and participate in all planning meetings through the planning process; and"

And inserting in lieu thereof the following:

"BE IT FURTHER RESOLVED that Benton County hereby authorized the county's central point coordinator and delegates Supervisor Frese, with Supervisor Hertle as alternate, to attend and participate in all planning meetings through the planning process; and"

The remainder of Resolution #12-53 adopted on October 16, 2012, remains in full force and effect.

Signed this 2nd day of January 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to approve the submittal of claims to the State of Iowa for the reimbursement of Decategorization services performed by Tammy Wetjen-Kestersen for \$2,716.00 for each of the following months: July, August, September, October, and November 2012. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to provide a letter of support for the Hawkeye Area Community Action Program's application for funding from the Supportive Services for Veterans Families Program. All members voting aye thereon. Motion carried. The grant, if funded, will provide support services for homeless or near-homeless veterans in Benton County.

Moved by Hertle, seconded by Frese, to amend the action of December 18, 2012, relative to the vacation carry-over requested by Barbara Greenlee, and approve five days of vacation carry-over to be used no later than March 30, 2013. All members voting aye thereon. Motion carried. The carry-over was originally approved for use by January 1, 2013.

Moved by Frese, seconded by Hertle, to designate the official newspapers for Benton County for 2013 as The Star Press Union, The Cedar Valley Times, and The Vinton Eagle. All members voting aye thereon. Motion carried.

The board began the appointments for 2013 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, seeking applicants and presented those applications received to the board for consideration.

Moved by Hertle, seconded by Frese, to appoint the following persons to the Benton County Eminent Domain for 2013. 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

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Roger Schlarbaum
Carol Goodchild
Jeff Geiger
Dave Coulter
Harold Knaack Jr.
Melissa McBride
Kristina Kremer

Owner-Operator Agricultural Property

Bonnie Sanders
Elaine Harrington
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 Hertle, seconded by Frese, to appoint the county auditor as the ADA coordinator for Benton County. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to appoint Mark Kotouc, Larry Beatty, and Elaine Harrington, to the Benton County Zoning Commission for 3-year terms. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to appoint Dave Coulter, Marty Junge, Dawn Lundvall, and Elize Healzer to the Benton Development Group for one-year terms. All members voting aye thereon. Motion carried. Michael Wood resigned from the board earlier in the year and his position has yet to be filled.

Moved by Hertle, seconded by Frese, to appoint Ranae Becker to the Benton County Foundation for a three-year period. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to appoint Jill Marlow as trustee to the Heartland Insurance Group and Terry Hertle as alternate. All members voting aye thereon. Motion carried.

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

Van Horne Benefited #1 – Ronald Bossler

Keystone Benefited #2 – Tom Harty

Newhall Benefited #4 – Timothy Rathje

Ben-Linn Benefited #3-#5 – James Keiper

Moved by Hertle, seconded by Frese, to appoint Kelly Henkle to the Benton County Public Health Board for a three-year term. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to appoint Jennifer Zahradnik as the Benton County Civil Rights Coordinator for 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, 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 Hertle, seconded by Frese, to appoint Myron Parizek to the Eastern Iowa Airport Zoning Commission for a three-year term; Gary Marlow to the Vinton Airport Zoning Commission for a six-year term; and Harold Ritscher to the Belle Plaine Airport Zoning Commission for a six-year term. All members voting aye thereon. Motion carried.

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Moved by Hertle, seconded by Frese, to appoint the following members to the respective boards for 2013. All members voting aye thereon. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Hertle

Regional HACAP –Supervisor Hertle

Emergency Management Commission - Supervisor Sanders

Supervisor Hertle, Alternate

Resource Enhancement & Protection (REAP) - Supervisor Frese

Solid Waste Disposal Commission Advisory Board - Supervisor Hertle

Supervisor Frese, Alternate

Supervisor Sanders, Alternate

County Conference Board - Supervisor Sanders

Supervisor Frese

Supervisor Hertle

Benton County Health Board – Supervisor Frese, Ex-Officio

6th Judicial District Department of Corrections – Supervisor Hertle

Workforce Development - Supervisor Frese

Eastern Iowa Tourism – Supervisor Sanders

Supervisor Frese, Alternate

Supervisor Hertle, Alternate

North Iowa Juvenile Detention – Supervisor Hertle

Area Substance Abuse Council (ASAC) – Supervisor Hertle

Regional Child Support Recovery – Frese

Benton County Conservation – Supervisor Hertle, Ex-Officio

Moved by Hertle, seconded by Sanders, to appoint Supervisor Don Frese to the Decategorization Board for a two-year term. All members voting aye thereon. Motion carried.

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

BOARD OF DIRECTORS:

Don Frese – to replace David Vermedahl for the term expiring 12/31/2013

Kathleen Van Steenhuyse for the term expiring 12/31/2015

Alternates: Jason Sanders for the term expiring 12/31/2015

Terry Hertle to replace Ron Buch for the term expiring 12/31/2014

REGION 10 TRANSPORTATION POLICY COMMITTEE

Andy Lent for the term expiring 12/31/2015

Don Frese – to replace David Vermedahl for the term expiring 12/31/2014

No Alternates

Moved by Frese, seconded by Hertle, to appoint Mark Pingenot and Randy Scheel to the Integrated Roadside Vegetation Management, representing the public sector, and James Huber and Ann Jorgenson, representing the private sector, all for three-year terms. Jacquie Hodgson has resigned from the commission and a replacement appointment will be made at a later date. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to appoint Dr. Brian Meeker as Benton County Medical Examiner, Dr. Mark Dearden as Deputy Medical Examiner, and Mary Phillips, Tony Thomsen, Trey Meyers, and John McDaniel as Medical Examiner – Investigators. All appointments are for two-year terms. Further, the fees for services of the medical examiner and his staff are set at \$250.00 per case, plus expenses. In the event of an extraordinary case, the fee is set at \$500.00 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 \$250 fee as is currently done, and will also be a part of the \$500 fee for extraordinary cases and not in addition thereto. All members voting aye thereon. Motion carried.

The board discussed the appointment of the 2013 Wellness Committee. The board did not take action on the matter, but deferred it until the chair could discuss it with the current committee.

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

Moved by Frese, seconded by Hertle, to appoint Supervisor Hertle as the county's authorized signatory for all documents relative to the Farm Service Agency. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to appoint Alberta Reifensahl and Martha Long to the Benton County Historical Preservation Commission, for three-year terms. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to appoint Ilene Kreider and Douglas Mehlhaus to the Pioneer Cemetery Commission, for three year terms. Further, that the matter be placed on the next agenda to discuss amending the ordinance to change the make-up of the commission. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to appoint Don Frese, to the Iowa Valley R C & D, for a three-year term. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, 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.” The auditor is directed to make publication of the non-discrimination statement and the county's affirmative fair housing policy. All members voting aye thereon. Motion carried.

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Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 8, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Frese, seconded by Hertle, to approve the minutes of January 2, 2013. All members voting aye thereon. Motion carried.

Representatives of from the cities of Vinton, Norway, and Urbana, met with the board regarding the increases in the per capita fees for the landfill. The Board of Supervisors increased the per-capita rates to \$32.00 for cities and \$36.50 for rural. Mayor Watson questioned why there was such a large increase. Engineer Myron Parizek explained that the DNR has requirements for closure/post closure and that one-third of the landfill had not been previously included the estimates to closure/post closure, which resulted in a substantial increase in costs. The DNR requires that funds be set aside annually to insure that the cost of closing the landfill will be available when the need arises. Parizek stated that instead of 80,000 annually being set aside, the cost will increase to approximately \$180,000 annually. Terry Hertle stated that had the prior board known what they know now the increases would have been more incremental over time. Watson specifically questioned the supervisors as to who needed to decide on the future of the landfill or disposal of solid waste in Benton County. Watson stated that communication with the communities and the citizens was paramount and seemed to be lacking. Hertle responded that he had intended to have a meeting with the communities and thanked Watson for getting the matter started. The board agreed to attend Vinton's city council meeting on Thursday to discuss the matter further.

Sheriff Forsyth met with the board regarding fees for services performed for cities by his department. Forsyth stated that cities could contract with the county for law enforcement services. Forsyth stated that Belle Plaine and Vinton have their own police departments and pay for dispatch services as well. Forsyth stated that Urbana and Shellsburg have their own police departments, but currently do not pay for any dispatch services. Vinton Mayor John Watson stated that the county should be treating all cities uniformly and not just charge dispatch fees to Vinton and Belle Plaine when other communities had their own departments and were getting the same service. Watson stated the other communities may not have to pay as much, but all cities should be treated fairly. Moved by Hertle, seconded by Frese, to increase the fees for county/city law enforcement contracts from \$22.00 per hour to \$22.50 per hour, effective July 1, 2013, and to increase the cost of dispatch services from \$18,000 to \$18,500 annually for the City of Belle Plaine, and from \$20,000 to \$20,500 for the City of Vinton. All members voting aye thereon. Motion carried. Hertle stated that the county will consider charging the cities of Urbana and Shellsburg for dispatch services sometime in April. The auditor advised that the county would not be able to collect from Urbana and Shellsburg until July 2014 as it would be too late for them to budget the expense for this fiscal year beginning July 1, 2013, if a decision is made in April 2013.

Social Services Director Mary Williams informed the board that she would be retiring at the end of May 2013. Williams did not provide a written notice at this time.

Moved by Frese, seconded by Hertle, to sign the Iowa Department of Transportation voucher for the bridge replacement project number BROS-CO06(80)—5F-06 on 13th Avenue payable to Muscatine Bridge Co., Inc. in the amount of \$246,022.64. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to accept he bids and award the contract for the bridge replacement project, BROS-CO06(88)—8J-06, on 25th Avenue to Taylor Construction, Inc. All members voting aye thereon. Motion carried. The bid letting was done by the Department of Transportation.

The engineer reported that the balance in the Benton County State Bank for the landfill account on December 31, 2012 was \$69,236.33.

Moved by Hertle, seconded by Frese, to approve the vacation carry-over requested by Dan Higdon of 8.75 hours to be used no later than April 1, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the vacation carry-over requested by Myron Parizek of 75 hours to be used no later than April 1, 2013. All members voting aye thereon. Motion carried. Hertle questioned why the vacation was not being used throughout the year. Parizek stated that he was too busy with Hertle responding that was an acceptable.

Moved by Frese, seconded by Hertle, to approve checks numbered 203470 through 203632, payroll checks numbered 136591 through 136608 (136609 through 136634 are voided), and ACH deposits numbered 16203 through 16320, for payment. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the appointments of the following deputies in their respective offices:

Auditor: Brenda Sutton, Hayley Rippel, and Gina Edler

Sheriff: Michael Ferguson and John Lindaman

All members voting aye thereon. Motion carried.

The board discussed the Pioneer Cemetery Commission and the requirements for commission members under the current ordinance. The current ordinance requires that four of the nine members be township officials. County Attorney David Thompson advised that the prior board had requested that requirement so that the commission was assured of having rural representation. Moved by Frese, seconded by Hertle, to proceed with amending Ordinance #42, Pioneer Cemetery Commission, by removing language that requires township officials on the commission. The county attorney agreed to redraft the ordinance for the board's consideration at the next meeting. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to appoint Nathan Hesson to the Benton Development Group board for a one year term. All members voting aye thereon. Motion carried.

Supervisor Hertle asked to discuss what the current provisions were for courthouse security. The county attorney informed the board as to the current security measures.

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Moved by Frese, seconded by Hertle, to adopt Resolution #13-5, TRANSFER OF FUNDS. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-5 TRANSFER OF FUNDS

IT IS HEREBY RESOLVED that \$1,000,000 is transferred from the Capital Projects Fund to the General Basic Fund. Said action closes out the balance in the Capital Projects Fund.

Dated this 8th day of January 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to appoint Joan Lindberg to the Iowa Vegetation Roadside Management committee. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to change the appointment of Ben Vierling on the East Central Iowa Council of Governments Transportation Technical Committee from board alternate to board member, and to appoint Jerry Petermeier as board alternate. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to appoint Jason Sanders, Kelly Geater, Danelle Fowler, and Vicki Schwenker to the Benton County Wellness Committee for 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to appoint the Benton County Engineer as the Benton County Weed Commissioner for 2013. All members voting aye thereon. Motion carried.

The auditor informed the Board that the Vinton Municipal Electric Utility (VMEU) had contacted her regarding the spot lights on the north side of the courthouse. VMEU has determined that the lights are not being metered and are costing VMEU approximately \$70.00 per month. The lights were wired into the street light circuits. The auditor stated that the county could look into other lighting alternatives such as LED fixtures, which over the long run, would be more cost effective. Moved by Hertle, seconded by Frese, that the county begin reimbursing VMEU for the lights' electrical usage from this time forward. Further, alternatives are to be researched for long term cost savings. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the auditor's and sheriff's quarterly reports for the period ending December 31, 2012. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

January 10, 2013

The Benton County Board of Supervisors met in special session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 7:00 p.m. at the Vinton City Hall.

The city had requested that the supervisors attend the council meeting to explain why there was a large increase in landfill per-capita fees for fiscal year 2014. The board of supervisors had previously increased the per capita from \$25.00 to \$32.00. Supervisor Sanders stated that the board reviewed the per capita fee when a feasibility study was presented to the board in the fall of 2012. According to the consultant who prepared the study, it was apparent that the per capita had to be increased substantially to maintain cash flow at the landfill. Sanders stated that the consultant recommended that the county stay with a per capita fee instead of a tonnage fee due the fluctuation in tonnage. Sanders stated that new 28E Agreements should be developed between the county and the cities to address the long term for solid waste disposal in Benton County.

County Engineer Myron Parizek explained that the county had hired a consultant to do a feasibility study on the disposal of solid waste in the county and the long term future of the current landfill. Three options were considered: continue to operate the landfill as currently done; have a transfer and recycling station only; or have communities contract on their own to dispose of their waste with other facilities. Parizek also stated that DNR regulations have changed and that a clay base is no longer acceptable in the landfill cells and that a plastic liner is now required. Parizek stated that the surface also has to have a plastic cover. Additionally, some closure/post closure costs have not been included in past estimates, which has resulted in the amount needed for closure/post closure to be almost doubled.

Sanders added that some closure post closure activities will have to begin in approximately five to seven years regardless of when the new landfill cell is closed.

Councilmember Redlinger questioned if the increase was just to address the existing situation and not for new activity. Sander responded that it was to address the current situation only.

Supervisor Frese stated that currently \$85,000 annually is going to the closure post closure fund and that it will need to increase to \$185,000.

Supervisor Hertle stated that the prior board set the new rate, but had they known years ago what they know now that the rate would have been increased more over the years. Hertle stated that the landfill should not operate in the red.

Councilmember Bud Maynard stated that he read the feasibility study and that the study stated that the first step should have been to meet with the communities. Maynard further questioned why all of a sudden the situation was so critical – that the board didn't just wake up this morning and say "we have to close the landfill". Supervisor Sanders responded that in a way the

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county did just wake up this morning in that the board was operating under the reports of the engineering firm doing the closure post closure studies. Parizek stated that the DNR has a formula as to how much funding must annually go into the closure post closure fund. Parizek also stated that while looking at the FY14 budget it was apparent the landfill has a cash flow problem and that additional monies are needed to operate. Maynard questioned if other options had been considered such as reducing expenses instead of just increasing revenue. Maynard questioned if a tonnage fee could be increased instead and added that the cities have tight budgets as well.

Councilmember Redlinger echoed that when he last used the landfill he was not charged. Sanders responded that there was not a cost to Redlinger due to the per capita fee being paid.

Mayor Watson echoed that there should be consistency in charging for disposal. Watson stated that he is asked if his load is construction and demolition, which there is a tonnage fee, instead of the staff at the landfill making that determination it is left up to the individual. Watson stated that if the waste cannot be put on the curb for pick up then it should be charged for at the landfill.

Parizek responded that there is a definition of construction and demolition waste and that it has been modified over the years. Parizek stated that carpet, drywall, lumber, furniture, etc. should have a tonnage fee charged but that the issue arises with mixed loads. Parizek stated that staff cannot arbitrarily decide that the construction and demolition waste is 40% - 80% - 90%, etc. of the load. Watson reiterated that he was amazed at the inconsistency and that the issue needed to be tightened down.

Hertle commented that the surprise was due to the DNR.

Discussion included other disposal options such as plasma arc. Councilmember Redlinger stated that perhaps the landfill should be relocated to a more central location with less water issues.

Mayor Watson stated that there were a lot of options and that the issues need to be looked at now not later. Jennifer Fencil of East Central Iowa Council of Governments ended the discussion stating that it was up to the communities to get a commission together and offered her assistance as a facilitator.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 15, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Maintenance Director Rick Bramow discussed with the flood lights on the north side of the Courthouse. The City of Vinton is charging the county \$70.00 a month to use the lights. Bramow suggested changing the bulbs to 400 watt bulbs to bring down the cost to \$20.00 a month. Board agreed with Bramow.

Moved by Frese, seconded by Hertle, to set February 12, 2013, at 9:15 a.m., as the time and date for a land use hearing on a land use change requested by Tony and Sharon Rogers on a parcel located in the SW1/4 SW 1/4 of 29-85-9. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to authorize the chair to sign the farm lease with Tim Sage for the landfill farm ground. Sage was awarded the lease after bids were accepted in December 2012. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle to allow a disabled veteran's homestead tax credit on parcel #240-76775. 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 Doreen Ayers, the board took up the matter for consideration. Marc Greenlee presented the 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. A new well and septic would be needed for the residence. Larry Grinder, representing adjacent land owner Larry Root, questioned the issue of boundary fences. Ayers stated he didn't know at the time what type of fences he would be putting in but they would not be outlandish fences. Moved by Hertle, seconded by Frese, 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 located in the SW ¼ of the SW ¼ of 5-83-9. All members voting aye thereon. Motion carried.

The board exchanged labor proposals with Teamsters Local #238, representing the employees of the sheriffs' department.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Hertle, seconded by Frese, to adopt Resolution #13-6, ROAD CLOSURE FOR CONSTRUCTION. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-6

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from January 21, 2013, through the completion of the project.

From the NW corner of Section 19-T86N-R12W thence north one (1) mile to the NW corner of Section 18-T86N-R12W along County Route V37 in Bruce Township.

Signed this 15th day of January, 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to approve a utility permit requested by ITC Midwest to place utility lines in the county's right-of-way in Polk Township. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the 2012 Weed Commissioner's Report and authorize the chair to sign the same. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve and sign the final plan sheets for the bridge replacements on E44, project numbers FM-CO06(89)—55-07 and FM-CO06(90)—55-06 at a cost of \$325,000 and \$341,000, respectively. All members voting aye thereon. Motion carried.

The board discussed the solid waste commission and the need to meet with the communities. It was decided that a meeting be scheduled for January 29, 2013 at 6:00 p.m. to discuss the various issues and needs with the communities and rural representatives.

The board began working on the FY14 budget.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

January 17, 2013

The Benton County Board of Supervisors met in special session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

The board met for the purpose of working on the FY14 budget. The auditor reviewed the various fund structures, departmental relationships, and budget laws. The board began reviewing individual budgets as well. The county attorney was present and provided comment on past budgeting issues as well as future funding matters.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

January 22, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 8:00 a.m.

Moved by Frese, seconded by Hertle to approve the minutes of January 8, 2013, January 10, 2013, January 15, 2013, and January 17, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve checks numbered 203633 through 203637, payroll checks numbered 136635 through 136657, and ACH deposits numbered 16321 through 16443, for payment. All members voting aye thereon. Motion carried.

Steve Meyer, and Mindy Brittain, Emergency Management Commission members, and Scott Hansen, Emergency Management Coordinator, met with the Board to review with the new members the duties of emergency management and the services it provides. Hanson also spoke with the new members about the need for them to take NIMS training, which can be done on-line. The supervisors are invited to attend the public hearing on the commission's FY14 budget.

Representatives of the Shellsburg Library Board rescheduled their meeting with the board to next week.

Moved by Hertle, seconded by Frese, to approve payment to East Central Iowa Council of Governments for administration services for Community Development Block Grant 11-OT-001, Wind and Tornado Damage in July 2011, in the amount of \$800.00. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve payment to the participant in the Community Development Block Grant 11-OT-001, Wind and Tornado Damage in July 2011, in the amount of \$40,000.00 for damage to an owner-occupied structure. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Hertle, seconded by Frese, to authorize the chair to sign the claim for reimbursement for costs related to Community Development Block Grant 11-OT-001, Wind and Tornado Damage in July 2011. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the recorder's quarterly report for the period ending December 31, 2012. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by the La Porte City Telephone to place utility lines in the county's right-of-way in Bruce, Cedar and Harrison Townships. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Iowa Network Services to place utility lines in the county's right-of-way in Bruce, Monroe, and Jackson Townships. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve and sign the contract and contractor's bond with Taylor Construction, Inc. for the bridge replacement project on 25th Avenue. The cost is \$354,758.60. All members voting aye thereon. Motion carried.

The Board met with various departments to review their FY14 budget requests. The board did not take any action regarding any of the budget requests reviewed.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 28, 2013

The Benton County Board of Supervisors met in special session at 7:30 p.m. at the Benton County Emergency Operations Center with Supervisors Sanders, Frese and Hertle present. The meeting was a part of the public meeting held by the Benton County Emergency Management Commission and was specifically for the portion of their meeting pertaining to the FY2014 emergency management budget and public hearing. The purpose was to allow the board of supervisors to gather information about the budget for emergency management. There was no action required of the board of supervisors. Supervisor Sanders stated that the county was still working on their FY14 budget and determining funding for the various requests. The Board did not enter into any discussion upon matters coming before the board of supervisors.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried at 7:40 p.m.

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

January 29, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Tony Reed of the Central Iowa Juvenile Detention facility briefly explained what his facility provided and there would be a cost savings to Benton County. Reed is to return to the board when he is on the agenda when additional information.

Moved by Hertle, seconded by Frese, to approve the minutes of January 22, 2013 and January 28, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to appoint Christine Kraemer to the East Central Iowa Council of Governments Revolving Loan Fund Committee for 2013. All members voting aye thereon. Motion carried.

David Thompson and Jo Keunnen of the county attorney's office met with the board about the upcoming Grand Jury tour. Keunnen advised that the Grand Jury inquires to be sure that no prisoners are being held illegally and tour the county facilities. The jurors then file a report with the county. The auditor questioned if the grand jury was going to visit the Governor Sherman building. Keunnen advised that facility was not on their list. Thompson stated that there is not enough time to visit all buildings. The auditor responded that it was questioned last year as to why the Governor Sherman building had never been viewed by the grand jury.

The time of 9:30 a.m. having arrived, and this being the time and date for the first consideration of Ordinance #67, Pioneer Cemetery Commission. The chair declared the first consideration open for public comment. The county attorney reviewed that the only change from the current ordinance is to remove the requirement that the commission be comprised of a specific number of township officials. Hearing no comment, either for or against, the chair declared the public hearing closed. Moved by Hertle, seconded by Frese, to approve the first consideration of Ordinance #67, An Ordinance Establishing a Cemetery Commission. All members voting aye thereon. Motion carried.

The board had inquired about reducing their salaries. Iowa Code 331.907(3) provides that the board of supervisors may reduce their salaries if it is done 30 days prior to the adoption of the FY14 budget. The matter was placed on the agenda for consideration. The supervisors stated that the compensation board did not recommend a salary increase for FY14 and did not believe the current salary should be reduced.

Deb Harrison and Brad Osborn, representatives of the Shellsburg Library Board and Julie Kimm, director of the Shellsburg library, met with the Board regarding library funding. Harrison stated that they were present to request equitable funding for county libraries. Harrison added that the rural patrons are almost equal to the city patrons and that the rural patrons are taxing the library's resources. Harrison reported that the current funding mechanism is outdated. Harrison continued that libraries are more relevant during poor economic times and that usage has increased resulting in an increased cost for the service. Harrison stated that the present county funding is not balanced between the communities based on readership. Osborn stated that the majority of rural population is located on the east side of the county, adding that the population of Canton Township is larger than some entire cities in the county. Osborn stated that although the overall rural population has not increased significantly, the townships on the eastern side of the county are increasing while the western townships are decreasing in population and that the funding formula needs to be revised. Harrison stated that Shellsburg's library board has a good relationship with the other libraries in the county and is in no way advocating a reduction in funding to those libraries, but is only asking for equitable funding. Hertle

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questioned if this funding proposal had been shared with the other libraries in the county. Harrison responded that it has been discussed at association meetings with the other libraries, but there was no interest in coming to the board at this time by the association as a whole. Osborn added that Shellsburg also serves a lot of low-income residents, which affects the library's resources. The board took no action on the request.

The board began the matter of establishing wages for non-union employees for FY14. Action on wages for elected officials is done during the hearing on the FY14 budget and therefore is not a part of today's discussion. The auditor had presented the board with a list of requested compensation for the various employees for FY14. Requests ranged from 2.5% to approximately 20%. The board discussed the compensation of the maintenance department, veterans' affairs director, county attorney's office manager, and social services personnel. The discussion varied depending upon each position – the county attorney's office requested a larger increase as a current employee will be made office manager and will have additional duties, maintenance personnel was longevity and low starting salaries, veterans affairs was due to the number of hours required, and the social services was because of additional responsibilities being anticipated with the retirement of the current director and mental health regionalization. Supervisor Sanders stated that he agreed with the increase for the county attorney's office manager and an increase for maintenance with all others receiving an across-the-board increase. Supervisor Frese stated that he was in agreement with a 5% increase for maintenance personnel I, and increase for the county attorney's office manager, and an across-the-board increase of 3% for all others. The Health Board and Conservation Board set salaries for their respective employees.

Moved by Hertle, seconded by Frese, to set all compensation as requested for FY14 by the various departments. All members voting nay. Motion failed. Sanders stated that he had an issue with granting the salaries as requested and would prefer to see an across-the-board increase.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-9, ESTABLISHING WAGES AND SALARIES FOR NON-UNION EMPLOYEES FOR FY14. Voting aye were Frese and Hertle. Sanders voting nay. Motion carried. Sanders stated that he was opposed to the action due to the increase for veterans' affairs and that Zander's salary increase should have been addressed, if and when her job duties changed.

RESOLUTION #13-9 ESTABLISHING WAGES AND SALARIES FOR NON-UNION EMPLOYEES FOR FY14

WHEREAS, the Benton County Board of Supervisors establishes wages and salaries for all employees not covered by a collective bargaining agreement; and

WHEREAS, the Board of Supervisors desires to establish the wages for the fiscal year beginning July 1, 2013, for said employees; and

WHEREAS, the Board acts on the annual salaries of elected officials during the public hearing on the fiscal year budget and therefore no action is being taken on those salaries at this time; and

WHEREAS, the deputies in the offices of elected officials are set by the elected official and not by the Board of Supervisors - provided funds are available in their departmental budget;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the wages and salaries for employees of Benton County, except for those employees who are covered by a collective bargaining agreement, who are elected officials, or who are deputies of elected officials, are hereby established for the fiscal year beginning July 1, 2013 as follows:

Auditor's Office:

Brad Osborn - \$17.37

Treasurer's Office:

Rosemary Sackett - \$31,775

Joy McGowan - \$31,775

Nancy Jorgenson - \$31,775

County Attorney's Office:

Debra Fleming - \$32,556.56

Jo Kuennen - \$34,000

Jacqueline Michael - \$34,850

Sheriff's Department:

Tina Ehrig - \$13.80

Karen Uthoff - \$44,126.25

Bonnie Ehlinger - \$15.66

Mark Christy - \$10.25

Sheriff Reserve Deputies - \$ to be set after labor contract is settled

Reserve Officers - \$1.00

Recorder's Office:

Melissa Boisen - \$10.25

Sanitarian/Land Use:

Marc Greenlee - \$67,500

Barbara Greenlee - \$53,350

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Transportation:

Dana Burmeister - \$44,075
Rhonda Westergard - \$32,619.60
Part-time Drivers - \$12.42

Veterans Affairs:

Charles James - \$30,420

Maintenance:

Rick Bramow – \$43,846
Justin Birker - \$33,000
Beverly Baldwin - \$10.80

Social Services:

Carol Zander – \$35,360
Victoria Fink - \$10.76

Secondary Roads:

Myron Parizek - \$89,952.78
Ben Vierling – \$50,276.25
Christopher Wion - \$19.36
Penny Applegarth – \$34,901.25
Randy Sherwood – \$21.44
Daniel Higdon – \$21.55
Pam Gorsh - \$16.33

Dated this 29th day of January 2013.

Jason Sanders, Chairman

Donald Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Mary Williams, Social Services Director, and Dana Burmeister, Transportation Director, both spoke to the board about their current year budgets. Williams and Burmeister stated that they did not have enough spending authority left in the FY13 budgets to meet expenses and payroll. The options are to cut services and reduce spending or to have their budgets amended. Hertle and Frese stated that they did not want the services reduced and that more funds would be appropriated to the departments.

Veterans' Affairs Director Charles James reviewed his FY14 budget with the supervisors. James explained the types of services his department provides and the requirements of his position.

Moved by Frese, seconded by Hertle, to recess. All members voting aye thereon. Motion carried.

The Board reconvened at 6:00 p.m. at the Newhall City Park Pavilion with all members present.

The Board discussed issues facing the sanitary disposal facility with representatives of the cities and rural areas of the county. County Engineer Myron Parizek and Jennifer Fencel of East Central Iowa Council of Governments provided a detailed explanation of various factors that have affected the landfill's life expectancy. Fencel also reviewed the current governance of the landfill, explaining that in the 1970's a Sanitary Disposal Commission was created through 28E agreements with the cities and the county. In the 1980's the Commission gave the day-to-day management and operations of the facility to the county with oversight of the commission's executive committee; however, the executive committee ceased to exist as well. It was explained that new 28E agreements need to be drafted and entered into by the cities and counties as well as determining the future of the landfill. The county had a feasibility study done that outlined three options: maintaining the landfill as it is currently; maintaining a transfer station; or allowing communities to contract to dispose of their waste individually at a facility outside of the county and closing the current landfill. There were several questions as to whether the cities would still have to contribute a per-capita fee if they were to contract individually to dispose of their waste elsewhere, as well as if there were any 28E agreements in place currently. The general response was that a per-capita fee would still be needed for the closure of the current landfill, which contains waste generated throughout the county. It was explained that if one city no longer participates in the 28E that the financial health of the facility is affected and all of the other communities are affected in return. It was reiterated that a new 28E agreement needed to be developed and entered into and that a committee representative of Benton County should be formed to begin work on the agreement as soon as possible. Several persons volunteered to sit on the committee, including Andy Lent of Vinton, Dave Fish of Belle Plaine, Loras Schulte of Norway, Doug Kearns of Garrison, Ron Buch – past commission member, County Engineer Myron Parizek, and Terry Hertle. Farm Bureau will also be appointing a member to the committee.

Moved by Frese, seconded by Hertle, to direct the committee to study and draft a new 28E Agreement for the Benton County Solid Waste Facility, and that said study be done with the assistance of the East Central Iowa Council of Governments. All members voting aye thereon. Motion carried.

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Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

February 1, 2013

The Benton County Board of Supervisors met in special session with Supervisors Sanders and Frese present. Supervisor Hertle was absent. The meeting was called to order at 9:45 a.m. Supervisor Sanders attended the meeting by telephone. The phone was on speaker so that all those present could listen and participate in any discussion.

This being the time and date for the second consideration of Ordinance #67, Pioneer Cemetery Commission. The chair declared the second consideration was open for public comment. There were no members of the public or media present. Hearing no comment, either for or against, the chair declared the public hearing closed. Moved by Frese, seconded by Sanders, to approve the second consideration of Ordinance #67, An Ordinance Establishing a Cemetery Commission. Both members voting aye thereon. Motion carried.

Moved by Frese, seconded by Sanders, to adopt Resolution #13-10, TRANSFER OF FUNDS. Voting aye were Sanders and Frese. Nays none. Motion carried.

RESOLUTION #13-10 TRANSFER OF FUNDS

IT IS HEREBY RESOLVED that \$32,000.00 is transferred from the General Basic Fund to the Community Development Block Grant fund.

Dated this 1st day of February 2013.

Jason Sanders, Chairman

Donald H. Frese

ATTEST: _____

Jill Marlow, Benton County Auditor

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

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

February 4, 2013

The Benton County Board of Supervisors met in special session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 1:00 p.m.

The county attorney and county engineer met with the board regarding initiation of condemnation proceedings. David Thompson, Benton County Attorney, stated that he, the county engineer, and assistant county engineer met with Tim and Abney Clark regarding the purchase of property for the Atkins intersection and shoulder widening project. Thompson stated that the Clarks wanted several things that were not very costly. The county drafted a purchase agreement for the Clarks, who then wanted an attorney to review the agreement. The attorney representing the Clarks contacted Thompson last week and wanted additional compensation, but added that his clients would not agree anyway. Thompson stated that he is prepared to proceed with condemnation. Thompson stated that eminent domain is allowed under state and federal law when the property is needed for a public purpose, including improvement of a public roadway or for safety purposes. Thompson and the engineer confirmed that the intersection and the shoulders are being improved for safety purposes.

Myron Parizek, County Engineer, stated that the process for this project had started several years ago when the county submitted an application for HSIP funds – federal funds that were being set aside for highway safety improvement projects. The SAFETY funds were available for high risk rural roads. Parizek stated that this particular segment of roadway met the criteria for funding. The county submitted an application and was accepted for the improvements. The road has had no improvements since being graded in the 1920's. The improvements were designed using the manual criteria used by the Department of Transportation (DOT). Parizek stated that the design used was due to the traveling public and safety concerns, which were based on accident report history and increased traffic volumes based on DOT traffic counts. Language for the funding criteria is:

"Highway Safety Improvement Program (HSIP) THE HSIP program also includes dedicated funding for the High Risk Rural Road (HRRR) program. HRRR funds are available for construction and operational safety improvements on paved roads, classified as rural major or minor collectors or rural local roads, that have a rate of fatal or major injury crashes that exceed the statewide average, or are likely to experience an increase in traffic volume that will lead to a crash rate in excess of the statewide average, as determined by the Department."

Parizek stated that the shoulder width is narrow and is less than current design recommendations. Once the shoulder is widened it forces the ditch profile further away from the roadway, flatter slopes are needed for safety on both the fore and back slope. This will enhance snow maintenance on the road, which is prone to severe drifting and will allow snow storage in the ditch, as well as allow the wind to blow snow over the roadway. Specifically, a part of the improvement project that involves Tim and Abney Clark property contours a hill, but the contouring will reduce, if not eliminate, drifting snow.

Supervisor Hertle asked if the condemnation will jeopardize the funding for the project. Parizek stated that it could delay the start of the project for a short time, but the funding is not jeopardized.

Thompson asked the Board to authorize a Notice to Condemn under Iowa Code Chapter 306 for road improvements, adding this project was contiguous right-of-way to a secondary road.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Frese, seconded by Hertle, to proceed with a Notice to Condemn pursuant to Iowa Code 306.29 to Tim and Abney Clark on the property located in the NW1/4 of Section 25-83-9, and more particularly described as follows:

A temporary construction easement over part of Parcel A in the NW1/4 NW1/4 of Section 25, Township 83 North, Range 9 West of the 5th P.M., Benton County, Iowa per survey recorded in Book 10, Page 157 at the Benton County Recorder's Office further described as follows:

Commencing at the Northwest corner of said Section 25; Thence N87° 33'13"E along the North line of the NW1/4 NW1/4 of said Section 25, 60.00 feet; Thence S01°46'40"E, 198.00 feet to the point of beginning; Thence N87°33'13"E along a line parallel and 198.00 feet distant to the north line of the NW1/4 NW1/4 of said Section 25, 13.00 feet; Thence S01°46'40"E along a line parallel and 73.00 feet distant to the West line of NW1/4 NW1/4 of said Section 25, 149.73 feet; Thence S88°13'20"W, 13.00 feet; Thence N01°46'40"W along a line parallel and 60.00 feet distant to the West line of the NW1/4 NW1/4 of said Section 25, 149.58 feet to the point of beginning containing 0.04 acres (1,945 Sq. Ft.) more or less. Subject to existing easements and restrictions of record.

And acquisition over the West 60.00 feet of the NW1/4 of Section 25, Township 83 North, Range 9 West of the 5th P.M., Benton County, Iowa.

Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

The board continued with their work on the FY14 budget.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

February 5, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of January 29, 2013 and February 1, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to set March 5, 2013, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Daniel and Kathleen Cantonwine on a parcel located in the SW1/4 of the SW1/4 of 29-85-9. All members voting aye thereon. Motion carried.

The board discussed the composition of the landfill study committee membership. Moved by Hertle, seconded by Frese, that one member of the study committee be appointed by Farm Bureau as a representative of the rural area. The appointee shall own property in Benton County, but does not have to reside in Benton County for purposes of committee membership. All members voting aye thereon. Motion carried.

The board requested that a meeting with members of the Benton County Historic Preservation Commission be arranged for an upcoming board meeting

Moved by Frese, seconded by Hertle, to adopt Resolution #13-11, AMENDING RESOLUTION 12-36A, ESTABLISHING A REVOLVING LOAN FUND AND PARAMETERS FOR GIFTING LOCAL OPTION SALES AND SERVICES TAX MONEY FOR EMERGENCY SERVICES EQUIPMENT BY REPEALING AND READOPTING RESOLUTION #12-36A. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-11 AMENDING RESOLUTION #12-36A

ESTABLISHING A REVOLVING LOAN FUND AND PARAMETERS FOR GIFTING LOCAL OPTION SALES AND SERVICES TAX MONEY FOR EMERGENCY SERVICES EQUIPMENT BY REPEALING AND READOPTING RESOLUTION #12-36A

WHEREAS, the Benton County Board of Supervisors adopted Resolution #12-36A, Establishing a Revolving Loan Fund and Parameters for Gifting Local Option Sales and Services Tax Money for Emergency Services Equipment on August 15, 2012; and

WHEREAS, the Board of Supervisors desires to amend said resolution by adding Benefited Fire Districts to those eligible to request funds;

NOW THEREFORE BE IT RESOLVED that Resolution #12-36A is amended as follows:

All references to townships are amended to include Benefited Fire Districts.

Dated this 5th day of February 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST: _____
Jill Marlow, Benton County Auditor

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Jeff Kromminga of the Keystone Benefitted Fire District (BFD) requested that funds from the Local Option Sales and Services Fund (LOSST) be reserved for the Keystone BFD for the purchase of a truck for the fire department. Moved by Hertle, seconded by Frese, that \$5,000.00 of the LOSST fund is reserved for the Keystone BFD. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the Treasurer's Semi-Annual Report for the period ending December 31, 2013. All members voting aye thereon. Motion carried.

Benton County Recorder Lexa Speidel requested approval to move part-time employee Melissa Boisen to a full-time deputy. Speidel also requested that Boisen be granted five days of vacation. Hertle states that he had no questions and no problems with the request. Sanders stated that the vacation would be subject to county policy, which provides five days after six months of full-time employment. The board questioned if moving Boisen to deputy would interfere with issuance of passports. Speidel stated that it would not as Boisen would not be authorized to issue any birth certificates. Moved by Hertle, seconded by Frese, to approve the change in employment classification of Melissa Boisen from part-time clerk to full-time deputy in the recorder's office, effective January 28, 2013. The starting salary is set at 65% of the elected official (\$39,856.70). Vacation is pursuant to current county policy. 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 consideration of Ordinance #67, Pioneer Cemetery Commission. The chair declared the third consideration was open for public comment. There were no comments heard. Hearing no comment, either for or against, the chair declared the public hearing closed. Moved by Hertle, seconded by Frese, to approve the third consideration of Ordinance #67, An Ordinance Establishing a Cemetery Commission. All members voting aye thereon. Motion carried

Moved by Frese, seconded by Hertle, to adopt Resolution #13-12, ADOPTION OF ORDINANCE #67, AN ORDINANCE ESTABLISHING A CEMETERY COMMISSION. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-12

ORDINANCE #67, AN ORDINANCE ESTABLISHING A CEMETERY COMMISSION

WHEREAS, three considerations of Ordinance #67 were held on January 29, 2013, February 1, 2013, and February 5, 2013, respectively; and

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

WHEREAS, a copy of said Ordinance was available to the public in the Benton County Auditor's office,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #67, An Ordinance Establishing a Cemetery is fully adopted. The Benton County Auditor is directed to publish Ordinance #67 in its entirety in the official newspapers of Benton County.

ORDINANCE #67

AN ORDINANCE ESTABLISHING A CEMETERY COMMISSION

BE IT ORDAINED AND ENACTED by the Supervisors of Benton County, IA

SECTION 1. A Cemetery Commission is hereby established to assume jurisdiction and management of Pioneer Cemeteries in Benton County, IA, pursuant to Section 331.325 of the Code of Iowa.

SECTION 2. The Commission shall consist of nine persons, residents of Benton County, Iowa, appointed by the Board of Supervisors as follows: Three of the members shall be appointed for a term expiring December 31, 2003, three for a term expiring December 31, 2004, and three for a term expiring December 31, 2005. Their successors in all cases shall be appointed for a term of three years, and all appointments to fill vacancies shall be for the unexpired term.

SECTION 3. The Commission shall select a Chairperson, Vice Chairperson, Secretary and Treasurer, and such other officers as the Commission shall deem necessary.

SECTION 4. The Commission shall have authority to establish such rules and regulations governing its organization and procedures as it shall deem necessary.

SECTION 5. The Commission shall have all powers and duties relating to Pioneer Cemeteries which may otherwise be exercised by Township Trustees under the Code of Iowa, except those Pioneer Cemeteries being maintained by Township Trustees, with the exception the Commission shall not have the authority to certify a tax levy.

SECTION 6. The Commission shall submit a proposed budget including the amount of available funds and proposed expenditures to the Benton County Auditor no later than January 1 of each year. The budget shall be subject to approval by the Board of Supervisors.

SECTION 7. The Commissioners shall receive no compensation for their services as such, but may be reimbursed for necessary expenses incurred in the performance of their duties.

SECTION 8. Access to Pioneer Cemeteries shall be negotiated with neighboring property owners where necessary.

SECTION 9. Should any part of this ordinance be held invalid, the remaining part shall be severable and shall continue to be in full force and effect.

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SECTION 10. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

SECTION 11. This ordinance shall take effect and be in full force and effect after its final passage and publication as required by law.

SECTION 12. Ordinance #42 is hereby repealed in its entirety upon enactment of this Ordinance #67. Passed and adopted by the Benton County Board of Supervisors on this 5th day of February, 2013.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow
Benton County Auditor

Dated this 5th day of February 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

The engineer reported that the balance in the landfill bank account in Blainstown on January 31, 2013, was \$72,397.51. Ann Jorgenson and Myron Parizek, representing the Integrated Vegetation Roadside Management commission presented and annual report to the supervisors regarding activities undertaken over the past year and also discussed future projects. The report is filed in the office of the auditor for public inspection.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-13, SERVICE AREA BUDGET AMENDMENT. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-13 SERVICE AREA BUDGET AMENDMENT

BE IT RESOLVED by the Benton County Board of Supervisors that the FY13 budget be amended within service areas as follows:

WHEREAS, the Benton County Board of Supervisors adopted the FY2013 budget on March 13, 2012; 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 FY2013 county budget is hereby amended within the following service areas:

Service Area 3 – \$50,000 (Said funds were budgeted in the service area but not to specific functions and/or appropriated)

IT IS FURTHER RESOLVED that said funds are hereby appropriated to juvenile detention, transportation and social services budgets.

The auditor is directed to make the necessary changes.

Signed this 5th day of February 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

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The board finalized work on the FY14 budget. Moved by Frese, seconded by Hertle, to set March 12, 2013, at 9:30 a.m. as the time and date for a public hearing on the county's FY14 budget. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

February 12, 2013

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

Moved by Hertle, seconded by Frese, to approve the minutes of February 5, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the payment of checks numbered 203638 through 204108, and payroll numbered 136658 through 136715, and ACH deposits numbered 16444 through 16679. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the Veteran's Affairs Quarterly Report for the period October through December 2012. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to accept the resignation of Beth Zelle from Sheriff's Office, effective February 8, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese to approve eighty hours of vacation carry-over requested by Karen Phelps, said carry-over is to be used no later than May 1, 2013. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m., having arrived and this being the time and date set for a public hearing on a land use change requested by Tony & Sharon Rogers, the board took up the matter for consideration. Marc Greenlee presented the 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. A new well and septic would be needed for the residence, Greenlee is recommending a sand filter septic system because of the soil being a silt loam soil. The driveway for this property goes through a neighboring property, owned by the brother of applicant Sharon Rogers. Hertle stated that they might want to get an easement figured out just in case her brother would ever decide to sell his property. Moved by Hertle, seconded by Frese, 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 located in the SW ¼ of the SW ¼ of 29-85-9. Both members voting aye thereon. Motion carried.

The time of 9:30 having arrived, the board proceeded with canvass of the Vinton-Shellsburg School Election held on February 5, 2013. The Board finds the votes are as follows:

Michael Timmermans-258

Public Measure A:

Yes-264

No-21

Moved by Hertle, seconded by Frese, to approve the Canvass of the Vinton-Shellsburg School Election held on February 5, 2013. The official results are to be filed in the office of the county auditor. Both members voting aye thereon. Motion carried.

Charmaine Wickwire with Benton County Volunteer Program explained what services the volunteer program provided to residents in their service area. Wickwire also discussed the program's budget and financial funding needs.

Becky Decker met with the Board to request the use of the courthouse lawn for the Fireman's Convention on September 7, 2013. Moved by Hertle, seconded by Frese, to approve use of the courthouse lawn for the Fireman's Convention on September 7, 2013. Set up for vendors on September 6, 2013 is also approved. The group is responsible for enforcing the no smoking regulation on the courthouse lawn, clean-up, and damage done to the property, if any. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to authorize the vice-chairman to sign the final IDOT progress voucher for Taylor Construction, Inc. for the bridge replacement on 50th Street project number BROS-CO06(84)—5F-06. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to recess until 5:30 p.m... Both members voting aye thereon. Motion carried.

The board reconvened at 5:30 p.m. at the Pizza Ranch in Vinton. The board met with members of Farm Bureau to discuss the FY14 budget. Discussion also was held on the condition of the secondary road system in the county.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried at 7:00 p.m.

Donald H. Frese, Vice-Chairman

ATTEST: _____

Gina Edler, Deputy Auditor

February 19, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Frese, seconded by Hertle, to approve the minutes of February 4, 2013 and February 12, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to set March 19, 2013, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Chris & Jessica Moessner on Parcel A located in the SW1/4 of the SE1/4 of 26-86-10. All members voting aye thereon. Motion carried.

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Dana Burmeister, Transportation Director, met with the board to request permission to attend the Route Match conference in Atlanta, Georgia. Burmeister stated that the overall conference would only be \$160 to \$180 out of her budget and that she would not require a per-diem since the conference would provide all of the meals. Moved by Frese, seconded by Hertle, to grant the request for Burmeister to attend the Route Match conference in Atlanta, Georgia from April 28, 2013 through May 2, 2013. All members voting aye thereon. Motion carried.

Ranae Becker, Executive Director of Benton Development Group (BDG), Nathan Hesson, Executive Director of Vinton Unlimited and BDG director, and Dave Coulter, President of Benton Development Group Board of Directors, all met with the board to discuss BDG's budget. Coulter started off stating that all of the staff that BDG has is full time, Ranae Becker is the lead person. Coulter stated that a majority of what BDG does is to convince people of the value of what they do. Supervisor Frese questioned why all the cities no longer contribute to BDG. Becker stated that the smaller communities' budgets got tighter and they could no longer contribute. Supervisor Hertle questioned if Benton County's land use ordinance helps or hinders BDG. Coulter stated that their board is disappointed that they are unable to move forward but understand the issue. Hesson stated that as Executive Director of Vinton Unlimited, he works closely with Becker and that they share resources and leads. He stated that the state prefers to work with as few people as possible for proposals of business opportunities. Hesson's concern was who that contact would be as well as who would be representing the county if Becker doesn't because of a shortage of funding. Coulter stated that Becker doesn't have regular hours because she attends many night meetings, he said that other county employees are concerned since she is not seen at work during normal hours, but they do not see her when she is working and attending meetings from 7:00 p.m. until 10:00 p.m. Supervisor Sanders stated that the FY14 budget year was tough.. The board looked hard at everything and that they had to make tough decisions. Sanders stated that the budget was sent to publication on Friday and the hearing date is set for March 12, 2013. Frese stated they are not looking to shut down BDG completely and that the county is still helping out some. Frese added that the board is trying to get everyone working towards the same goal again and maybe BDG can go back to the communities and get some financial support. Frese commented that it is just hard to keep putting money towards something and not seeing anything come out of it. Coulter stated this is a difficult industry adding that BDG is trying to survive and trying to convince the supervisors that BDG is worth the money. Hesson stated that another difficulty with economic development is that they have to keep confidential the information on any possible leads and that it is hard to show people what they do on a regular basis.

Moved by Hertle, seconded by Frese, to approve the utility permit requested by Keystone Communications to replace copper utility lines with fiber in Homer, Big Grove, Kane & Union townships. All members voting aye thereon. Motion carried.

County Engineer Myron Parizek presented three proposals for horizontal realignments for the E44/W14 intersection. Adding that a box culvert under W14 needs to be replaced, the road needs some improvements, and the site has had some accidents in the past. The board, after reviewing the proposals, determined that options 1 and 2 seemed to be the only suitable options at this time. Hertle stated that this project will have a lot of controversy as it did in the 1950's. Parizek stated he has this improvement project scheduled to be completed in FY16. Hertle recommended that the county square up the intersection and require that everyone stop at the intersection. The Board did not take any action on matter.

County Engineer Parizek presented a *28E Agreement To Transfer Jurisdiction and Control to Farm to Market Extensions within the City's Corporate Limits* between Benton County and the City of Garrison. Parizek reported that Garrison had some additional construction in the fall of 2005 that added to the 28E agreement. In January of 2006, Parizek gave the 28E Agreement to the county attorney for legal review, but never received it back from him and therefore it was never presented to the board for execution. The Board requested that the county attorney review the 28E Agreement before the board signs it. Parizek stated he would give the 28E Agreement to the county attorney.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon.

Jason Sanders, Chairman

ATTEST: _____
Gina Edler, Deputy Auditor

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February 26, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of February 19, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-14 INTENT OF REGIONALIZE FOR MENTAL HEALTH AND DISABILITY SERVICES. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-14 INTENT TO REGIONALIZE FOR MENTAL HEALTH AND DISABILITY SERVICES

WHEREAS, The Iowa Legislature has passed and the Iowa Governor has signed SF2315 an Act relating to Redesign of Publicly Funded Mental Health and Disability Services; and

WHEREAS, SF 2315 expresses the intent of the legislature that Mental Health and Disability Services shall be provided by counties operating together as Regions; and

WHEREAS, the Benton County Board of Supervisors has approved an informal letter of intent to form a region consisting of Benton, Bremer, Buchanan, Delaware, Dubuque, Iowa, Johnson, Jones and Linn Counties; and

WHEREAS, the Benton County Board of Supervisors has appointed Don Frese to serve as its delegate throughout the regionalization planning process with Terry Hertle serving as the alternate; and

WHEREAS, the Counties of Benton, Bremer, Buchanan, Delaware, Dubuque, Iowa, Johnson, Jones and Linn are now prepared to file a formal letter of intent with the Department of Human Services as required by SF 2315 to officially form into a Region for Mental Health and Disability Services; and

WHEREAS, said formal letter of intent shall be signed by each counties official delegate, or alternate, and submitted to the Department of Human Services no later than April 1, 2013;

NOW, THEREFORE BE IT RESOLVED that Benton County intends to officially form a region consisting of the Counties of Benton, Bremer, Buchanan, Delaware, Dubuque, Iowa, Johnson, Jones and Linn for providing Mental Health and Disability Services.

BE IT FURTHER RESOLVED that the Benton County Board of Supervisors hereby authorizes its delegate, or alternate, to sign the formal letter of intent which shall be filed with the Department of Human Services no later than April 1, 2013 along with any additional documentation necessary for the formation process of the Mental Health Region to proceed efficiently and effectively as long as said documents are non-binding on Benton County. Any documents that are legally binding on said county, including but not limited to a 28E Agreement, shall be brought before the entire membership of the Benton County Board of Supervisors for consideration in an official meeting of said Board.

PASSED AND ADOPTED this 26th day of February, 2013.

Chairperson
Benton County Board of Supervisors

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Supervisors of Benton County, Iowa at a regular meeting held on February 26, 2013.

AYES: Sanders, Frese, Hertle

NAYS: None

ABSTENTIONS: None

ABSENT: None

ATTEST:

County Auditor

Moved by Frese, seconded by Hertle, to approve checks numbered 204109 through 204261 payroll checks numbered 136716 through 136748, and ACH deposits numbered 16680 through 16801, for payment. All members voting aye thereon. Motion carried.

Six members of the 2013 Grand Jury met with the board to discuss various issues. Supervisor Sanders explained briefly about the position of supervisor and how they are elected. Sanders explained that supervisors set the county budget, set tax levies for the county, appropriate spending, but added that any office that has an elected official – that elected official is the highest officer in that office – those without an elected official, i.e. land use, secondary roads, etc. are under the supervisors. The supervisors do not have control over elected officials other than budgetary control. All supervisors sit on various local and regional boards pertaining to county business, which requires more time than the three or four hours spent in the courthouse. Supervisor Frese, a

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newly elected supervisor, stated it was a learning process and also spoke about other boards that he serves on. Frese stated he is on the ECICOG board as well as the mental health regionalization board. Supervisor Hertle, also newly elected, added that the supervisors are the judicial, executive, and legislative branches of the county. Hertle echoed that the supervisors spend a lot of time attending other meetings. Sanders briefly reviewed the ordinance process and that county government requires that all offices work together explaining that the county attorney helps with legal issues, the auditor oversees the budgets, the engineer provides the day-to-day operation of secondary roads, etc. Supervisor districts were discussed and the boundaries and how those were determined. The sanitary disposal issues and various options being considered were also discussed. Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 5, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Frese, seconded by Hertle, to approve the minutes of February 26, 2013. 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 Daniel and Kathleen Cantonwine, the board took up the matter for consideration. Marc Greenlee presented the 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. A new septic would be needed for the residence; however an existing well would be utilized. The land is currently not in production. The applicants' current residence will be moved from the property and a new residence constructed in a different location on the same property. Moved by Frese, seconded by Hertle, 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 located in a part of the SW1/4 of the SW1/4 of 29-85-9. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the use of the courthouse lawn on July 20, 2013, by the Vinton Cruise Committee. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to authorize the auditor and chair to sign a corrected lease agreement between Benton County and Tim Sage for rental of the sanitary disposal facility farm ground. The original lease was approved and entered into on January 15, 2013; however a typographical error has been discovered and corrected. All members voting aye thereon. Motion carried.

Dennis Kunze and Dan Scott met with the board to request a variance to the county's subdivision ordinance on property division located in 20-82-9. Marc Greenlee explained that when Dan Scott purchased the property it was discovered that the property line did not go to the center of the road as thought by the Scott and adjacent property owner, Burtwin Day. Day agreed to sell property to Scott so that Scott's property would extend to the center of the road right-of-way and legal documents were executed. Subsequently further surveying of Scott's property was completed and again found that the new boundary line was not at the center of the road right-of-way. Scott is requesting that the county waive the subdivision ordinance to allow for his boundary line to be located at the center of the road right-of-way as originally intended. The parcel is primarily road right-of-way (all but 70 feet) and the ingress and egress to Scott's property traverses across the parcel being considered. Moved by Hertle, seconded by Frese, to adopt Resolution #13-14, WAIVER OF BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-14 Waiver of the Benton County Subdivision Ordinance

WHEREAS, Benton County adopted the Benton County Subdivision Ordinance #61; and
WHEREAS, said ordinance prohibits the creation of multiple splits within a 40-acre aliquot part; and
WHEREAS, said ordinance sets forth minimum requirements and improvements for subdivisions created in the unincorporated area of Benton County; and
WHEREAS, a request has been presented to the Board of Supervisors to waive adherence to the ordinance in its entirety on a parcel in the NE1/4 of the SE1/4 of 20-82-99 due to hardship,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #61 on a new division located in the NE1/4 of the SE1/4 of 20-82-9, are hereby waived in their entirety. Strict adherence to the requirements of the subdivision ordinance would create an undue hardship for the following reason(s):

1. The parcel consists primarily of road right-way
2. The new property division would conform to with what was the perceived boundary
3. The ingress and egress to the adjacent property traverses across the parcel and is the only access to the property.

Dated this 5th day of March 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

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The engineer provided an update on the 28E Agreement for sanitary disposal. A draft of the 28E was provided as well as proposed by-laws for the board to review and discuss at a future meeting.

The engineer reported that the balance in the Blairstown bank landfill account on February 28, 2013, was \$58,979.36. A check was written for \$15,000 into the Sanitary Disposal account.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-15, Amending Resolution #12-23, INTERFUND OPERATING TRANSFERS, to provide that the third quarterly transfer for fiscal year 2013 be transferred immediately. The fourth quarter transfer is to remain as originally scheduled. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried. 67,950.00

RESOLUTION #13-15 AMENDING RESOLUTION #12-23 INTERFUND OPERATING TRANSFERS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #12-23 on June 19, 2012, setting forth interfund operating transfers for FY13; and

WEHREAS, the engineer and auditor have advised that the sanitary disposal fund is experiencing a shortage in cash flow; and

WERHEAS, it is necessary for the necessary cash to be available to meet expenses;

NOW THEREFORE BE IT RESOLVED that Section 2 of Resolution #12-23, should be and hereby is amended to provide that the third quarterly transfers into the sanitary disposal fund be done on this date.

The remaining resolution adopted on June 19, 2012, remains in full force and effect.

Dated this 5th day of March 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Matt Purdy, Benton County Conservation Executive Director, and Scott Bahmann, Benton County Conservation Deputy Director, met with the board regarding the FY14 budget. Purdy stated that conservation had been working with the auditor since their budget presentation to the supervisors. Purdy provided substantial documentation on the projects that will be completed in FY14, if the proposed budget is approved by the supervisors, including a new shop, new cabins, remodeling and needed maintenance on various facilities, and the purchase of canoes.

County Attorney David Thompson, Assistant County Attorney Emily Nydle, and Jackie Michael met with the board to discuss office space needs, an additional collections employee, and Michael's employment contract.

Thompson requested formal action by the board approving an additional position in his office. Moved by Hertle, seconded by Frese, to approve the additional collections position in the county attorney's office. All members voting aye thereon. Motion carried.

Thompson stated that he would begin advertising in April. The board has budgeted \$32,000 in the FY14 budget for the position. The board reminded Thompson that the position is not funded until July 1, 2014, and if the position is filled prior to that date, that funds would have to be available in his current budget.

Thompson stated that with the additional position he needed additional office space. Thompson stated that another employee could be placed in his existing space if necessary, but that the office is already crowded. Thompson stated that with additional staff comes the need for additional filing cabinets and office equipment. Thompson stated that it is problematic for other staff working in the office when people come in to discuss their payments with Michael and it would become more problematic with another collections person. The county attorney stated that the most logical office space would be the office currently occupied by the juvenile probation officer on the first floor of the courthouse. Thompson stated that the probation officer could be moved to some other office without much problem. Thompson stated that an alternate location would be the GIS room in the basement of the courthouse. Auditor Marlow stated that the GIS room is used routinely by various offices, as well as other entities, for meetings and training.

Thompson stated that the juvenile court officer could be moved to the Governor Sherman building. Thompson stated that Benton Development Group (BDG) currently occupies a very large office in that building, which is a waste of space for a part-time position. Thompson stated that BDG could be moved out of that office, the veterans' affairs director could be moved to BDG's office space, and juvenile probation could be moved into the space occupied by veterans' affairs. Thompson stated that BDG could be combined in the office with the volunteer program or scheduled into the GIS room once a week. Thompson stated that moving the offices around would make some people unhappy and he could make his current space work if necessary. Jackie Michael stated that the juvenile probation office would be the best option as it has a vault. Michael stated that with the clerk's office closing at 2:00 some days of the week it is problematic if someone wants to pay cash as they don't have any place to keep the money securely. Auditor Marlow stated that the clerk has an arrangement with the treasurer that any funds for the clerk's office can be left in the treasurer's office where it is securely kept until the next day.

Thompson stated that ideally the office occupied by BDG could be used by another office - adding that the office is quite large for someone that is not there that often. Thompson stated that the juvenile probation office would be the perfect solution for his needs.

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Supervisor Hertle commented that the current office for the county attorney's staff is crowded with three employees. Thompson stated that as of March 1, 2013, the county had reached the \$100,000 threshold. Thompson stated that the goal of the first year was to break even between the additional staffing expense and funds collected. Thompson stated that the collections will do that and the first year has done everything his office thought it would do.

The board and county attorney discussed other possible office space. Attorney Nydle stated that you cannot have people disconnected and some of the space being discussed would do that. Supervisors Hertle and Frese asked to view the various offices being discussed prior to making a decision. Hertle and Frese agreed to meet with the county attorney individually later in the day to look at the offices.

Thompson then spoke with the board about the employment contract of Jackie Michael. Thompson stated that Michael's employment contract stated that she was to perform fine collections and nothing else. Thompson stated that the contract needed to be amended if Michael was going to collect jail fees. Supervisor Hertle questioned if the county attorney's budget would have to be increased. Supervisor Sanders stated that the budget had been published and that the county attorney would need to live within the budget proposed for FY14. Thompson stated that he would be returning in a week or two to request a budget amendment as he needed a new phone system. Thompson stated that he understood that a budget amendment cost money due to publication but that his office needs to do things and that people with the knowledge need to be compensated and that Michael was that person.

Michael requested that the board go into closed session to discuss her performance under Iowa Code 21.5(1)i.

Moved by Frese, seconded by Hertle, to enter into closed session. All members voting aye thereon. Motion carried at 11:30 a.m.

Moved by Frese, seconded by Hertle, to return to open session. All members voting aye thereon. Motion carried at 11:50 a.m.

Moved by Frese, seconded by Hertle, to amend the current employment contract between Benton County and Jacqueline Michael, effective this date. All members voting aye thereon. Motion carried. The county attorney is to provide a final copy of the contract for signature at the next meeting; however the agreement provides, in part, for an annual salary effective July 1, 2013, of \$40,000.00 and three weeks of vacation. Michael is to perform the duties of Collections Manager, effective immediately.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

March 12, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Frese, seconded by Hertle, to approve the minutes of March 5, 2013. All members voting aye thereon. Motion carried.

Representatives of Benton Development Group and other interested persons met with the board to discuss the FY14 funding level budgeted by Benton County. Benton County provided a \$47,000 contribution to BDG in the current year and reduced that to \$20,000 for FY14. Dave Coulter, President of BDG, told the supervisors that if the funding gets reduced to \$20,000 that the organization will cease to exist. Coulter requested that the supervisors restore the funding for one more year. During that year, the supervisors can gain an understanding about BDG and determine that the organization is a good investment. Coulter added that after that year, if the supervisors do not think BDG is worth the funding, then they can reduce funding. Coulter stated that the organization felt the board's decision was made without an understanding of what the organization provides. Coulter stated that someone needs to receive and distribute information, a person needs to monitor the Benton County Foundation dollars and without that those funds are in jeopardy. Coulter added that economic development takes a long time and is a very long process.

Marty Junge, Vice President of BDG, stated that BDG's biggest fault was not beating their own drum and that they do not make it a priority to state what the organization has accomplished each year. Junge stated that it is difficult to provide specific numbers relative to the number of jobs kept in the county as a result of the organization's efforts. Junge stated that they are not going to a General Motors but rather the organization is about small business – adding that the organization is somewhere businesses can come. Junge reiterated that BDG is also about keeping the businesses that are already here.

Dave Becker, Mayor of Atkins, stated that now was the time to invest in the county as the economy is beginning to turn around. Becker stated that if prospective businesses do not have someone to go to in Benton County, then they will go to another county. Becker added that prospective business will want to do little work - yet get big results when determining where to locate their business. Becker stated that BDG wants to promote small business – adding that business keeps the income coming into the communities, keeping people in the community to shop here and go to school here. Becker stated that many people in Atkins reside there but who work in Cedar Rapids, open enroll their kids in other schools, go to church there, and shop there. Becker stated it makes it difficult to get people out and be a part of the community.

Ron Buch quoted parts of an interview aired recently by Secretary of Agriculture Tom Vilsack about the need for small towns to regionalize. Buch stated that Vilsack spoke about small towns not having funds to do things on their own and that small town America was going to die if there wasn't more regionalization. Buch stated that BDG is like regionalization with each community having a representative. Buch stated that what is happening with the funding cut is just the opposite of what Vilsack had stated needed to happen.

Dell Hanson invited the supervisors to read the minutes of past BDG meetings. Hansen stated that each month Renae Becker reported on the activities that the BDG office does that month, including the number of hits on the website, number of inquiries, etc. Hansen stated that there is no other place to get the information adding that BDG has the contacts with the State. Hansen stated he had various concerns including there was no other central point of coordination without BDG. Hansen stated that Benton County won't have that point of contact in Benton County to advance "the Clickstops" and the various companies that ask for the information from BDG. Hansen stated that economic development has a long term return. Hansen stated that he has been involved with BDG for twenty-five years and understands how it works and that there has to be faith that BDG is earning its keep.

Duane Eldred, Mayor of Urbana, stated that Urbana relies on BDG to help them find other businesses to come to Urbana.

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Dawn Lundvall, BDG board member, stated that she moved to Vinton as she knew it was the county seat and was not going to go away. She stated that it is easy to go to the big cities but if the opportunity to shop, eat, and grow is here then people will stay here. Lundvall stated that it is necessary to have some point for a business to go.

Harry Ruth, CEO of ECI REC, stated that the REC has always been highly supportive of economic development. Ruth stated that he was not sure what the issue was here and that it seemed people were caught by surprise. Ruth stated that he hoped that the county supported economic development and added that the county always needs to be working on encouraging the environment for creating jobs. Ruth stated that if the supervisors were unhappy with the organization then to fix the organization. Ruth added that it isn't easy to show progress in economic development, but if someone calls or knocks then someone needs to be there. Ruth encouraged the supervisors to make it work.

Supervisor Frese responded to the comments stating that he is aware that the organization represents the whole county. Frese stated that originally the towns, banks, etc. were all involved and contributed to the organization. However, over the years a lot of those entities and businesses have quit contribution and that the county now funds over 80% of the organization's financial needs as well as provides an office. Frese stated that he is not against BDG but wants it funded differently. Frese stated that other economic development organizations had over \$100,000 in their budgets. Frese stated that when he asked he was told that most of the funds come from businesses and towns with county contributions being less than \$10,000. Frese added that the county is facing tough budgets. Frese stated that everyone is for BDG until it comes to funding.

Renae Becker, Executive Director of BDG, stated that the cities had already passed their budget and that BDG didn't have an opportunity to get funds from them. Becker added that the cities dropped out of funding BDG and that requesting funding from the cities was a hindrance. Becker stated that she did not know who to represent in situations – for instance if Vinton would contribute and Belle Plaine wouldn't and a business contacted her – she didn't know who to serve. Becker stated that is why she asked the county to fund the cities' share in addition to the county's share. Becker stated that the cities support BDG but just not financially.

Supervisor Sanders stated that the county has to fund services that are mandated. Services that are not mandated are looked at hard. Sanders stated that increases are not given from year-to-year. Sanders stated that maybe the cities are already there and are also looking hard. Sanders reiterated that the county is not against economic development. Sanders questioned if it was possible for the cities to get back on board. Sanders advised BDG that there was a great value in having BDG going to the cities each year. Sanders stated that by going to the cities, BDG may get more input in that different people see different things and there may be other ideas out there. Sanders stated that he spoke with the auditor about possible options for FY14. Sanders advised that it may be possible to restore funding in FY14 with the understanding that the county would be making a loan on behalf of the cities with the expectation that the cities repay that loan in FY15.

John Watson, Mayor of Vinton, stated he had a problem with the funding being put back on the cities. Watson stated that the county is the cities' insurance. Watson stated that without BDG the county will not have the same opportunities as other counties who receive funding from big companies and big cities. Watson added that Farm Service and Clickstop want to be in Benton County.

Supervisor Hertle stated that the supervisors were not anti-BDG. Hertle stated that he was not satisfied with budget in that there are a lot of departments – some may have gotten more than needed and others not enough – but when the supervisors finalized the budget they had to compromise. Hertle likened the situation to “going to the rich uncle for money” and that it was the same with the taxpayers, money. Hertle stated that the county cannot be Santa Clause to everyone all of the time and that the county does not have a bottomless checkbook.

Watson responded that funding to economic development was not a gift to the communities but an investment. Watson added that the cities do not have a bottomless checkbook either.

Don Eells was concerned in the manner in which everything happened. Eells referred to the cutting of the budget and the budget being approved before anyone had knowledge of it. Eells stated that BDG sustained a mortal wound by the county's budget cut and with two new supervisors learning their roles and budgets that a more prudent approach would have been to let BDG know this was going to happen and to tell them about budget cuts in time for BDG to go back to cities. Eells stated that none of this was done.

Supervisor Hertle stated that he contacted Renae Becker as soon as it was determined that the BDG funding was being cut. Hertle advised Becker at that time that BDG should attend a supervisors' meeting to discuss the matter. Becker responded that she was contacted; however when she called to be placed on the next meeting agenda – she was told that Supervisor Sanders and the auditor would not be present. Becker then decided to be placed on the following agenda. Hertle responded that BDG was aware of the cut.

Eells cautioned that if BDG cannot sustain itself over the next year then they are not sustainable in the state's point of contact. That would eliminate Benton County's seat in the 7-county region and he questioned what message that would send the state.

Benton County Attorney David Thompson stated that he had been the county attorney for over fourteen years and never once had he heard any board member not be pro economic development. Thompson stated that he did not believe the current supervisors were anti-economic development. Thompson stated that for the last five years the budget of BDG had been debated and that it is nothing new. Thompson questioned what BDG would do to find funding for FY15 if the county restored funding for FY14. Thompson reiterated that the cities had ceased funding the organization and that the county cannot continue to fund BDG and again questioned what BDG would do to raise money.

Eells stated that the better question is how the results are measured on what BDG does over the next year. That there may not be another new business over the next twelve months and if that is the score board then BDG may fail. Eells suggested sitting down and providing expectations for performance and in a year give a review of that performance. Eells reminded the supervisors that economic development is an investment and not a loan or a gift.

Coulter responded that it will be like it has always been. Coulter stated that BDG needed to educate the supervisors that BDG has been a value to the county and with two new members they need a little bit of time. Coulter stated that if BDG has to go other places for funding then he asked the county to give them time. Junge stated that BDG used to have a \$100,000 budget.

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Thompson reiterated his question as to what BDG would do to re-establish funding and what the organization's plan was going forward.

Renae Becker stated that it would force BDG to go to the communities and defend what she does. Supervisor Sanders responded that it was up to the BDG board to decide.

Thompson added that Benton County has a major industry called agriculture and that Benton County has had an ordinance since 1986 prohibiting development in an effort to preserve farmland if the corn suitability ratio is high enough. Thompson stated that the county has an economic development policy that aids the cities and questioned where the cities were with their financial support. Thompson added that some cities have their own economic development organizations. Tim Bird suggested that the county change the ordinance. Thompson replied that there was no support to change the ordinance.

Coulter expressed that Benton County needs a facilitator for economic development and that unless the county has someone else in mind then they need to keep BDG alive. Coulter again stated that BDG will continue to educate and if the supervisors do not believe the organization is worth funding then reduce funding.

Ron Buch stated that all money comes from the taxpayers and it takes a lot of Renae Becker's time to go and ask each city for funding.

Supervisor Sanders stated that the funding comes from the county's general fund, which has levy limit. Buch responded that past supervisors always made it work.

Nathan Hesson, Vinton Unlimited Executive Director and BDG board member, summarized that everyone present was seeing the pain of cutting the funding from \$47,000 to \$20,000. Hesson thanked the supervisors for the \$20,000 but hoped that the funding could get back to the full \$47,000.

Supervisor Frese replied that hopefully everyone could work together to meet the challenge. The Board did not take any action on the FY14 funding level.

This being the date for a public hearing on the county's FY14 budget, the board took up the matter for consideration. There were three members of the public present and four members of the media.

The board considered the recommendations of the compensation board for elected officials' salaries for FY14. The compensation board recommended a 1.8% across-the-board increase for all elected officials with the exception of the board of supervisors. The recommendation for supervisors was a 0% increase.

Moved by Hertle, seconded by Frese, to approve the recommendations of the Benton County Compensation Board and grant a 1.8% salary increase in FY14 for the auditor, treasurer, recorder, sheriff, and county attorney. There is no increase for the supervisors. Discussion: Al Schafbuch stated that he would rather see larger increases for those making less money and smaller increases for those higher paid employees. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-16, ADOPTION OF THE FY14 COUNTY BUDGET. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-16

ADOPTION OF THE FY14 COUNTY BUDGET

BE IT REMEMBERED that on this, the 12th day of March 2013, 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 2013-14 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, the 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 FY14 salaries for elected officials was approved as follows:

County Auditor - \$66,659
County Treasurer - \$62,422
County Recorder - \$62,422
County Attorney - \$90,648
County Sheriff - \$75,992

County Supervisor - \$37,857

BE IT FURTHER RESOLVED that a committed fund balance designation of the ending fiscal year fund balance be established for the following purposes:

General Basic - \$777,000 – Vehicle Replacement, historic preservation, courthouse maintenance
General Supplemental - \$50,000.00 – Emergency Response and \$25,000 election equipment replacement
Rural Services - \$12,000 Vehicle Replacement
Other - Closure/Post Closure \$1,713,340; EMS \$85,343; LOSST \$50,000

FURTHER the commitment of 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 appropriate resources of Benton County.

The budget as adopted will approve the following property taxes for fiscal year 2013-14:

General Basic	\$4,272,920
General Supplemental	\$1,301,825
Mental Health Services	\$ 884,177
Rural Services Basic	\$2,279,292
Debt Service	\$ 0.00

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IT IS THEREFORE RESOLVED, by the Benton County Board of Supervisors that the FY14 budget is hereby adopted.

Dated this 12th day of March 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to approve the application for Disabled Veteran's Homestead Tax Credit on parcel #010-16100. All members voting aye thereon. Motion carried.

Molly Wade, Editor of the Vinton Eagle and Times, spoke with the board about their thoughts on what open government meant to each of them. The board responded with various thoughts.

Moved by Hertle, seconded by Frese, to approve payment of checks numbered 204262 through 204482, payroll checks numbered 136749 through 136805, and ACH deposits numbered 16802 through 16920, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a Class C Liquor License for Tara Hills Country Club. All members voting aye thereon. Motion carried.

The appointment of a member to the Pioneer Cemetery Commission was placed on the next agenda.

Moved by Frese, seconded by Hertle, to accept Tom Johnson's resignation due to retirement, effective March 29, 2013. All members voting aye thereon. Motion carried.

The engineer spoke briefly with the board about a draft 28E agreement for organization and management of the Benton County Solid Waste Commission.

The sheriff requested that all part-time employees in his department receive shift differential. Currently, all employees except the cook/custodial employees, reserve deputies, and office staff receive shift differential. Moved by Frese, seconded by Hertle, adopt Resolution #13-17, WAGES AND BENEFITS FOR PART-TIME EMPLOYEES IN THE BENTON COUNTY SHERIFF'S OFFICE. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-17

WAGES AND BENEFITS FOR PART-TIME EMPLOYEES IN THE BENTON COUNTY SHERIFF'S OFFICE

WHEREAS, the Benton County Sheriff has requested that the wages and benefits for part-time employees within his department be re-established; and

WHEREAS, the Benton County Board of Supervisors believes that establishing the wages and benefits for said employees is necessary to provide for the efficient operations of the department through the hire and retention of qualified employees;

NOW THEREFORE BE IT RESOLVED THAT THE FOLLOWING policies are adopted for the part-time employees in the Benton County Sheriff's Department:

1. Part-time employees shall receive compensation at the rate of 1.5 times their regular hourly rate of pay for hours worked on a holiday or for each hour worked in excess of 40 hours per week. Holidays are defined as New Year's Day, designated Washington's Birthday, Memorial Day, Independence Day, designated Labor Day, Veteran's Day, Thanksgiving Day, the day following Thanksgiving, Christmas Day, and their birthday.
2. Starting wages per hour shall be the same as a starting full-time employee in their respective job classifications after training, except for part-time office administration employees.
3. Starting wages of part-time office administration employees shall be as agreed on by the Sheriff or his/her designee, and the Benton County Board of Supervisors. Part-time office administration employees are not covered under or subject to Paragraphs 4, 5, 6, 10 and 11.
4. Training Wage: An employee starting out with no experience will start at a wage of \$2.00 per hour less than a first year wage of a full-time employee in their respective job classification. If the trainee has prior experience, the trainee may be started at a higher training wage as agreed upon by the Sheriff or his/her designee, and the Benton County Board of Supervisors.
5. Training Step Raise: After a trainee has attained some experience in "on the job training", but not reached a status that they may work alone and/or obtained all necessary certifications as required of the position, the training wage may be increased to within \$1.00 per hour below the first year wage of a full-time employee in their respective job classification by the Sheriff or his/her designee.

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6. Step Raises:
 1. An employee must work a minimum of one year and 1,000 hours before being eligible for step raise comparable to that of a full-time employee after one year.
 2. An employee must work a minimum of two years and 2,000 hours before being eligible for a step raise comparable to that of a full-time employee after two years.
 3. An employee must work a minimum of ten years and 10,000 hours before being eligible for a step raise comparable to that of a full-time employee after ten years.
 4. An employee must work a minimum of twenty years and 20,000 hours before being eligible for a step raise comparable to that of a full-time employee after twenty years.
 5. These step raises will not be automatic but will be based on job performance, attendance, and willingness to work requested hours. Any part-time person who fails to actively work within any consecutive six-month period shall lose their accumulated hours towards reaching the 1000 hour requirement set forth above.
7. Any part-time employee advancing to a full-time position shall retain their current wage status.
8. Part-time employment will not be used for calculations of any other type of benefits for employees going from part-time to full-time.
9. Part-time employees are not entitled to longevity pay.
10. Part-time employees shall receive a \$.50 per hour shift differential for night shifts worked after successful completion of training. A night shift is the hours between 6:00 p.m. and 6:00 a.m.
11. Part-time employees shall receive a \$.75 per hour shift differential for weekend shifts worked after successful completion of training. A weekend shift is the hours between midnight Friday and midnight Sunday.

This agreement is subject to change with or without notice at the sole discretion of the Benton County Board of Supervisors and the Benton County Sheriff, or his/her designee.

BE IT FURTHER RESOLVED that any prior agreement relative to wages and benefits of part-time employees in the Benton County Sheriff's Department is repealed upon adoption of this resolution.

Dated this 12th day of March 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to adopt Resolution #13-18, ESTABLISHING THE NUMBER OF EMPLOYEES IN THE SHERIFF'S OFFICE. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried
RESOLUTION #13-18

ESTABLISHING THE NUMBER OF EMPLOYEES IN THE SHERIFF'S OFFICE

WHEREAS, Iowa Code 331.903(1) sets forth, "The number of deputies, assistants, and clerks for each office shall be determined by the Board and the number and approval of each appointment shall be determined by the Board and the number and approval of each appointment shall be adopted by a resolution recorded in the minutes of the board."; and

WHEREAS, the Sheriff has requested that the number of employees be re-established in said office;
NOW THEREFORE BE IT HEREBY RESOLVED by the Benton County Board of Supervisors that the number of employees in the office of the sheriff be set at the following:

Chief Deputy (full-time) -1
Second Deputy (full-time) - 1
Patrol Deputies (full-time) - 9
Reserve Officers - 11
Reserve Officers (\$1.00 annually) - 10
Communication Specialists (full-time) - 9
Communication Specialists (part-time) - 6
Correctional Officers (full-time) - 9
Correctional Officers (part-time) - 6
Food Service (full-time) - 2
Food Service/Custodial (part-time) - 4
Matrons (part-time) - 8
Typist (part-time) -2

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Office Administrator (full-time) - 1
Office Manager (full-time) - 1
Office Secretary (full-time) - 1
Office Secretary (part-time) - 2

Total Employees - 83 (excluding the sheriff)

IT IS FURTHER RESOLVED that any other resolutions and/or prior actions establishing the number of employees in the sheriff's department are hereby repealed.

Dated this 12th day of March 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to adopt Resolution #13-19, APPROVING HIRE IN SHERIFF'S DEPARTMENT. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-19 APPROVING HIRE IN SHERIFF'S DEPARTMENT

IT IS HEREBY RESOLVED that Jennifer Sparks is approved as a part-time correctional officer, part-time communication specialist, and matron. Said hire is approved effective March 12, 2013.

IT IS FURTHER RESOLVED that the starting training wage of Jennifer Sparks is as follows:

Communications Specialist and Correctional Officer - \$12.13 per hour

Matron - \$12.59 per hour.

Date this 12th day of March 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

The county attorney presented the Amended Employment Agreement between Benton County, Iowa and Jacqueline Michael, which had been approved at the March 5, 2013, board meeting to the board for signature. The agreement sets forth, in part, that Michael be compensated, effective July 1, 2013, at a salary of \$40,000 annually. Additionally Michael is to receive three week of vacation annually effective March 20, 2013. Michael is to perform specific duties as outlined in the agreement. Moved by Frese, seconded by Hertle, to direct the chair to sign the Amended Employment Agreement between Benton County, Iowa and Jacqueline Michael. All members voting aye thereon. Motion carried.

Brian Gruhn and Sheriff Forsyth met with the board to discuss labor negotiations. This is portion of the meeting was exempt from open meeting laws.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

March 19, 2013

The Benton County Board of Supervisors met in regular adjourned session at the Benton County Courthouse with Supervisors Frese and Hertle present. Supervisor Sanders was absent. Vice Chair Frese called the meeting to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of March 12, 2013. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived and this being the time and date set for a public hearing on a land use change requested by Chris and Jessica Moessner, the board took up the matter for consideration. Supervisor Frese opened the public hearing. Marc Greenlee, Land Use Administrator, presented the technical review in accordance to the Benton County Agricultural Land Preservation Ordinance. Greenlee reported that the applicants are requesting to change the use on two acres of a twenty

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acre parcel from agricultural to a residential use. Greenlee advised the use would need a new driveway, which was reviewed by secondary roads with no concerns noted. Greenlee stated that there are no issues anticipated with the well and septic. The CSR of the land is 40 due to it being a fine loamy sand with 2 – 5% slope. There were eight adjacent property owners notified with one owner contacting Greenlee prior to the meeting, but expressed no concerns about the intended use. Hearing no further comment, Supervisor Frese closed the public hearing. Moved by Hertle, seconded by Frese, to approve a land use change on approximately two acres generally described as being located in Parcel A of the SW1/4 of the SE1/4 of 28-86-10, from agricultural to a single residential use. Both members voting aye thereon. Motion carried.

Dennis Kunze met with the board to request a waiver to the Benton County Subdivision Ordinance on several divisions occurring in section 29-82-9 and 20-82-9. Kunze explained that several residential parcels are currently in existence in those sections, which are all adjacent to land owned by the Kimm Trust. The Kimm Trust is in the process of selling the property and the owners of the residential parcels are concerned about future septic system needs. The residential parcels would need additional land for drainage fields should their septic system fails and the parties are in agreement to buy/sell additional footage to each parcel. Marc Greenlee stated that regulations and system designs have changed since the times the septic systems were originally installed and it is probable that additional area will be needed if and when the systems are replaced or upgraded. It was determined that an undue hardship would be created if strict adherence to the ordinance were enforced. Moved by Hertle, seconded by Frese, to vary the Benton County Subdivision Ordinance by waiving the requirements of the ordinance on the below listed parcels. Said variance is due to an undue hardship that will be created when septic systems are upgraded and/or replaced. Parcel #2 is granted to allow the buildings adjacent to the parcel, which is currently occupied by the owners of Parcel #2, to be added to the same. The variance allows for four existing parcels to be enlarged and is being granted at this time as the Kimm Trust is selling the property owned by them and all current property owners are in agreement to buy and/or sell.

Parcel #1 – Parcel B in the SE1/4 of the NE1/4 of 29-82-9 – (Douglas Kimm current owner) enlarged approximately .25 acres +/-
Parcel #2 – Parcel A in the SE1/4 of the NE1/4 of 29-82-9 – (Doug Kimm/Kimm Trust current owner) enlarged approximately .94 acres +/-

Parcel #3 – Parcel B in the SE1/4 of the SE1/4 of 20-82-9 (Steven Kimm current owner) enlarged approximately .22 acres +/-

Parcel #4 – Parcel A in the SE1/4 of the SE1/4 of 20-82-9 (Joel Kimm current owner) enlarged approximately .18 acres +/-

Voting aye were Frese and Hertle. Motion carried.

The auditor presented Auditor's Plat #25 to the Board for approval. The auditor's plat was required on four parcels located in Section 14 of Eldorado Township, as the descriptions contained in conveyances were not sufficiently certain as parcels overlapped between adjoining land descriptions. The auditor explained that she met with the affected landowners, who were in agreement, that an auditor's plat should be completed to clear up the description discrepancies. The parcels are situated in the unincorporated area of Benton County. Moved by Hertle, seconded by Frese, to adopt Resolution #13-20, APPROVING AUDITOR'S PLAT #25. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-20 APPROVING AUDITOR'S PLAT #25

WHEREAS, the Benton County Auditor has presented Auditor's Plat #25 to the Benton County Board of Supervisors for their approval; and

WHEREAS, the auditor has explained that Auditor's Plat #25 was prepared pursuant to Iowa Code Section 354.13; and

WHEREAS, the auditor has stated that a Notice to Comply was mailed to the proprietors by certified mail; and

WHEREAS, the affected proprietors failed to comply; and

WHEREAS, the auditor contracted with a licensed surveyor to prepare Auditor's Plat #25, and

WHEREAS, Benton County Subdivision Ordinance #61, Section 3.07(b) provides that parcels created by political subdivisions shall be exempt from the subdivision plat requirements,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that pursuant to Article III of the Benton County Subdivision Ordinance #61, it is acknowledged that Auditor's Plat #25 is a subdivision plat prepared by a political subdivision and is exempt from the requirements of said ordinance. It is therefore resolved that all requirements of Ordinance #61 are hereby waived relative to Auditor's Plat #25.

IT IS FURTHER RESOLVED by the Benton County Board of Supervisors that Auditor's Plat #25 containing the following described Lots #1, #2, #3, and #4, is hereby approved.

Lot 1, Auditor's Parcel No. 25 is a part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 83 North, Range 10, West of the 5th P.M., Benton County, Iowa, described as follows:
Commencing at the Southeast Corner of said Section 14 thence South 89° 01' 45" West 1340.67 feet (1370 feet record) along the South line of the Southeast Quarter of said Section 14; thence North 02° 27' 55" East 195.00' feet to the point of beginning; thence South 89° 01' 45" West 419.63 feet; thence North 02° 21' 19" West 325.16 feet; thence North 89° 01' 45" East 419.00 feet; thence South 02° 27' 55" East 325.18 feet to the point of beginning, containing 3.31 acres subject to covenants, easements, and restrictions of record.

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For the purpose of this description, the South line of the Southeast Quarter of said Section 14 is assumed to bear South 89° 01' 45" West.

Parent Description Lot 1

Commencing at a point 1370 feet West and 195 feet North of the Southeast corner of Section Fourteen (14), Township Eighty-three (83) North, Range Ten (10), West of the 5th P.M. for point of beginning, thence West 419 feet, thence North 325 feet, thence East 419 feet, thence South to point of beginning and also an easement for ingress and egress over and upon the following described tract of land to be used with others having easements of said lands, to wit: Commencing at said beginning point, thence North 325 feet, thence East 30 feet, thence South 570 feet, thence West 30 feet, thence North 245 feet to the point of beginning, subject to easements of record for road purposes.

Lot 2, Auditor's Parcel No. 25 is a part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 83 North, Range 10, West of the 5th P.M., Benton County, Iowa, described as follows:

Commencing at the Southeast Corner of said Section 14; thence South 89° 01' 45" West 1690.17 feet along the South line of said Section 14 to the point of beginning; thence continuing South 89° 01' 45" West 70.50 feet along said South to the Southeast Corner of Parcel B, Plat of Survey of the Southwest Quarter of the Southeast Quarter of said Section 14; thence North 02° 21' 19" West 194.99 feet along the East line of said Parcel B; thence North 89° 01' 45" East 70.13 feet; thence South 02° 27' 55" East 195.00 feet to the point of beginning, containing 0.31 acres subject to covenants, easements, and restrictions of record.

For the purpose of this description, the South line of the Southeast Quarter of said Section 14 is assumed to bear South 89° 01' 45" West.

Parent Description Lot 2

The West Seventy Feet (W 70') of the following described real estate: Commencing 1615 feet West of the Southeast corner of Section Fourteen (14), Township Eighty-Three (83) North, Range Ten (10) West of the Fifth P.M., thence West 174 feet, thence North 195 feet, thence East 174 feet, thence South 195 feet to the place of beginning.

Subject to all covenants, conditions, easements and restrictions of record.

Lot 3, Auditor's Parcel No. 25 is a part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 83 North, Range 10, West of the 5th P.M., Benton County, Iowa, described as follows:

Commencing at the Southeast Corner of said Section 14 thence South 89° 01' 45" West 1585.67 feet along the South line of said Section 14 to the point of beginning; thence continuing South 89° 01' 45" West 104.50 feet along the South line of said Section 14; thence North 02° 27' 55" West 195.00 feet; thence North 89° 01' 45" East 140.50 feet; thence South 02° 27' 55" East 195.00 feet to the point of beginning, containing 0.46 acres subject to covenants, easements, and restrictions of record.

For the purpose of this description, the South line of the Southeast Quarter of said Section 14 is assumed to bear South 89° 01' 45" West.

Parent Description Lot 3

THE EAST 104 FEET (E 104') OF THE FOLLOWING DESCRIBED REAL ESTATE:

COMMENCING 1615 FEET WEST OF THE SOUTHEAST CORNER OF SECTION FOURTEEN (14), TOWNSHIP EIGHTY-THREE (83) NORTH, RANGE TEN (10), WEST OF THE 5TH P.M., THENCE WEST 174 FEET, THENCE NORTH 195 FEET, THENCE EAST 174 FEET THENCE SOUTH 195 FEET TO PLACE OF BEGINNING.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD.

Lot 4, Auditor's Plat No.25 is a part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 83 North, Range 10, West of the 5th P.M., Benton County, Iowa, described as follows:

Commencing at the Southeast Corner of said Section 14 thence South 89° 01' 45" West 1340.67 feet (1370 feet record) along the South line of the Southeast Quarter of said Section 14 to the point of beginning; thence continuing South 89° 01' 45" West 245.00 feet along said South line; thence North 02° 27' 55" West 195.00 feet; thence North 89° 01' 45" East 245.00 feet; thence South 02° 27' 55" East 195.00 feet to the point of beginning, containing 1.11 acres subject to covenants, easements, and restrictions of record. For the purpose of this description, the South line of the Southeast Quarter of said Section 14 is assumed to bear South 89° 01' 45" West.

Parent Description Lot 4

Commencing at a point in the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Fourteen (14), Township Eighty-Three (83) North, Range Ten (10) West of the Fifth P.M. which is 1370 feet West of the Southeast corner of said Section 14, running thence North 195 feet, thence West 245 feet, thence South 195 feet, thence East 245 feet to place of beginning.

Dated this 19th day of March 2013.

Donald H. Frese, Vice-Chair

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

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Moved by Hertle, seconded by Frese, to approve the following Fireworks Permits requested by Charles Yedlik for events to be held at 5899-1/2 28th Ave. Dr., Vinton, Iowa:

May 25, 2013 from 5:00 p.m. to 10:30 p.m.

May 26, 2013 from 5:00 p.m. to 10:30 p.m.

April 6, 2013 from 4:00 p.m. to 10:30 p.m.

July 27, 2013 (rain date July 28, 2013)

November 2, 2013 from 5:00 p.m. to 10:30 p.m.

Both members voting aye thereon. Motion carried.

The board briefly reviewed the 2013 Grand Jury recommendations for the county facilities. No action was taken.

No action was taken on the appointment to the Pioneer Cemetery Commission. The board was unable to contact the interested person to confirm their acceptance of the appointment.

Benton County Attorney David Thompson spoke to the board about the condemnation of property owned by Timothy and Abney Clark, located in Fremont Township. The property is being condemned for improvements to a public road. Thompson stated that the compensation commission met on March 15, 2013, for the purposes of determining just compensation for the property. The commission viewed the property and deliberated on the value. The commission determined that Timothy and Abney Clark should be compensated \$19,325.00. Thompson stated that the matter was before the board of supervisors to have a public hearing on the condemnation under Chapter 306 of the Iowa Code. Thompson stated that objections can be raised regarding the scope of the project and the amount of the award.

Timothy and Abney Clark were represented by legal counsel, Dave McManus. Timothy Clark was also present. McManus stated that the primary objection is that the county does not need to take the land. McManus stated that it was their understanding that twenty-seven feet was being taken to allow for a less steep foreslope, which is currently a 1:1 ratio and would be changed to a 3:1 ratio. McManus stated that a letter sent to Kent Ellis by Jeffrey Morrow stated that change in the slope is not cost effective under the benefit to cost ratio formula and that the incremental improvement to traffic safety would not meet the minimum 0.8 ratio. McManus questioned if a design exception was requested because the improvement would not meet the usual standards. McManus added that the county actually steepened the slopes and did not take any land and now the county wants to make the ditches shallower. McManus advised that his clients have filed a civil action under Iowa Code 6A against the county. McManus stated that the supervisors had the authority to re-examine the compensation commission's decision and receive objections. McManus stated that the compensation commission awarded an amount that was less than the county's original offer. McManus asked the supervisors to disapprove the project as it is not cost effective and that the county does not need the land. McManus stated that relative to the monetary award the county's own expert, Keith Westerkamp, assessed the land at 12,500 per acre, but that the compensation commission disagreed with the comparables used by Westerkamp. Specifically, they disagreed with comparable number two because of its location on Highway 30 and that it was a commercial use; however McManus believed that Westerkamp took those factors into account when arriving at his appraisal amount. McManus stated that since the supervisors had the opportunity to review the matter again, under Iowa Code 6B.54.3, it states that in no event shall the amount of money be lower than the appraisal by the taking agency. McManus reviewed the award by the compensation commission compared to the appraisal done by Westerkamp. McManus added that Westerkamp calculated a 10% return on investment; however the value of land in Benton County between November 2011 and November 2012 was 18.4% according to a survey done by Iowa State. McManus asked that the board consider 10% more than the \$22,535 originally offered by the county on January 8th, 2013.

County Attorney Thompson stated the county filed an affidavit of final offer before the compensation commission met of \$22,535, adding that the temporary easement and permanent fencing were in addition to that amount. Thompson stated that was the county's final offer and had the Clark's been awarded 110% of that amount by the compensation commission, then they would have also been entitled to consideration of reasonable attorney fees. However, since the compensation commission did not award that large of an amount the attorney fees will not be paid by the county.

McManus reminded the supervisors that they had the power to entertain objections and what is to be awarded. McManus stated that board could sustain the objection and dismiss the condemnation or they could overrule the objection and determine the damages to be awarded. McManus reiterated that the objection was based on the suit that is currently filed regarding the condemnation. That the plaintiff would seek a jury trial and that it could a year before a decision is reached. McManus stated that if the board overrules the objection, that it could be appealed to district court as well. McManus added that an appeal would be filed with district court if the objection is overruled by the supervisors, adding that the county's legal counsel could claim that the plaintiffs have waived their right otherwise.

Thompson asked what the dollar amount the Clarks' were seeking. McManus replied that there was no amount as his clients did not want the project to proceed. Thompson reiterated that the Clarks were unwilling to settle.

Thompson then reviewed the current standings of the condemnation proceedings and relative court actions. Thompson stated that the Clarks had filed a lawsuit under Iowa Code Chapter 6A.24, but that was not for the board of supervisors to consider. Thompson advised the board that the law gives landowners the right to go to court and force the county to prove the taking of land is for a public purpose. Thompson stated that the project is going to make the road safer and that findings had been made prior to this date by the county. Thompson reiterated that the objection was that Clarks do not want the project to go forward. Thompson stated that the compensation commission received testimony that safety concerns would be addressed by the project. Thompson stated that the project is for a public purpose and it satisfied the requirements of a federal grant as well. Thompson stated that the project is going to benefit the public and that the project is going to proceed. Timothy Clark questioned if the road could be made safer without taking so much of their land. Discussion included four-way stop signs at the intersection, more frequent snow removal, and erecting snow fences. Assistant Engineer Ben Vierling explained why the various options would only be a Band-Aid fix.

Vierling advised that the federal government looked at the geometry of the intersection and agreed it was a bad enough situation to grant federal funding. Vierling stated that safety was the underlying basis of the grant, that the project was approved by a panel of engineers; there were not sufficient shoulders, ditches not big enough to hold snow, blinding snow, and terrible road profile – were all factors that contribute to the bad situation.

Thompson asked the board to review the minutes of February 4, 2013, and adopt and incorporate those minutes into today's proceedings as all of the reasons listed in those minutes are the same today.

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Clark stated that he was not saying the road is not unsafe and acknowledged that the road needs work at the intersection. Clark stated the concern is the entire road project. Clark stated that they have asked the county to cut the weeds back or cut the hill back but get no response. Clark stated he is opposed to the land being taken along ½ mile of his property. Clark again stated that he is opposed to the amount of land being taken and that the county could put whatever value they wanted on the land that he and his wife did not want to sell it. Clark expressed his frustration over the lack of communication by the county when the project began.

Vierling advised that both the intersection project and the road widening project affected the Clarks' property. Vierling stated that other property owners for the second phase of the project had not been approached but Clark was because of him being affected by both projects.

Supervisor Frese questioned if additional land would be needed in the future. Vierling stated that he could not guarantee that additional land would never be needed but right now – no additional land would be needed (from the Clarks). Vierling stated the second phase of the project has been set aside to allow focus on the intersection project. Clark stated that others were not happy with the second phase of the project and asked that the county not take his land for that phase at this time.

Thompson asked the board to overrule the objections adding that the county had more than sufficiently satisfied the public purpose and public safety.

McManus and Vierling discussed in further detail the foreslope issue and that cost effectiveness. Vierling advised that the geometry of the intersection reflects a need for the project and that may or may not have been used when determining the cost effectiveness. Vierling stated that in his professional opinion the project needed to be completed.

Supervisor Hertle stated that he had carefully listened to both sides and that he did not believe that McManus and Clark were able to prove that the board should overrule the decisions. It was then moved by Hertle, seconded by Frese, that the objections to the condemnation is hereby overruled. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, that the objection to the amount of award of \$19,325 be overruled. The auditor is authorized to write a check in the amount of \$19,325.00 to Timothy and Abney Clark. The county will also pay for temporary and permanent fencing. The award is detailed in the order of the compensation commission. Both members voting aye thereon. Motion carried.

The county attorney spoke with the board about the committee formed to draft a 28E Agreement for the formation of a Solid Waste Commission. The attorney suggested that the board appoint Jerry Petermeier as a consultant to the committee. Petermeier has extensive knowledge on the current operation of the Benton County solid waste facility. Moved by Hertle, seconded by Frese, to authorize Jerry Petermeier to act as an advisory consultant to the 28E committee on behalf of the county. Petermeier is to serve without compensation. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adjourn. Both members voting aye thereon. Motion carried.

Donald H. Frese, Vice-Chair

ATTEST: _____
Jill Marlow, Auditor

March 26, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of March 19, 2012. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve payment of checks numbered 204483 through 204598, and 204599 through 204604, payroll checks numbered 136806 through 136827, and ACH deposits numbered 16921 through 17041. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-21, WAGES AND BENEFITS FOR PART-TIME EMPLOYEES IN THE BENTON COUNTY SHERIFF'S DEPARTMENT. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-21

WAGES AND BENEFITS FOR PART-TIME EMPLOYEES IN THE BENTON COUNTY SHERIFF'S OFFICE

WHEREAS, the Benton County Sheriff has requested that the wages and benefits for part-time employees within his department be re-established; and

WHEREAS, the Benton County Board of Supervisors believes that establishing the wages and benefits for said employees is necessary to provide for the efficient operations of the department through the hire and retention of qualified employees;

NOW THEREFORE BE IT RESOLVED THAT THE FOLLOWING policies are adopted for the part-time employees in the Benton County Sheriff's Department:

1. Part-time employees shall receive compensation at the rate of 1.5 times their regular hourly rate of pay for hours worked on a holiday or for each hour worked in excess of 40 hours per week. Holidays, for purposes of this section, are as defined in the most current labor contract between Benton County Sheriff's Department, Vinton, Iowa and the Chauffers, Teamsters & Helpers Local Union No. 238, affiliated with the International Brotherhood of Teamsters, Chauffers & Helpers of America.
2. Starting wages per hour shall be the same as a starting full-time employee in their respective job classifications after training, except for part-time office administration employees.

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3. Starting wages of part-time office administration employees shall be as agreed on by the Sheriff or his/her designee, and the Benton County Board of Supervisors. Part-time office administration employees are not covered under or subject to Paragraphs 4, 5, 6, 10 and 11.
4. Training Wage: An employee starting out with no experience will start at a wage of \$2.00 per hour less than a first year wage of a full-time employee in their respective job classification. If the trainee has prior experience, the trainee may be started at a higher training wage as agreed upon by the Sheriff or his/her designee, and the Benton County Board of Supervisors.
5. Training Step Raise: After a trainee has attained some experience in "on the job training", but not reached a status that they may work alone and/or obtained all necessary certifications as required of the position, the training wage may be increased to within \$1.00 per hour below the first year wage of a full-time employee in their respective job classification by the Sheriff or his/her designee.
6. Step Raises:
 1. An employee must work a minimum of one year and 1,000 hours before being eligible for step raise comparable to that of a full-time employee after one year.
 2. An employee must work a minimum of two years and 2,000 hours before being eligible for a step raise comparable to that of a full-time employee after two years.
 3. An employee must work a minimum of ten years and 10,000 hours before being eligible for a step raise comparable to that of a full-time employee after ten years.
 4. An employee must work a minimum of twenty years and 20,000 hours before being eligible for a step raise comparable to that of a full-time employee after twenty years.
 5. These step raises will not be automatic but will be based on job performance, attendance, and willingness to work requested hours. Any part-time person who fails to actively work within any consecutive six-month period shall lose their accumulated hours towards reaching the 1000 hour requirement set forth above.
7. Any part-time employee advancing to a full-time position shall retain their current wage status.
8. Part-time employment will not be used for calculations of any other type of benefits for employees going from part-time to full-time.
9. Part-time employees are not entitled to longevity pay.
10. Part-time employees shall receive a \$.50 per hour shift differential for night shifts worked after successful completion of training. A night shift for purposes of this section is as defined in the most current labor contract between Benton County Sheriff's Department, Vinton, Iowa and the Chauffers, Teamsters & Helpers Local Union No. 238, affiliated with the International Brotherhood of Teamsters, Chauffers & Helpers of America.
11. Part-time employees shall receive a \$.75 per hour shift differential for weekend shifts worked after successful completion of training. A weekend shift for purposes of this section is as defined in the most current labor contract between Benton County Sheriff's Department, Vinton, Iowa and the Chauffers, Teamsters & Helpers Local Union No. 238, affiliated with the International Brotherhood of Teamsters, Chauffers & Helpers of America.

This agreement is subject to change with or without notice at the sole discretion of the Benton County Board of Supervisors and the Benton County Sheriff, or his/her designee.

BE IT FURTHER RESOLVED that any prior agreement relative to wages and benefits of part-time employees in the Benton County Sheriff's Department is repealed upon adoption of this resolution and specifically repeals Resolution #13-17.

Dated this 26th day of March 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to authorize the Chair to sign the HAVA Election Equipment Disposal Certification. All members voting aye thereon. Motion carried. This certifies that Benton County has disposed of all election equipment purchased with funds from the Help America Vote Act.

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Moved by Hertle, seconded by Frese, to accept the resignation of Edmund Landuyt from the Veterans' Affairs Commission, effective immediately. All members voting aye thereon. Motion carried.

No action was taken on appointing a member to the Benton County Pioneer Cemetery Commission.

Tracy Achenbach of the East Central Iowa Housing Trust Fund (ECIHTF) provided information to the board about what services were provided through the ECIHTF. Achenbach explained that there are primarily two programs: the Revolving Loan Fund which provides financial assistance to housing organizations, developers, owners, and governments; and the Individual Assistance program which provides financial assistance to qualifying low-income homeowners with minor repairs to their home.

Amanda Baker of Wellmark met with the board to provide the annual renewal information on the county's health insurance. Baker also reviewed the effects of the Affordable Care Act and the county. Moved by Frese, seconded by Hertle, to authorize the chair to sign the contract renewal documents for the county's health insurance coverage for FY14. All members voting aye thereon. Motion carried.

The auditor requested that the EBS renewals be placed on a future agenda.

Treasurer Kelly Geater requested that the county enter into a contract with Mail Services, LLC for printing and mailing of the county's property tax statements. Geater stated that when the costs of forms, envelopes, and postage, as well as employee time, are compared to the cost of contracting for the service, the county saves money. Moved by Frese, seconded by Hertle, to enter into a contract with Mail Service, LLC for the processing to the county's property tax statements at a cost of .052 per statement and .103 per envelope. All members voting aye thereon. Motion carried. The board advised that the funds would need to be in the treasurer's FY14 budget without a budget amendment.

Moved by Hertle, seconded by Frese, to approve 26.5 hours of vacation carry-over requested by Penny Applegarth, said carry-over is to be used no later than June 30, 2013. All members voting aye thereon. Motion carried.

Representatives of the Benton County Historical Preservation Commission met with the board to discuss the structure and organization of the commission. Alberta Reifenhstahl, secretary of the commission, presented the annual report for the board's approval. The report indicated that the commission was comprised of six commissioners, and one alternate. Discussion ensued as the county's resolution creating the commission stated that the commission would initially consist of five commissioners and one alternate. Discussion also took place as to how commissioners were appointed and the gender balance requirements. Reifenhstahl questioned the county's funding of the commission – stating that the county eliminated funding to the commission when the Pioneer Cemetery Commission was formed. Auditor Marlow responded that she could not remember when the county funded the Historic Preservation Commission but that it was long before the Pioneer Cemetery Commission was formed. It was determined that it was in the best interest of the county to have more individuals on the commission and to restate who the appointees were and there terms. Moved by Hertle, seconded by Frese, to adopt Resolution #13-22, REPEALING RESOLUTION #08-03 AND ADOPTING IN LIEU THEREOF A RESOLUTION ESTABLISHING A HISTORIC PRESERVATION COMMISSION FOR BENTON COUNTY, IOWA; PROVIDING FOR THE RECOGNITION AND PROMOTION OF HISTORIC SITES AND DEFINING POWERS AND DUTIES OF THE COMMISSION AND REPEALING PRIOR RESOLUTIONS CREATING THE SAME. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-22

A RESOLUTION ESTABLISHING A HISTORIC PRESERVATION COMMISSION FOR BENTON COUNTY, IOWA; PROVIDING FOR THE RECOGNITION AND PROMOTION OF HISTORIC SITES AND DEFINING POWERS AND DUTIES OF THE COMMISSION AND REPEALING PRIOR RESOLUTIONS CREATING THE SAME.

BE IT RESOLVED BY THE BENTON COUNTY BOARD OF SUPERVISORS that Resolutions #08-03 and #89-89 are hereby repealed in their entirety.

BE IT FURTHER RESOLVED that the following is adopted in lieu thereof:

ESTABLISHING A HISTORIC PRESERVATION COMMISSION FOR BENTON COUNTY, IOWA; PROVIDING FOR THE RECOGNITION AND PROMOTION OF HISTORIC SITES AND DEFINING POWERS AND DUTIES OF THE COMMISSION

Section 1: Purpose and Intent

The purpose of this resolution is to:

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

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Section 2: Definitions

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

Section 3: Benton County Historic Preservation Commission

- a. The Commission shall consist of a minimum of five members and alternates who shall be residents of the County.
- b. The Board of Supervisors shall appoint members of the Commission. The Board may select members from a list of nominations provided to the Board. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, planning, building rehabilitation, conservation in general or real estate, history, archaeology, or closely related disciplines.
- c. The original appointment of the members of the Commission shall be through June 30, 1990. Beginning July 1, 1990, two members and the alternate shall be appointed to serve two-year terms, and three members to serve three-year terms. Terms shall be three years in length. Effective January 1, 2008, terms shall commence on the first day of the calendar year.
- d. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
- e. Members may serve for more than one term and each member shall serve until the appointment of a successor.
- f. Vacancies shall be filled by the County according to the original selection as aforesaid.
- g. Members shall serve without compensation.
- h. A simple majority of the commission shall constitute a quorum for the transaction of business.
- i. The Commission shall elect a Chairman who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the commission's proceedings.
- j. The Commission shall meet at least four (4) times a year and all meetings are public meetings subject to Iowa Code Chapter 21.

Section 4: Powers of the Commission

- a. The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this resolution. The commission may proceed at its own initiative or upon a petition from any person, group or association. The Commission shall maintain records of all studies and inventories for public use.
- b. The Commission may make a recommendation to the State Historic Preservation Office for the listing of a historic district or landmark in the National Register of Historic Places and may conduct a public hearing thereon.
- c. Provide information for the purpose of historic preservation to the governing body.
- d. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

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e. Other Powers. In addition to those duties and powers specified above, the Commission may, with Board of Supervisor approval:

1. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
2. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
3. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.
4. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
5. Contract, with the approval of the governing body, with the state or the federal government or other organizations.
6. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

Section 5: Severability

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

Section 6: Amendatory Provisions

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

Section 7: Resolutions #08-03 and #89-89 are repealed in their entirety upon passage of this resolution.

Section 8: Effective Date: This resolution shall take effect immediately upon passage.

Passed, adopted and approved this 26th day of March, 2013 by the Benton County Board of Supervisors.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to re-appoint and re-state the Benton County Historic Preservation Commission members as follows:

Commissioners:

Term Ending December 31, 2013 – Bob LaGrange, Dick Schild, and Peggy Schott

Term Ending December 31, 2014 –Robert Spangler and Charles Yedlik

Term Ending December 31, 2015 – Alberta Reifensahl, Wayne Demmel and Ilene Kreider

Alternates:

None

All members voting aye thereon. Motion carried.

The Commission was advised that they should fill out a board appointment application if they are interested in having their terms renewed prior to the expiration of the term. The board stated that appointments are made by the Board of Supervisors and the county must make a good faith effort for gender balanced boards, which was the reason for the board application process.

The Commission also reiterated their need for county funding, but no action was taken pending further research as to whether the bills of the commission should run through the county similar to the Pioneer Cemetery Commission.

The Commission will present a new annual report for approval reflecting the changes made to the make-up of the commission.

County Attorney David Thompson, Assistant County Attorney Emily Nydle, and Jackie Michael met with the board regarding a budget amendment and office space for the county attorney's staff. Thompson stated that he lost \$4,000 from his equipment budget this fiscal year and that he was in need of a new phone system, and would also need additional equipment due to the court requiring paperless filing. Thompson also stated that he would need additional equipment for the new position in his office that was approved by the supervisors. Thompson stated that he anticipated his share of the county fine collections in FY13 would be approximately \$5,500 and \$15,000 in FY14. Thompson stated the wanted additional budget authority for \$15,000 in FY14 plus \$6500 spending authority for the forfeiture money coming into his department. The auditor explained that the FY14 budget could not be amended until July 1, 2013, or after. Thompson stated that he still needed additional budget authority for FY13 for a new phone system. Supervisors Sanders questioned if the phone system was included in the county attorney's \$10,000 equipment budget for FY14. Thompson stated that it was not. Supervisor Hertle said he had no problem amending the county attorney's budget if funds were available and asked if \$4,000 would be sufficient. Thompson responded that \$4,500 would be better. Moved

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by Frese, seconded by Hertle, to grant \$5,000 additional spending authority to the county attorney and adopt Resolution #13-23, SERVICE AREA BUDGET AMENDMENT. Voting aye were Frese and Hertle. Sanders voting nay. Motion carried.

RESOLUTION #13-23 SERVICE AREA BUDGET AMENDMENT

BE IT RESOLVED by the Benton County Board of Supervisors that the FY13 budget be amended within service areas as follows:

WHEREAS, the Benton County Board of Supervisors adopted the FY2013 budget on March 13, 2012; 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 FY2013 county budget is hereby amended within the following service areas:

Service Area 1 – \$5,000

IT IS FURTHER RESOLVED that said funds are hereby appropriated to the transportation and social services budgets.

The auditor is directed to make the necessary changes.

Signed this 26th day of March 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

The county attorney spoke to the board about the need for additional office space. Thompson stated that he would prefer to have the office currently occupied by the juvenile probation officer. Thompson suggested dividing the office currently occupied by Benton Development Group in half and moving the juvenile probation officer to that area. Thompson advised that he could move into the GIS room in the basement but that was not ideal. Thompson also stated that he could move into the computer room, but all equipment would have to be moved to the phone room, which could be costly. The auditor suggested fixing the large room in the basement, previously occupied by emergency management, so that it could be used by an office instead of dividing the BDG office. Thompson stated that the room was too large and would need to be made into two individual offices. Supervisor Frese asked if Judge Zimmer could move to the juvenile probation office, which would open up an office for the county attorney adjacent to his current office space. Thompson did not believe that would be appropriate. The board asked Thompson to research remodeling the basement room and also asked that Thompson speak with the juvenile probation officer about the matter.

Moved by Frese, seconded by Hertle, to approve and direct the chair to sign purchase agreements for permanent and temporary easements relative to projects FM-CO06(89)—55-06 and FM-CO06(90)—55-06 (bridge projects) as follows:

Benton Land Company - \$1,205.64 in 16-83-11

Cheryl J. Busbee - \$1,777.89 in 15-83-11

Darris Pickering - \$1,965.48 in 10-83-11

Reta Westercamp - \$353.46 in 10-83-11

All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve and direct the chair to sign purchase agreements for permanent and temporary easements relative to the Oak Grove Road project as follows:

Helen Anderson Revocable Trust - \$1,485.25 in 34-85-9

Helen Anderson Revocable Trust - \$4,197.44 in 35-85-9

Brad & Kristina Ferguson - \$2,389.31 in 25-85-9

Brad & Kristina Ferguson - \$1,226.94 in 25-85-9

Martha Groth - \$600.00 in 25-85-9

Sandra Koeppen, Peter and Erica Koeppen - \$753.00 in 25-85-9

Carole Miller - \$1,034.00 in 25-85-9

Stanley Coberly, Jr. - \$581.18 in 25-85-9

Stanley Coberly, Jr. - \$1,356.10 in 25-85-9

Rex Miller - \$2,002.00 in 25-85-9

All members voting aye thereon. Motion carried.

The auditor and engineer spoke with the board about the need to amend the Snow Removal Ordinance. The auditor stated that the county's insurance carrier would like language added to the ordinance to address removal of abandoned vehicles during emergency situations. The engineer stated that there were other areas of the ordinance that needed to be changed to more match the current practice. The board instructed the engineer to draft the changes and present them to the board for review.

Auditor Jill Marlow provided an update on issues brought up by the insurance carrier. Specifically, the insurance carrier is concerned about agreements being entered into wherein the county is not being held harmless and indemnified. Marlow also explained that currently HAZMAT containment is excluded from coverage and that the carrier is looking into adding that coverage.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

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Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

April 2, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of March 26, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the sheriff's quarterly report for the period ending March 31, 2013. All members voting aye thereon. Motion carried.

The sheriff presented bids received for the purchase of two patrol vehicles. Bids were received as follows:

Ervin Motor – no bid

Thys Motor – 2013 4WD Dodge Durango - \$27,849

Karl Chevrolet – 2013 Chevrolet Impala - \$22,632; 2011 Chevrolet Caprice - \$24,500; 2013 Chevrolet 4WD Tahoe - \$28,464.80 (with trade)

Junge Center Point – 2013 Ford Taurus Interceptor - \$24,952; 2013 4 WD Ford Expedition - \$27,493 (with trade)

John Greider Motors, Inc. – 2013 Chevrolet Impala - \$22,251; 2013 Chevrolet 4 WD Tahoe - \$31,000 (with trade)

Deery Brothers - 2012 Chevrolet Impala - \$19,997.51; 2013 Chevrolet Impala - \$20,799; 2013 Chevrolet Caprice - \$29,112.44; 2013 Chevrolet 4WD Tahoe - \$28,999.89 (with trade)

Moved by Frese, seconded by Hertle, to authorize the sheriff to purchase a 2013 Ford 4WD Expedition from Junge Center Point at a price not to exceed \$27,493 with trade-in, subject to the vehicle meeting the requested specifications. Further to authorize the purchase of a 2013 Chevrolet Impala from Deery Brothers at a cost not to exceed \$20,799, subject to the vehicle meeting the requested specifications. All members voting aye thereon. Motion carried.

Jill Marlow, County Auditor, and David Thompson, County Attorney, Emily Nydle, Assistant County Attorney, and Jackie Michael, met with the board regarding the accounting of the county attorney's collection program. Marlow stated that Thompson requested that this matter be placed on the board's agenda to allow for a public forum. The issue was precipitated by Marlow advising Nydle and Michael that the collection's accounting system would need to be set up with project accounting to enable year-to-year accounting. Marlow stated that she had advised that the county attorney's office would need to provide the types of expenses coming from the collections. Thompson responded that he did not believe his collection program should be subject to that amount of micromanaging. Supervisor Sanders agreed that the level of accounting – adding that he believed the more level of accounting was good in the public arena. Thompson stated that he was not in agreement with every sheet of paper used in the collections program, every minute of Michael's time spent in collections tracked, and every toner cartridge divided out. Nydle added that it would be a hardship for the office to divide the expenses between programs. Treasurer Kelly Geater questioned if it would be similar to what her office must do relative to driver's licensing. Marlow responded yes except that her level is required at the activity level where this would be at a project level of accounting. Marlow replied that if project accounting is not used then the amount collected is zeroed out at the end of each fiscal year and balances not carried forward. Marlow stated that when the program was brought to the supervisors in January 2012, Thompson stated that once the county collected \$100,000, then an additional 12% of the collected amount is then dedicated to the county attorney's budget. Thompson had stated that his budget could then be reduced dollar per dollar in general fund expense from the amount of the collection funds dedicated his office. Thompson stated that it was reported to him that Marlow wanted to be able to prove whether the program was profitable or not. Thompson stated that every time he came to the board to do something different he is met with disbelief and incredulous attitudes. Thompson stated that his office has collected \$26,000 in victim restitution and wondered why roadblocks were always being thrown up. Thompson stated that if the program isn't making money then he would pull the plug. Marlow stated that if the board was just going to set each fiscal year budget and assume that the county attorney's 12% collections are being spent within that budget each year – then there was no need to use project accounting. However, if there is going to be budget revenue and expense specific to the 12% collections with unspent balances accumulated from year-to-year then project accounting had to be utilized. Thompson agreed that he wanted the balance of the 12% accumulated.

County Attorney Thompson reminded the board that he still needs a budget amendment for his FY14 budget. Thompson stated that he had \$10,000 budgeted for equipment and would need those funds for equipment. Thompson stated that the line item for Michael's salary was put in the original budget at \$38,000 but was reduced when the board granted 2.5% raises. The board recently approved a salary of \$40,000 for Michael. Thompson stated that he would need additional budget authority for her increase in wage as well as budget authority to spend the 12% fine collection dedicated to his office.

Thompson reported on the remodeling of the basement EMA conference room. Thompson stated that he no longer believed the room should be divided into smaller office space. Thompson stated that the walls need to be repaired, electrical work needs to be done, and new doors installed. Thompson asked if he had to get more than one quote. The board indicated that several quotes should be obtained.

Candice Bennett, Chief Juvenile Court Officer, and other representatives of the Iowa Juvenile Court Services met with the board regarding office space for the Benton County juvenile probation officer (JCO). Bennett stated that the office has been successful in reducing the number of delinquent children in Benton County resulting in increased savings by reducing detention and shelter costs. Bennett stated that she wanted to visit with the board about probation officer's office space – adding that she had heard rumors that the office may be moved and wanted to hear from the supervisors directly. Frese stated that JCO currently had a large room and the board was trying to utilize office space better. Hertle stated that the county attorney made be in need of additional office space. Bennett stated that the primary needs for JCO's office is that it is a safe place and it needs to be where other people are around in the event a client becomes violent. Bennett stated that the recorder's office is right there and if the office is moved it needs to be a place with windows so that someone passing by could see if an incident was happening. The office must be big enough as entire families meet with the JCO. The office needs file space and the state computer network cabling will need to

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be move. It was also mentioned that the JCO works closely with clerk of court's office. County Attorney Thompson responded that the basement is safe for what the JCO has to do. Thompson identified several other areas, including the current BDG office, the front office of DHS, which is currently being used as storage, the volunteer's office in the Governor Sherman Building, and the basement area. Thompson stated that the basement area will be completely remodeled and a security system is in place. It was determined that the office occupied by the volunteer program was too small for the JCO. Thompson stated that his office would use the current JCO office better. Bennett stated that the basement area is bigger and would be better for the two employees in the attorney's office. Bennett stated that the JCO is full-time and in the office every day and that his clients are more volatile. Thompson stated that his office could use the JCO's current office space better. Bennett disagreed stating that if the county attorney had a concern about his employees' safety in the basement, then she had a concern for her employee's safety and added that the basement office is pretty isolated. Thompson stated that his office needed the room and that the law states that the county has to provide the JCO with an office but there was nothing that stated the JCO could choose where the office was located. Bennett reiterated that the office must be safe and that the county attorney had safety concerns for his employees with the basement area. Bennett reminded the board that the JCO is working with sometime volatile delinquents and spoke about a recent incident involving a Benton County juvenile. Thompson offered to show Bennett and others the space available in the DHS building. Supervisor Hertle stated that he was not prepared to make a decision on the office space at today's meeting.

The engineer reported that the balance in the sanitary disposal account at the Blairstown Bank on March 31, 2013, was \$70,384.95.

The engineer reviewed the 2013 county dust control program. Moved by Frese, seconded by Hertle, to set the cost of county-applied dust control for 2013 at \$1,200.00 for two applications of MC-70, for a distance of 400 feet. Each additional foot is \$2.35 per foot, for two applications. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to authorize the engineer to advertise for three seasonal truck drivers for the 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to Adopt Resolution #13-24, AUTHORIZING LOAN TO TAX INCREMENT FUND. Voting aye were Sanders, Frese, and Hertle. Nays None. Motion carried.

RESOLUTION #13-24

AUTHORIZING LOAN TO TAX INCREMENT FUND

WHEREAS, the Board of Supervisors of Benton County, Iowa, established the Benton County Frontier Urban Renewal Area (the "Urban Renewal Area"); and

WHEREAS, the Board of Supervisors amended the Urban Renewal Plan relative to the Benton County Frontier Urban Renewal on December 18, 2012; and

WHEREAS, certain expenses have been incurred in connection with the renewal of the Urban Renewal Plan; and

WHEREAS, in order to make the cost of these expenses eligible to be paid from incremental property tax revenues, it is necessary to create an internal debt;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors of the County of Benton, Iowa, as follows:

Section 1. It is hereby directed that \$ 1,034.36 be advanced to the Tax Increment Fund from the General Basic Fund, in order to pay the costs of the expenses. This advance shall be treated as a loan (the "Loan") to the Tax Increment Fund and shall be repaid to the General Basic Fund, with interest at the rate of 0% per annum, out of incremental tax revenues received with respect to the Urban Renewal Area.

Payments on the Loan are subject to annual appropriation by the Board of Supervisors and to the Board's determination that there are incremental tax revenues available for such purpose, which have been allocated to or accrued in the Tax Increment Fund.

Once appropriated, payments shall be made on the Loan each year to the extent there are incremental tax revenues available for such purpose, which have been allocated to or accrued in the Tax Increment Fund. The right is hereby reserved to issue additional obligations, or to enter into additional loans, payable from the Tax Increment Fund, which may either rank on parity with the Loan or may have a priority over the Loan with respect to the revenues in the Tax Increment Fund.

Section 2. The Tax Increment Fund is hereby pledged to the repayment of the Loan, and a copy of this Resolution shall be filed in the office of the County Auditor to evidence this pledge. Pursuant to Section 403.19 of the Code of Iowa, the County Auditor is hereby directed to certify, no later than December 1, 2013, the original amount of the Loan, and to certify, no later than December 1 of each succeeding year, any remaining outstanding balance of the Loan, plus accrued interest.

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

PASSED AND APPROVED the 2nd day of April, 2013.

Chairperson

Attest:

County Auditor

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Moved by Frese, seconded by Hertle, to approve the auditor's quarterly report for the period ending March 30, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve and authorize the chair to sign the renewal documents with Employee Benefit Systems for partial self-funding of the county's health insurance coverage, effective July 1, 2013 through June 30, 2014. All members voting aye thereon. Motion carried.

Supervisor Hertle reported that he has been unable to confirm that Bill Hurley is interested in serving on the commission. The matter has been placed on the May 7th agenda to allow time to find an interested person. Motion carried.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 9, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of April 2, 2013. All members voting aye thereon. Motion carried.

Sheriff Randy Forsyth met with the board regarding the vehicle bids opened on April 2, 2013. The board had approved purchase of a 2013 Ford Expedition from Junge Center Point if the vehicle bid met the required specifications. Forsyth advised that the vehicle did not meet the specifications and recommended awarding the bid to Karl Chevrolet. Moved by Frese, seconded by Hertle, to rescind the action taken on April 2, 2103 awarding the purchase a 2013 Ford Expedition from Junge Center Point and to award the bid to Karl Chevrolet for a 2013 Chevrolet 4 wheel-drive Tahoe at a cost not to exceed \$28,464.80. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve three days of vacation carry-over requested by Michael Ferguson. Said carry-over is to be used no later than May 3, 2013, as requested. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the payment of checks numbered 204605 through 204828, payroll checks numbered 136828 through 136844, and ACH deposits numbered 17042 through 17161. All members voting aye thereon. Motion carried.

Matt Purdy, Benton County Conservation Executive Director, updated the board on several issues with Benton County Conservation. Purdy told the board that conservation is negotiating a new lease agreement with the Department of Natural Resources for Minne Estema Park. Purdy stated that an amendment would be drafted to address the well, roadway, and several other issues. Moved by Frese, seconded by Hertle, to enter into a Management Agreement between the Iowa Department of Natural Resources and the Benton County Conservation Board for Minne-Estema Park. All members voting aye thereon. Motion carried.

Purdy also advised that Scott Bahmann and Jon Geiger each had 80 hours of vacation carry-over approved by the conservation board, with said carry-over to be used within six months.

Purdy spoke to the board about a grant that was awarded to conservation in the amount of \$5,000. The grant is for a part-time employee to provide educational programs and assistance. Purdy stated that he did not budget for the grant expense and would need spending authority in FY14. Purdy stated that he spoke with the auditor about the options.

Jennifer Zahradnik, City Attorney for Belle Plaine, spoke to the Board about adopting ordinances allowing cities to purchase public nuisance tax sale properties and also to bid on abandoned property tax sales. Auditor Jill Marlow prepared two ordinances for the board's consideration. David Thompson, County Attorney, questioned who determined the property as a nuisance as well as whom within the county or city was designated to file a certificate. Zahradnik and Geater stated that the procedures are set out in Iowa Code Chapter 657A. Treasurer Kelly Geater was in support of the two ordinances. Moved by Hertle, seconded by Frese, to set April 23, 2013, April 26, 2013, and April 30, 2013 at 9:15 a.m. as the time and dates for considerations of Ordinance #68, Public Nuisance Tax Sales and Ordinance #69, Allowing County and Cities to Bid for and Purchase Tax Sales Certificates on Abandoned Properties. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to suspend taxes on parcels #240-63000 and 360-00610, pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

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Moved by Hertle, seconded by Frese, to adopt Resolution #13-25, Amending Resolution #12-22 Bank Depositories. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-25 Amending Resolution #12-22 Bank Depositories

WHEREAS, the Benton County Board of Supervisors adopted Resolution #12-22, Bank Depositories on the 19th day of June 2012; and

WHEREAS, the treasurer has requested that the depository limit for Farmer's Savings Bank & Trust be increased to 20,000,000,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #12-22 is hereby amended to set the depository limit in the Farmers Savings Bank & Trust in an amount not to exceed \$20,000,000, 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 2013.

All other limits established in Resolution #12-22 remain in full force and effect.

Signed this 9th day of April 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Treasurer Kelly Geater presented the quarterly investment report to the board for the period ending March 31, 2013.

Tony Reed, Executive Director, of Central Iowa Juvenile Detention, met with the board to explain the services his organization provides. Reed stated that Benton County currently pays \$125 per day per bed at the North Iowa Juvenile Detention and his organization would charge \$50.00 per bed per day. Reed explained that would provide and estimated savings of \$13,500 annually to Benton County. Reed also told the board that Central Iowa Juvenile Detention provides other services, which allows the organization to keep their detention costs low. Reed stated that his organization provides transportation services as well as tracking, coordination, drug testing, group counseling, in-home counseling and fiscal agent services. Reed requested that the board consider joining Central Iowa Juvenile Detention to provide detention services to Benton County. Reed invited the board to tour their new facility.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-26, TRANSFER OF FUNDS. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-26 TRANSFER OF FUNDS

IT IS HEREBY RESOLVED that \$10,525.74 is transferred from the Tax Increment Finance Fund to the Secondary Road Fund.

Dated this 9th day of April 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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The county attorney and county engineer spoke to the board about adoption of a 28E Agreement between Benton County and the City of Garrison. The 28E Agreement provides that the state's farm-to-market funds attributable to the City of Garrison and received by the county be transferred to the city. The city will be responsible for all maintenance on the relative road. The county will reimburse the city \$37,712.58 for past collections. County Attorney Thompson commented that the first he saw the agreement was in February of 2013, contrary to the 2005 date that was reported to the board earlier in the year by Engineer Parizek. Parizek stated that he would re-check his file, but believed he had a copy of a letter dated in 2005 asking the county attorney to review the agreement. Moved by Hertle, seconded by Frese, to adopt Resolution #13-28, ENTERING INTO A 28E AGREEMENT BETWEEN BENTON COUNTY AND THE CITY OF GARRISON. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION 13-28 28E AGREEMENT BETWEEN BENTON COUNTY AND THE CITY OF GARRISON

WHEREAS, The State of Iowa provides Farm-to-Market funds to the county for the maintenance of certain roadways located within cities with less than 500 in population; and

WHEREAS, the city and the county can enter into a 28E Agreement wherein the city provides the maintenance and receives the funding for said maintenance; and

WHEREAS, the City of Garrison has been providing the maintenance on the Farm-to-Market extension located within their corporate boundaries,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Benton County enters into a 28E Agreement to Transfer Jurisdiction and Control of Farm to Mark Extensions within the City's Corporate Limits with the City of Garrison.

Dated this 9th day of April 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to approve the placement of an advertisement in the official newspapers of Benton County regarding roadside spraying for 2013; the adoption of Resolution #13-27 DESTRUCTION OF NOXIOUS WEEDS; and to approve the notice to organic farmers and vineyard owners regarding the 2013 spraying program and direct that it be published in the official newspapers of Benton County. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

Resolution #13-27 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 17, 2013** 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 general 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.

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4. That the County Engineer 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 9th day of April 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to approve the Iowa Department of Transportation Secondary Road Budget for FY14. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the Iowa Department of Transportation Secondary Road Construction Program for FY14. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the liquor license submitted by Bloomsbury Farms. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

April 16, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Frese, seconded by Hertle, to approve the minutes of April 9, 2013. All members voting aye thereon. Motion carried.

Tammy Wetjen-Kestersen met with the board to request approval for a claim to the State of Iowa for payment of Decategorization services for December 2012, January 2013, February 2013, and March 2013, at \$2,716 per month for a total of \$10,864. Moved by Frese, seconded by Hertle, to approve the submission of the claim in the amount of \$10,864 to the State of Iowa. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a Class B liquor license requested by the Watkins Community Athletic Association. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the hire of Robert Beyer as a seasonal driver for secondary roads, effective April 15, 2013, at a wage of \$10.81 per hour. All members voting aye thereon. Motion carried.

Kim Taylor of Senator Harkin's office met with the board. Taylor asked what the board's concern were on community development and economic development issues. The board discussed various areas that they believed affected development in rural areas with primary emphasis being on funding for roads and bridge infrastructure, development of broadband in rural areas, and continued funding of programs.

Tim Sage met with the board regarding his lease agreement for the tillable acres by the landfill. Sage and the county entered into a farm lease agreement for 48.29 acres at \$255.00 per acre, with the stipulation that the county reserved the right to use additional acres for landfill operations, if needed. Sage reported that the county had recently removed dirt from a strip 600 to 700 feet long by 20 to 30 feet wide, or approximately ½ acre, rendering it unusable. Sage requested that the lease agreement be modified to reduce the number of acres. Moved by Hertle, seconded by Frese, that the lease agreement between Benton County and Tim Sage, entered into on January 15, 2013, for 48.29 acres of farm ground be amended to reflect a total of 47.79 acres. Further, the fall rent payment is reduced by \$127.50 (one half acre at \$255.00 per acre) as Sage has already made the spring payment based on the 48.29 acres. The rent due in 2014 and 2015 will be based on the 47.79 acres. All members voting aye thereon. Motion carried.

New business: Jerry Petermeier spoke with the board about the crack in the concrete steps to the law enforcement center. Petermeier spoke to the architect and has left a message with the contractor. Petermeier also spoke to the board about a drainage problem at the Cedar Valley Ranch. Petermeier requested approval for the Cedar Valley Ranch to install a waterway draining the water to the road ditch. The approximate cost is \$675.00. Cedar Valley Ranch will contract for the work, and reduce the surplus payment to the county by that amount.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

April 23, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Frese, seconded by Hertle, to approve the minutes of April 16, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-29 SERVICE AREA BUDGET AMENDMENT. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-29 SERVICE AREA BUDGET AMENDMENT

BE IT RESOLVED by the Benton County Board of Supervisors that the FY13 budget be amended within service areas as follows:

WHEREAS, the Benton County Board of Supervisors adopted the FY2013 budget on March 13, 2012; 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 FY2013 county budget is hereby amended within Service Area 6, in the amount of \$36.00 (from CDBG to TIF).

IT IS FURTHER RESOLVED that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 23rd day of April 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Matt Purdy, Benton County Conservation Executive Director, updated the board on the following hires in Benton County Conservation:

Part-time (seasonal):

Ralph Jones – April 8, 2013 - \$10.00 per hour

Craig Brunssen – April 8, 2013 - \$10.00 per hour

David Ervin (IDNR Grant – Reimbursed wage) – April 19, 2013 - \$9.36 per hour – grant reimbursed

Lucas Hahn – May 15, 2013 - \$9.00 per hour

Chris Kroemer – April 22, 2013 - \$9.00 per hour

Jesse King – unknown start date - \$9.00 per hour

New Naturalist (full-time hire):

Aaron Askelson – May 1, 2013 - \$32,000 annually

The time of 9:15 a.m. having arrived, and this being the time and date set for the first consideration on Ordinance #68, Public Nuisance Tax Sales and Ordinance #69, Allowing County and Cities to Bid for and Purchase Tax Sales Certificates on Abandoned Properties, the board took up the matter. Chairman Sanders declared the public hearing open. Tom Weise and Vinton City Coordinator Andy Lent were present. Weise explained that he purchases tax sale certificates and that he is against the ordinances. Weise was concerned about the definition of nuisance as well as abandoned property. Weise questioned if property would be declared abandoned if the owner went south for the winter or a military person was deployed. Weise believed the ordinance would be a disservice to the taxpayers adding that the city and county would collect on both ends. Weise stated that the ordinances would "open a can of worms" and added that he was served with a nuisance citation within two weeks of obtaining a deed on a Belle Plaine property. Weise was concerned relative to the rehabilitation agreement set out in the ordinance stating that it would allow a city or county to exclude all bidders or limit it to one.

Andy Lent stated that the City of Vinton currently goes through condemnation and utilizes Iowa Code Chapter 657A. Lent stated that it is more expensive for the cities to go through the courts (Chapter 657A) and it would be more beneficial if they could obtain the nuisance/abandoned properties at tax sale. Lent also stated that the City of Vinton would not go after properties if someone was in the military, etc. but only if the property was really abandoned.

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Supervisor Sanders stated that it was not that the county wanted to buy tax sale properties, but that the City of Belle Plaine had brought a number of issues to the board's attention where allowing the city to purchase the property at tax sale would be beneficial. Sanders stated that some tax sale properties are a public nuisance.

Supervisor Hertle added that the nuisance properties are a public safety issue.

Moved by Frese, seconded by Hertle, to approve the first consideration of Ordinance #68, Public Nuisance Tax Sales and Ordinance #69, Allowing County and Cities to Bid for and Purchase Tax Sales Certificates on Abandoned Properties. All members voting aye thereon. Motion carried.

Tony Reed of Central Iowa Juvenile Detention met with the board regarding membership. Supervisor Hertle stated that he had read the 28E agreement that the county currently has with North Iowa Juvenile Detention (NIJD) and also brought it to the county attorney for guidance. County Attorney David Thompson stated that the county would need to adopt a resolution withdrawing from North Iowa Juvenile Detention. Thompson stated there is no membership fee at NIJD and Central Iowa Juvenile Detention would offer free membership. Supervisor Hertle added that some counties have maintained memberships in both organizations while transitioning from one to the other. Other counties stated that they eventually liked Central Iowa Juvenile Detention (CIJD). Hertle voiced concern about the financial stability of NIJD. The board spoke about the additional services available at CIJD, and specifically the transportation services. CIJD provides transportation of juveniles at \$15.00 hour plus .40 mile, and a \$10.00 administration fee. The transportation costs would be billed to the county. Reed stated that the transportation is at the discretion of the sheriff as to whether it is needed for each transport. The county attorney stated that the board of supervisors should make the decision as to whether the CIJD provides transportation or the county and not leave the decision to another department. Supervisor Hertle stated the CIJD has more services and pricing is competitive, but that he would prefer to tour the facility prior to making a decision. No action was taken and the matter was placed on the April 30th agenda.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-30, HIRE OF PART-TIME COMMUNICATION SPECIALISTS AND MATRONS. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-30

HIRE OF PART-TIME COMMUNICATION SPECIALISTS AND MATRONS

WHEREAS, the Benton County Sheriff has requested approval to hire part-time communication specialists and matrons within his department; and

WHEREAS, applications have been accepted and interviews completed for said positions; and

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following persons are approved for hire effective this date:

Eugene Petersen – Communications Specialist part-time
Michelle Stainbrook – Communications Specialist part-time
Chelsea Hessenius – Matron – part-time

IT IS FURTHER RESOLVED that the hourly wage is set at \$12.13 per hour for communications specialist and \$12.59 for matron. All hires are effective this date.

Dated this 23rd day of April 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to enter into a purchase agreement with Harold Ritscher for \$5,352.71 for .38 acres of permanent easement and .54 acres of temporary easement, relative to projects FM-CO06*89)—55-06 and FM-CO06(90)—55-06. The chair is authorized to sign said agreement. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to accept the bid of Gus Construction Co. for the box culvert projects on E44 west of Van Horne; project numbers FM-CO06*89)—55-06 and FM-CO06(90)—55-06, in the amount of \$583,634.91. All members voting aye thereon. Motion carried. This project was bid through an Iowa Department of Transportation bid letting.

Moved by Frese, seconded by Hertle, to accept the bid of Vieth Construction Corporation of Cedar Falls, Iowa, for project HRRR-CO07(76)—5R-06 (the intersection south of Atkins) in the amount of \$410,412.23. All members voting aye thereon. Motion carried.

Stuart Towe and Jim Hemesath, representative of the Florence Township Trustees, met with the board to request that local option sales and services tax funds for emergency medical services be reserved for Florence Township. Florence Township will be purchasing an emergency response vehicle at an approximate cost of \$65,000. Florence Township would like to enter into a loan agreement with Benton County for \$20,000 of the purchase, as well as receive the 10% available from the county for equipment purchases. Moved by Frese, seconded by Hertle, to loan up to \$20,000 to Florence Township for the purchase of an emergency services vehicle. Said loan agreement will be entered into when the purchase order is finalized. All members voting aye thereon. Motion carried.

The board reviewed the two quotes received for fertilizer and weed control on the courthouse lawn. Two quotes were received: O'Grady Chemical - \$603.73 and McKenna Lawn & Landscape - \$621.00. Moved by Frese, seconded by Hertle, to

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award the quote for courthouse lawn care to O'Grady Chemical in the amount of \$603.73 for three applications. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to appoint Monica Becker to the Veterans Affairs Commission, to the fill the term vacated by the resignation of Edmond Landuyt. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to appoint Brian Robinson to the Pioneer Cemetery Commission. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve checks numbered 204829 through 205000, and payroll checks numbered 136845 through 136866, and ACH deposits numbers 17162 through 17280, for payment. All members voting aye thereon. Motion carried.

Jill Marlow, Benton County Auditor, spoke to the board about the FY14 health insurance costs. Marlow explained that since FY11 the county has reduced the cost of insurance to the departments by \$50.00 per policy per month. Marlow explained that this was done to reduce fund reserves in the county's co-insurance fund. Marlow stated that the current balance in the fund is slightly higher than the estimated reserve needed. Marlow questioned if the board wanted to continue with the \$50.00 reduction in FY14, reduce it to \$25.00 or \$0 dollars. Emily Nydle, Assistant County Attorney, stated that the county handbook stated that non-union employees are not required to pay anything towards their health insurance. Marlow stated that this matter only affected what was being charged to the county departments and not the employee share. County Attorney Thompson questioned what affect it would have on retiree health costs. Marlow stated that if the board did not continue with the reduction, then retirees would see an increase as a result of that in addition to the overall increase in health insurance from ISAC. Supervisor Hertle stated that he was not comfortable continuing with the reduction due to the balance of the fund being so close to the reserve needed. Moved by Hertle, seconded by Frese, that the health insurance costs to the departments be as budgeted with no reduction in costs for FY14. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

April 26, 2013

The Benton County Board of Supervisors met in a special session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:15 a.m.

The time of 9:15 a.m. having arrived, and this being the time and date set for the second consideration on Ordinance #68, Public Nuisance Tax Sales and Ordinance #69, Allowing County and Cities to Bid for and Purchase Tax Sales Certificates on Abandoned Properties, the board took up the matter. Chairman Sanders declared the public hearing open. Tom Weise, County Attorney David Thompson, Linda Bullock and City Attorney Jennifer Zahradnik were present. Weise explained that he purchases tax sale certificates and that he is against the ordinances. Weise was concerned that the tax payers would be funding the cost and that he wouldn't be getting the 2% interest that would be due to him with purchasing the certificate.

Jennifer Zahradnik stated that the City of Belle Plaine does not want to change the procedure of how the normal tax sales are done, but to have the nuisance and abandoned properties set aside so those properties do not continue to be in the same vicious cycle from owner to owner. Zahradnik stated that the majority of bidders on these tax sales do not know what condition the properties are in and by the time they get the property it has been run down. Zahradnik explained that the cities do not want to own more property but they do want to get the nuisance and abandoned properties cleaned up.

These ordinances allow prospective bidders to bid on the nuisance and abandoned properties but they have to enter into a rehabilitation agreement with the city or county.

Linda Bullock's concern was that the city or county would be able to purchase foreclosed properties before the public. This ordinance would not change the process on foreclosed properties.

Thompson stated that the Iowa Code states that the Supervisors can adopt these ordinances and that no cases have been challenged in court that he is aware of. Thompson recommended that one change be made to the proposed ordinances to provide that the statements required in section 3.2 of Ordinance #68 and 3.3 in Ordinance #69 be done by resolution of the city or county. Thompson believes it would hold the elected officials more accountable with minutes being taken and the statements being voted on. Zahradnik concurred that the statements should be made by resolution.

The Board asked Thompson to make changes to the proposed ordinances for the third consideration to be held on April 30th.

Moved by Frese, seconded by Hertle, to approve the second consideration of Ordinance #68, Public Nuisance Tax Sales and Ordinance #69, Allowing County and Cities to Bid for and Purchase Tax Sales Certificates on Abandoned Properties. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____

Gina Edler, Deputy Auditor

April 30, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 8:00 a.m.

Moved by Hertle, seconded by Frese, to correct the minutes of April 26, 2013, to reflect that County Attorney Thompson was to make changes to the proposed ordinances to reflect a resolution was required for the statements in Sections 3.2 (Ord. #68) and 3.3 (Ordinance #69). All members voting aye thereon. Motion carried.

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Moved by Frese, seconded by Hertle, to approve the minutes of April 23, 2013, and April 26, 2013, as corrected. All members voting aye thereon. Motion carried.

Supervisor Hertle updated the board briefly on a meeting with Marty Junge concerning Benton Development Group as well as the Benton County Foundation.

Moved by Frese, seconded by Hertle, to accept the resignation of Mary Williams, effective May, 31, 2013, due to retirement. All members voting aye thereon. Motion carried. Supervisor Frese asked that the minutes reflect that the acceptance was with regret.

Moved by Hertle, seconded by Frese, to proceed with renewing the lease between Benton County and the State of Iowa, Department of Human Services Case Management for office space in the Governor Sherman building. The rental rate is to remain the same as the current year, with the stipulation that no improvements are requested. The lease extension is for one year at the rate of \$596.00 per month. All members voting aye thereon. Motion carried. A formal lease extension will be presented at a future date for signature.

Auditor Jill Marlow spoke to the board about the need to amend page 1-D of the Benton County Employee Handbook regarding Health Insurance. Marlow stated that the Handbook was not consistent with current practices, adding that in 2006 non-union employees were given a choice as to which insurance plan they wanted to participate in. Assistant County Attorney Nydle suggested that the language be changed to be more general in nature to allow changes in plans more easily. Moved by Hertle, seconded by Frese, to amend the Benton County Handbook, by changing page 1-D title "Health Insurance". All members voting aye thereon. Motion carried. The new language is to be brought to the board for final approval. The auditor stated that the entire Handbook needs to be re-drafted to reflect new law changes and practices.

Tony Reed of the Central Iowa Juvenile Detention Center met with the Board regarding Benton County's membership in the organization. Supervisors Frese and Hertle stated that they had both, on separate occasions, visited the facility in Eldora and were impressed. Supervisor Hertle spoke to the organizations financial stability as well. Detective Jerry Michael questioned if there were visitation areas and/or interview rooms for law enforcement. Reed responded that there were areas that could be used by law enforcement. Reed stated that the facility was five years old, that the intake process was generally the same as other facilities but more technologically advanced. Reed stated that the facility provides various assessments, including but not limited to substance abuse, physical, and mental health assessments. Moved by Hertle, seconded by Frese, to adopt Resolution #13-31.

RESOLUTION OF THE BENTON COUNTY BOARD OF SUPERVISORS REQUESTING MEMBERSHIP IN THE CENTRAL IOWA JUVENILE DETENTION CENTER. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried. It is noted that Benton County's membership in North Central Iowa Juvenile Detention still remains in effect.

Resolution #13-31 RESOLUTION OF THE BENTON COUNTY BOARD OF SUPERVISORS REQUESTING MEMBERSHIP IN THE CENTRAL IOWA JUVENILE DETENTION CENTER

WHEREAS Benton Co. feels it is in their best interest to join Central Iowa Juvenile Detention Center; and

WHEREAS Benton Co. would be assessed a membership fee of \$0.00 to join.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Benton County, Iowa that Benton County formally requests membership in the Central Iowa Juvenile Detention Center.

Motion to adopt this resolution by Hertle_____, seconded by Frese_____

Roll call vote: Sanders- Aye Frese- Aye Hertle- Aye

This Resolution passed by the Benton County Board of Supervisors at the regular meeting held on

April -30-2013

Attest:

Jason Sanders, Supervisors Chair

Jill Marlow, Auditor

The time of 9:15 a.m. having arrived, and this being the time and date set for the third consideration on Ordinance #68, Public Nuisance Tax Sales and Ordinance #69, Allowing County and Cities to Bid for and Purchase Tax Sales Certificates on Abandoned Properties, the board took up the matter. Chairman Sanders declared the public hearing open. County Attorney Thompson presented the changes to Section 3.2 of Ordinance #68 and section 3.3 of Ordinance #69, wherein requiring that the statements be made via resolution. Hearing no other comment, the chair declared the public hearing closed.

Moved by Frese, seconded by Hertle, to approve the amendments to Section 3.2 of Ordinance #68, Public Nuisance Tax Sales and Section 3.3 of Ordinance #69, Allowing County and Cities to Bid for and Purchase Tax Sales Certificates on Abandoned Properties, with the insertion of the words "via resolution". All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the third consideration of Ordinance #68, Public Nuisance Tax Sales and Ordinance #69, Allowing County and Cities to Bid for and Purchase Tax Sales Certificates on Abandoned Properties. All members voting aye thereon. Motion carried.

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Moved by Frese, seconded by Hertle, to adopt Resolution #13-32, ORDINANCE #68, PUBLIC NUISANCE TAX SALES. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-32

ORDINANCE #68, PUBLIC NUISANCE TAX SALES

WHEREAS, three considerations of Ordinance #67 were held on April 23, 2013, April 26, 2013, and April 30, 2013, respectively; and

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

WHEREAS, a copy of said Ordinance was available to the public in the Benton County Auditor's office

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #68, Public Nuisance Tax Sales is fully adopted. The Benton County Auditor is directed to publish Ordinance #68 in its entirety in the official newspapers of Benton County.

ORDINANCE #68

PUBLIC NUISANCE TAX SALES

Be it enacted by the Board of Supervisors of Benton County, Iowa:

PART 1

INTRODUCTION

1.1 PURPOSE.

The purpose of this ordinance is to authorize the County Treasurer to separately offer and sell at the annual tax sale delinquent taxes on parcels that are abandoned property and are assessed as residential property or as commercial multifamily housing property and that are, or are likely to become a public nuisance.

PART 2

DEFINITIONS

2.1 Abandoned property per Iowa Code 446.19A, means a lot or parcel containing a building which is used or intended to be used for residential purposes and which has remained vacant and has been in violation of the housing code of the city in which the property is located or of the housing code applicable in the county in which the property is located if outside the limits of a city, for a period of six consecutive months. Any amendments to the definition contained in Iowa Code 446.19A, amends the definition contained herein.

2.2 Public nuisance per Iowa Code 657A.1(7), means a building that is a menace to the public health, welfare, or safety, or that is structurally unsafe, unsanitary, or not provided with adequate safe egress, or that constitutes a fire hazard, or is otherwise dangerous to human life, or that in relation to the existing use constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. Any amendments to the definition contained in Iowa Code 657A.1(7), amends the definition contained herein.

PART 3

GENERAL PROVISIONS

3.1 AUTHORITY.

Iowa Code § 446.19B, provides that the board of supervisors of a county may adopt an ordinance authorizing the county treasurer to separately offer and sell at the annual tax sale delinquent taxes on parcels that are abandoned property and are assessed as residential property or as commercial multifamily housing property and that are, or are likely to become, a public nuisance.

3.2 STATEMENT FILED.

On or before May 15, the county or city may file with the county treasurer a verified statement, via resolution, containing a listing of parcels and a declaration that each parcel is abandoned property, each parcel is assessed as residential property or as commercial multifamily housing property, each parcel is, or is likely to become, a public nuisance, and that each parcel is suitable for use as housing following rehabilitation.

3.3 PUBLICATION OF NOTICE.

The verified statement shall be published at the same time and in the same manner as the notice of the annual tax sale and the requirements in Iowa Code § 446:9(2) for publication of notice of the annual tax sale also apply to publication of the verified statement.

3.4 PUBLIC NUISANCE TAX SALE.

On the day of the regular tax sale, or any continuance or adjournment of the tax sale, the treasurer shall separately offer and sell those parcels listed in a verified statement timely received and properly published and which remain liable to sale for delinquent taxes. This sale shall be known as the "public nuisance tax sale". Notwithstanding any provision to the contrary, the percentage interest that may be purchased in a parcel offered for sale under this ordinance shall not be less than one hundred percent.

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3.5 ELIGIBILITY.

To be eligible to bid on parcels under this ordinance, a prospective bidder shall enter into a rehabilitation agreement with the county, or with the city if the property is located within a city, to demonstrate the intent to rehabilitate the property for use as housing if the property is not redeemed. The county or city shall provide the county treasurer the identities of all eligible bidders who have a valid rehabilitation agreement no less than 48 hours prior to the day of the regular tax sale.

3.6 REMOVAL OF STRUCTURE.

If after issuance of a tax sale deed to the holder of a certificate of purchase at the public nuisance tax sale, the tax sale deed holder determines that a building, structure, or other improvement located on the parcel cannot be rehabilitated for habitation, the tax sale deed holder may request approval from the board of supervisors, or the city council if the property is located within a city, to remove, dismantle, or demolish the building, structure, or other improvement.

3.7 WHEN NO BID IS RECEIVED.

When a parcel is offered at public nuisance tax sale and no bid is received, or if the bid received is less than the total amount due, the county treasurer shall bid for the parcel a sum equal to the total amount due. Money shall not be paid by the county or city for the purchase; but each of the tax-levying and tax-certifying bodies having any interest in the taxes shall be charged with the total amount due the tax-levying or tax-certifying body as its just share of the purchase price.

3.8 ASSIGNMENT OF TAX SALE CERTIFICATE.

The tax sale certificate holder may assign the tax sale certificate obtained pursuant to this ordinance.

PART 4 REPEALER AND SEVERABILITY

4.1 Repealer.

Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4.2 Severability.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

PART 5 ENACTMENT

5.1 EFFECTIVE DATE.

This ordinance shall be in effect after its final passage, approval and publication as provided by law.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST: _____

Jill Marlow
Benton County Auditor

Moved by Hertle, seconded by Frese, to adopt Resolution #13-33, ORDINANCE #69, ALLOWING THE COUNTY AND CITIES TO BID FOR AND PURCHASE TAX SALES CERTIFICATES ON ABANDONED PROPERTY. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-33

ORDINANCE #69, ALLOWING THE COUNTY AND CITIES TO BID FOR AND PURCHASE TAX SALES CERTIFICATES ON ABANDONED PROPERTY

WHEREAS, three considerations of Ordinance #69 were held on April 23, 2013, April 26, 2013, and April 30, 2013, respectively; and

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

WHEREAS, a copy of said Ordinance was available to the public in the Benton County Auditor's office, NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #69, **ALLOWING THE COUNTY AND CITIES TO BID FOR AND PURCHASE TAX SALES CERTIFICATES ON ABANDONED PROPERTY** is fully adopted. The Benton County Auditor is directed to publish Ordinance #69 in its entirety in the official newspapers of Benton County.

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ORDINANCE #69 ALLOWING THE COUNTY AND CITIES TO BID FOR AND PURCHASE TAX SALES CERTIFICATES ON ABANDONED PROPERTY

Be it enacted by the Board of Supervisors of Benton County, Iowa:

PART 1 INTRODUCTION

1.1 Purpose.

The purpose of this ordinance is to allow the county and the cities within the county the opportunity to utilize Iowa Code §446.19A, as amended. Iowa Code §446.19A authorizes counties and cities to bid for and purchase tax sale certificates on abandoned property.

PART 2 DEFINITIONS

For the purposes of this ordinance, the following terms shall be defined:

2.1 Abandoned property per Iowa Code 446.19A, means a lot or parcel containing a building which is used or intended to be used for residential purposes and which has remained vacant and has been in violation of the housing code of the city in which the property is located or the housing code in the county in which the property is located if outside the limits of a city, for a period of six consecutive months. Any amendments to the definition contained in Iowa Code 446.19A, amends the definition contained herein.

2.2 Vacant lot per Iowa Code 446.19A, means a lot or parcel located in a city or outside the limits of a city in a county that contains no buildings or structures and that is zoned to allow for residential structures. Any amendments to the definition contained in Iowa Code 446.19A, amends the definition contained herein.

PART 3 GENERAL PROVISIONS

3.1 Authority.

Pursuant to Iowa Code §446.19A, as amended, the county and each city in the county are hereby authorized to bid on and purchase delinquent taxes and to assign tax sale certificates of abandoned property or vacant lots acquired under Iowa Code §446.19A.

3.2 Procedure.

On the day of the regular tax sale or any continuance or adjournment of the tax sale, the county or a city, may bid for and purchase tax sale certificates on abandoned property assessed as residential property or as commercial multifamily housing property or for a vacant lot a sum equal to the total amount due. The county or city shall not pay money for the purchase, but each of the tax-levying and tax-certifying bodies having any interest in the taxes shall be charged with the total amount due the tax-levying or tax-certifying body as its just share of the purchase price.

3.3 Verified Statement.

Prior to the purchase, the county or city shall file with the county treasurer a verified statement, via resolution, that a parcel to be purchased is abandoned, and that the parcel is suitable for use for housing following rehabilitation or that a parcel to be purchased is a vacant lot.

3.4 Assignment of Tax Sale Certificates.

After the date that a parcel is sold pursuant to Iowa Code §446.18, §446.19A or this ordinance, if the parcel assessed as residential property or as commercial multifamily housing property is identified as abandoned or as a vacant lot pursuant to a verified statement filed pursuant to Paragraph 3.3, a county or city may require the assignment of the tax sale certificate that had been issued for such parcel by paying to the holder of such certificate the total amount due on the date the assignment of the certificate is made to the county or city and recorded with the county treasurer. If the certificate holder fails to assign the certificate of purchase to the city or county, the county treasurer is authorized to issue a duplicate certificate of purchase, which shall take the place of the original certificate, and assign the duplicate certificate to the city or county. If the certificate is not reassigned by the county or city, the county or city, whichever is applicable, is liable for the tax sale interest that was due the certificate holder pursuant to Iowa Code §447.1, as of the date of reassignment.

3.5 Purchase of Tax Sale Certificates.

The county or city may assign or reassign the tax sale certificate obtained pursuant to this ordinance. Persons who purchase certificates from the county or city pursuant to this ordinance are liable for the total amount due the certificate holder pursuant to Iowa Code §447.1.

3.6 Intent to Rehabilitate the Property.

All persons who purchase certificates from the county or city under this ordinance shall demonstrate the intent to rehabilitate the abandoned property for habitation or build a residential structure on the vacant lot, if the property is not redeemed. In the alternative, the county or city may, if title to the property has vested in the county or city under Iowa Code §448.1, dispose of the property in accordance with Iowa Code §331.361 or §364.7, as applicable.

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PART 4 REPEALER AND SEVERABILITY

4.1 Repealer.

Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4.2 Severability.

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

PART 5 EFFECTIVE DATE

5.1 Effective Date.

This ordinance shall become effective upon its final passage, approval and publication as provided by law.

BENTON COUNTY BOARD OF SUPERVISORS

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST: _____

Jill Marlow

Benton County Auditor

Moved by Hertle, seconded by Frese, to accept the resignation of Gene Petersen, a part-time employee of the sheriff's department, effective immediately. All members voting aye thereon. Motion carried.

Craig Stuart-Paul, Brian Ryerson, and Danny Viall, representatives of Fiberight, updated the board on the status of their facility as well as discuss some of the options available to Benton County. Fiberight plans to begin construction on the facility during 2013 and begin processing in the spring of 2014. The facility will process various types of waste and convert it into usable product. Stuart-Paul explained that the facility by Blainstown was purchased three years ago and they have obtain approval of the Environmental Protection Agency, 95% of the State of Iowa required permits, and qualified as a recycling facility under the East Central Iowa Council of Governments. Stuart-Paul stated that they have received a \$25 million dollar loan guarantee from the United States Department of Agriculture and \$25 million dollars in equity funding. Stuart-Paul stated that the money is committed allowing construction to begin. Stuart-Paul stated that a "spoke" facility is being planned in Marion, Iowa, where waste will be delivered and non-recyclable material removed. The resulting organic waste will be trucked to the Blainstown facility for processing. Stuart-Paul stated that a voluntary bond would be secured for clean-up of any waste accumulation should the facility close with the amount of the bond being determined by the Department of Natural Resources. The facility will process approximately 350 tons of waste per day, with a capacity of 600 tons per day. It is estimated that Benton County would produce about 50 tons per day. It will take about 17 semi loads a day delivered to the facility per day with 3 semi loads of residue returning each day to the point of origin. Stuart-Paul stated that community meetings will be held in the future explaining the processing and encouraged the supervisors to attend. Stuart-Paul stated that there would be no waste product stored outside of the facility and there would be very odor emitted outside of the facility. Initially, the facility will require water but will become practically self-sufficient once operating.

Supervisor Hertle left the meeting at 9:50 a.m.

Moved by Frese, 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 Kane Township, south of Keystone, on the west side of 15th Avenue and under 71st and 72nd Street, then south. Both members voting aye thereon. Motion carried.

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Moved by Frese, seconded by Sanders, to adopt Resolution #14-34, HIRE OF PART-TIME/SEASONAL TRUCK DRIVERS. Voting aye were Sanders and Frese. Nays none. Motion carried.

RESOLUTION #13-34 HIRE OF PART-TIME/SEASONAL TRUCK DRIVERS

WHEREAS, the Benton County Engineer has requested approval to hire part-time/seasonal truck drivers within his department; and

WHEREAS, applications have been accepted and interviews completed for said positions; and

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following persons are approved for hire effective April 29, 2013:

Don Merchant

IT IS FURTHER RESOLVED that the hourly wage is set at \$10.54 per hour.

Dated this 30th day of April 2013.

Jason Sanders, Chairman

Donald H. Frese

ATTEST:

Jill Marlow, Benton County Auditor

Supervisors Sanders and Frese, along with Engineer Myron Parizek, travelled to 31st Avenue Trail to view the condition and elevation of the road. The road was washed out during the 2008 flood and Rollen Larimer asked the board to raise the elevation of the road from its current (restored) level. Larimer spoke to the board explaining that the road was not restored to its previous elevation and that he was concerned should a flood event occur similar to 1993. Larimer stated that he may not have the ability to evacuate with the current road elevation. Engineer Parizek stated that there were no elevations taken of the road prior to it being washed out in 2008; however he estimated the elevation based on the river levels in 1993. Parizek stated that the road was restored to a pre- 2008 flood elevation based on that estimation. Supervisors Sanders and Frese expressed their understanding but advised that the county would not be able to elevate all of the roads that were subject to flooding. Larimer stated that he understood that the road could not be elevated to prevent all over-the-road flooding but reiterated that the road elevation was not at the same level as in 1993. No action was taken by the board.

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

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

May 7, 2013

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

Moved by Hertle, seconded by Frese, to approve the minutes of April 30, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 205001 through 205193, payroll checks numbered 136867 through 136887, and ACH deposits numbered 17281 through 17403, for payment. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the Recorder's Quarterly Report for the period ending March 31, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the request submitted by Vinton Parks and Recreation to use the courthouse lawn on June 27, 2013, for Party in the Park. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a hearing Josh Penley's appeal of the sheriff's order to remove a vicious animal under Benton County Ordinance #37, Animal Protection and Control, the Board took up the matter for consideration. Present for the hearing: Josh Penley, Jenny Mathews, County Attorney David Thompson, Deputy Sheriff David Upah, and Public Health Assistant Barbara Greenlee. The board heard comments as follows:

Penley requested a continuance on the hearing to allow additional time to obtain relevant documentation relative to the dog's breeding. Penley stated that the dog is a lab/boxer mix and is not a pit bull. Thompson advised that the board can continue the hearing if they believe just cause exists. Thompson stated allowing additional time to procure the documentation is reasonable. Penley stated that he is getting documentation from the dog's veterinarian. Thompson questioned where the animal would be housed until the appeal hearing. Penley advised that he is getting the dog from the shelter later today and taking it directly to his dad's residence in Center Point (Linn County). Penley advised that when he purchased the dog it had papers showing the lab/boxer mix. Penley also stated that he was gathering statements from individuals as to the dog's temperament. Thompson advised that the county's ordinance prohibits dogs that are pit bulls, pit bull mix, or have characteristics of a pit bull. Thompson stated that the dog's breeding is what is pertinent and that the letters concerning the dog's temperament would not have a lot of weight in the appeal. Thompson stated that Dr. Corbett, a local veterinarian has stated that the dog is a pit bull. Greenlee questioned who was the dog's regular veterinarian, the name of the dog, and if Penley had vaccination papers. Penley advised that the dog's name was

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Chaos and Dr. Troup in Center Point had seen the dog seven months ago when the dog was six months old. Troup had stated at that time that the dog was up-to-date on vaccinations. Penley had not taken the dog back for its one-year vaccinations. Thompson stated that Penley had used Dr. Wilson in Vinton for Penley's other dog, but not the dog subject to the removal order. Penley stated that Wilson had seen his yellow lab that had been poisoned. Thompson questioned Penley on the papers when he purchased the animal, stating that Penley had stated on earlier occasion that the animal was a stray. Penley stated that he purchased the dog in Cedar Rapids and the papers reflected the lab/boxer mix. Thompson questioned further about the purchase, and Penley stated that he didn't actually purchase the animal but went with his roommate, Luke Mather, who was actually the buyer of the animal. Mather is unable to locate the papers from the purchase. Greenlee reminded Penley that he would be required to pay the shelter \$278.00 cash to claim the animal. Thompson encouraged Penley to seek a placement for the dog outside of Benton County – adding that it didn't appear that Penley had a strong case. Supervisor Hertle referenced the definition of a dangerous animal contained in the ordinance. Penley stated that he was aware of the definition. Moved by Hertle, seconded by Frese, to grant a continuance to the appeal hearing on the notice to remove a vicious animal until May 14, 2013, at 9:15 a.m. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to appoint Terry Hertle as the county's delegate to the Central Iowa Juvenile Detention Board and Don Frese as alternate. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-35. APPROVING HIRE OF PART-TIME EMPLOYEES IN THE SHERIFF'S DEPARTMENT. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-35 HIRE OF PART-TIME COMMUNICATION SPECIALISTS AND MATRONS

WHEREAS, the Benton County Sheriff has requested approval to hire part-time communication specialists and matrons within his department; and

WHEREAS, applications have been accepted and interviews completed for said positions; and

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following persons are approved for hire effective this date:

Kristine Kramer – Communications Specialist part-time
Chelsea Hassenius – Communications and Corrections – part-time

IT IS FURTHER RESOLVED that the hourly wage is set at \$12.13 per hour for communications specialist and corrections. All hires are retroactive to April 30, 2013.

Dated this 7th day of May 2013.

Donald H. Frese, Vice-Chairman

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Interstate Power & Light to place utility lines in the county's right-of-way in Florence Township sections 9/16, 10/15, 13, 14, 22/23 and 26/27. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Poweshiek Water Association to place utility lines in the county's right-of-way in Eldorado Township in sections 14/23. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Century Link to place utility lines in the county's right-of-way in Taylor Township in section 28. Both members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account at the Blairstown bank on April 30, 2013, was \$76,658.16.

Moved by Hertle, seconded by Frese, to approve the following purchase agreements for permanent easements relative to the Oak Grove Road project. Both members voting aye thereon. Motion carried.

Caryl Fairley – N Side of 61st St Ln - .55 acres in 26-85-09 - \$3,551.68

Jon & Ginger Kaestner – N Side of 61st St Ln – 3.23 acres in 26-85-9 and 35-85-9 - \$20,858.05

Barbara & Mark Persons, Brian Brummer, Brett Brummer – S side of 61st St Ln – 1.53 acres in 35-85-9 - \$9,880.13

Donald & Cindy Groth – W side of 33rd Ave Dr – .07 acres in 25-85-9 - \$602.03 (includes \$150 for 3 Ash trees)

Brian Brummer - S side of 61st St Ln - .22 acres in 36-85-9 - \$1,420.67

Mary Young – S side of 61st St Ln - .10 acre in 36-85-9 - \$1,145.76 (include \$500 for trees)

Ramona & Daniel Harris – W side of 33rd Ave Dr - .10 acre in 24-85-9 - \$645.76

Steve Meyer and Scott Hansen met with the board to give a program overview on emergency management. Hansen reviewed the role of the supervisors during an emergency situation, as well as the funding for emergency response. Hansen reviewed the funding sources for his department, adding that currently all tax dollars comes from the county. Hansen voiced concern on the cash flow in his budget due to its reliance on reimbursement type grants. Hansen reviewed various duties that he performs preparing agencies for disasters and educating residents and responders. Hansen stated that much of his time is spent planning for disasters and the "what ifs". High risk, low frequency hazards are the most difficult. Hansen spoke to the incident command system and the supporting function of the emergency operations center. Hansen stated that his agency's responsibility is assist local government, business, industry and private citizens to prepare, respond, recover, and mitigate against all types of hazards, including terrorism, and to establish and maintain effective emergency management programs.

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Moved by Hertle, seconded by Frese, to adjourn. Both members voting aye thereon. Motion carried.

Donald H. Frese, Vice-Chairman

ATTEST:

Jill Marlow, Auditor

May 14, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Frese, seconded by Hertle, to approve the minutes of May 7, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to authorize the chair to sign the Third Amendment to the Lease Agreement with The Iowa Department of Human Services, which extends the lease period for one year. All members voting aye thereon. Motion carried.

Marc Greenlee presented an application for a farm exemption submitted by David Duncalf. The applicant is involved in a farming operation, owning and farming 160 acres in a corn and soybean rotation /CRP. Duncalf was informed about snow removal being a possible issue along the lane to his residence. Moved by Frese, seconded by Hertle, to approve a farm exemption as authorized in the Benton County Agricultural Land Use Preservation Ordinance for the purpose of constructing a residence on a parcel described as being a part of the W1/2 of the NW1/4 SW1/4 of Section 33-83-11. All members voting aye thereon. Motion carried.

The Board reviewed the quotes for remodeling a basement office. Three contractors viewed the project with only two submitting quotes. The project consists of new entrance doors to allow in more natural light, repair walls in the office and hallway leading up to it, and installing trim. All trim and doors are to match other trim currently in the basement. The successful contractor is also encouraged to take the necessary action to protect the carpet. Those submitting bids were:

McDowell's-\$9,592.00

Jensen Wall Systems-\$6,601.00

Moved by Frese, seconded by Hertle, to award the project to Jensen Wall Systems. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the of the sheriff's time and date for a hearing on the appeal of the sheriff's Order for Removal requested by Josh Penley, the board took up the matter for consideration. Deputy Sheriff David Upah had issued an order to remove a vicious animal under Benton County Ordinance #37, Animal Protection and Control, to Penley. Penley did not appear before the board and the courthouse security officer paged Mr. Penley at 9:32 a.m. Penley apparently was not in the building and the board proceeded with the hearing without him. Present for the hearing was County Attorney David Thompson and Public Health Administrator Marc Greenlee. Thompson presented the board with photos of the dog, which had strong characteristics of a Pit Bull Terrier and also the rabies vaccination certificate, dated April 30, 2013, which stated that the breed is a Pit Bull/Terrier mix named Chaos. The board was also informed that the dog bit a child on April 27, 2013. There being no further discussion, the chair declared the hearing on appeal closed. It was moved by Hertle, seconded by Frese, to uphold the Order for Removal and to deny the appeal by Penley. Penley is ordered to immediately remove the dog, Chaos, from Benton County. The Board directed the county attorney to prepare and serve a notice to Josh Penley of this action. All members voting aye thereon. Motion carried.

The Board discussed the current status of a proposed 28E agreement for the solid waste disposal in Benton County. The Board of Supervisors had formed a Benton Solid Waste 28E Committee to draft 28E Agreement language to update the existing Benton County Solid Waste Disposal Commission. Jennifer Fencl of East Central Iowa Council of Governments shared the completed work and submitted the draft for the board's review and consideration. Engineer Myron Parizek, Ron Buch, past Solid Waste Commission Member and Vinton City Coordinator Andy Lent were also present. The board reviewed and discussed the proposal presented and agreed to hold a public meeting on June 18, 2013, in Newhall at 7:00 p.m., to discuss the agreement with the various parties.

Moved by Hertle, seconded by Frese, to approve the request from Vinton Unlimited to use the courthouse lawn on Saturday June 8, 2013, to serve food to persons riding the train between Cedar Falls and Vinton on that day. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Iowa Network Services to place utility lines in the county's right of way in sections 14, 23, 25 and 26 of Canton Township. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit for Poweshiek Water Association to place utility lines in the county's right of way in section 9 of Union Township. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to set Tuesday June 4, 2013 at 10:00 a.m. for a public hearing to vacate alley in Norway (Florence, Iowa). All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle to approve and sign the contracts and bonds with Gus Construction Co., Inc. for new box culverts on E44-west of Van Horne. All members voting aye thereon. Motion carried.

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The engineer requested that the cost of the landfill feasibility study be paid by the county's general fund. Moved by Hertle, seconded by Frese, to adopt Resolution #13-36. Transfer of Funds. Voting aye were Sanders, Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-36 TRANSFER OF FUNDS

IT IS HEREBY RESOLVED that \$14,995.00 is transferred from the General Basic Fund to the Sanitary Disposal Fund.

Dated this 13th day of May 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The Engineer discussed the Title VI Policy Statement with the board, but no action was taken. Item is put back on as an agenda item for May 28, 2013 when the Auditor can be present.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

May 21, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Frese, seconded by Hertle, to authorize the publication of public notices pertaining to environmental review. One for the State Revolving Loan Fund through the Iowa Department of Natural Resources and also for the Community Development Block Grant Program through the Iowa Economic Development Authority. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 205194 through 205394, payroll checks numbered 136888 through 136911, and ACH deposits numbered 17404 through 17528, for payment. Both members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the minutes of May 14, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to accept resignation of Kathy Wyckoff, employee of the Sheriff's office effective May 28, 2013.

Moved by Frese, seconded by Hertle, to approve a Class B Liquor License for Blairstown Sauerkraut Days. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve a Cigarette License for Kimm's Mini-Mart for the period July 1, 2013 through June 30, 2014. All members voting aye thereon. Motion carried.

Mary Williams, Social Services Director and Carol Zander, Kathy Jordan, Department of Human Services, Cindy Kaestner, Abbe Center Executive Director spoke to the board about the Abbe Center and gave them a handout that shows the clients served by locations and also a brief background on their services.

Moved by Frese, seconded by Hertle, to enter into a contract with Abbe Mental Health Center for client services for FY14 at the cost of \$210,000. All members voting aye thereon. Motion carried.

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Moved by Frese, seconded by Hertle, to Adopt Resolution #13-40, AMENDING RESOLUTION #10-70 (GENERAL ASSISTANCE). Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-40 AMENDING RESOLUTION #10-70 GENERAL ASSISTANCE

WHEREAS, the Benton County Board of Supervisors adopted Resolution #10-70 on the 14th day of December 2010; and WHEREAS, the Social Services Director has recommended that the General Assistance Resolution #10-70 be amended ; and WHEREAS, the Board concurs with the recommendation,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #10-70 is hereby amended to reflect the following changes (deletions are shown through a strike-through and additions are underlined):

Section III Eligibility Criteria

- I. Frequency – It is contemplated that items of General Assistance to be provided to a needy person (not mentally or physically handicapped) or that person's household living unit will not exceed two (2) months ~~one (1) month~~ service in a calendar year, unless otherwise limited as stated in Section 5.

Section V – Disbursement of General Assistance

- A. RENT:
 1. Rent payment shall only be made to owners of property or their management designee. Rental property is property that has a separate kitchen, bathroom and outside entrance separate from other parts of the dwelling. Rent shall not be paid to a relative, i.e. person connected by blood to the fourth degree or related by marriage.
 4. Rent payment is limited up to a maximum of ~~\$300.00~~ \$500.00 per month, per address, regardless of ...
 6. Rent must be due for the current month or due within 5 days for the next month. Application must be received before the 25th day of the current month for assistance to be considered for the current month.

The remainder of Resolution #10-70 adopted on the 14th day of December 2010 remains in full force and effect.

Signed this 21st day of May 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Moved by Hertle, seconded by Frese, to approve law enforcement contracts with the following cities for the period beginning July 1, 2013 and ending June 30, 2014: Atkins, Garrison, Keystone, Luzerne, Mt. Auburn, Newhall, and Norway, Shellsburg and Walford. All members voting aye thereon. Motion carried

Atkins - \$21,060 annually – 936 hours
Garrison - \$3,510 annually – 156 hours
Keystone - \$5,850 annually – 260 hours
Luzerne - \$585 annually – 26 hours
Mt Auburn - \$585 annually – 26 hours
Newhall - \$17,550 annually – 780 hours
Norway - \$11,700 annually – 520 hours
Shellsburg - \$5,850 annually – 260 hours
Walford - \$11,700 annually – 520 hours

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Moved by Frese, seconded by Hertle, to adopt Resolution #13-37, SERVICE AREA BUDGET AMENDMENT. Voting aye were Frese, Hertle and Sanders. Nays none. Motion carried.

RESOLUTION #13-37 SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2013 budget on March 13, 2012; 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 FY2013 county budget is hereby amended within the following service areas:

Service Area 1 – \$1,781.42 from Federal Forfeiture to State Forfeiture

Service Area 6 - \$20,000.00 from CDBG to Sanitary Disposal

IT IS FURTHER RESOLVED that said funds are hereby appropriated to the transportation and social services budgets.

The auditor is directed to make the necessary changes.

Dated this 21th day of May 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Moved by Frese, seconded by Hertle, to adopt Resolution #13-39, REPEALING RESOLUTION #13-36. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

Resolution #13-39 REPEALING RESOLUTION #13-36 TRANSFER OF FUNDS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #13-36, Transfer of Funds on May 14, 2013; and

WHEREAS, said resolution transferred funds from the General Basic Fund to the Sanitary Disposal Fund; and

WHEREAS, the board has been advised that a transfer of funds was not required but instead additional spending authority was needed,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #13-36, Transfer of Funds, adopted on May 14, 2013, is **REPEALED** in its entirety.

Dated this 21st day of May 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Moved by Hertle, seconded by Frese, to approve and sign the Contract and Contract's Bond for Project HRRR-CO06(76)-5R-06 with Vieth Construction Corp for pavement and grade replacement on W28. All members voting aye thereon. Motion Carried.

Moved by Hertle, seconded by Frese, to sign temporary Construction and Access Easement for ITC Midwest LLC to allow them to place lines in the county's right of way in section 22 of Taylor Township. They will pay Benton County \$500 for this agreement regarding easement right of cancellation. All members voting aye thereon. Motion carried.

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Moved by Frese, seconded by Hertle, to adopt Resolution #13-38, Job Classification change for William Grimm effective June 1, 2013. Voting aye were Frese, Hertle and Sanders. Nays none. Motion carried.

RESOLUTION #13-38 JOB CLASSIFICATION CHANGE

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

WHEREAS: One person signed the posting, and

WHEREAS: This person has the necessary qualifications, and

WHEREAS: This person is recommended for the position.

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that William Grimm be the Equipment Operator II with a labor grade classification of LG IVC. The base wage will be \$18.54. The effective date will be June 1, 2013.

Signed this 21st day of May 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Moved by Frese, seconded by Hertle, authorize the chair to sign purchase of service agreement with ECICOG for Benton County Transportation services for the period July 1, 2013 through June 30, 2016. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

May 28, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of May 21, 2013, with corrections to the resolution amending resolution #10-70. All members voting aye thereon. Motion carried.

Carol Zander met with the board regarding the vacancy in the Social Services Department being created by the retirement of Social Services Director Mary Williams. Zander, current department employee, requested to be appointed temporary director of the department. The board discussed the issue of mental health regionalization and the unknowns about the future organizational structure of mental health. The board also discussed that the current job description requires a four-year college degree. Benton County Auditor Jill Marlow stated that the county attorney had opined that due to the temporary nature of the position due to the uncertainty of regionalization, that the four-year degree requirement could be temporarily waived. Following discussion on the wage and exempt status of the temporary position, it was moved by Hertle, seconded by Frese, to appoint Carol Zander as acting Social Services Director, effective June 1, 2013, at an annual salary of \$37,500. There is to be no increase in salary on July 1, 2013. Further, the position is classified as exempt under Fair Labor Standards. It also stated that the appointment is of temporary nature and expires on or before July 1, 2014, dependent upon the organizational structure of the mental health region and its date of effect. It is also understood that when a determination is made on the duties and permanency of the position that the county will advertise to fill the position. All members voting aye thereon. Motion carried.

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The engineer met with the Board regarding the adoption of Title VI Policy Statement and the appointment of a Title VI Coordinator. The policy sets forth Benton County's requirements to comply with federal non-discrimination statutes when receiving federal funding. The coordinator is responsible for overseeing compliance with the policy relative to contracts, subcontracts, and other administrative functions. The engineer had recommended that the auditor be appointed the coordinator. The auditor advised that she had done research and found that approximately one half of the counties were appointing the auditor and the other half were appointing the engineer. The auditor had concerns with the appointment due to lack of access to the contracts involved in primarily federal bridge and road projects, which the engineer would have access to more readily. The auditor stated that she would work with the engineer on the administrative compliance as she already performed much of that relative to other federally funded projects. Moved by Hertle, seconded by Frese, to adopt Resolution #13-41, ADOPTION OF TITLE VI NON-DISCRIMINATION AGREEMENT, TITLE VI POLICY STATEMENT AND APPOINTMENT OF TITLE VI COORDINATOR. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-41

ADOPTION OF TITLE VI NON-DISCRIMINATION AGREEMENT, TITLE VI POLICY STATEMENT AND APPOINTMENT OF TITLE VI COORDINATOR.

WHEREAS, the Iowa Department of Transportation is requiring that each sub-recipient of federal funding enter into TITLE VI Non-discrimination Agreement; and

WHEREAS, Benton County is the recipient of federal bridge and road funds, as well as other federal funds; and

WHEREAS, it would be in the best interest of Benton County to enter into said agreement and continue to receive federal funding,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Benton County adopt and enter into the Title VI Non-Discrimination Agreement with the Iowa Department of Transportation; and

BE IT FURTHER RESOLVED that the Benton County Engineer is appointed as the Title VI Coordinator pursuant to said agreement;

IT IS FURTHER RESOLVED that the chairman of the Benton County Board of Supervisors is authorized and directed to sign the Title VI Non-discrimination Agreement and the Title VI Non-discrimination Policy Statement set forth below:

Title VI Non-Discrimination Agreement Iowa Department of Transportation and Benton County, Iowa

Agency Information

Name and title of administrative head:

Name: Jason D. Sanders Title: Chair, Board of Supervisors

Address: 111 East 4th Street – PO Box 549

City: Vinton State: IA ZIP Code: 52349 County: Benton

Phone/FAX: (319)472-4869 Email:

Name and title of designated Title VI coordinator:

Name: Myron L Parizek Title: Benton County Engineer

Address: 1707 West 1st Street – PO Box 759

City: Vinton State: IA ZIP Code: 52349 County: Benton

Phone/FAX: (319)472-2211/472-2737 Email: mparizek@co.benton.ia.us

*If the Title VI coordinator changes, please contact the Iowa DOT Title VI specialist.

Title VI Program

I. Organization and staffing

Pursuant to 23 C.F.R. § 200, Benton County, Iowa has appointed a Title VI coordinator identified above, who is responsible for implementing and monitoring the local public agency's (LPA's) Title VI program per this agreement, and is the representative for issues and actions pertaining to this agreement. The LPA will provide the Iowa Department of Transportation with a copy of the LPA's organizational chart that illustrates the level and placement of the Title VI coordinator.

The LPA will notify the Iowa DOT in writing of any changes to the LPA's organization chart, Title VI coordinator or Title VI coordinator contact information.

II. Assurances required

Pursuant to 49 C.F.R. § 21.7, every application for federal financial assistance or continuing federal financial assistance must provide a statement of assurance and give reasonable guarantee that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to 49 C.F.R. § 21 (Nondiscrimination in Federally Assisted Programs of the

Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964). Fully executed standard DOT Assurances (including Appendices A, B and C) are attached to this agreement.

III. Implementation procedures

This agreement shall serve as the LPA's Title VI plan pursuant to 23 C.F.R. § 200 and 49 C.F.R. § 21.

For the purpose of this agreement, "federal assistance" shall include all of the following.

- Grants and loans of federal funds.
- The grant or donation of federal property and/or interest in property.
- The detail of federal personnel.
- The sale and lease of, and permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA.
- Any federal agreement, arrangement or other contract that has as one of its purposes the provision of assistance.

The LPA shall:

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1. Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by the Iowa DOT, Federal Highway Administration or U.S. Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.
3. Designate a Title VI coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for implementing and monitoring Title VI activities and preparing required reports.
4. Develop and implement a public involvement plan that includes low-income and minority community outreach and ensures those persons who are limited-English proficient (LEP) can access services.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigations. Identify each complainant by race, color, national origin or gender, the nature of the complaint, date the complaint was filed, date the investigation was completed, disposition, date of disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, shall be forwarded to the Iowa DOT's civil rights coordinator within 60 days of the date the complaint was received by the LPA.
6. Collect statistical data (race, color, national origin, age, gender, disability, LEP and income of populations in service area) of participants in, and beneficiaries of, the programs and activities conducted by the LPA.
7. Conduct Title VI self-assessment of the LPA's program areas and activities, and of second-tier sub-recipients, contractor/consultant program areas and activities. Where applicable, revise policies, procedures and directives to include Title VI requirements. Ensure that programs, policies, and other activities do not have disproportionate adverse effects on minority and low-income populations.
8. Conduct training programs on Title VI and related statutes.
9. Prepare a yearly report of Title VI accomplishments and changes to the program covering the prior year, and identify goals and objectives for the coming year.
 - Annual work plan: Outline Title VI monitoring and review activities planned for the coming year; and indicate a target date for completion.
 - Accomplishment report: List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special internal and external reviews conducted by the Title VI coordinator. List any major problem(s) identified and corrective action(s) taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against second-tier sub-recipients, if any, as well as a summary of complaints and actions taken.
10. Include Title VI compliant language in all contracts to second-tier sub-recipients.

IV. Discrimination complaint procedures – allegations of discrimination in federally assisted programs or activities

The LPA adopts the following discrimination complaint procedures for complaints relating to federally assisted transportation-related programs or activities.

1. Filing a discrimination complaint: Any person who believes that he or she, or any class of individuals, or in connection with any disadvantaged business enterprise, has been or is being subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq.; and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, has the right to file a complaint.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the LPA, or directly with the Iowa DOT, FHWA, USDOT and U.S. Department of Justice. Complaints may be filed with all agencies simultaneously.

No individual or agency shall refuse service, discharge or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

2. Complaint filing time-frame: A discrimination complaint must be filed within 180 calendar days of one of the following.

- (a) The alleged act of discrimination.
- (b) Date when the person(s) became aware of the alleged discrimination
- (c) Date on which the conduct was discontinued, if there has been a continuing course of conduct.

The LPA or their designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Contents of a complaint: A discrimination complaint must be written. The document must contain the following information.

- a) The complainant's name and address, or other means by which the complainant may be contacted.
- b) Identification of individual(s) or organization(s) responsible for the alleged discrimination.
- c) A description of the complainant's allegations, which must include enough detail to determine if the LPA has jurisdiction over the complaint and if the complaint was filed timely.
- d) Specific prohibited bases of alleged discrimination (i.e., race, color, gender, etc.)
- e) Apparent merit of the complaint.
- f) The complainant's signature or signature of his/her authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the complainant shall be interviewed by the LPA's Title VI coordinator. If necessary, the Title VI coordinator will assist the complainant in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

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4. Complaints against the LPA: Any complaints received against the LPA should immediately be forwarded to the Iowa DOT for investigation. The LPA shall not investigate any complaint in which it has been named in the complaint. The contact information for the Iowa DOT's Title VI program is:

Iowa Department of Transportation
Office of Employee Services – Civil Rights
800 Lincoln Way
Ames, Iowa 50010
515-239-1422
515-817-6502 (fax)
dot.civilrights@dot.iowa.gov

5. Notice of Receipt: All complaints shall be referred to the LPA's Title VI coordinator for review and action. Within 10 days of receipt of the discrimination complaint, the coordinator shall issue an initial written Notice of Receipt that:

- a) Acknowledges receipt of the discrimination complaint.
- b) Advises the complainant of his/her right to seek representation by an attorney or other individual of his or her choice in the discrimination complaint process.
- c) Contains a list of each issue raised in the discrimination complaint.
- d) Advises the complainant of the timeframes for processing the discrimination complaint and providing a determination.
- e) Advises the complainant of other avenues of redress of their complaint, including the Iowa DOT, FHWA, USDOT and USDOJ.

6. Notification of the Iowa DOT of a complaint: The LPA shall advise the Iowa DOT within 10 business days of receipt of the complaint. Generally, the following information will be included in every notification to the Iowa DOT.

- a) Name, address and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating official(s).
- c) Basis of complaint (i.e., race, color, national origin, gender).
- d) Date of alleged discriminatory act(s).
- e) Date of complaint received by the LPA.
- f) A statement of the complaint.
- g) Other agencies (state, local or federal) where the complaint has been filed.
- h) An explanation of the actions the LPA has taken or proposed to resolve the issue identified in the complaint.

7. Processing a complaint and time-frame: The total time allowed for processing the discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This time-frame includes 60 calendar days at the LPA level and 30 days for review at the state level, if needed.

If the complainant elects to file a complaint with both the LPA and Iowa DOT, the complainant shall be informed that the LPA has 90 calendar days to process the discrimination complaint and the Iowa DOT shall not investigate the complaint until the 90 calendar-day period has expired.

Immediately after issuance of the Notice of Receipt to the complainant (step four), the LPA's Title VI coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted.

Based on the information obtained during that investigation, the coordinator shall render a recommendation for action in a Report of Findings to the head of the LPA.

8. Alternative dispute resolution/mediation process: The complainant must be given an invitation to participate in mediation to resolve the complaint by informal means. The LPA's Title VI coordinator shall include an invitation to mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

If the complaint selects mediation, it allows disputes to be resolved in a less adversarial manner.

With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

Upon receiving a request to mediate, the LPA's Title VI coordinator shall identify or designate a mediator who must be a neutral and impartial third party. The mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

If the complainant chooses to participate in mediation, she or he or the designee must respond in writing within 10 calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

After mediation is arranged, a written confirmation identifying the date, time and location of the mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90 calendar-day time-frame of the written Notice of Final Action if the mediation is not successful.

If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to the Iowa DOT's Title VI program coordinator. If an agreement is reached, but a party to it believes his/her agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the LPA's Title VI coordinator shall continue with the investigation.

9. Notice of Final Action: A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:

- a) A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.
- b) A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
- c) A notice that the complainant has the right to file a complaint with the Iowa DOT, FHWA, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if she or he is dissatisfied with the final action on the discrimination complaint.

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The LPA's Title VI coordinator shall provide the Iowa DOT's Title VI program coordinator with a copy of this decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the LPA, the Iowa DOT's Title VI program coordinator will work in conjunction with the LPA's Title VI coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

10. Corrective action: If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination.

11. Confidentiality: LPA and Iowa DOT Title VI program coordinators are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint.

- a) The fact that the discrimination complaint has been filed.
- b) The identity of the complainant(s).
- c) The identity of individual respondents to the allegations.
- d) The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation.

12. Record keeping: The LPA's Title VI coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:

- a) The name and address of the complainant.
- b) Basis of discrimination complaint.
- c) Description of complaint.
- d) Date filed.
- e) Disposition and date.
- f) Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than three years from the final date of resolution of the complaint.

V. Sanctions

In the event the LPA fails or refuses to comply with the terms of this agreement, the Iowa DOT may take any or all of the following actions.

- a) Cancel, terminate or suspend this agreement in whole or in part.
- b) Refrain from extending any further assistance to the LPA under the program from which the failure or refusal occurred, until satisfactory assurance of future compliance has been received from the LPA.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the LPA.
- d) Refer the case to the USDOJ for appropriate legal proceedings.

IOWA DEPARTMENT OF TRANSPORTATION

BENTON COUNTY, IOWA

Signature

Signature

Printed Name and Title

Jason D Sanders, Chair Board of Supervisors

Printed Name and Title

Date

May 28, 2013

Date

TITLE VI NON-DISCRIMINATION POLICY STATEMENT

The County of Benton, State of Iowa, hereinafter referred to as the LPA, hereby assures that no person shall on the grounds of race, color, national origin, gender, age or disability, as provided by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. The LPA further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of the LPA to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, sub-recipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the LPA hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The LPA also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, the LPA will take reasonable steps to provide meaningful access to

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services for persons with LEP. The LPA will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations. In the event the LPA distributes federal-aid funds to a second-tier sub-recipient, the LPA will include Title VI language in all written agreements.

The LPA's Myron L. Parizek, County Engineer, is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. §200 and 49 C.F.R. §21.

Jason D. Sanders, Chair Board of Supervisor

May 28, 2013

This resolution signed this 28th day of May 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to approve a utility permit requested by South Slope Cooperative Telephone to place utility lines in the county's right-of-way in sections 19 and 30 of Fremont Township, along 72nd Street. All members voting aye thereon. Motion carried.

The board discussed the amount of the FY14 health insurance premiums to charge non-union county employees. The rates for employee covered by a labor agreement are set pursuant to the labor contract in effect. The board is also in the process of creating a new handbook policy covering the health insurance benefit. The board will adopt a policy at their next meeting and therefore will take final action on the FY14 health insurance employee rates at that time; however, it was moved by Frese, seconded by Hertle, to tentatively set the amount paid for health insurance coverage by non-union employees in FY14 at \$175.00 per family plan and \$20.00 per single plan. All members voting aye thereon. Motion carried. This action is being taken today to allow the auditor's office to proceed with preparation of FY14 payroll and administrative duties.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

June 4, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of May 28, 2013 and May 31, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to set July 2, 2013, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Adam and Rachel Chrystal in the NE1/4 of the SW1/4 of 12-85-9. All members voting aye thereon. Motion carried.

The board discussed the emergency response by the City of Vinton and the County to protect infrastructure from forecasted flooding. The board discussed the need to have a specific plan in place as to what protections measures are taken at what flood levels. The board discussed coordinating with the city with the HESCO barriers – commenting that the HESCO barriers seemed more efficient than sandbagging. Discussion included partnering with the city and erecting HESCO barriers so that the entire area up to the courthouse would be protected. Emergency Management Coordinator Scott Hansen stated that the issue with erecting a total barrier is that storm water outlets would be inside the barriers and measures would need to be taken to prevent water from backing up through those drains. The supervisors requested that a meeting with city officials be scheduled to further discuss protection planning. Sanders also requested that Hansen contact the supervisors in the future should an event occur in the future, as the auditor notified the supervisors when she believed their presence was needed to address concerns.

Moved by Frese, seconded by Hertle, to reappoint Jennifer Zahradnik to a four year term as the supervisors' representative on the compensation board. The term ends June 30, 2017. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to reappoint Mary Sumy to the Veterans Affairs Board, for a three-year term ending on June 30, 2016. All members voting aye thereon. Motion carried.

The auditor presented a draft proposal of a new handbook policy regarding health insurance. The auditor advised that the proposal was drafted at the request of the supervisors at a prior meeting. The proposed policy had been given to the county attorney's office prior to the meeting, but the auditor had not been made aware of any issues. Emily Nydle, Assistant Benton County Attorney, was present and stated that she had a concern with the language explaining that an employee was required to work 30 days prior to health insurance taking effect. Nydle was concerned that the language could be interpreted differently and asked that it be clarified. Nydle also suggested that formatting be changed slightly for ease of administration. Nydle also suggested that the proposal be sent to all employees prior to the board adopting the change. Moved by Frese, seconded by Hertle, that the changes recommended by Nydle be incorporated into the draft and then distributed to the employees. All members voting aye thereon. Motion carried. The matter is placed on the next agenda for final approval.

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Carol Zander, Acting Social Services Director, met the board regarding the General Assistance resolution discussed at previous meetings. Jill Marlow, Benton County Auditor, presented a new resolution that incorporated the original resolution adopted in 2005 and all of the changes to it. Marlow recommended that the Board repeal all previous resolutions and adopt the resolution presented. Marlow stated that there was an issue with the resolution setting amounts for cremation services. Marlow stated that the supervisors had established the rates effective January 2011, but that the rates had been increased since that time without board action. Zander requested that the procedure be changed to allow her to establish the rates for cremation services annually without board action. Supervisors Frese and Hertle stated that they believed that the rates should be set by the supervisors. Moved by Frese, seconded by Hertle, to adopt Resolution #13-42, REPEALING RESOLUTIONS 05-42, 10-70, 10-71, and 13-40, in their entirety. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-42

REPEALING RESOLUTIONS #05-42, #10-70, #10-71, AND #13-40

WHEREAS, the Benton County Board of Supervisors adopted Resolution #05-42 on October 11, 2005, establishing guidelines for the provision of general assistance services and subsequently amended said resolution by the adoption of Resolutions #10-70 and #10-71, adopted on December 14, 2010, and Resolution #13-40, adopted on May 21, 2014; and

WHEREAS, the Board of Supervisors desires to adopt a new resolution establishing guidelines for the provision of general assistance services in Benton County,

NOW THEREFORE BE IT RESOLVED that Resolution #05-42, Benton County General Assistance Policies and Procedures, adopted on 11th day of October 2005 is HEREBY REPEALED in its entirety.

IT IS FURTHER RESOLVED that Resolutions #10-70 and #10-71, adopted on December 14, 2010, amending Resolution #05-43, are HEREBY REPEALED in their entirety.

IT IS FURTHER RESOLVED that Resolution #13-40, adopted on May 21, 2013, is HEREBY REPEALED in its entirety.

Signed this 4th day of June 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

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Moved by Hertle, seconded by Frese, to adopt Resolution #13-43, Benton County General Assistance Policies and Procedures Manual and Resolution #13-44, Benton County General Assistance Establishing Cremation Service Rates. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

Resolution #13-43
Benton County
General Assistance
Policies and Procedures Manual

IT IS HEREBY RESOLVED that the following Benton County General Assistance Policies and Procedures Manual is hereby adopted.

Benton County General Assistance Policies and Procedures Manual

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Section I – General Provisions

A. PURPOSE AND LEGAL AUTHORIZATION: The guidelines and procedures set out in this manual implement the provisions of General Assistance Resolution #13-41 of Benton County. Together, the Resolution and this Manual are an expression of the humanitarian nature of the people of Benton County and their desire to assist those in need. It is also the intent of this document to fulfill statutory obligations imposed on the county by Chapter 252 of the Code of Iowa. The

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General Assistance Program shall be administered by the Benton County Social Services Director and/or Designee, who is appointed by, and responsible to, the Board of Supervisors.

B. DEFINITIONS:

1. Applicant: The person making application to the Department shall fall under the description of one of the following categories:

a. Family Unit: The individual applying and all members of the immediate family, i.e., spouse including common law, children under eighteen (18) years of age, children over eighteen (18) years of age who are dependent upon the individual, and anyone else who is a dependent of the individual for federal tax purposes as long as they currently reside with the individual.

b. Unrelated individual: A person who is not living with relatives. Examples may include a roommate, lodger, foster child, ward, or an employee.

c. Household living unit: All persons who live in a residence where there are shared common kitchen, dining or bedroom facilities or there are shared utilities or rental payments or lease.

2. Awaiting Approval and Receipt: Means a poor person who has applied for assistance under any state or federal law; who has pursued that application with due diligence; and who has not had that application denied. It does include a person who has had an application denied, has appealed and is awaiting the final decision.

3. Board: The Benton County Board of Supervisors

4. Completed Application: The Application Form completed, signed and all necessary supporting documentation completed and filed with the Department.

5. Department: Benton County Social Services, 303 1st Avenue, Vinton, Iowa

6. Designee: Department staff who accept applications and issue decisions based on Manual guidelines.

7. Director: The Benton County Social Services Director who is appointed by the Benton County Board of Supervisors.

8. Emergency: A combination of circumstances which calls for immediate action or, something arising unexpectedly calling for prompt or urgent action.

9. General Assistance: County payment made on behalf of poor or needy persons for basic needs of rent, utilities including heating fuel, and food. General Assistance also includes limited medical and dental services, transportation and burial expenses.

10. Gross Income: Income includes the following: money, wages and salaries before any deductions; net receipts from non-farm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); regular payments from Social Security, public assistance (including Family Investment Program or Temporary Assistance for Needy Families), Supplemental Security Income; training stipends; alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, lump-sum payments such as Social Security, tax refunds, rent reimbursements and rebates; and dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

11. Liquid Assets: Cash or any other item of property of the applicant that can be readily converted to cash within seven (7) days with or without penalty.

12. Needy Person(s): A person who is lawfully residing in Benton County, Iowa, or who is a transient in the County, and who, because of circumstances which are not attributable to that person, needs emergency assistance.

13. Poor Person(s): A person who has no property, exempt or otherwise who is lawfully in Benton County, Iowa, and, who because of a physical or mental disability, is unable to engage in gainful employment and otherwise cannot earn a living.

14. Resources: The value of all real and personal property of the applicant including assets from any source which includes but is not limited to items such as cash, checking and savings accounts, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and art work. Exempt items include clothing, wedding rings, necessary and usual household furnishings, tools and similar equipment used for home and family maintenance or support, one vehicle for each legally licensed driver 18 years of age or older, and principle place of residence with an assessed value not to exceed \$70,000.00.

15. Vendor Payment: County Auditor's check to the supplier of goods or services.

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SECTION II – ADMINISTRATION

A. PERSONNEL: The Benton County Social Services Director shall administer the General Assistance program. Department staff will be designated to assist the Director in accepting applications and issuing decisions based on Manual guidelines.

B. DUTIES OF THE DEPARTMENT:

1. Accept applications for General Assistance from persons residing or temporarily located within Benton County, and supply standard application forms for this purpose.
2. Determine eligibility of each applicant according to the guidelines set out in this Manual and notify the applicant of the decision to either deny, approve or request further information.
3. Arrange for vendor payments to be made on behalf of applicants determined eligible for General Assistance.
4. Verify the factual statements presented on each application for General Assistance to determine their accuracy and reliability under the guidelines of this Manual.
5. Any other duties as assigned by the Board of Supervisors in administration of this program.
6. Present appeals to Board of Supervisors and represent Board of Supervisors in any proceedings.

C. APPLICATION FOR ASSISTANCE

Applications for assistance shall be submitted to the Department during usual business hours Monday through Friday upon forms provided by the Department. If, because of undue hardship, a needy or poor person cannot come to the office to complete application, the Department shall mail, email, or fax such person an application form, or, make necessary arrangements for delivery of the form.

If the applicant is or appears to be eligible for assistance from any other federal, state, or local source, the Department shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further assistance under this Manual.

It shall be the obligation of the applicant to establish his or her eligibility and need for any category of general assistance. The applicant shall provide the Department a verified statement of earned or unearned income, (e.g. payroll check stubs, self-employed income statement, Social Security Administration statement of benefits, etc.) resources, medical reports, medical authorization and anything else requested that bears upon the person's eligibility and need for assistance.

The Department shall also receive anything that the person applying desires to submit to establish his or her need including statements or letters, medical reports and other written documents as well as the verbal statements of the applicant.

D. INITIAL DETERMINATION

The Department shall make an initial determination of the eligibility and needs of an applicant within ten (10) working days of the receipt of the application. Upon that determination, the Department shall notify the applicant of the decision by ordinary mail at the address shown on the application. The Department's written decision will show the reasons for the determination, and the applicable manual section, together with the specific benefits and their amounts to which the applicant is entitled.

If an emergency or immediate need is present, the Department may verbally authorize a supplier or vendor to furnish any item of assistance for the benefit of the applicant and the amount allowed for such benefit. The Department shall inform the applicant and vendor by issuing a written decision as provided above.

The Director shall submit a quarterly report to the Board identifying the number of applications received and the disposition of such.

SECTION III – ELIGIBILITY CRITERIA

To be eligible for General Assistance, an applicant must comply with the following established requirements:

A. Complete the Application for General Assistance form and provide additional required documentation to the Department. If two or more unrelated individuals are residing at the same address and share expenses equally, each person must complete a separate application, and, if determined eligible, assistance may be granted for their portion of the monthly expense.

B. Eligibility of a Needy Person:

1. Meet income guidelines: To be eligible for General Assistance the applicant's gross income for the month prior to the month assistance is being requested shall be at or below 75% of the poverty level established by the United States Department of Health and Human Services as adjusted annually. (Example: May income is considered for June rent request.)

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2. Meet resource guidelines.
3. Liquid assets of the applicant shall be deducted from the amount of general assistance requested and the amount of general assistance approved shall be the remainder.
- C. **Eligibility of a Poor Person:**
Assistance is to be provided to a poor person who is in need of immediate assistance, cannot obtain assistance from any other source, who has no liquid assets, and who may be eligible for, and awaiting approval and receipt of benefits provided by state or federal law.
- D. Agree to use the applicant's own resources to meet their needs. All income of the applicant will be considered. Exhaust the resources of those persons charged by law to provide for the needs of the applicant. (See 125.78, 230.15, 252.2 and 252.5, Code of Iowa)
- E. Apply any private health insurance benefits towards the cost of medical care.
- F. Because General Assistance is an assistance of last resort, persons must exhaust all other resources by applying for and complying with all other public assistance programs including but not limited to Food Assistance Program, FIP, Supplemental Security Income, Veterans assistance, LIHEAP, Medically Needy, Medicaid, lowacare, patient assistance programs, etc. and fulfill all program requirements to provide information to determine eligibility and to remain eligible for those programs. Persons receiving income from any other governmental agency in the month prior to the month of application are ineligible for General Assistance.
- G. Applicant must be a legal resident of the United States of America and reside or be temporarily located in Benton County to be eligible for assistance. For a poor person located in Benton County who has legal settlement in another county of the state of Iowa, the Department shall bill applicant's county of legal settlement for any assistance provided.
- H. **Employment:**
Any applicant who voluntarily withdraws from the workforce to attend post-high school education/training is not eligible for general assistance. Consideration for assistance may be granted by the Director on a case by case basis if applicant is a student and suddenly becomes unemployed due to a unique or life-altering circumstance.

Applicants and adult members of the applicant's household who may be unemployed shall be referred to Iowa Workforce Development, shall cooperate with that agency in seeking employment and shall accept employment when available.

Applicant is not eligible for General Assistance for two months from the date they voluntarily quit a job unless the applicant quit due to a documented unlawful working condition.

The requirements of this section shall not be enforced when, in the determination of the Director or Designee, any of the following conditions exist in which documentation is provided:
 1. The person suffers from an illness which temporarily prevents employment.
 2. The person is unemployable due to physical or mental handicap.
 3. The person is caring for a dependent family member who requires home medical care that is not available from any other source.
- I. **Frequency** - It is contemplated that items of General Assistance to be provided to a needy person (not mentally or physically handicapped) or that person's household living unit will not exceed one (1) month service in a calendar year, unless otherwise limited as stated in Section 5.
- J. Applicant must be eighteen (18) years of age or legally emancipated.
- K. General Assistance may be denied at any time if:
 1. The applicant or recipient refuses to rely on his/her resources,
 2. The applicant or recipient refuses to answer any relevant questions, willfully withholds any pertinent information, or falsifies their application.
 3. The applicant has failed to make full or partial payments toward previous assistance.

Section IV – FINANCIAL REIMBURSEMENT

Expenditures for General Assistance shall be recovered or repaid as follows:

- A. From any homestead of a recipient to the extent provided in Section 252.14 Code of Iowa.
- B. From any person who received General Assistance after applying for federal Supplementary Security Income benefits but before being determined eligible for such benefits, pursuant to the terms of an "Interim Assistance Reimbursement

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Authorization” which shall be signed by the person at the time of receiving the General Assistance and which shall then be filed with the United States Social Security Administration.

C. From the county of legal settlement of a recipient having legal settlement outside of Benton County, in accordance with Sections 252.22 through 252.24 Code of Iowa or from any other government agency to such extent as may be permitted by law.

D. From any other recipient in accordance with the terms of a “Repayment Affidavit” which shall be signed by the person at the time of receiving the General Assistance. The Director need take only such steps to enforce the Agreement as the Director believes will result in greater receipts than the costs of collection, including employee time and benefits and alternative uses for available time and resources in any evaluation of such costs.

Section V – DISBURSEMENT OF GENERAL ASSISTANCE

If applicant is determined eligible, the Director shall approve disbursement of any General Assistance granted according to the following categories of need.

A. RENT:

1. Rent payment shall only be made to owners of property or their management designee. Rental property is property that has a separate kitchen, bathroom and outside entrance separate from other parts of the dwelling. Rent shall not be paid to a relative, i.e.: a person connected by blood to the fourth degree or related by marriage.
2. Rent shall only be paid for housing that is currently being occupied by the applicant.
3. Rent may be paid for temporary housing such as a motel in emergency situations, i.e., fire, tornado or other natural disaster, or, to avoid homelessness. Payment for temporary shelter shall not exceed \$300.00 or five (5) days shelter, whichever is less.
4. Rent payment is limited up to a maximum of \$500.00 per month, per address, regardless of number of unrelated applicants excluding deposits and late fee. Landlord must agree to accept General Assistance payment and guarantee 30 days shelter from date of application. Rent shall not be approved unless all necessary utilities are guaranteed for 30 days from date of application.
5. Rent verification form must be completed by the landlord.
6. Rent must be due for the current month or due within 5 days for the next month. Application must be received before the 25th day of the current month for assistance to be considered for the current month.
7. Mobile home lot rent can be considered for assistance. Mortgage payments are not eligible for assistance.
8. For persons who are applying only for themselves, rent payments shall be made on an equal basis relevant to the number of persons in the household (e.g. roommate applying for assistance with his/her share of the rent).
9. Cable, internet, and cell phone (unless cell phone is primary telephone service) are considered non-essential services and are ineligible for assistance. If applicant is eligible for assistance, amounts paid for the non-essential services will be deducted from the amount of assistance approved for basic needs.

B. UTILITIES:

1. Utility assistance includes vendor payments for: gas, electric, water, sewer, garbage and, deliverable fuel such as fuel oil, propane, and wood. Cable, internet, and cell phone (unless cell phone is primary telephone service) are considered non-essential services and are ineligible for assistance. If applicant is eligible for assistance, amounts paid for the non-essential services will be deducted from the amount of assistance approved for basic needs.
2. The maximum amount authorized will be the amount of the current month's actual service usage which is past due or due within 5 days. Vendor must agree to 30 days service with General Assistance payment. Utilities shall not be approved unless shelter is also guaranteed for 30 days from date of application.
3. Deposits, late fees, reconnect fees, and taxes will not be paid.
4. It is not necessary to have a shut-off notice to apply.

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5. Utilities must be in the name of the applicant at the current address.
6. Utility companies offer a moratorium on disconnection of heating-related utilities from October 1 to April 15 for eligible customers. To be eligible for general assistance after the moratorium, applicant must have made a reasonable effort to pay all or part of the utility bills during the moratorium excluding assistance from any other source.
7. For persons who are applying only for themselves, utility payments shall be made on an equal basis relevant to the number of persons in the household (i.e.: roommate applying for assistance with their share of the utility bill).

C. FOOD:

1. Requests for food assistance may be granted by referral to Benton County Food Pantry in Vinton and Belle Plaine, and, in accordance with their agency rules. Applicant must provide referral form from the Department of Human Services that they are receiving, or, are in the process of applying for the Food Assistance Program.
2. In the event the Benton County Food Pantry is not accessible, and, at the discretion of the Department in emergency situations, a voucher may be provided to applicant to purchase a three (3) day supply of food. The voucher amount will be the monthly Iowa Department of Human Service Food Assistance for the eligible household living unit divided by the number of days in the month to arrive at the daily allotment times three (3) days.

D. TRANSPORTATION:

Eligible transportation expenses include only:

1. A voucher for one-way transportation to return to place of legal settlement or residence. Recipients of this benefit shall be ineligible for any other assistance under the provisions of this Manual for a period of one year from the date the transportation benefit is received.
2. Verification of need for transportation shall be provided to the Department.

E. URGENT MEDICAL OR DENTAL CARE:

1. Benton County, as a payer of last resort, may pay for these services for an adult person over the age of 18 who has no current health care coverage from any source. Applicant is required to provide proof of ineligibility for health care coverage from any other source.
2. These services may be paid at a Medicaid rate not to exceed \$500.00 during a twelve-month period for the purpose of emergent/urgent exams, medications and treatment ordered by a licensed medical or dental provider to prevent further deterioration of the problem. Transportation may be paid to a vendor for applicant to go to doctor appointment or emergency room.
3. Medical assistance may be granted on the basis of medical necessity only and is based on the amount of county dollars available for such assistance. Benton County will not pay for the costs of medical attention resulting from the misuse and/or abuse of legal or illegal substances.

F. CREMATION:

Benton County may contribute toward the expenses of cremations when the deceased person's estate does not have funds to pay for these expenses and only for the merchandise and services listed. If more expensive merchandise or additional services are desired and the Funeral Director charges for them, Benton County will be relieved of any and all obligations for payment; thereby making the expenses the sole responsibility of those making funeral arrangements.

Benton County may pay the wholesale cost for the required merchandise used for the cremation of eligible clients. The costs will be provided by the County Funeral Directors to the Department prior to January 1st each year. See Appendix A for annual update.

Eligible merchandise or services as follows:

1. Benton County may pay the Funeral Director an amount to be agreed upon by the Board of Supervisors and the funeral director in lieu of actual overhead cost for the following: preparation for cremation only; use of staff, equipment and facilities; and, removal and transportation within forty miles.
2. Crematory expense, cremation tray, sheet bronze urn
3. Medical examiner's fee for cremation permit.

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4. Minister stipend at Funeral Directors request when family or friends cannot provide this courtesy.
5. Benton County may pay directly to the grave digger or Cemetery Association the cost of the grave opening and closing up to \$225.00. Family must pay opening and closing costs in excess of \$225.00.
6. Indigent Patient cemetery lots may be provided at several Benton County cemeteries. Family may provide for a lot at other locations, but such lots will be at family's expense.

Any money received by the Funeral Director from the deceased's assets, from pre-arrangement trusts, Governmental benefits or from family or friends shall be deducted from the above expenses. Any money received by the Funeral Director after they have received payment from Benton County shall be reimbursed to Benton County in an amount not to exceed the amount paid by Benton County to the funeral home.

VI – Appeal

Every applicant, whether granted assistance or not, shall be informed in the Department's written decision of the applicant's right to have such decision reviewed. The applicant shall be informed:

- (1) of the method by which a review may be taken, and
- (2) of the rights of representation at the hearing

To initiate a review, the individual must send a written request for review within ten (10) calendar days of the date of the decision to: Director, Benton County Social Service, 303 1st Ave., Vinton, IA 52349.

Within five (5) working days of the receipt of the written request for review, the Director shall notify the individual of the date and time set for the review.

The review will be held with the Director within ten (10) working days of the receipt of the written request for review.

The individual shall have the right to appear in person at the review and present any evidence or documents in support of his/her position. If an individual fails to appear for the scheduled review, the Director may proceed and issue a decision. Any individual may waive the right to personally appear at the review and may present their case by documents only, or by telephone.

Within ten (10) working days of the review, the Director shall issue a written decision which shall include a statement of the reasons supporting or repealing the initial decision.

The written decision shall inform the individual of their right to further review by the Board of Supervisors.

Any written appeal and/or communication of the Director's decision must be made to the Director within ten (10) working days of the Director's determination. The Director shall place the applicant's appeal on the Board of Supervisors' agenda at the earliest date and time available. The applicant shall be informed immediately by telephone if possible and by ordinary mail of the date and time of the hearing before the Board of Supervisors.

The Board of Supervisors shall hear applicant's appeal at the time scheduled on the agenda unless continuance is requested by the applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The applicant's file may be admitted into evidence. The Board may question the applicant, and the Director shall present the Board with the reason for the determination. The hearing before the Board will be pursuant to Iowa Code 21.5 since the confidential files of the applicant will be in evidence.

The Board shall make a decision on the appeal within 10 working days. The Board's decision shall be only on basis of the evidence submitted before the Board. The applicant shall be informed immediately by telephone, if possible, of the decision and within 5 working days thereafter, the Board shall mail to applicant at his or her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with any statute or ordinance applied. The Board's decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.

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Any appeal to the district court shall be allowed by the applicant from the Board's decision within the time and by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

APPENDIX A

The Resolution for Benton County General Assistance Establishing Cremation Service Rates is incorporated herein by reference.

IT IS FURTHER RESOLVED that any resolutions in conflict with this resolution are hereby repealed.

Adopted this 4th day of June 2013.

Benton County Board of Supervisors

Jason D. Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST: _____
Jill Marlow, Benton County Auditor

**Resolution #13-44
Benton County General Assistance
Establishing Cremation Service Rates
Price List Effective 1-1-13
Cremation Service**

IT IS HEREBY RESOLVED by the Benton County Board of Supervisors that that following rates for cremation services are established effective January 1, 2013.

Crematory Expense	\$270.00	
Cremation Tray	39.00	
Sheet Bronze Urn	65.00	
Medical Examiners Permit	75.00	
Grave Opening @ cost, not to exceed	225.00	Family must pay opening charges above
	\$225.00	
Minister Stipend (if used)	25.00	
Funeral Home Director's Fee	750.00	

Adopted this 4th day of June 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to accept and direct the chair to sign the Understanding of Services between Benton County and EideBailly for the county's fiscal year 2013 budget. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to accept the resignation of Dr. Mark Dearden as Deputy Medical Examiner and as board member on the Benton County Public Health Board. The resignation from the Public Health Board is effective upon appointment of a member to fill the position. The resignation as Deputy Medical Examiner is effective July 24, 2013. All members voting aye thereon. Motion carried. The Board extends their gratitude to Dr. Dearden for his years of service to Benton County.

Supervisor Sanders reported that a tentative agreement had been reached between Benton County and Teamsters, representing the employees of the sheriff's department. The tentative agreement provides for 2% across-the-board wage increase, with patrol deputies and detective received an additional twenty cents. Health insurance contributions will be \$20.00 for a single plan per month and \$175.00 for a family plan per month. The agreement is for one year. Moved by Frese, seconded by Hertle, to approve the tentative agreement between Benton County and the Teamsters, representing the sheriff's department employees. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the law enforcement agreement with the City of Blairstown for 780 hours of annual coverage by the sheriff's department at cost of \$17,550. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve two utility permits requested by Interstate Light and Power Co to place utility lines in the county's right-of-way in Sections 15 and 16 of Union Township, east and west of 19th Avenue. This is a result of the county replacing two box culverts and the need to move utility lines. All members voting aye thereon. Motion carried,

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The time of 10:00 a.m. having arrived, and this being the time and date set for a public hearing on vacating an alley located in Lot 1 of Block 11 Tuttle's Addition to Norway, Iowa, the board took up the matter for consideration. The following persons were present: Gary Boddicker, Wilford Schinker, Gerold Lerch, Jennifer Zahradnik, Bill Supple, Vince Schulte, Tom Budak, Don Volz, County Engineer Myron Parizek, County Attorney David Thompson, and Assistant County Attorney Emily Nydle.

County Engineer Parizek explained that the issue had been brought up several weeks ago regarding property currently owned by Marcus Morin in Lot 1 of Block 11 of Tuttle's Addition to Norway. Parizek stated that the alley is located within the corporate limits of Norway but the county holds the deed. Parizek explained that when the town of Norway was first platted, an alley was platted that runs through Morin's property. Parizek stated that apparently the alley has not been recognized and recent transfers and Morin's have been paying property taxes on the parcel. Parizek stated that the parcel is currently in the name of Benton County and of the alley is vacated; it would then be deeded to Morin. Alternatively, the county could give the alley to the City of Norway. Parizek stated that the alley has been established for over 100 years; however it has overgrowth and has not been used as an access. Parizek stated that he was unaware if the alley was passable or if it had been maintained by the city.

The board heard comments both for and against the vacation of the alley. Adjoining property owner Don Volz stated that he supported leaving the alley and gifting it to the city. Volz stated that in the wintertime it is difficult to get up the hills in Norway.

Gary Boddicker added that the city had maintained the alley in the past. Boddicker stated that the city did not trim bushes since it was unknown where the property lines were, but that black top cold mix had been placed in the alley, while he was a maintenance worker for the City of Norway.

Wilford Schinker stated that he had been using that alley all of the time over the past 80 years. He stated that kids on bicycles always used the alley and that many people walk through it and that it had been an alley as long as he could remember.

Jennifer Zahradnik, attorney for Morin, stated that an old abstract reflected that the alley had been deeded to Benton County in 1875, but all subsequent ownership transfers have not excepted out the alley. Zahradnik stated that here client has been paying taxes on the alley – reiterating that the lot has not shown an exception for the parcel for over 100 years.

Discussion was held as to utilities located in the alley. Boddicker stated that there was a gas line main along the south side of the alley and Budak believed that Mediacom also had utilities along the north side of the alley.

Bill Sueppel, attorney for the City of Norway, stated that the alley had been used as an alley as long as anyone could remember and the city would like to have the alley given to them.

Zahradnik questioned if the city was prepared to reimburse her client for the taxes that he had paid on the parcel over the years. Zahradnik added that the City of Norway had problems with knowing where the streets and alleys are in town – adding that she has another client that is dealing with issues with the city. Zahradnik stated that here clients were told by the City of Norway to obtain a survey of the parcel and that the city would deal with it.

Boddicker stated that Morin was asked to attend a city council meeting but never appeared and that Morin has the alley blocked off now.

Budak stated that when Morin did attend a council meeting that he was told that the city would have to follow the law in addressing the matter and hold a public hearing. The matter was placed on hold due to another issue south of the tracks. Budak added that Morin has no authority to do anything with the alley. Zahradnik responded that the city does not own the alley and that there is a question as to ownership since it has not been excepted out in transfers of ownership for 100 years.

It was questioned if the streets and alleys in Norway were owned similar to county roads with ownership to the middle of the road. Parizek responded that Morin owned the entire parcel that the alley ran through and that adjacent property owners to Morin would not have an interest.

County Attorney Thompson questioned if Norway was going to continue to use the alley. Sueppel advised that the city was still discussing the matter. Thompson stated that the city's intended use would be germane to the board's decision. Sueppel stated that the city wanted to have discussions with the citizens and gather input from them. Sueppel reiterated that the matter is a city issue and not a county issue and that the city wanted the alley given to them. Thompson asked for clarification if the city wanted the alley deeded to them to use an alley. Sueppel responded that was his understanding.

Supervisor Frese commented that the county had no use for the alley and that the county didn't know they owned it prior to this matter.

Thompson told the board that they either needed to vacate the alley and deed it back to Morin or deed it to the city though a gift.

Supervisor Frese opined that the county should deed the alley to the city and let the city work it out. Thompson stated that the city would not "work it out" that the city intended to keep it. Zahradnik cautioned that legal action could be pursued. Frese stated that it was his position that the alley be quit claim deeded to the city.

Supervisor Sanders questioned if the county had any liability and Thompson responded that the county did not.

Zahradnik reminded the board that the alley (1 rod) was given to Benton County in 1875 and since that time every transfer between property owners did not exclude that 1 rod. Zahradnik stated that when Morin's purchased the property they believed they were getting the entire parcel and have been paying taxes on it.

Supervisor Hertle questioned why the issue hadn't been found sooner since abstracts are generally prepared and title opinions given every time the property is transferred. Zahradnik stated that she did not review the abstract at the time of purchase, but that she went through the abstract and found the 1 rod belonging to Benton County.

Supervisor Sanders asked if there were any further comments and hearing none declared the public hearing closed at 10:25 a.m.

County Attorney Thompson stated that the county has no interest in the alley and that it should either be given to the property owners or to the city to be used as an alley through a quit claim deed. Thompson added that any legal action will be between the property owner and the city.

Supervisor Sanders stated that there may be other properties with the county holding deed and whatever action the board took it should be something that can be repeated should it come up again.

The matter before the board was summarized with the options being that the alley could be vacated and deeded back to the property owner as property cannot be gifted to a private individual, or it could be gifted to the city. The property was given in 1863 to make a town, which was platted and in 1875 the lot and alley were recognized, but that from that date forward the

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description and taxation do not match up. Zahradnik added that a deed from sheriff in 1874 gave Lot 1, Block 11 of Tuttle's Addition to Joanna Toushe and in 1875 Toushe deeded the alley to Benton County.

Supervisor Sanders stated that he was struggling with the issue; however Supervisor Frese stated that the city always thought they owned it. Moved by Frese, seconded by Hertle, to gift the alley located in *Lot 1, Block 11, of Tuttle's Addition to Norway, Iowa*, to the City of Norway. All members voting aye thereon. Motion carried. The engineer is to prepare the necessary quit claim deed and present it for the board's signature.

Jerry Petermeier met with the Board on behalf of the Cedar Valley Ranch. Petermeier requested that the parking area at the facility be sealcoated. Petermeier stated that the current sealcoat had deteriorated over time and was in need of re-application. County Engineer Myron Parizek agreed to have his department perform the work and would coordinate with Petermeier.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

June 11, 2013

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

Moved by Hertle, seconded by Frese, to approve the minutes of June 4, 2013, with corrections to the spelling of names. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 205402 through 205693, payroll checks numbered 136912 through 136932, and ACH deposits numbered 17529 through 17653, for payment. Both members voting aye thereon. Motion carried.

Nancy Farmer, Public Health Director, reviewed the Benton County Public Health Emergency Response Plan with the Board. Farmer explained that she works in cooperation with Emergency Management with planning and activating the plan. Farmer spoke about the preparedness drills and training that takes place to assure a coordinated response between various departments when a disaster occurs and protection of the public. Moved by Hertle, seconded by Frese, to authorize the chair to sign the Plan Authorization for the Public Health Emergency Preparedness Plan. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, adopt Resolution #13-45, AMENDING THE BENTON COUNTY EMPLOYEE HANDBOOK. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-45

AMENDING THE BENTON COUNTY EMPLOYEE HANDBOOK

WHEREAS, the Benton County Board of Supervisors adopted a Benton County Employee Handbook; and

WHEREAS, the Board desires to rescind and replace Section I, Page D, of the Benton County Employee Handbook, title "Health Insurance"; and

WHEREAS, the new policy puts into policy current practice,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Benton County Employee Handbook is amended by removing the current "Health Insurance" policy and replacing Section I, Page D, "Health Insurance" with the following:

HEALTH INSURANCE

This policy applies to non-bargaining employees. Provisions not in conflict with bargaining contracts also apply to bargaining employees. The County will make available group health insurance for full-time and part-time non-bargaining employees. The County reserves the right to select a carrier of its choice to provide the coverage or to modify the plan at any time.

SPECIFIC PROVISIONS

1. Eligibility

a. Coverage Begin Date: An employee is eligible for coverage effective the 1st of the month following 30 days of employment (*i.e. an employee whose employment begins on 1/15, and after working 30 days, would be eligible for coverage on 3/1, etc.*). Enrollment papers must be filed with the auditor's office within 31 days of employment. Failure to file within 31 days may result in the employee being considered a late enrollee.

b. Termination Date: Insurance terminates at the end of the month in which an employee leaves County employment. Employees who are separated from employment from Benton County prior to the 15th day of the month will be required to pay ½ of the monthly premium for the month of separation. Employees separated on or after the 15th day of the month will have insurance paid as set forth above.

c. Coverage Continuation:

1. *COBRA Election*: Terminated employees and/or their dependents may be eligible for continuation of group coverage under Federal law. Standard continuation for employee separation is 18 months. However, see the auditor's office for detailed information on eligibility rules.

2. *Retiree Election*: For health insurance only, retirees (*as defined in Section*

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509A.13 of the Code of Iowa) may continue coverage until age 65, or 18 months following retirement, whichever is longer. The County's group plan is primary only until age 65, at age 65 Medicare must be primary.

2. Coverage Description

- a. See current benefits certificate/benefit plan booklet for plan details.

3. Cost of Insurance

- a. Full-time Employees: The Employee's monthly premium contribution is an amount determined by the Board of Supervisors.
- b. Part-time Employees: The Employee must pay 100% of the premium amount.
- c. Premium Pre-tax: Health premiums may be handled on a pre-tax basis as part of the Flexible Benefits program, in accordance with Section 125 of the Internal Revenue Code.
- d. COBRA participants: COBRA participants must pay 100% of the premiums.
- e. Retiree participants: Retiree participants must pay 100% of the premiums.
- f. Early Retirement Incentive: The Board may contribute towards a non-bargaining retiree's monthly premium cost. The Board reserves the right to offer, modify, or terminate the early retirement incentive at any time; however the incentive offered at the time to those employees who elected to participate will remain in effect.

4. Notification and Enrollment

- a. Employees, Retirees, and COBRA participants must notify the auditor's office within 31 days of a family event to qualify to make coverage and plan type changes as a result of such event.
- b. Participants must notify the auditor's office in writing ten days in advance to cancel coverage. No refund of premium shall be made to the employee; however, this does not prohibit Benton County from applying for a refund.

5. Failure of Employee to Follow Proper Procedure

Benton County shall not be liable for any costs arising from an employee's failure to follow proper procedure when requesting and/or terminating coverage.

Please contact the auditor's office for information on insurance plans, coverage, waiting periods and premium amounts.

Signed this 11th day of June 2013.

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to set the employee share of the FY14 health insurance premium for non-union employees at \$20.00 per month for a single plan and \$175.00 per month for a family plan. Both members voting aye thereon. Motion carried.

Gary Hughes of East Central Iowa Council of Governments met with the Board regarding the Community Development Block Grant for the Timber Ridge water system. Hughes stated the review period had run since being published and that no comments were received. Moved by Hertle, seconded by Frese, to approve the Environmental Review and authorize the vice-chair to sign the same. Additionally, to request a release of said funds. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to enter into a Law Enforcement Agreement between Benton County Sheriff and the City of Van Horne providing for 780 hours of annual coverage at a cost of \$17,550.00. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to rescind the part of the quote awarded to West & Sons on March 22, 2011, to construct boxes to cover air conditioning lines in the recorders, treasurer's, and juvenile probation offices. The award of quote is being rescinded as the work has not been started. Both members voting aye thereon. Motion carried.

Gary Lindsey met with the Board to request that the county sealcoat the first mile of 59th Street Trail going west of the blacktop. Lindsey stated that eight people live within that mile are 200 feet to the road in 2001/2002 59th street trail was one of the largest housing developments in the county. There are 30 homes within the first mile and approximately 20 houses in the second mile. Lindsey stated that there are two businesses on the road, one being a cement business that has heavy truck traffic and the other is a trailer business. Lindsey added that in 2005, there were over 200 vehicles using the road on a daily basis according to a traffic count on the road. Lindsey stated that there are many young children and the dust is so profuse that children are unable to

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play outside. The eight families within the mile spend 3 to 4 thousand a year to oil the road and they have been pursuing a permanent seal for several years. Lindsey requested that he get a cost from the engineer for sealcoating the road and stated that the residences within the first mile might agree to pay for 50% of the cost. The engineer is to provide Lindsey with the information. The Board stated that they would not comment on the county's participation in costs until Supervisor Sanders was in attendance.

Needs a rock base - sealcoating an existing rock road doesn't hold – needs a macadam base needs to be drainable; Parizek estimated that a "weak mile" would be \$95,000 in 2007

Moved by Hertle, seconded by Frese, to approve a utility permit requested by East Central Iowa REC to place utility lines in the county's right-of-way in Section 22 of Homer Township. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by East Central Iowa REC to place utility lines in the county's right-of-way in Section 16 of Union Township. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Van Horne Coop Telephone to place utility lines in the county's right-of-way in Sections 15 and 16 of Union Township. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve and authorize the vice-chair to sign the following purchase agreements for permanent easements for road right-of-way:

Al & Connie Varner – Section 25 o Benton - \$3,306.10 for .21 (twenty one hundredths) of an acre, including trees

John David Rhinehart - \$616.61 – for rent loss and right-of-way - .08 acre (eight hundredths)

Bill & Judy Hunt - \$322.88 - .05 acres (5 hundredths)

Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve and authorize the vice-chair to sign a tenant purchase agreement for road right-of-way, with Rodney Bemer in the amount of \$50.00. Both members voting aye thereon. Motion carried.

The engineer reported that the balance in the Benton County Bank in Blairstown bank landfill account on May 30, 2013, was \$93,375.29.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Vice-Chairman

ATTEST: _____
Jill Marlow, Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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June 18, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Frese, seconded by Hertle, to approve the minutes of June 11, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-46, CERTIFICATION OF DEPUTY SALARIES FOR FY14. Voting aye were Sanders, Frese, Hertle. Nays none. Motion carried.

RESOLUTION #13-46 CERTIFICATION OF DEPUTY SALARIES FOR FY14

WHEREAS, Iowa Code 331.904(1) states that the board shall certify the annual base salary of the deputies in the auditor's, recorder's, and treasurer's office; and
WHEREAS, Iowa Code 331.904 (3) states that the county attorney shall set the salaries of the county attorney's assistants; and
WHEREAS, the salaries of the deputies and assistants of the auditor, treasurer, recorder, have been certified by the principal officers to the board of supervisors; and
WHEREAS, the county attorney has set the salaries of the assistants in his office; and
WHEREAS, the base salaries do not exceed the limitations specified in Iowa Code,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following salaries for deputies and assistants in the respective offices be certified to the county auditor:

Auditor's Office:

Brenda Sutton – 85% of the principal officer
Hayley Rippel – 85% of the principal officer
Gina Edler – 58% of the principal officer

Treasurer's Office:

Kim Staab – 85% of the principal officer
Michele Sauer – 75% of the principal officer
Melinda Schoettmer – 65% of the principal officer

Recorder's Office:

Melissa Boisen – 65% of the principal officer

Attorney's Office:

Emily Nydle – 85% of the principal officer
Jo Nelson - \$60,437.08

Dated this 18th day of June 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to set the FY14 wage for reserve sheriff's deputies at \$19.81 per hour. All members voting aye thereon. Motion carried.

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Moved by Hertle, seconded by Frese, to adopt Resolution #13-47, TERMINATING MEMBERSHIP IN NORTH IOWA JUVENILE DETENTION SERVICES. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-47

TERMINATION MEMBERSHIP IN NORTH IOWA JUVENILE DETENTION SERVICES

WHEREAS, North Iowa Juvenile Detention Services was created under a 28E Agreement;

WHEREAS, Benton County had joined as a member under the previously mentioned 28E Agreement;

WHEREAS, Benton County wishes to terminate membership in the 28E Agreement pursuant to Article VIII, Section 4.

Motion by Hertle, second by Frese, to adopt this Resolution to terminate membership in North Iowa Juvenile Detention Services, under the existing 28E Agreement and authorize the chairman to sign.

Roll call vote: Frese – Aye; Hertle – Aye; Sanders-Aye

THEREFORE, IT IS HEREBY RESOLVED THAT:

1. Benton County does hereby adopt this Resolution withdrawing membership under the 28E Agreement with North Iowa Juvenile Detention Services.
2. This Resolution is adopted pursuant to Article VIII, Section 4, subparagraphs (a) and (b).
3. A copy of this Resolution, bearing the signature of the Chair of the Benton County Board of Supervisors, shall be sent to the Chair of the North Iowa Juvenile Detention Services Commission.

This Resolution passed by the Benton County Board of Supervisors at the regular meeting held on June 18, 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to approve payment to Deery Brothers Chevrolet in the amount of \$17,599.00 for a patrol car. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-48, HIRE OF PART-TIME EMPLOYEE IN THE RECORDER'S OFFICE. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-48

HIRE OF PART-TIME EMPLOYEE IN THE RECORDER'S OFFICE

WHEREAS, the recorder has requested to hire a part-time employee within her office; and

WHEREAS, the board has included funding for a part-time employee in the recorder's budget,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hire of Colette McKenna as a part-time employee in the recorder's office is hereby approved. The starting date is effective today at a wage of \$10.00 per hour.

Dated this 18th day of June 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to approve the Decategorization claims for April 2013 and May 2013 in the amount of \$2,716.00 each. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to enter into contracts for Decategorization services beginning July 1, 2013: a contract between Benton County and Tammy Wetjen-Kestersen for decategorization services for the period July 1, 2013 through June 30, 2014; a contract between Benton County and the Department of Human Services setting for the Benton County as the fiscal agent for decategorization funds. All members voting aye thereon. Motion carried.

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Moved by Hertle, seconded by Frese, to enter into and authorize the chair to sign the Transit Purchase of Service Contract between Benton County and East Central Iowa Council of Governments for FY14. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve and authorize the chair to sign the Certification of Cost Allocation Plan for FY12 prepared by Cost Advisory Services, Inc. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to rescind the action of May 7, 2013, purchasing .10 acre permanent easement in 36-85-9, in the amount of \$1,145.76 (including damages for trees) from Mary Young. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to pay damages in the amount of \$800.00 to Mary Young relative to the Oak Grove Road project, and further to accept a donation of one-tenth of an acre for road right-of-way easement. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to purchase .34 acre in 24-85-9 from David Wilhelmi for road right-of way in the amount of \$3,300.00. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve and enter into Amendment #1 to the Right of Way Services Agreement between Benton County and Clapsaddle-Garber Associates, Inc., said amended agreement totals \$39,885 and is for services in purchasing road right-of-way for the Oak Grove Road Project. All members voting aye thereon. Motion carried. The amendment is due to additional parcels being negotiated than originally agreed upon.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-49, TRANSFER OF FUNDS. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-49 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors to transfer of \$80,000 from the Sanitary Disposal fund to the Closure Post-Closure Fund.

Dated this 18th day of June 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

The Board discussed the draft of a 28E Agreement for the re-creation of a Sanitary Disposal Commission and related landfill issues. The auditor reviewed various questions on specific points within the document. The county attorney responded to concerns within the agreement and provided clarification.

Moved by Frese, seconded by Hertle, to recess. All members voting aye thereon. Motion carried at 11:45 a.m.

The board reconvened at 7:00 p.m. at the Newhall Park Pavilion. The purpose of the meeting was to discuss with cities regarding re-creating a sanitary landfill commission and the governance of the Benton County landfill. There were approximately fifteen persons present. Jennifer Fencel, East Central Iowa Council of Governments, briefly provided a history of the actions leading to the meeting. City representatives were concerned with the large per-capita increase established by the Board of Supervisors earlier in the year. Discussion included whether to create a commission that would have 100% governance of the sanitary disposal facility or leave control with the board of supervisors with a commission with advisory status. Supervisor Hertle questioned if a board supervisor should hold a position on the commission citing a potential conflict of interest. The county attorney advised that no conflict would exist and that is was in the county's best interest to have a supervisor on the commission. Supervisors Frese and Hertle stated that they believed the county should maintain control of the landfill with the commission serving as an advisory board. Discussion included creating hybrid governance with the county maintaining day-to-day oversight and the commission determining per capita rates. Supervisor Sanders was supportive of a hybrid structure. Fencel advised that most sanitary disposal facilities in her region were operated and governed by a commission. No action was taken by the board.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

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June 25, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of June 18, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-51, AMENDING FY13 BUDGET WITHIN SERVICE AREA. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-51 SERVICE AREA BUDGET AMENDMENT

BE IT RESOLVED by the Benton County Board of Supervisors that the FY13 budget be amended within service areas as follows:

WHEREAS, the Benton County Board of Supervisors adopted the FY2013 budget on March 13, 2012; 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 FY2013 county budget is hereby amended within the following service areas:

Service Area 1 - \$500.00 from department 99 to department 28
Service Area 3 - \$706.00 from department 60 to department 61
Service Area 6 - \$6,500.00 from department 99 to department 54
Service Area 9 - \$7,700 from department 99 to department 14

IT IS FURTHER RESOLVED that said funds are hereby appropriated to the respective departments.

The auditor is directed to make the necessary changes.

Signed this 25th day of June 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to approve vendor checks numbered 205694 through 205932, payroll checks numbered 136933 through 136957, and ACH deposits numbered 17654 through 17779, for payment. All members voting aye thereon. Motion carried.

Kristina Kraemer met with the board to provide an overview of the East Central Iowa Council of Governments Revolving Loan Fund (RLF). Kraemer serves on the board of the RLF as an appointee of Benton County. Kramer explained that the program was established to assist new and existing businesses within a six-county region consisting of Benton, Iowa, Johnson, Jones, Linn and Washington counties. Kraemer stated that the RLF provides gap financing by providing loans up to \$250,000 to new or existing businesses. The loan must be for creating or retaining jobs and support or enhance the regional economy. Kraemer wanted the supervisors to be aware of the program and asked that they relay information to interested persons.

Moved by Frese, seconded by Hertle, to approve the amendment to the service provider contract with Covenant Medical Center to provide for a 3% increase in rates for in-patient stays. Said rates are set at \$655.00 per day for inpatient and \$243.00 per day for extended inpatient stays and are effective in FY14. All members voting aye thereon. Motion carried.

Judy Funk of Heartland Insurance Risk Pool met with the board to discuss the county's insurance renewal. Funk explained the how the premiums for FY14 were calculated as well as the county's current insurance coverage. Funk gave an overview of the Heartland Insurance Risk Pool and its governance. Moved by Hertle, seconded by Frese, to enter into and authorize the chair to sign the Client Authorization to Bind Coverage and the Client Confirmation of Schedules and Exposures with Heartland Insurance Risk Pool for insurance coverage for July 1, 2013 through June 30, 2014. All members voting aye thereon. Motion carried.

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Moved by Frese, seconded by Hertle, to change the classification of the following reserve officers to part-time officers. The change coincides with a language change of the Iowa Law Enforcement Academy and reflects a more appropriate status. The following are currently full-time certified peace officers with other entities or departments and work for the Benton County sheriff's department in a part-time status:

Larry Feaker
Devin Rinderknecht
Jeffery Harnish
Scott Bahmann

Further, the following are to be classified as paid part-time reserve officers:

Gary Benson
Russell Glime
Dick Stallman
Clint Sandberg

Currently, there are no yearly paid reserve deputies due to the county's policy that employees who have not worked in one year are automatically terminated. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to set wages for part-time patrol officers and reserve officers at \$19.18 per hour. Yearly paid reserves remain at \$1.00 per year. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve and authorize the chair to sign the Iowa Certified Local Government 2012 Annual Report prepared and submitted by the Benton County Historical Preservation Commission. All members voting aye thereon. Motion carried. The report is for the 2012 calendar year.

Moved by Frese, seconded by Hertle, to approve a Class B Liquor License request by Blairstown Sauerkraut Days Beer Tent. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to authorize the chair to sign the Master Contract between Benton County Sheriff's Department and Chauffers, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffers & Helpers of America, for 2013-2014. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-50, DEPUTY SALARY CERTIFICATIONS FOR SHERIFF'S DEPARTMENT. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-50 CERTIFICATION OF DEPUTY SALARIES FOR FY14

WHEREAS, Iowa Code 331.904(2) states that the board shall certify the annual base salary of the deputies in the sheriff's office; and

WHEREAS, the deputies of the sheriff have been certified by the principal officer to the board of supervisors; and

WHEREAS, the base salary does not exceed the limitations specified in Iowa Code,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following base salaries for deputies in the sheriff's office be certified to the county auditor:

Sheriff's Office:

Michael Ferguson – 85% of the principal officer, plus longevity earned while a union employee
John Lindaman – 80% of the principal officer

Dated this 25th day of June 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

County Attorney David Thompson, Assistant County Attorney Emily Nydle, and Jackie Michael of the county attorney's office, Candice Bennett, Bernie Bordignon, and Luke Blood with juvenile probation, met with the board regarding the juvenile probation office. Thompson stated that the basement room previously occupied by emergency management had been remodeled and was ready to be occupied. Thompson stated that he had been approved to hire an additional employee and wanted to know what additional office space the board was going to provide. Thompson had indicated that he wanted the office space currently occupied by the juvenile court officer on the first floor of the courthouse. Thompson stated that he spoke with the veterans affairs director who agreed that moving his office to the office where Benton Development Group is would be a better office; that the volunteer program in the Governor Sherman building would like a bigger space; and that Benton Development would not need the office they are currently in if it is just to store files.

Thompson stated that the juvenile probation officer's current office would serve the needs of the county attorney's office quite well, but added that the board needed to make a decision.

Candice Bennett stated that her department would prefer to stay in their current office space, but will do what the board directs. Bennett stated that if the juvenile probation officer is moved to the basement, the county will have to pay for computer and

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telephone wiring and connections. Bennett stated that the juvenile probation office does not use the county computer network nor phone system. Bennett stated that the office would need a 5E data hook up with three data connections, phone and a fax line installed. Bennett also stated that the state's computer area would need to be secured. Bennett stated that it was the court administrator's position that the county should pay all expense of moving the office.

Bennett then stated that the probation office would get to continue to use the equipment that they had – including antique furniture. Bennett state that they are not trying to deprive the county of its property, especially historical property but Iowa Code 602.11107 provides that if the property is of historical nature it shall not become property of the judicial branch but it will be made available for use by them.

Bennett was then asked where she would prefer to have the office with the understanding that the current office was going to the county attorney. Bennett stated that her department would prefer the basement office. Bennett stated that another lock would need to be placed on the state's computer room.

Thompson reiterated that veterans affairs would like to occupy the Benton Development Group office. Thompson stated that in speaking with Supervisor Hertle the week before he was unsure if Benton Development Group would be forfeiting their office. Thompson added that the volunteer program would like to occupy the veterans' affairs office as well.

Supervisor Hertle stated that Benton Development Group is not dissolving and that a meeting was scheduled in the near future to discuss its future operation.

Thompson questioned how much time juvenile probation would need once the office was wired with computer and telephone to move. The response was a couple of hours but that advanced notice was needed due to scheduling appointments.

Moved by Hertle, seconded by Frese, to allocate the space currently occupied by the juvenile probation office to the county attorney. Further, the juvenile probation office is to be moved to the basement office previously occupied by the emergency management coordinator. The county will pay for all expenses to wire the office to the needs of the juvenile probation department. That the county will install an additional lock on the state's computer room. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve two utility permits requested by East Central Iowa REC to place utility lines in the county's right-of-way:

#1 – located in the SW1/4 of the SW1/4 of 15-83-11 (north side of 71st Street)

#2 – located in the NE1/4 of the SE1/4 of 19-83-9 and 20-83-9 (bore under 29th Avenue)

All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve and enter into the Law Enforcement Contract between Benton County and the City of Urbana. Said contract provides for 260 hours of coverage per year at an annual fee of \$5,850.00. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the Fireworks Permit requested by J & M Displays for an event to be held on July 3, 2013, north of the Newhall lift station. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve and authorize the chair to sign the Excess Flood Insurance renewal binder for coverage on the law enforcement center for the period July 1, 2013 through June 30, 2014 with Arthur J. Gallagher Risk Management Services. The renewal premium is \$19,028.40 and is for \$5,852,000 excess of \$500,000 building limit and \$1,000,000 excess of \$500,000 contents limit. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-52, BANK DEPOSITORIES. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

Resolution #13-52 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 2014.

US Bank	
Vinton	\$ 500,000
Farmers Savings Bank & Trust	
Vinton/Traer	\$ 20,000,000
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	

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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 25th day of June 2013

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to adopt Resolution #13-53, APPROPRIATIONS. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION # 13-53 APPROPRIATIONS

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2013, 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, 2013 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. Further, the auditor is authorized to expend funds from the following budgets: Auditor, Elections, District Court, General Services, Non-departmental, GIS, Medical Examiner (in consultation with the medical examiner), Human Resources, Information Technology and other budgets not under the specific authority of an elected official or full-time county official to ensure the day-to-day operations of the county.

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, 2013.

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 2013-2014 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 2013-2014 budget year.

Section 6. Tax Increment payments, which are subject to annual appropriation are authorized.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Section 7. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2014.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 25, 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to adopt Resolution #13-54, RESOLUTION COMMITTING FUND BALANCES IN ACCORDANCE WITH GASB 54. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-54
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, 2013:

COMMITTED FUND BALANCES:

General Fund: \$12,000 sanitarian vehicle replacement; \$25,000 election equipment replacement; \$50,000 emergency response; \$750,000 courthouse renovation; \$15,000 historic preservation

Rural Services Fund - \$12,000 land use administrator vehicle replacement

EMS Revolving Loan Fund – 85,343 for emergency services loans

LOSST Fund - \$50,000 for technology upgrades and infrastructure

BE IT RESOLVED that committed fund balances established prior to June 30, 2013, are hereby uncommitted as of June 30, 2013, and the committed fund balances stated above are established in lieu thereof.

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

Signed this 25th day of June 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

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Moved by Hertle, seconded by Frese, to adopt Resolution #13-55, INTERFUND OPERATING TRANSFERS. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-55 **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 2013-2014 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, 2013, 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	\$ 158,906.00
General Basic	General Supplemental	\$ 750,000.00
General Basic	Debt Service	\$ -
General Basic	Land Acquisition	\$ 25,000.00
Rural Services Basic	Secondary Road	\$ 2,028,455.00
Rural Services Basic	Sanitary Disposal	\$ 330,690.00
Sanitary Disposal	Closure/Post Closure	\$ 261,341.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2013-2014 exceptions to the quarterly transfer shall be transfers to the Conservation Land Acquisition fund 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).

Section 4. The amount of any transfer shall not exceed available fund balances in the transferring fund.

Section 5. The auditor is directed to transfer said funds in accordance with this resolution 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 25, 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Frese, seconded by Hertle, to adopt Resolution #13-56, COUNTY OFFICIAL BANK DEPOSITORY LIMITS. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-56 COUNTY OFFICIAL BANK DEPOSITORY LIMITS

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 2014:

Lexa Speidel, Recorder	
Farmers Savings Bank & Trust – Vinton	\$150,000
Randall Forsyth, Sheriff	
Farmers Savings Bank & Trust – Vinton	\$ 250,000
Randall Forsyth, Sheriff	
US Bank	\$ 1,000
Randall Forsyth, Sheriff	
Regions Bank	\$ 100,000
Jill Marlow, Auditor	
US Bank	\$ 5,000
Farmers Savings Bank	\$ 5,000
Myron Parizek	
Benton County State Bank	\$250,000

Signed this 25th day of June, 2013

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to adopt Resolution #13-57, TRANSFER OF FUNDS. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-57 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors to transfer the following funds:

Local Option Sales and Services Fund to Rural Services fund – \$208,850.91
Local Option Sales and Services Fund to Secondary Roads fund - \$250,621.08

Dated this 25th day of June 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Hertle, seconded by Frese, to enter into the Business Association Agreement between Benton County and EideBailey, LLP. All members voting aye thereon. Motion carried.

The board discussed the status of the 28E Agreement for solid waste disposal. The meeting held on June 18th was not fully represented by all of the cities. Supervisor Sanders stated that he believed the cities favored the county maintaining all control with the cities acting in an advisory position. County Attorney Thompson disagreed stating that it was his belief the cities wanted a part in the governance. Supervisor Hertle suggested creating a committee of the county attorney, Jennifer Fendl of ECICOG, and himself to draft a new version of the 28E Agreement. Auditor Jill Marlow questioned how the committee would be able to draft an agreement without knowing definitively what the cities would like. Marlow stated if the 28E was not agreeable and some of the cities pulled out – then everyone would be back to square one. Marlow suggested that the board send a letter to the cities asking for council action as to their expectations and intentions. Supervisor Hertle agreed that ascertaining the position of the cities was critical in going forward, but stated that he did not want the issue to be put on a back burner. The board requested that the county attorney draft a letter to the cities for consideration by the board at their next meeting.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

July 2, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of June 25, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the auditor's quarterly report and the sheriff's quarterly report for the period ending June 30, 2013. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Adam and Rachel Chrystal, the board took up the matter for consideration. Marc Greenlee presented the 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. A new well and septic would be needed for the residence. Moved by Hertle, seconded by Frese, 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 located in the NE1/4 of the SW1/4 of 12-85-9. All members voting aye thereon. Motion carried

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Hertle, seconded by Frese, to adopt Resolution #13-58, CUMBERLAND ADDITION TO BENTON COUNTY, IOWA. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

CUMBERLAND ADDITION TO BENTON COUNTY, IOWA RESOLUTION APPROVING PLAT RESOLUTION #13-58

WHEREAS, A Plat of Cumberland Addition to Benton County, Iowa, containing FOUR (4) lots has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

See Exhibit "A" attached hereto and made a part hereof

And

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

WHEREAS, the owners have executed and filed an Owner's Certificate containing 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 Cumberland 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 water supply will be constructed with the approval of the Benton County Department of Health.
3. Any new sewage treatment system will be constructed with the approval of the Benton County Department of Health.

The Benton County Auditor is hereby directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

This Resolution passed and approved on the 2ndnd day of July 2013.

BOARD OF SUPERVISORS

Jason Sanders, Chairman

Donald Frese

Terry Hertle

ATTEST: _____
Jill Marlow, Benton County Auditor

EXHIBIT "A"

The Northeast Quarter of the Northwest Quarter of Section 1, Township 85 North, Range 9 West of the Fifth Principal Meridian, Benton County, Iowa, described as follows:

Beginning at the North Quarter Corner of Section 1, Township 85 North, Range 9 West of the Fifth Principal Meridian; thence S0°08'37"W along the east line of the Northwest Quarter of said Section 1, a distance of 1430.66 feet to the Southeast Corner of the Northeast Quarter of said Northwest Quarter; thence S85°40'25"W along the south line of said Northeast Quarter of the Northwest Quarter, 1324.10 feet to the Southwest Corner of said Northeast Quarter of the Northwest Quarter; thence N0°10'23"E along the west line of said Northeast Quarter of the Northwest Quarter, 1479.94 to the Northwest Corner of said Northeast Quarter of the Northwest Quarter; thence N87°48'13"E along the north line of said Northwest Quarter, 1320.41 feet to the point of beginning. Said parcel contains 44.09 acres, subject to easements and restrictions of record.

Moved by Hertle, seconded by Frese, to authorize the auditor to destroy unused check stock numbered 135815 through 140000, and 117764 through 117800, and closed session records, financial records, and election records in accordance with Iowa law. All members voting aye thereon. Motion carried.

The sheriff updated the board on the status of the purchase of the 2013 Chevrolet Tahoe from Karl Chevrolet. The vehicle was purchased in April 2013 with a delivery date of June 25, 2013, or before. Karl Chevrolet failed to deliver the vehicle as required and therefore the sheriff tentatively cancelled the purchase. The sheriff requested the board rescind the action purchasing

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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the Tahoe. Additionally, the sheriff stated the Deery in Pleasant Hill will provide a 2014 Chevrolet Tahoe at the price quoted by Karl Chevrolet in April.

Moved by Hertle, seconded by Frese, to rescind the action of April 9, 2013, awarding the purchase of a 2013 Chevrolet Tahoe from Karl Chevrolet, as said vehicle was not delivered in accordance with the terms of the award. Further, that the sheriff is authorized to purchase a 2014 Chevrolet Tahoe from Deery at the same price as the 2013 Tahoe. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to agree to amend the sheriff's FY14 budget, if needed, up to \$30,000.00 to cover the cost of the 2014 Ford Tahoe. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-59, CHANGING EMPLOYMENT STATUS OF BONNIE EHLINGER FROM PART-TIME OFFICE ADMINISTRATOR TO FULL-TIME OFFICE ADMINISTRATOR. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-59

CHANGING EMPLOYMENT STATUS OF BONNIE EHLINGER FROM PART-TIME OFFICE ADMINISTRATOR TO FULL-TIME OFFICE ADMINISTRATOR

WHEREAS, the Benton County Sheriff's Department has advertised for a full-time office administrator; and

WHEREAS, Bonnie Ehlinger has applied for said position; and

WHEREAS, Ehlinger has been employed by Benton County in a part-time status since January 27, 1997; and

WHEREAS, Ehlinger has been performing the duties of office administrator on a part-time basis since October 2007; and

WHEREAS, the sheriff has recommended that Ehlinger's employment status be changed to full-time office administrator,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Bonnie Ehlinger be changed to full-time office administrator in the sheriff's department, effective July 15, 2013.

IT IS FURTHER RESOLVED that the wages and benefits for said position are in accordance the Master Contract between Benton County Sheriff's Department and Chauffers, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffers & Helpers of America.

Dated this 2nd day of July 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to authorize the auditor to negotiate, sign and enter into the Managed Services Agreement between Benton County and ERB's, with the stipulation that the agreement is for one year and is at a monthly fee of \$2,843.50. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account at the Blairstown Bank on June 30, 2013 was \$101,575.39; however the check paid to the treasurer had not yet cleared. The balance with the check deducted would be \$1,020.10.

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Moved by Frese, seconded by Hertle, to adopt Resolution #13-60, ROAD CLOSURE. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-60

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, 2013, through the completion of the project.

From the south corporate limits of Atkins near the W¼ corner of Section 24-T83N-R9W thence south approximately 1.5 miles to US Highway 30 near the SW corner of Section 25-T83N-R9W along 33rd Avenue in Fremont Township.

Signed this 2nd day of July, 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to adopt Resolution #13-61, ROAD CLOSURE. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-61

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from May 28, 2013, through the completion of the project.

From the south corporate limits of Vinton in Section 28-T85N-R10W thence south approximately 1 mile to the SE corner of Section 28-T85N-R10W along 25th Avenue in Taylor Township.

Signed this 2nd day of July, 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

The county attorney presented a draft of a letter from the board of supervisors to the cities within Benton County regarding the 28E Agreement for the solid waste commission. The board approves the letter for distribution with minor changes. The letter requests that the cities provide written response by August 5, 2013, as to their position on the management of the landfill.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

July 3, 2013 (first sessions)

The Benton County Board of Supervisors met in special session with Supervisors Sanders and Hertle present. Supervisor Frese was absent. The meeting was called to order at 9:00 a.m.

Supervisor Hertle attended electronically due to the brevity of the meeting, only one agenda item, and to avoid incurring costs to the county.

Moved by Hertle, seconded by Sanders, to approve a fireworks permit requested by Chris Herr, sponsored by the Watkins Community Athletic Association, for an event to be held on July 6, 2013, with a rain date of July 7, 2013. Both members voting aye thereon. Motion carried.

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

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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July 3, 2013 (second session)

The Benton County Board of Supervisors met in special session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 1:00 p.m.

Supervisors Frese and Hertle attended electronically due to the brevity of the meeting, only one agenda item, and to avoid incurring costs to the county.

Moved by Hertle, seconded by Frese, to approve a fireworks permit requested by Nick Reiter, sponsored by Escapes: Landscape & Design, for an event to be held on July 6, 2013, at 3327 55th St. Trl., Center Point. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____

Jill Marlow, Auditor

July 9, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of July 2, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve checks numbered 205933 through 206138, payroll checks numbered 136958 through 136976, ACH deposits numbered 17780 through 17905, for payment. All members voting aye thereon. Motion carried.

Nathan Hesson of Vinton Unlimited requested to use the courthouse lawn for Boomfest activities. It was explained that vehicles should not be permitted to drive and/or park on the lawn, vendors should take the necessary steps to prevent damage to the lawn, and there is no smoking. Moved by Frese, seconded by Hertle, to allow Vinton Unlimited to use the courthouse lawn on August 24, 2013, for Boomfest activities. All members voting aye thereon. Motion carried.

Assistant County Attorney Emily Nydle presented a Quit Claim Deed for signature by the Board to gift a vacated alley to the City of Norway. The board held a hearing on the vacation of the alley on June 4, 2013, at which time formal action was taken to vacate the alley and gift it to the City of Norway. Moved by Frese, seconded by Hertle, to authorize the chair to sign a Quit Claim Deed conveying the vacated alley to the City of Norway, described as A strip one (1) rod wide off of the north end of Lot One (1) in Block Eleven (11) in Tuttle's Addition to the City of Norway, Iowa located in Tuttle's Addition to Norway, Lot 1 Block 11, Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-62, Road Closure. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-62

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from July 22, 2013, through the completion of the project.

From 18th Avenue thence east 2.0 miles to 20th Avenue along 70th Street (County Route E44) in Union Township.

Signed this 9th day of July, 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST: _____

Attest: Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to approve a utility permit requested by East Central Iowa REC to place utility lines in the county's right-of-way located in Section 35 and 36 in Polk Township on the south side of the Center Point Urbana blacktop. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve a utility permit requested by Poweshiek Water Association to place utility lines in the county's right-of-way located along 76th Street between Sections 7 and 18 in Florence Township. All members voting aye thereon. Motion carried.

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Moved by Frese, seconded by Hertle, to adopt Resolution #13-63, Adoption of Title VI Assurances. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-63 ADOPTION OF TITLE VI ASSURANCES

WHEREAS, the Iowa Department of Transportation is requiring that each sub-recipient of federal funding enter into TITLE VI Non-discrimination Agreements; and
WHEREAS, Benton County is the recipient of federal bridge and road funds, as well as other federal funds; and
WHEREAS, it is necessary to provide certain assurances;
WHEREAS, it would be in the best interest of Benton County to provide said assurances and continue to receive federal funding,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Benton County adopts the Title VI Assurances set forth below:

Standard DOT Title VI Assurances

The County of Benton, State of Iowa (hereinafter referred to as the "Recipient") HEREBY AGREES THAT AS a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d 42 U.S.C. 2000d 4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulation, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), Title VII of the Civil Rights Act 1964, the Federal Aid Highway Act of 1973, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Acts of 1975, Civil Rights Restoration Act of 1987, Americans With Disabilities Act of 1990 (ADA), Executive Order 12898 – Environmental Justice (hereinafter referred to as "EJ"), Executive Order 13166 – Limited English Proficiency (hereinafter referred to as "LEP") and other pertinent directives, to the end that in accordance with the Act, Regulations, Executive Orders and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations, (2) Copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway Program;

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21. 23 (e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program and, in adapted form in all proposals for negotiated agreements.

"The County of Benton, State of Iowa, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d 2000d 4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, or disability in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and Regulations.

4. That the clauses of Appendix B of this assurance shall be included as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to right to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federal Aid Highway Program.

8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is the form, of, personal property, or real property or interest therein or structures or improvements thereon in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

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9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he/she delegates specific authority, to give reasonable guarantee that it, other Recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the Act, the Regulations and this assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal-Aid Highway Program and is binding on it, other Recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATED July 9, 2013

By: Jason D. Sanders, Chair
Benton County Board of Supervisors

Attachments
Appendices A, B, and C

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to non-discrimination in Federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, national origin, sex, age, or disability.

4. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the County of Benton, State of Iowa, the Iowa Department of Transportation or Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the County of Benton, State of Iowa, the Iowa Department of Transportation or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the County of Benton, State of Iowa, shall impose such contract sanctions as it, the Iowa Department of Transportation or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. cancellation, termination or suspension of the contract, in whole or in part.

6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the County of Benton, State of Iowa, the Iowa Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the County of Benton, State of Iowa, or the Iowa Department of Transportation to enter into such litigation to protect the interests of the County of Benton, State of Iowa, or the Iowa Department of Transportation; and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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APPENDIX B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

"NOW, THEREFORE, the U.S. Department of Transportation, as authorized by law, and upon the condition that the County of Benton, State of Iowa, will accept title to the lands and maintain the project constructed thereon, in accordance with title 23, United States Code, the Regulations for the Administration of the Federal-Aid Program and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d 4), does hereby remise, release, quitclaim and convey unto the County of Benton, State of Iowa, all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof."

HABENDUM CLAUSE

"TO HAVE AND TO HOLD said lands and interests therein unto Name of Recipient and its successors forever, subject, however, to the covenants, conditions restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the County of Benton, State of Iowa, its successors and assigns."

"The County of Benton, State of Iowa,, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]* (2) that the County of Benton, State of Iowa, shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the U.S. Department of Transportation shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction."*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Recipient, pursuant to the provisions of Assurance 7(a).

"The (grantee, license, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases and "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.,) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended."

Include in licenses, leases, permits, etc.*

"That in the event of breach of any of the above nondiscrimination covenants, the shall have the right to terminate the (license, lease, permit, etc.) and to re-enter the reposess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued."

Include in deeds*

"That in the event of breach of any of the above nondiscrimination covenants, the County of Benton, State of Iowa, shall have the right to re enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Iowa and its assigns."

The following shall be included in all deeds, licenses, leases, permits or similar agreements entered into by the Recipient, pursuant to the provisions of Assurance 7(b).

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"The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, or disability shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, national origins, sex, age, or disability, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation _ Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended."

Include in licenses, leases, permits, etc.*

"That in the event of breach of any of the above nondiscrimination covenants, the County of Benton, State of Iowa, shall have the right to terminate the (license, lease, permittee, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued."

Include in deeds*

"That in the event of breach of any of the above nondiscrimination covenants, the County of Benton, State of Iowa, shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Iowa, and its assigns."

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Signed this 9th day of July 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Jill Marlow, Auditor

July 12, 2013

The Benton County Board of Supervisors met in special session with Supervisors Sanders, Frese, and Hertle present. The meeting was called to order at 9:00 a.m. Supervisor Frese and Hertle attended the meeting by telephone. The phone was on speaker so that all those present could listen and participate in any discussion.

Moved by Hertle, seconded by Frese, to approve a fireworks permit requested by William and Tabitha Reeves for an event at their home located at 5488 33rd Ave, Center Point, IA on July 13, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to set payment bond for Timber Ridge CDBG water project at 100% of contract price. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST:

Brenda Sutton, Deputy Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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July 16, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of July 9, 2013 and July 12, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the Veterans Affairs quarterly report for the period ending June 30, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to approve the Recorder's quarterly report for the period ending June 30, 2013. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to adopt Resolution #13-64, AMENDING RESOLUTION #13-9, WAGE RESOLUTION. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-64 AMENDING RESOLUTION #13-9 WAGE RESOLUTION

WHEREAS, the Benton County Board of Supervisors adopted Resolution #13-9, on the 29th day of January 2013, establishing wages for FY14; and

WHEREAS, the wages set for specific individuals were incorrect due to longevity be included both in the base and separate; and WHEREAS, the board desires to correct the wages to reflect the accurate amount,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #13-9, adopted on January 29, 2013, is hereby amended by correcting the FY14 wages for the following secondary roads employees;

Randy Sherwood - \$21.19

Daniel Higdon - \$21.24

Pam Gorsch - \$16.17

All other parts of the original resolution adopted on January 29, 2013. The remainder of the original resolution adopted on January 29, 2013, in full force and effect.

Dated this 16th day of July 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Auditor

Moved by Frese, seconded by Hertle, to approve submission of a claim to the Department of Human Services in the amount of \$2,716.00 for reimbursement of June 2013 Decategorization administration services. All members voting aye thereon. Motion carried.

Moved by Frese, seconded by Hertle, to authorize the signing of the Farm Service Agency form CCC-09 relative to the land currently being rented by Shawn Kreutner. All members voting aye thereon. Motion carried.

Doug Elliott, Executive Director of East Central Iowa Council of Governments, presented the 2012 (calendar year) annual report to the supervisors. Elliott also discussed some of the specific programs provided to Benton County by ECICOG during 2012, including but not limited to, solid waste commission assistance and business assistance programs. The purpose of the meeting was educational and to seek input from the supervisors as to effectiveness of the programs provided.

Tammy Stark did not appear before the board to discuss waiving of landfill fees for the Cedar River cleanup.

Scott Hansen, Emergency Management Coordinator, met with the board to discuss the availability of the Hazard Mitigation Grants. Hansen stated that there are currently three declared disasters and therefore three state-wide mitigation grant programs available to counties. Hansen stated that the grants could potentially be used to mitigate around the law enforcement center as well as updating the county's Multi-Jurisdictional Hazard Mitigation Plan (the Plan). The current Plan was updated in 2010 and must be updated every five years. Hansen recommended that the county submit a formal Notification of Interest in a grant for updating the Plan as the time-line is quite lengthy for grant approval. Hansen also suggested meeting with city officials regarding flood mitigation measures that may be eligible for grant funding. Moved by Frese, seconded by Hertle, to request Hansen to submit a Notification of Interest for Hazard Mitigation grant for updating the Benton County Multi-Jurisdictional Hazard Mitigation Plan and designating the auditor as the authorized representative for submission of the notification. All members voting aye thereon. Motion carried.

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The board briefly discussed the county's fireworks permit process. Discussion included setting a fee for a permit as well as a requirement that permits be submitted 10 days before the event. Supervisor Hertle is to do additional research into processes being used by other counties.

Matt Purdy, Executive Director of Benton County Conservation, appeared before the board to give an update on conservation and park projects. Purdy also spoke to the board about transferring unspent funds allocated to conservation from the Local Option Sales and Services Tax into the Land Acquisition fund. The auditor cautioned that transferring the funds could affect the aggressive budget already in place for FY14 for conservation. The board stated that they would revisit the request during the FY15 budget discussions when they had a better idea of revenue and expenses.

Dana Burmeister, Transportation Director, requested that the county consider purchasing property in Belle Plaine for bus storage. Currently a bare lot in Belle Plaine is being offered for sale and Burmeister suggested that the county purchase the lot and construct a bus garage. County Auditor Marlow stated that the expense was not budgeted unless transportation had extra funds available in their budget. The board stated that they would look at the property and consider the request.

Moved by Frese, seconded by Hertle, to enter into a contract amendment with Mercy Medical Center for the period July 1, 2013 through June 30, 2014, setting rates at \$555.00 per day for no more than five working days per patient or seven days if over a weekend or holiday. Dual diagnosis services are set at \$590.00 per day when a Judicial Referee has determined that the patient requires extended acute or residential care and there is not a State/County funded program that has a bed available. All members voting aye thereon. Motion carried.

Carol Zander, Acting Social Services Director, presented a quarterly report for relief services. Zander explained various service denials and approvals to the board as to the basis for the decisions. Moved by Hertle, seconded by Frese, to accept the quarterly report for relief services for the period ending June 30, 2013. All members voting aye thereon. Motion carried.

Benton County Sheriff Randy Forsyth requested that the board set a fee for situations when a sheriff's sale has begun processing and is subsequently cancelled. Forsyth stated that the county incurs a lot of expense in preparing for sheriff's sale and advised that many other counties are collecting a fee when the sale is cancelled. Moved by Frese, seconded by Hertle, to adopt Resolution #13-65 SETTING FEE FOR CANCELLATION OF SCHEDULED SHERIFF SALES. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-65 SETTING FEE FOR CANCELLATION OF SCHEDULED SHERIFF SALES

WHEREAS, the Benton County Sheriff spoke to the board about the amount of work incurred by his department in preparation of court ordered sheriff sales; and

WHEREAS, the sheriff informed the board that at times the plaintiff cancels the sheriffs sales for various reasons; and

WHEREAS, the Benton County Sheriff has requested that Benton County establish a fee when scheduled sheriffs sales are cancelled due to the amount of work performed by the personnel of the sheriff's department preparing for sheriffs sales; and

WHEREAS, the Board of Supervisors agrees that the county should be reimbursed for their expenses;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that pursuant to Iowa Code Section 331.655, a fee is hereby established when a sheriff's sales is cancelled once the sheriff or his staff has started processing said sale. Said fee is set at \$50.00 per cancelled sale and is effective this date.

Dated this 16th day of July 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Benton County Sheriff Randy Forsyth requested that the board set a fee for processing fingerprints for non-county persons and employers. Forsyth stated that due to law changes many employees are required to have their fingerprints processed. Forsyth stated that many out-of-county employers are utilizing the Benton County Sheriff's Department since there is no fee assessed. Forsyth advised that this is becoming problematic for his department and recommended that a fee be assessed for the service for non-county persons and/or employers. Moved by Hertle, seconded by Frese, to adopt Resolution #13-66, ESTABLISHING FEES FOR FINGERPRINTING REQUESTS FOR NON-COUNTY APPLICATIONS. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-66 ESTABLISHING FEES FOR FINGERPRINTING REQUESTS FOR NON-COUNTY APPLICATIONS

WHEREAS, the Benton County Sheriff has advised that due changes in the law certain job classifications require employees to have fingerprints processed; and
WHEREAS, the sheriff has stated that previously he has provided the service free of charge; and
WHEREAS, the sheriff has informed the board that due to the increased volume that it has become necessary to charge a fee to cover the costs; and
WHEREAS, the sheriff and the board of supervisors prefer to provide the service to those employers located in Benton County and/or residents of Benton County free-of-charge; and
WHEREAS, it is necessary to set a fee for all other employers and persons utilizing the fingerprinting service,
NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following fee is set for fingerprinting services provided by the Benton County Sheriff:

1. Residents of Benton County - \$0.00
2. Employees of employers located in Benton County - \$0.00
3. All other persons and/or employers - \$25.00 per person

IT IS FURTHER RESOLVED that the determination of whether a person or employer is subject to said is at the discretion of the sheriff.

IT IS FURTHER RESOLVED that said fee is effective immediately.

Dated this 16th day of July 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Frese, seconded by Hertle, to adopt Resolution #13-67, HIRE OF PART-TIME FOOD SERVICE/CUSTODIAL IN THE BENTON COUNTY SHERIFF'S DEPARTMENT. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-67 HIRE OF PART-TIME FOOD SERVICE/CUSTODIAL IN THE BENTON COUNTY SHERIFF'S DEPARTMENT

IT IS HEREBY RESOLVED that Teresa L. Jones is approved as a part-time food service/custodial. Said hire is approved effective July 16, 2013.

IT IS FURTHER RESOLVED that the starting wage of Teresa L. Jones is set at \$12.84 per hour.

Date this 16th day of July 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

July 17, 2013

The Benton County Board of Supervisors met in special session with Supervisors Sanders, Frese and Hertle present. The meeting was called to order at 10:00 a.m.

Supervisors Sanders and Frese attended by telephone. The attendance by phone provided for cost savings to the county as the purpose of the meeting was only to set a date for a public hearing. The phone was placed on speaker for any persons present to listen and participate.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-68, NOTICE OF PUBLIC HEARING ON PROPOSAL TO DISPOSE OF AN INTEREST IN REAL PROPERTY BY GIFT. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-68

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

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

A strip one (1) rod wide off of the north end of Lot One (1) in Block Eleven (11) in Tuttle's Addition to the City of Norway, Iowa

WHEREAS, The City of Norway has requested that the alley, vacated by Benton County on June 4, 2013, be gifted to them; and

WHEREAS, the Board of Supervisors considers it in the best interest of Benton County to dispose of said property by gift and that said gift would serve a public purpose and following a public hearing convey said real property by Quit Claim Deed,

IT IS THEREFORE RESOLVED that a public hearing on disposing of the county's interest in said real property by gift is hereby fixed for the 30th day of July, 2013, at 9:15 o'clock A.M. in the Boardroom, Second Floor, Benton County Courthouse, Vinton, Iowa.

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

Dated this 17th day of July 2013.

Benton County Board of Supervisors

Jason Sanders, Chair

Don Frese

Terry Hertle

ATTEST: _____
Jill Marlow, Auditor

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OFFICIAL NOTICE OF PUBLIC HEARING ON DISPOSING OF INTEREST IN REAL PROPERTY BY GIFT

The Benton County Board of Supervisors will hold a public hearing at 9:15 A.M., on July 30, 2013, in the Boardroom, Benton County Courthouse, Vinton, Iowa, on the proposal of gifting real property to the City of Norway.

The property is described as: A strip one (1) rod wide off of the north end of Lot One (1) in Block Eleven (11) in Tuttle's Addition to the City of Norway, Iowa

At said public hearing, the Board of Supervisors shall hear comments and/or objections, if any, regarding the proposed gift of property from any interested person. Written comments and/or objections may be filed with the Benton County Auditor, P.O. Box 549, Vinton, Iowa 52349 prior to said hearing.

July 17, 2013
Jill Marlow
Benton County Auditor

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Jason Sanders, Chairman

ATTEST: _____
Jill Marlow, Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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July 22, 2013

The Benton County Board of Supervisors met in special session with Supervisors Frese and Hertle present. Supervisor Sanders was absent. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to set August 20, 2013 at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Lynn and Diane Holland on a parcel located in the NE1/4 of the SW1/4 of 26-82-11, and to set August 20, 2013 at 9:45 a.m. as the time and date for a public hearing on a land use change requested by Robin Hursh and Jane Scheer on a parcel located in the NE1/4 of the NE1/4 of 26-83-9. Both members voting aye thereon. Motion carried.

Tammy Stark requested that the Board waive the landfill fees for the disposal of materials collected from the annual Cedar River cleanup project to be held on August 3, 2013. Stark stated that the group recycles as much as possible but generally there is wood and scrap metal. Moved by Hertle, seconded by Frese, that the landfill fees are waived for the disposal of material collected from the Cedar River cleanup project on August 3, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the minutes of July 16, 2013 and July 17, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to amend the minutes of July 9, 2013, to include the following action:

"Moved by Frese, seconded by Hertle, to set the dates, times, costs, and bond amounts relative to the Community Development Block Grant for the Timber Ridge water project as follows:

Date to receive sealed bids – August 13, 2013 at 9:00 a.m. as evidenced by the auditor's time stamp

Date to open sealed bids – August 13, 2013 at 9:30 a.m.

Date for awarding bids – August 20, 2014 at 9:30 a.m.

Date for hearing on plans, specifications, estimated cost, and form of contract – August 13, 2013 at 9:20 a.m.

Set bid security at 10% of bid

Set project bond amount at 100% of awarded project cost

Set cost of plans and specifications at \$50.00 per set and is refundable

All members voting aye thereon. Motion carried."

Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 206139 through 206324, payroll checks numbered 136977 through 136996, and ACH deposits numbered 17906 through 18035, for payment. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve 36 hours of vacation carry-over requested by Rick Bramow. Said vacation carry-over is to be used by October 1, 2013. Both members voting aye thereon. Motion carried.

Supervisor Sanders arrived at 9:25 a.m.

Moved by Frese, seconded by Hertle, to approve and direct the chair to sign the Federal Aid Agreement with IDOT for County Highway Bridge Program Project #BROS-CO06(91)—5F-06 for the bridge over Prairie Creek on county road V56. All members voting aye thereon. Motion carried. This project is funded through farm-to-market.

Moved by Frese, seconded by Hertle, to approve and direct the chair to sign the Federal Aid Agreement with IDOT for County Highway Bridge Program Project #BROS-CO06(92)—5F-06 for the bridge over Prairie Creek on county road V56. All members voting aye thereon. Motion carried. This project is funded through farm-to-market.

Moved by Hertle, seconded by Frese, to approve and direct the chair to sign the Federal Aid Agreement with IDOT for County Highway Bridge Program Project #BROS-CO06(93)—8J-06 for the bridge over Hinkle Creek on county road V56. All members voting aye thereon. Motion carried. This project is a county funded project with an 80% federal reimbursement.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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The engineer requested that the board approve an early transfer of the quarterly transfer into the sanitary disposal fund. The engineer stated....Auditor Jill Marlow stated that approving the request would result in a potential cash flow issue in the Rural Services fund and recommended the board deny the request. Marlow suggested that the minimum amount of cash be transferred. Moved by, seconded by, to adopt Resolution #13-69, AMENDING RESOLUTION #13-49, INTERFUND OPERATING TRANSFERS. Voting aye were Sanders, Frese, and Hertle. Nays none. Motion carried.

RESOLUTION #13-69 AMENDING RESOLUTION #13-49 INTERFUND OPERATING TRANSFERS

WHEREAS, The Benton County Board of Supervisors adopted Resolution #13-49, Interfund Operating Transfers on June 25, 2013, establishing annual interfund transfers and setting the amounts for the same; and

WHEREAS, Resolution \$13-49 sets forth when said transfers are to be made and certain prerequisites for said transfers; and

WHEREAS, the transfers into the Sanitary Disposal fund from the General Basic fund and the Rural Services fund are to be made quarterly in accordance with Section 2 of said resolution; and

WHEREAS, it is necessary to transfer funds to the Sanitary Disposal fund earlier than at the end of the 1st quarter to maintain cash flow in said fund;

NOW THEREFORE BE IT RESOLVED that Section 2 of Resolution #13-49 is hereby amended to the following:

Fifty percent of the 1st quarterly transfer into the Sanitary Disposal Fund from the General Basic Fund and the Rural Services Fund shall be done prior to the end of July 2013 to maintain cash flow in said fund.

All other aspects of the original resolution adopted on June 25, 2013 remains in full force and effect.

Dated this 22nd day of July 2013.

Jason Sanders, Chairman

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

The engineer presented the 2012 Annual Water Quality Report for the sanitary disposal facility. The engineer reported that a high concentration of arsenic is present at test well AW3 and a concentration of cobalt is present at test well AW2. Both test wells are located in the original landfill site. There is also a presence of barium at test wells MW23 and MW24; however it is currently below federal limits. Engineer Parizek recommended that a one-year extension be requested from the DNR relative to mitigation measures. The most inexpensive measure would be installation of a collection drainage trench located on the south side of the site. Supervisors Hertle and Frese questioned if the county should wait a year or begin mitigation measures now. Parizek stated that the DNR may or may not grant the extension, but that was the recommendation of Howard R. Green, the engineering firm currently hired to perform services relative to the sanitary disposal site.

The engineer spoke to the board about annual services for engineering and administrative functions being performed by the county engineer and engineer's staff for the sanitary disposal facility. Parizek stated that Iowa law prohibits the use of secondary roads funds for any purpose other than secondary roads. Parizek stated that landfill duties being performed by non-union employees of secondary roads have been absorbed by secondary roads and is probably about 15% of their time. Parizek advised that the board of supervisors should begin to consider how to properly account for those expenses.

The board acknowledged that this is the last board meeting for Supervisor Jason Sanders. Sanders has resigned from the Benton County Board of Supervisors, effective at the end of the meeting this date. The committee of auditor, treasurer and recorder has taken action to fill the vacancy with a special election to be held on November 5, 2013.

Moved by Frese, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Jason D. Sanders, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

July 30, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Hertle, seconded by Frese, to approve the minutes of July 22, 2013. Both members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application requesting a farm exemption in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The applicant, Justin Nolan, is requesting the exemption to allow for the construction of a single-family residence on a parcel generally described as being located in the NW1/4 of 24-83-11. Nolan is currently involved in a farming operation – owning and operating more than 260 acres in a corn/soybean rotation. Moved by Hertle, seconded by Frese, to approve a farm exemption under the Benton County Agricultural Land Use Preservation Ordinance on a parcel located in the NW1/4 of 24-83-11 for a single family residence as the applicant is involved in a farming operation. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for public hearing on gifting a vacated alley to the City of Norway, the board took up the matter for consideration. The auditor advised that notice of the hearing had been published in the official newspapers of Benton County in accordance with law. No comment, either for or against, had been filed prior to this hearing. There were five interested persons in attendance – all supported gifting the property to the City of Norway.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-70, FINDING OF PUBLIC PURPOSE AND DISPOSING OF AN INTEREST IN COUNTY OWNED REAL PROPERTY BY GIFT. Voting aye were Frese and Hertle. Nays none. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-71 and #13-72, ABATEMENT OF TAX. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-71 ABATEMENT OF TAX

Whereas, the City of Atkins acquired the property located at 280 Park Ridge Road, Atkins, when the constructed a city hall and library; and

WHEREAS, the property record did not reflect the change in ownership and was subsequently assessed for taxation purposes for assessment year 2012;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that all tax for assessment year 2012 on parcel 010-03820 is hereby abated in full.

Dated this 30th day of July 2013.

BOARD OF SUPERVISORS

Donald H. Frese

Terry L. Hertle

ATTEST: _____
Jill Marlow, Auditor

RESOLUTION #13-72 ABATEMENT OF TAX

WHEREAS, the owner of parcel #070-13350 applied for and received a homestead tax credit; and

WHEREAS, due to the value of the parcel the credit had to be spread across several parcels in order to achieve full credit; and

WHEREAS, parcel #070-13350 still reflects a tax owing that should have been reduced by the credit,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that \$6.00 for assessment year 2012 on parcel 070-13350 is hereby abated in full.

Dated this 30th day of July 2013.

BOARD OF SUPERVISORS

Donald H. Frese

Terry L. Hertle

ATTEST: _____

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Jill Marlow, Auditor

Moved by Hertle, seconded by Frese, to appoint Dr. Margaret Mangold to the Benton County Public Health Board, to fill the vacancy created by the resignation of Dr. Mark Dearden. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to set November 5, 2013, as the date for a special countywide election for the purpose of filling the vacancy in the Benton County Supervisor District 1 position created by the resignation of Jason Sanders. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adjourn. Both members voting aye thereon. Motion carried.

Donald H. Frese, Vice- Chairman

ATTEST: _____

Jill Marlow, Auditor

August 6, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present.

The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of July 30, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to set August 20, 2013, at 10:15 a.m. as the time and date for a public hearing on a master matrix evaluation on a confined animal feeding operation submitted by SMT Pork LLC on a parcel located in the NW1/4 of the NE1/4 of 19-84-9. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to set September 3, 2013, at 9:15 a.m., as the time and date for a public hearing on a land use request submitted by Don Johnson on Parcel C SW1/4 of the NW1/4 of 25-82-11. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to appoint Don Frese as the chairman through the end of 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve and direct the chair to sign the Annual Equitable Sharing Agreement & Certification for FY13. All members voting aye thereon. Motion carried.

The board discussed the response to the county's inquiry to the cities regarding the future administration of the sanitary landfill. The board had met with representatives of cities previously to discuss the future operation and management of the landfill after a committee made recommendations as to the 28E Agreement and possible management scenarios. In response, the board requested that the councils of each city take action as to their preferred method of management of the solid waste. The options were set forth in a letter prepared by the county attorney:

"1. Benton County and its Cities could adopt the proposed 28E Agreement which would create a Solid Waste Disposal Commission that would run all facets of the landfill."

"2. Benton County and its Cities could enter into a 28E Agreement that would create a Solid Waste Disposal Commission that would be responsible for setting the per capita rate and any other fees that would pay for the landfill's operation while keeping Benton County responsible for the day to day operation of the landfill. Under this scenario, the new Commission would also make recommendations to the Board of Supervisors regarding how the landfill should be operated, made more efficient, etc."

"3. Benton County could continue to run all facets of the landfill as it has for the last thirty plus years."

Responses were received as follows:

Atkins – no decision as of this date – next meeting on August 19th

Belle Plaine – Option #1

Blairstown – Option #2

Garrison – Option #1

Keystone – Option #2

Luzerne – Option #3

Mount Auburn – Option #1

Newhall – Option #2

Norway – no decision as of this date – next meeting on August 12th

Shellsburg – Option #1

Urbana – Option #2

Van Horne – no decision as of this date – next meeting on August 12th

Vinton – no council action as of this date – mayor/coordinator considering Option #2 – next meeting on August 8th

Walford – Option #1

The board discussed the results received thus far, but with either no response and/or definitive response from four cities, the ultimate determination of the majority position is not possible. The board stated that once a response is received from all cities then the board will have a better understanding of how to proceed, but also reiterated that time was of the essence.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-73, APPROVE HIRE OF PART-TIME FOOD SERVICE/CUSTODIAL. Voting aye were Frese and Hertle. Nays none. Motion carried.

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Moved by Hertle, seconded by Frese, to designate County Engineer Myron Parizek as the Authorized Representative and County Auditor Jill Marlow as the Chief Financial Officer relative to Federal Emergency Management Agency disasters DR-4126 and DR-4135. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account in the Blairstown bank on July 31, 2013 was \$13,317.07.

Due to the resignation of Jason Sanders, it is necessary to update the Title VI Assurances to reflect a new chairman.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-74, AMENDING RESOLUTION #13-63, ADOPTION OF TITLE VI ASSURANCES. Voting aye were Frese and Hertle. Nays none. Motion carried.

The board discussed the current fireworks application process. Supervisor Hertle reported that he inquired as to methods used in surrounding counties. Hertle stated that Buchanan County has a 14 day advance submittal requirement and \$25.00 permit fee; Tama and Iowa Counties both have processes similar to Benton County's with Tama County charging a \$10.00 fee. The board discussed implementing a 14 day advanced submission requirement with a fee imposed for applications filed less than 14 days in advance. Charles Yedlik was present and recommended that applications be submitted in advance and that the county continue with requirements currently in place. Yedlik also stated that all operator certifications have expiration dates and require renewal every three years. The county auditor stated that the law did not provide for a fee and that an ordinance may need to be enacted to establish a fee as well as other requirements. Supervisor Frese will discuss the issue with the county attorney.

The board discussed a request for additional no-passing signage to be placed on E44 between 16th Avenue and 17th Avenue (Keystone/ Van Horne blacktop). Supervisor Hertle asked the county engineer as to his position on the request. Engineer Parizek stated that no-passing signage is placed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and that specific stretch of road did not meet the requirements under the manual for no-passing. Supervisor Hertle questioned if the engineer would place the signs up regardless. Engineer Parizek stated that he is an appointed official and would erect the signage if directed to do so by the board of supervisors. Supervisor Frese stated that he was not in support of erecting traffic control signs in areas not supported by the MUTCD. Frese added that the county would be erecting traffic control signage where ever someone requested – adding that he is contacted about traffic control signage routinely. The issue died due to the split positions of the supervisors and the inability to get a motion on the floor.

Supervisor Hertle spoke about the speed limits on W26 between E44 and Hwy 30 (south of Atkins). Hertle requested that a study be conducted to determine if the current speed limits are still warranted since West Side Salvage is no longer being in business at that location. Engineer Parizek stated that he will have a study conducted and report the results back to the supervisors.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald Frese, Chairman

ATTEST: _____

Jill Marlow, Auditor

August 13, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of August 6, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 206332 through 206598, payroll checks numbered 137014 through 137037, and ACH deposits numbered 18162 through 18288, for payment. It is noted that check number 206332 replaces voided check number 205875. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to serve notice of termination of farm tenancy to Jim Fix as the current lease agreement expires March 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-75, GIFTING LOCAL OPTION SALES AND SERVICES TAX FUNDS TO KEYSTONE BENEFITED FIRE DISTRICT. Voting aye were Frese and Hertle. Nays none. Motion carried.
RESOLUTION #13-75

WHEREAS, the Board of Supervisors adopted Resolution #12-36A setting forth parameters for loaning and gifting funds to emergency service providers payable through the local option sales and services tax fund; and

WHEREAS, the Board of Supervisors adopted Resolution #13-11 allowing benefited fire districts to request and be gifted funds for emergency services; and

WHEREAS, the Keystone Benefited Fire District (the "Fire District") has purchased a new pickup, including specialized equipment for the purposes of fighting fires; and

WHEREAS, the Fire District has requested that 10% of the cost be reimbursed by the county through the local option sales and services tax; and

WHEREAS, the Fire District has provided copies of invoices substantiating the purchase and related cost of said equipment; and

WHEREAS, the request is within the guidelines established by the Benton County Board of Supervisors for gifts to governmental agencies from the local option sales and services fund,

THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors approves a gift in the amount of \$3,840.80 to the Keystone Benefited Fire District for the purchase of fire-related equipment.

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Dated this 13th day of August 2013.

Donald H. Frese, Chairman

Attest: _____
Jill Marlow, County Auditor

Moved by Hertle, seconded by Frese, to adopt Resolution #13-76, ABATING TAX. Voting aye were Frese and Hertle.
Nays none. Motion carried.

RESOLUTION #13-76 ABATEMENT OF TAX

WHEREAS, the Iowa Department of Transportation purchased properties along Highway 30; and

WHEREAS, advance payments were made to the county treasurer at the time of property transfer; and

WHEREAS, there is still tax owing on the 2012 assessment year;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the remaining tax due, after the prepaid tax is posted, on the following parcels for the 2012 assessments is hereby abated in full:

740-20700
890-00110
890-13600
880-00001

Dated this 13th day of August 2013.

BOARD OF SUPERVISORS

Donald H. Frese

Terry L. Hertle

ATTEST: _____
Jill Marlow, Auditor

The board discussed the responses received from the City of Vinton and the City of Norway regarding the future operation of the sanitary landfill. A response from the City of Vinton stated that they were in support of Option #2 (see the minutes of August 6, 2013 for explanation). The City of Norway responded that they needed additional information prior to making a decision.

The time of 9:20 a.m. having arrived, and this being the time and date set for a public hearing on plans, specifications, form of contract, and estimated cost for the Timber Ridge Water Supply and Metering Improvements Project, the board opened the hearing for public comment. Randy Krutzfield, engineer for the project, and Gary Hughes, East Central Iowa Council of Governments, were present. No other members of the public were present. Krutzfield stated that the estimated cost of the project was \$85,000. The auditor advised that she had published notice of the public hearing in accordance with law. The auditor also advised that no comments had been filed in her office prior to this hearing. Hearing no comment, it was moved by Hertle, seconded by Frese, to close the public hearing. All members voting aye thereon. Motion carried at 9:23 a.m.

Moved by Hertle, seconded by Frese, to approve the plans, specifications, form of contract and estimated cost (\$85,000) for the Timber Ridge Water Supply and Metering Improvements Project as presented. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. was having arrived, and this being the time and date set for opening bids for the Timber Ridge Water Supply and Metering Improvements Project, the board proceeded with the matter. The auditor advised the notice of the public bidding had been published as required by law. Bids were due in the auditor's office by 9:00 a.m. this date. The auditor advised that one bid was received from Hurst & Sons Contractor's, Inc. of Waterloo, Iowa. The auditor proceeded with the opening. A bid bond was received as required. The bid was subsequently opened and appeared to contain all required attachments. The bid from Hurst & Sons Contractor's Inc. was in the amount of \$115,457.85. Moved by Hertle, seconded by Frese, to acknowledge the receipt of one bid from Hurst & Sons Contractor's Inc. for the Timber Ridge Water Supply and Metering Improvements Project in the amount of \$115,457.85. That said bid is to be reviewed by the project engineer for compliance with all requirements and that the matter of awarding the bid is scheduled for the board meeting on August 20, 2013. All members voting aye thereon. Motion carried.

The board updated each other on meetings they had attended and the follow-up on issues. Supervisor Hertle reported that he spoke with Ed McGivern regarding the request for no-passing signs. Supervisor Frese reported on the Regional Mental Health meeting he attended. Frese stated that the 28E Agreement for creation of the mental health region has still not been finalized. Frese also reported that he had spoken with the county attorney about drafting an ordinance on the issuance of fireworks

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permits and the county attorney advised that he would research the matter. Hertle also reported that he was contacted about funding of economic development activities in the county.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____

Jill Marlow, Auditor

August 20, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of August 13, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a Class B Liquor License for Blairstown Sauerkraut Days Beer Tent. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-77, ABATEMENT OF TAX. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-77 ABATEMENT OF TAX

WHEREAS, the Benton County Treasurer has requested that the Board of Supervisors abate tax pursuant to Iowa Code 445.16; and

WHEREAS, the Board finds that the taxes should be abated,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that pursuant to Iowa Code Section 445.16, the following taxes, interest, and penalty, are abated in full:

Parcels:

770-26680

830-18920

Dated this 20th day of August 2013.

BOARD OF SUPERVISORS

Donald H. Frese

Terry L. Hertle

ATTEST: _____

Hayley Rippel, Deputy Auditor

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Lynn and Diane Holland, the board took up the matter for consideration. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. Wendy Birch, the current land owner was present. The request is to change the classification to a single residential use. This same parcel was approved for a land use change in 2001, but since applications are not transferable with new ownership, the land use change must be reviewed again. Greenlee believes the proposed use is still compliant with the ordinance and meets the criteria today. Moved by Hertle, seconded by Frese, to approve the request for a land use change from agricultural to non-agricultural on approximately two acres for a single residential purpose on a parcel generally described as being located in the NW ¼ of the SW ¼ of 26-82-11. Both members voting aye thereon. Motion carried.

Randy Krutzfield, Hart-Frederick Consultants, P.C., the engineer for the Timber Ridge Water Supply and Metering Improvements Project and Gary Hughes, East Central Iowa Council of Government, met with the board to discuss the award of the bid for the project and answer questions. Bids were publicly solicited and received on August 13, 2013, with only one bid being submitted. Hughes advised that because only one bid was submitted it was necessary to obtain sole source procurement approval from the various governmental agencies involved in funding the project. Hughes stated that he has received approval from some but not all agencies. Hughes and Krutzfield recommended that the county issue a Notice of Award subject to verification of approval from the Iowa Economic Development Authority (IEDA). Hughes advised that the Iowa State Revolving Fund (SRF) has been approved the sole source procurement. Moved by Hertle, seconded by Frese, to grant a Notice of Award to Hurst & Sons Contractors, Inc., for the Timber Ridge Water Supply and Metering Improvements Project, in the amount of \$115,457.85, subject to verification and concurrence from the IEDA. Both members voting aye thereon. Motion carried.

The time of 9:45 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Robin Hursh and Jane Scheer, the board took up the matter for consideration. Richard and Donna Scheer, Jane Scheer and Robin Hursh were present. Marc Greenlee presented the 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 Hertle, seconded by Frese, 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 Parcel A in the NE ¼ of the NE ¼ of 36-83-9. Both members voting aye thereon. Motion carried.

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Moved by Hertle, seconded by Frese, to approve the use of the courthouse as an emergency shelter during the firemen's convention being held in Vinton from September 4 through 8, 2013. The emergency management coordinator is responsible for the security of the facility in the event the building is used as a shelter. Both members voting aye thereon. Motion carried.

The time of 10:15 a.m. having arrived, the board took up the matter for public hearing and consideration on a Construction Permit application submitted by SMT Pork, LLC, of 26752 Jigsaw Rd, Garnavillo, IA 52049, for the expansion of a current permitted confined animal feeding facility located in the NW1/4 of the NE1/4 of 19-84-9 (Canton Township). Supervisor Frese opened the public hearing. Marc Greenlee, Land Use Administrator, advised that the review of this request was subject to the state's master matrix for confined animal feeding operations. Michael Behrend, owner of SMT Pork, LLC, and Kent Kraus, representative from Pinnacle, were present. There were no other members of the public present. One letter received prior to the hearing from Garth Gardemann was read aloud and entered into the record. Gardemann expressed concerns about the expanding size of the confinement, the increase in associated odors and the extra traffic the facility would create when hauling manure. Gardemann stated in the letter that the owner doesn't live in Benton County and questioned why he chose Canton Township to put so many hogs all on one location. Hertle agreed with Gardemann's concern with the absentee land owner and also agreed with the odor concerns. Hertle asked how many hogs would be enough and why there was a need for more land. Behrend's response was that the need for additional land is to allow enough space for the current expansion plan and he does NOT plan to expand facility in the future. – adding that would be too much for anyone to manage. Greenlee stated that the additional land is for agricultural use only and would be subject to the county's sub-division ordinance when that time comes to purchase additional adjoining land. Greenlee presented the Master Matrix Review and Evaluation of the Benton County Board of Supervisors Scoring Summary on each of the criterion selected by the applicant as follows:

1. The proposed facility appears to be 2,500 ft. from the nearest residence, or 625 ft. more than the minimum requirement.
2. The proposed facility is approximately 2 miles from the nearest public use area, i.e.: Parkers Grove Cemetery.
3. The proposed facility is approximately 1 ½ miles from the nearest religious institution, i.e.: Parkers Grove Church.
6. There are no critical public use areas within a mile of the proposed facility.
7. The proposed facility will be greater than 200 ft. from the existing well on the property.
8. There are no known agricultural drainage wells or sinkholes within a mile of the proposed facility. The nearest major water source would be the Cedar River approximately 5 ½ miles to the north.
9. There are no known confinement facilities with a submitted department manure management plan within a mile of the proposed facility.
10. According to IDNR document 117: 3-2003 there are no high quality, high quality resource waters, or protected water areas in Benton County.
12. According to the construction permit application documents the formed concrete below ground manure storage pit is covered by the confinement building.
16. The applicant has proposed to build a concrete structure consisting of a concrete floor and walls and will be constructed with an impermeable roof over impermeable floor and walls with a minimum size of 12' x 36' x 4' deep. The applicant has included an operation plan for such a facility within the application documents that should become a condition of the permit.
17. The proposed manure storage structure is an 8' deep, formed concrete pit. The applicant has included an operation and maintenance plan for the pit within the application documents that should become a condition of the permit. The conditions should state that the IDNR SHALL be notified if a leak would develop.
19. A truck turnaround currently serves the existing building and apparently will serve the proposed facility. A driveway off of the Benton County secondary road (65th Street) currently exists that appears to be well maintained.
20. Benton County is not aware of any history of Administrative Orders against the construction permit applicant in the last five years at any site.
24. The construction permit application states that the proposed facility has a capacity of 1 – 2,912 animal units of finished (market) hogs.
25. The applicant states that the proposed facility will utilize a wet/dry feeder design or a dry feeder with watering cups or swinging nipples to help reduce manure volume.
26. The applicant claims that all manure generated at this facility will be injected or incorporated into the land on the same date that it is applied. Benton County has no objection to claiming these points and would anticipate that this item will be a condition of the permit should it be approved by the IDNR.

The overall scores based upon the evaluation are as follows:

Total Score = 455

Total Needed = 440

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Air Score = 117.75	Total Needed = 53.38
Water Score = 148.5	Total Needed = 67.65
Community Score = 190.5	Total Needed = 101.13

NOTE: Upon reviewing the applicant's scoring and the narrative supporting their selection of points, Benton County would recommend that ANY claims made by the applicant within the construction permit application documents should become conditions of the construction permit should it be approved by the IDNR.

Hearing no further comment, Supervisor Frese declared the public hearing closed at 10:52 a.m.

Moved by Hertle, seconded by Frese, to approve the Master Matrix Review and Evaluation for the construction permit application submitted by SMT Pork, LLC for expansion of an existing permitted facility located in the NW1/4 of the NE1/4 of 19-84-9. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the construction permit submitted by SMT Pork, LLC for the expansion of an existing permitted facility located in the NW1/4 of the NE1/4 of 19-84-9. Said approval is given with reluctance due to the size of the proposed operation. Voting aye were Hertle and Frese. Motion carried.

Moved by Frese, seconded by Hertle, to approve a utility permit requested by Poweshiek Water Association to place water lines in the county's right-of-way in sections 26 and 35 of Canton Township and in section 3 of Fremont Township. All members voting aye thereon. Motion carried.

The board discussed the responses received from the City of Van Horne and the City of Atkins relative to the future administration and governance of the sanitary landfill. Both cities have selected option 2 (see minutes of August 6 2013). The board will put this issue on the next agenda to discuss further and make decisions.

Supervisors Hertle and Frese questioned the county engineer if there has been any planning for a new cell at the landfill, how long it would take to construct, and what the cost estimates would be. Hertle stated this issue needs to be discussed further and having these answers available when the questions arise. The board also questioned the cost of the current contract with Howard R. Green for the necessary testing and reporting requirements with the landfill. The board questioned if there had been any consideration of asking other companies to bid on or look at our landfill to save the county money. The board would like the county engineer to check with HLW Associates for one example, and possibly other companies and compare costs.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Auditor

August 27, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of August 20, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve vendor checks numbered 206599 through 206734, payroll checks numbered 137038 through 137055, and ACH deposits numbered 18289 through 18416, for payment. Both members voting aye thereon. Motion carried.

Mona Garwood, General Manager of the Vinton Livewire, met with the board to discuss the Benton County Fact Book. Garwood explained that the Vinton Livewire would be publishing a fact book containing various facts about the county, including information about the county, cities, and schools. Information will also include information for emergency services, libraries, parks, etc. if room is available in the publication. Garwood explained that much of the information is about county offices and information and asked that the county support the project by providing as much current and up-to-date information as possible. Garwood stated that this type of project has not been undertaken in Benton County for a number of years. Garwood questioned if Benton Development Group is still providing information and the board responded that they were still an active organization. The board stated that they were in support of the project.

The board discussed the office space currently occupied by veterans' affairs and Benton Development Group. The matter has been placed on the agenda for a decision by the board. Supervisor Hertle had arranged for the two offices to be switched, but was unaware that board action was required due to payment of utilities, etc. by Benton Development Group. Veterans Affairs commissioners Marvin Lindsey and Mary Summy were present as was Veterans Affairs Director Charles James and Benton Development Group Executive Director Renae Becker. Supervisor Hertle stated that he spoke with James previously about whether he would like exchange offices with BDG, due to BDG not spending much time in the office space. James stated that he believed the office space would be more easily accessible for the veterans. Hertle stated that he also spoke with BDG president Dave Coulter, who was in agreement with the change. Hertle stated that he assumed everyone was in mutual agreement but discovered that it should take some type of board action due to charging BDG for utilities based on square footage. Becker stated that she could have assistance available on the 18th at 9:00 a.m. to move equipment and supplies. Becker stated the stenciling on the glass doors would need to be removed, which James stated that he would take care of it. Becker stated that an option would be to add stenciling to the window for veterans affairs. The computer cabling and telephone connections relocation should be ordered now. Becker stated that they could access her office now to relocate the services. Moved by Hertle, seconded by Frese, to locate the Benton Development Group office in the space currently occupied by Veterans Affairs and to locate Veterans Affairs in the office currently occupied by Benton Development Group. The change in office locations will provide better accommodations for veterans and make the office more visible. Both members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Hertle, seconded by Frese, to adopt Resolution #13-78, TEMPORARY ROAD CLOSING. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-78 TEMPORARY ROAD CLOSING

WHEREAS, the unincorporated area commonly known as Watkins has requested that a portion of roadway be closed to allow for a annual car show event,

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following described road is closed on September 7, 2013, from 9:00 a.m. to 4:00 p.m.

26th Avenue between 1st Street and Railroad Street in Watkins, Iowa

Dated this 2nd day of July 2013.

Donald H. Frese

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Ken Nemecek met with the board regarding the purchase agreements on the Oak Gove Road project. Nemecek questioned what was being done with road and the purchase agreement. Engineer Parizek stated that Nemecek was the last owner on the road before entering into Linn County. An additional .11 of an acre was being discussed for purchase to increase the right-of-way width. Parizek stated that it was his understanding that no information was found that shows that the original 33 feet of right-of-way was purchased and Nemecek would like that included in the purchase agreement. Parizek advised that the 33 feet right-of-way was accepted or paid for at some point. The engineer stated that when the road was first built and established somebody would have signed off and been paid for the right-of-way, but the documentation has not been located at this time. This has not been an issue with the other property owners. Parizek stated that it his assumption that the 33 feet of right-of-way was purchased years ago when. Supervisor Hertle stated that the county cannot pay for the 33 feet but would not oppose paying for the additional right-of-way. Supervisor Frese agreed with Hertle.

Parizek then spoke about the price-per-acre being negotiated and stated that a recent acquisition in the area adjacent to this property was more than the original purchase offer. The price paid was approximately \$9500 acre to the adjacent land owner. Parizek stated that there would also be three walnut trees that would be taken and Nemecek would need to be compensated for those as well. Supervisor Hertle was in agreement with the increased per-acre offer. Nemecek was also concerned about the type of fence being considered to replace his current fencing is not a standard type fence. The board agreed with the continued negotiations on the right-of-way purchase as discussed.

Larry Wear was present and is also affected by the Oak Grove road project. Wear stated that he believes the project needs to be completed and that he has tried to be cooperative with the county in their past requests to store materials on his property. Wear stated that he has been in negotiations for the purchase of right-of-way; however he submitted a counter-offer in June of this year and has yet to receive a reply. Wear reiterated that he hopes the project proceeds and that all parties can come to a mutual agreement.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Interstate Power & Light Company to place utility lines in the county's right-of-way in Polk Township, section 13, along 52nd Street Drive. Both members voting aye thereon. Motion carried.

The board met with the county attorney regarding a new 28E agreement for the governance and management of the solid waste disposal facility. County Attorney David Thompson stated that the responses from all of the cities had been received with a pretty clear direction that the cities wanted things to change. Three options were presented (see August 6, 2013 minutes) with eleven cities wanting a change and of those eleven -six opted for option 2. Thompson stated that including the cities in the decision was the appropriate thing to do. Thompson stated that option 2 is the hybrid option which will provide for an easier transition. Thompson stated that eventually the commission may decide to transition to option 1. The board stated that they believed ample input from the cities had been received, which enabled the board to proceed with a decision. Thompson stated that if the board proceeds with option 2, then the proposed 28E agreement would need to be revised and he questioned how the board wanted to proceed with the agreement. Frese suggested that the county draft the 28E agreement and then have Jennifer Fencil of the East Central Iowa Council of Governments fine tune it. Thompson stated that he wasn't clear as to how the supervisors wanted to select people to represent the county. Thompson commented that the agreement should be pretty much finalized prior to sending it out to the cities. Thompson stated that the agreement could be tweaked by the commission. Thompson advised that he would present a 28E agreement for consideration by the supervisors no later than September 24, 2013.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Auditor

September 3, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Moved by Hertle, seconded by Frese, to approve the minutes of August 27, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-80, WAIVER OF THE BENTON COUNTY SUBDIVISION ORDINANCE. Voting aye were Hertle and Frese. Nays none. Motion carried.

RESOLUTION #13-80

Waiver of the Benton County Subdivision Ordinance

WHEREAS, Benton County adopted the Benton County Subdivision Ordinance #61; and

WHEREAS, said ordinance prohibits the creation of multiple splits within a 40-acre aliquot part; and

WHEREAS, said ordinance sets forth minimum requirements and improvements for subdivisions created in the unincorporated area of Benton County; and

WHEREAS, a request has been presented to the Board of Supervisors to waive adherence to the ordinance in its entirety on a parcel in the NE 1/4 of 35-85-9 due to hardship,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #61 on a new division located in the NE 1/4 of 35-85-9, are hereby waived in their entirety. Strict adherence to the requirements of the subdivision ordinance would create an undue hardship for the following reason(s):

4. No new public improvements are proposed.
5. The division is necessary to finalize an estate and allow the parties to retain ownership of the original farmstead.

Dated this 3rd day of September 2013.

Donald H. Frese, Chairman

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Don Johnson, the board took up the matter for consideration. Marc Greenlee presented the 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 Hertle, seconded by Frese, 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 Parcel C in the SW 1/4 of the NW 1/4 of 25-82-11. Both members voting aye thereon. Motion carried.

Amy Gould of Wellmark and Treasurer Kelly Geater met with the board regarding the county employee wellness program. The county employees' health insurance is obtained through the Iowa State Association of Counties, who provides a premium discount for counties who participate in wellness activities. The premium reduction can be as much as five percent dependent upon the level of participation. Gould explained the wellness program and the requirements. Geater currently serves as the chair of the county wellness committee. Geater advised that all members of the committee have resigned and that new members need to be appointed. Geater also advised that the committee would need to quickly develop programs and take the necessary steps to comply.

Mark Boddicker met with the board to discuss the status of replacing the bridge in Polk Township, Section 12. The bridge was damaged during the 2013 spring flooding. County Engineer Myron Parizek stated that he was attempting to replace the bridge

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with old railroad cars, which prove to be an effective yet low cost option. Parizek stated that the entire structure should be replaced; however FEMA would pay for the necessary repair costs, but less than 50% of the cost if the structure were replaced. Both the board and Boddicker agreed that the less costly alternative should be pursued. The question of when the structure would be replaced was also discussed with Parizek stating that he would have a better idea by the end of the month.

Moved by Hertle, seconded by Frese, to enter into the Iowa Department of Transportation Grant Agreement #90-06-LR14-(302) for four sets of personal protective gear at a cost of \$1,326.00 each from the Living Roadway Trust Fund. Both members voting aye thereon. Motion carried.

The county engineer reported that the balance in the landfill bank account at the Blairstown bank on August 31, 2013 was \$27,281.19.

Larry Wear met with the board regarding the purchase of right-of-way for the Oak Grove Road project. Benton County is purchasing right-of-way from Wear. Wear stated that he has held discussions regarding the purchase of right-of-way with agents for the county, as well as the county engineer. Wear told the Board that he constructed a fence along the property approximately five years ago, which now must be removed. Wear stated that it was necessary to construct the fence as he rented the property for the pasturing of cattle. Wear also stated that the county planned to purchase approximately .77 of an acre from him for right-of-way. Wear advised that he recently sold ten acres along the road at \$9,538 per. Wear proposed that the county compensate him \$11,320.82 for the current fence that would be removed, the county construct a new fence at the county's expense, and \$7,344.26 for the .77 acre – totaling \$18,665.08. Wear explained the methodology he used for arriving at his proposal. Supervisor Hertle stated that he had viewed the area and did not agree that the land needed for right-of-way acquisition was valued at \$9,538.00 acre and was opposed to Wear's proposal. Hertle stated that the land was not comparable to the land recently sold at \$9,538 acre. Wear responded that at the prior week's board meeting the supervisors directed the engineer to negotiate a purchase agreement with Nemeceks using the \$9,538 figure. Hertle countered that a more reasonable per acre value would be \$6,458 similar to what was paid to Coberly. Wear agreed to remove the \$11,320.82 for the existing fence from his proposal, but maintained the \$9,538 per acre for the right-of-way acquisition. Supervisor Hertle reiterated his opposition to the per acre cost. Supervisor Hertle requested additional time to consider the proposal and asked that the matter be placed on the September 13, 2013, agenda for further discussion and direction.

Jim Hyde and Jerry Petermeier met with the Board to provide a brief update on the Cedar Valley Ranch. Hyde and Petermeier are board members for the organization. The board was invited to tour the facility to learn more about the services being provided and the condition of the property. The property is owned by the county and leased to Cedar Valley Ranch. Petermeier also spoke about the current lease agreement and provided a brief history on the financial situation of the Cedar Valley Ranch. Petermeier stated that when the facility was initially privatized, the county provided \$200,000.00 towards the start-up operation, with an agreement that the Cedar Valley Ranch would repay the amount, with interest, when it reached certain financial requirements. Petermeier explained that over the past several years that the Cedar Valley Ranch has been able to pay the county and would be able to again based on the FY2013 financial statements.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-79, ABATEMENT OF TAX. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-79 ABATEMENT OF TAX

WHEREAS, the City of Shellsburg acquired the property ;and

WHEREAS, the property record did not classify the property as exempt and it was subsequently assessed tax based on the 2012 assessment;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that all tax for assessment year 2012 on parcel 190-13100 is hereby abated in full.

Dated this 3rd day of September 2013.

BOARD OF SUPERVISORS

Donald H. Frese

Terry L. Hertle

ATTEST: _____

Jill Marlow, Auditor

The board discussed the request by Amy Symonds for a refund in tax for the past two years. Symonds attended the meeting through speaker phone. Symonds explained that she purchased her property approximately 20 years ago but recently discovered that the property was classified by the assessor as commercial instead of residential. Symonds stated that she contacted the assessor regarding the erroneous classification and the assessor subsequently changed the classification to residential. Symonds stated that when she received her 2013/2014 tax statement, she discovered that the tax liability dropped approximately in half due to the classification change. Symonds again contacted the assessor, who stated that she would need to discuss the matter with the county treasurer. Auditor Jill Marlow followed up that she was contacted by the treasurer regarding the matter and informed the treasurer that Symonds might be able to request a refund for the previous two years based on an erroneous assessment. Assessor Larry Andreesen advised that it was his understanding that an error in classification did not rise to

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the standard of an erroneous assessment. Marlow stated that she had located a memorandum from the attorney general's office from 1985 that appeared to support Andreesen's position; however Marlow stated that she believed that the board should seek an opinion from the county attorney. Marlow stated that a residential classification would result in a significant rollback in taxable value whereas commercially classed property often received no rollback resulting in a much larger tax assessment. Marlow stated that the tax was the result of an error and the board should seek legal advice, adding that she was of the opinion that the county should refund the overpayment of tax for the past two years, if legally possible. The board placed the matter on the September 13, 2013, agenda to allow them time to obtain legal advice.

Sheriff Randy Forsyth spoke with the board regarding the hire of a part-time secretary in his office. Forsyth stated that it was necessary to know what the hourly wage would be before he could offer the position. Moved by Hertle, seconded by Frese, to set the wage for a part-time office secretary in sheriff's department at \$14.20 per hour. Both members voting aye thereon. Motion carried.

Emergency Management Coordinator Scott Hansen spoke briefly with the board about the Hazmat Agreement between Benton County and Linn County Hazmat. Benton County's current agreement has expired and Linn County has presented a new agreement for consideration. Hansen stated that there has been concern raised by the county's insurance carrier relative to the agreement being proposed. Hansen stated that it was necessary for Benton County to have an agreement as it would be too cost prohibitive to provide the service due to training, equipment, and related issues. Hansen provided copies of the expired agreement and the proposed agreement and urged the board to research the issue and determine what action needed to be taken in order to enter into a new agreement.

Moved by Hertle, seconded by Frese, to adjourn. Both members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

September 10, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Supervisor Frese attended by telephone due to the brevity of the meeting and to eliminate costs to the county.

Moved by Hertle, seconded by Frese, to approve the Decategorization claim submitted by Tammy Wetjen-Kestersen for services provided in August 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 206735 through 206915, payroll checks numbered 137056 through 137080, and ACH deposits numbered 18417 through 18545, for payment. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adjourn. Both members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

September 13, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of September 3, 2013 and September 10, 2013. Both members voting aye thereon. Motion carried.

Larry Wear met with the board to further discuss his counteroffer for the purchase of road right-of-way for the Oak Grove road project. The county offered \$6,458 an acre and would be purchasing .77 of an acre from Wear. Wear countered with \$9,538 an acre. Supervisor Hertle reported that he had done some research based on the 2011 assessment values on the ground and believed that Wear's offer was way over- priced. Hertle stated that the county's offer of \$6,548 was still open and that it was more than fair. Wear responded that he does not want to waste any more of the county's time negotiating the price or spend money on the condemnation process and agreed to settle for the cost of \$6,458 an acre and hoped that the county could move forward with the project.

Marc Greenlee presented an application for a farm exemption to the Benton County Land Use Preservation Ordinance submitted by Gerald and Marilyn Johnson. The applicants are involved in a farming operation, owning and operating a 91-acre farm that is in a corn and soybean rotation. Moved by Hertle, seconded by Frese, to approve a farm exemption as authorized in the Benton County Agricultural Land Use Preservation Ordinance for the purpose of constructing a residence on a parcel described as being a part of the NW ¼ of Section 19-T83N-9W. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a fireworks permit requested by Charles Yedlik for an event to be held on September 28, 2013 at 5899-1/2 28th Avenue Dr., Vinton, Iowa. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the Treasurer's Semi-Annual Report for the period ending June 30, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to accept the resignation of Bill Strong from Magistrate Appointing Commission, effective immediately. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to accept the resignation of Lee Staveley-Vermedahl from the Transportation Department, effective August 27, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to accept the resignations of Danelle Fowler and Vicki Schwenker from the Benton County Wellness Committee. Fowler's resignation was effective March 1, 2013 and Schwenker's resignation was effective July 1, 2013; however the resignations were just submitted to the board. Both members voting aye thereon. Motion carried.

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No action was taken on Benton County's Notice of Privacy Practices as the auditor is still researching some of the components.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-81, HIRE OF PART-TIME EMPLOYEE IN THE SHERIFF'S OFFICE. Voting aye were Hertle and Frese. Nays none. Motion carried.

RESOLUTION #13-81 HIRE OF PART-TIME EMPLOYEE IN THE SHERIFF'S OFFICE

WHEREAS, the Sheriff has requested to hire a part-time secretary within his office; and

WHEREAS, the board has included funding for a part-time employee in the Sheriff's budget,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hire of Elizabeth Jensen as a part-time secretary in the Sheriff's office is hereby approved. The starting date is September 23, 2013 at a wage of \$14.20 per hour.

Dated this 13th day of September 2013.

Donald H. Frese, Chairman

Terry Hertle

ATTEST:

Gina Edler, Deputy Benton County Auditor

Moved by Hertle, seconded by Frese to approve a change in positions from Correctional Officer to Communication Specialist for Mark Sharp and Whitney Stout in the Sheriff's Office. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese to accept the resignation of Jon Smith from the Sheriff's Department, effective September 23, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to authorize the chair to sign a letter to Cerro Gordo County regarding termination of use of the Precinct Atlas electronic poll book software. Both members voting aye thereon. Motion carried.

The Engineer presented bids received for the purchase of new pickup for Secondary Roads (Maintenance Superintendent). Bids were received as follows:

Thys Automotive Group – 2014 Dodge Ram 1500 Tradesman/Express Quad Cab 4x4-\$19,933.00 (with trade)

Junge Center Point – 2014 Dodge Ram 1500 Tradesman/Express Quad Cab 4x4-\$21,563.00 (with trade)

Junge Center Point – 2014 Ford 4x4 Super Cab Styleside XL-\$21,734.00 (with trade)

Ervin Motor Company – 2014 GMC Sierra 1500 4WD Double Cab-\$24,341.00 (with trade)

Ervin Motor Company – 2104 GMC Sierra 1500 4WD Double Cab-\$28,280.00 (with trade)

Ervin Motor Company – 2013 GMC Sierra 1500 4WD Ext Cab-\$25,800.00 (with trade)

Thys Automotive Group – 2013 Chevrolet Silverado 1500 4WD Ext Cab LT-\$29,909.00 (with trade)

Moved by Hertle, seconded by Frese, to authorize the engineer to purchase a 2014 Dodge Ram 1500 Tradesman/Express Quad Cab 4x4 from Thys Automotive Group at a price not to exceed \$19,933.00 with trade-in, subject to the vehicle meeting the requested specifications. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to enter into a purchase agreement with Rick and Judy Robertson to purchase 0.27 acre in NE¼ Sec 35-85-9 for permanent easement plus damages in the amount of \$1,928.55 relative to the Oak Grove Road project. The chair is authorized to sign said agreement. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to enter into a purchase agreement with Jim and Sandy Williams to purchase 0.13 acre in SW¼ Sec 24-83-9 for road right-of way in the amount of \$1,650.00 relative to the shoulder widening project south of Atkins. The chair is authorized to sign said agreement. All members voting aye thereon. Motion carried.

The board discussed the request by Amy Symonds for a refund of property tax for the past two years due to an erroneous property classification. County Treasurer Kelly Geater, County Assessor Larry Andreesen, and County Attorney David Thompson, were in attendance. Thompson questioned Andreesen if the property had ever been an apartment for the property to classify the property as commercial. Andreesen stated Symonds has owned the property since 1991 and he does not have any reason to think that the property was ever an apartment. Thompson asked if Andreesen had any reason to doubt Symonds, Andreesen responded, "No." Thompson stated he has looked at Iowa Code 445.60 and the Iowa Administrative Code 701.71.20(4), and he believes that since her classification has been marked commercial and was supposed to be residential that it qualifies as an erroneous assessment. He couldn't find any other cases or definitions. However, he wants to talk to Symonds and try to find if there are any other cases or definitions before advising the Board further. Andreesen questioned what he should do with any other cases that he discovers have errors - should he wait until the person complains or take action. Geater and Thompson agreed that it should be up to the tax payer to bring it to the assessor's attention to make these corrections. The board placed the matter on the September 17, 2013, agenda to allow the attorney to do more research.

Moved by Hertle, seconded by Frese to approve the Canvass of the Regular School Election held on September 10, 2013. The official results are to be filed in the office of the County Auditor. Both members voting aye thereon. Motion carried.

The following **School Board Directors** were elected:

Belle Plaine: Jon Garling and Rima Johnson

Benton Community: District 4-Patrick Stepanek

District 5-Kyle Schmidt

District 6-Wayne Reinhardt

Vinton-Shellsburg: District 1-Michael Timmermans

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At Large-Sue A. Gates and Robert S. Levis
At Large Vacancy-Kathleen J. Van Steenhuyse
Kirkwood Community College: (Benton County results only)
Director District 6 – Joel Thys
Public Measure Z - Passed

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Deputy Auditor

September 17, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of September 13, 2013. Both members voting aye thereon. Motion carried.

Ann Jorgenson, Don Eells, Harry Ruth, and Renae Becker met with the Board regarding economic development. Jorgenson recently represented Benton County at a diversity focus meeting in Cedar Rapids. Jorgenson reported on the meeting and explained that the organization primarily wanted Benton County to be aware of the organization and the importance to make groups feel welcome in communities, adding that individuals who feel welcome are more likely to stay and contribute to the community.

Jorgenson also spoke to board about the county's economic development program. Jorgenson stated that she along with her husband were involved when Benton Development Group was first created and added that she has also served on state boards and commissions relative to economic development. Jorgenson and Eells, who were there on behalf of a group of interested individuals and not representing any specific economic development group, spoke to the importance of an economic development presence in the county and without one the county could miss opportunities for growth. Jorgenson stated that economic development is vital, but understands that there needs to be goals and plans for achieving those goals with specific measurements. Jorgenson added that it is important for Benton County to maintain some type of contact with the state and region in order to access state opportunities and loan options. Jorgenson stated that education is the key as to the importance of economic development and what it can do for the county and the cities. Jorgenson suggested that the county sponsor a meeting with a speaker who could assist with the educational aspect. Jorgenson also stated that there needs to be an economic development budget for the next fiscal year in the county's budget. Jorgenson suggested that there at least be a place holder in the budget with funding to be figured out over the next six months. Jorgenson advised that she was there to talk about possibilities and suggested that an independent group of interested persons return in a month or so with a more defined plan – adding that a report should be made to the supervisors at least on an annual basis as to the attainment of goals and budget needs.

Supervisor Hertle recommended that the group return after the new supervisor takes office in November. Supervisor Frese stated that a lot of counties spend a lot of money on economic development but that not all of it comes from tax dollars. Frese stated that the county needs to show where the money goes – suggesting that so much funding go towards administration and so much funding for specific projects. Frese stated that perhaps assistance could be provided to a company looking to locate in Benton County with infrastructure needs. Auditor Jill Marlow stated that in discussions with business owners it was apparent that tax abatement for new businesses would be advantageous. Jorgenson commented that perhaps individual memberships could be sold, adding that it may be difficult to get the cities to participate. Jorgenson advised that to hire a person trained in economic development would require an average annual salary of \$70,000.

Supervisor Hertle commented that Benton Development Group needs to be visible in the county as he has found that many people aren't aware of the organization. Hertle commented that Benton Development Group needs to attend town council meetings and become visible. Renae Tharp responded that she attends every city council after each city election.

Jorgenson reiterated that she was not speaking on behalf of any specific organization but rather viable strategies. Discussion also included the possibility of creating a revolving loan fund for business development and also the difficulty in reaching people with information. Hertle stated that he would like to see Benton Development Group come to the supervisors at least four times a year instead of just when money is appropriated. The board ultimately indicated that they would be willing to sponsor a county-wide meeting regarding economic development.

Jerry Petermeier spoke with the board regarding the parking area at the Cedar Valley Ranch. Petermeier had spoken in the past about the need to sealcoat the area and it was understood that the county's secondary roads department would perform the work. However, Petermeier stated that after speaking with the county engineer, it did not appear that secondary roads would be able to sealcoat the area this year. Petermeier presented a quote to the board from L.L. Pelling to sealcoat the parking area at the Cedar Valley Ranch. The quote includes a double seal in some areas as well as patching. Petermeier requested that the supervisors approve the quote so that the work could be completed this year. Moved by Hertle, seconded by Frese, to approve the quote from L.L. Pelling Co. for the following work: clean the existing surface (remove rock and grass) at the Cedar Valley Ranch, patch holes with pre-mix asphalt, and chip seal with MC-3000 and 3/8" limestone chip the parking area, and areas with rock exposed are to have a double application applied. The cost is not to exceed \$8,239.00. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve and sign the plan sheet for the bridge replacement over Hinkle Creek on 19th Avenue project #BROS-CO06(93)—5F06. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve and sign the plan sheet for the bridge replacement over Prairie Creek on 19th Avenue project #BROS-CO06(91)—8J-06. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to enter into closed session pursuant to Iowa Code 21.5(1)c relative to a refund of tax requested by Amy Symonds. Both members voting aye thereon. Motion carried at 10:45 a.m. with the county attorney, county auditor, Supervisor Frese and Supervisor Hertle present.

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Moved by Hertle, seconded by Frese, to return to open session. Both members voting aye thereon. Motion carried at 11:16 a.m.

Moved by Hertle, seconded by Frese, that the board of supervisors finds the following:

1. Iowa Administrative Code 701-71.20(4)b(4) states that an erroneous assessment is an improper classification of property. Symonds' property was classified as commercial and should have been classified as residential. The erroneous assessment resulted in the over payment of property tax by Amy Symonds.
2. Iowa code 445.60, Refunding Erroneous Tax, provides that a refund may be given for taxes erroneously paid within two years of the date the tax was due. Symonds has requested a refund for the past two years.
3. It is in the public's interest that government be fair to its citizens.

Further, based on the above - the board finds that refunding the tax that was overpaid for the 2010 and 2011 assessment years on parcel 260-05050, is a public purpose. The auditor and treasurer are instructed to calculate and refund the difference in taxes paid and the amount that should have been paid if the classification of property had been correct. Said refund is to be paid to Amy Symonds. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Auditor

September 24, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes September 17, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to set October 22, 2013 at 9:15 a.m. as the time and date for a public hearing on a land use change requested by Doug and Doreen Ayres on a parcel located in the a part of the SW1/4 of the SW1/4 of 5-83-9. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 206916 through 207120, payroll checks numbered 137081 through 137141, and ACH deposits numbered 18546 through 18672, for payment. The check payable to Amy Symonds for a refund of tax is also approved. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Poweshiek Water Association to place utility lines in the county's right-of-way in Section 30 of Leroy Township along/under 16th Avenue Trail. Both members voting aye thereon. Motion carried.

Moved by Hertle, Seconded by Frese, to adopt Resolution #13-82, REMOVE BRIDGE EMBARGO. Voting aye were Frese and Hertle. Nays none. Motion carried.

#13-82 RESOLUTION

WHEREAS, the structure at this location has been replaced by a new structure and

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

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that the weight restrictions previously imposed on this structure be removed. The structure is located as follows:

BR-0028 0.2 mile north of the SW corner of section 18-86-12 (Bruce Township) on V37.

Signed this 24th day of September 2013.

Donald H. Frese, Chairman

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to approve the following two purchase agreements for right-of-way on W28 (33rd Avenue) south of Atkins:

1. Dale and Crystal Lavin in the NE1/4 of 26-83-9 for one-tenth (.10) of an acre for permanent right-of-way easement and damages for loss of Spruce tree - \$1,750.00
2. M.J. Lux Trust in the SE1/4 of 26-83-9 for ninety-three hundredths (0.93) of an acre for permanent right-of-way easement - \$13,150.00

Both members voting aye thereon. Motion carried.

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The engineer reported that he had no new information on the bridge repair/replacement in Polk Township Section 12 from what was reported several weeks ago. The engineer is going to get a bid from a contractor to repair the bridge in order to comply with FEMA requirements.

The board did not discuss the proposed 28E for the governance of the landfill as the county attorney has not completed the document for presentation to the board. The county attorney advised that he would have a document ready for the next board meeting.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Auditor

October 1, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of September 24, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the auditor's quarterly report for the period ending September 30, 2013. Both members voting aye thereon. Motion carried.

Marc Greenlee spoke to the board concerning the issuance of a draft permit by the Department of Natural Resources for the confined animal feeding operation for SMT Pork. Greenlee explained that the board has the opportunity to file an appeal; however, since the board had no objections to the permit when it was presented during a public hearing that this was just a formality. Moved by Hertle, seconded by Frese, that the board not take action to appeal the issuance of a permit for the confined animal feeding operation submitted by SMT Pork. Both members voting aye thereon. Motion carried.

The auditor advised the Board that Benton Development Group has not reimbursed the county for their utility expenses for the months of May, June and July. The August and September amounts have not been reimbursed but have just recently been billed. The auditor stated that the county is going to be distributing quarterly payments soon and questioned if the unpaid amounts should be deducted from the quarterly payment. The county attorney advised that the county should pay the regular quarterly payment. Renae Becker stated that she had the check ready but did not have the funds until the quarterly payment is received. The auditor stated that a quarterly payment was made in July but no reimbursement was received yet. The board stated to pay the full quarterly payment to Benton Development Group. Supervisor Hertle told Becker that the past due bills should be paid as soon as possible.

Myron Lown met with the board to discuss dust control in front of Lazy Acres RV Park near Urbana. Lown stated that he wanted dust control placed on 200 feet. Lown stated that he has recently spent \$26,000 for chip and seal within in the park. Lown stated that he was at the board meeting two years ago and he was advised that a traffic count would need to be conducted. Lown stated that he has not heard anything since that time. Lown stated that his current dust control is scheduled to be torn up. The roads involved are county and state road. Frese questioned about the road to the right towards the junk yard – stating that it would create dust as well. Frese stated that perhaps the City of Urbana could participate in the costs. Lown reported that the City was not interested in assisting with the project. Supervisor Frese told Lown to get a quote to not only sealcoat the 200 feet that he was requesting but also the 600 feet along the other side of the property. Frese told Lown to return to the board with the estimate for consideration. Supervisor Hertle commented that the county engineer should be obtaining estimates for work on county roads and not private individuals. Supervisor Frese stated that he wanted Lown to obtain the estimate.

The county attorney stated that he reviewed the 28E Agreement for the regionalization of mental health services and that he had no concerns with any aspect of the agreement. Supervisor Frese asked for authority to sign the formal agreement on behalf of Benton County at the October 3, 2013, meeting of the regionalization board. Moved by Hertle, seconded by Frese, to adopt Resolution #13-83 RESOLUTION ADOPTING THE 28E AGREEMENT FOR MENTAL HEALTH/DISABILITY SERVICES OF THE EAST CENTRAL REGION (MHDS-ECR) AND AUTHORIZING SUPERVISOR DON FRESE TO EXECUTE THE 28E AGREEMENT ON BEHALF OF BENTON COUNTY AND THE BOARD OF SUPERVISORS. Voting aye were Frese and Hertle. Nays none. Motion carried.

The county attorney spoke to the board about the 28E Agreement for the governance of the solid waste disposal in Benton County. County Attorney Thompson stated that last week the recommendation was for the agreement to provide governance of the solid waste disposal be a hybrid with the day-to-day operations remaining with the county and the cities having input as to fees. Thompson stated that since that time he has spoken with some of the cities, as well as Jennifer Fencel with East Central Iowa Council of Governments regarding the agreement. Thompson stated that considering the input he has received that a 28E should be drafted that puts the entire governance of the sanitary disposal operations with a solid waste commission. The county attorney recommended that the agreement turn over full control to the commission on July 1, 2014, but that the commission should be appointed as soon as possible to allow them the opportunity to meet with cities and the county in time to develop a FY15 budget. The board directed Thompson to proceed with developing a 28E Agreement that would create a commission with full governance of the solid waste disposal activities and operations in the county.

The county attorney spoke to the board regarding the proposed agreement between Benton County and Linn County Emergency Management for hazardous materials response and clean-up. The agreement has been subject of various questions regarding whether the county should enter into the agreement or if it should be with the Benton County Emergency Management Commission. The county attorney stated that he had no concerns regarding the language in the agreement but it was his opinion that the agreement should be with the Benton County Emergency Management Commission. Scott Hansen, Emergency Management Coordinator for Benton County advised that Linn County provides services to seven counties and would prefer to have one standard agreement and not different contracts with each county. Hansen stated that he would speak with Linn County about drafting the agreement so that it was with the Benton County Emergency Management Commission. Auditor Jill Marlow advised

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that the funding currently in the county's budget for the service would have to be given to the Emergency Management Commission as the Commission would not have funding in their current budget. Hansen also spoke to the board about the possible need for additional funding if the Commission would have increased insurance costs.

The county attorney briefly spoke to the board about a letter he had received regarding recreational use of all-terrain vehicles on secondary roads. The letter writer was opposed to the recreational use. Benton County currently does not have an ordinance allowing all-terrain vehicles to use secondary roads on a recreational basis; however Iowa law provides that all-terrain vehicles are allowed on secondary roads for agricultural purposes with various restrictions and conditions.

Moved by Hertle, seconded by Frese, to adjourn. Both members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

October 8, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes October 1, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 207121 through 207319, payroll checks numbered 137142 through 137158, and ACH deposits numbered 18673 through 18798, for payment. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve submission of a claim to the Department of Human Services in the amount of \$2,716.00 for reimbursement of September 2013 Decategorization administration services. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the Sheriff's quarterly report for the period ending September 30, 2013. All members voting aye thereon. Motion carried.

Carol Zander, Acting Social Services Director, presented a quarterly report for relief services. Moved by Hertle, seconded by Frese, to accept the quarterly report for relief services for the period ending September 30, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the Recorder's quarterly report for the period ending September 30, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to authorize the chair to sign a contract with Hurst & Son Contractor for CDBG Timber Ridge Water Supply project. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in Section 26, South of Watkins in St. Clair Township along 26th Avenue. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Century Link to place utility lines in the county's right-of-way in Sections 6 & 7 in Eden Township along/under 63rd Street. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Farmers Coop Telephone to place utility lines in the county's right-of-way in Section 18 along E37. Both members voting aye thereon. Motion carried.

Moved by Hertle, Seconded by Frese, to adopt Resolution #13-84, REMOVE BRIDGE EMBARGO. Voting aye were Frese and Hertle. Nays none. Motion carried.

#13-84 RESOLUTION

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

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

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

<u>UN-2820</u>	0.2 mile west of the NE corner of section 16-83-11 (Union Township) on E44 (70 th Street)
<u>UN-3120</u>	0.1 mile east of the NW corner of section 15-83-11 (Union Township) on E44 (70 th Street)
<u>TA-2749</u>	0.3 mile west and 0.1 mile north of the SE corner of section 28-85-10 (Taylor Township) on 25 th Avenue

Signed this 8th day of October 2013.

Donald H. Frese, Chairman

Terry Hertle

ATTEST:

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Jill Marlow, Benton County Auditor

The Engineer reported that the balance in the Benton County State Bank for the landfill account on September 30, 2013 was \$31,799.18.

The County Attorney, David Thompson, spoke to the board about the 28E Agreement for the governance of the solid waste disposal in Benton County. Thompson stated he has not received an updated version of the 28E Agreement. Hertle gave Thompson his copy of the agreement. Supervisor Frese stated he has had some concerns on this 28E Agreement that he hasn't been able to get answered, some of the concerns are: who will be in charge of the landfill, who owns the landfill, who's responsible/in charge of the employees, who will be in charge of the bookwork, will they hire their own legal consult, will they hire or replace the engineer with a landfill manager and are they going to be tying the hands of future boards? These questions and concerns he would like answered before he votes to approve the 28E Agreement. Thompson stated that this 28E commission will be a learn as you go experience at first, the first year you won't see much changes. The Commission will be responsible to feel out if the County can run the landfill or not. The County can transfer ownership or get out of the Agreement at any time. The Commission will consist of 21 appointed board members, each city has their member, and the Board will appoint 7 members, one being a Board of Supervisor. Thompson stated the County would still have representation from the Board. With the 28E Agreement being in effect July 1, 2014 it would give the City's enough time to discuss it and appoint a member. Thompson recommended that the board put this issue on the agenda for next week since he hasn't been able to go thru the revised 28E Agreement it was not attached to the e-mail he received from Jennifer Fencil with East Central Iowa Council of Governments. The board directed Thompson to look over the 28E Agreement from Fencil.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Deputy-Auditor

October 15, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of October 8, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to appoint Don Frese to the ASAC Board. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to grant permission to the Vinton Parks and Recreation Department to use the courthouse lawn on October 26, 2013, for some fall festivities that morning. Both members voting aye thereon. Motion carried.

Representatives of the Benton County Economic Development Organization (BCEDO) met with the board to introduce themselves and share with the supervisors the strategy they have prepared to benefit Benton County's economic growth. Those representing the group were Kristina Kremer, Harry Ruth, Dave Wessling, Marlyn and Ann Jorgensen, and Nathan Hesson. This is a group consisting of Benton County residents who believe that Benton County needs an organization dedicated to maintaining and improving the economic health and vitality of the county and the communities located within it. Kremer started the introduction and pointed out how the group wants to look for a new and fresh approach to economic development in the county. Ruth reviewed a brief outline of the strategic plan developed by the BCEDO for economic development in Benton County. Ruth explained that the main priority of any county economic development organization is to identify community needs, help businesses and individuals find opportunities and funding sources, support existing businesses and obviously bring new businesses to the county. There are some expected characteristics in order to successfully carry out such a mission. Additionally, in order for economic development to be successful would need to have a highly skilled professional, be committed to results, have broad financial support, and be able to deliver such services to the county. Ruth explained that the county currently has an economic development organization - the Benton Development Group. The BCEDO would like to align with BDG on this new approach, or become the new vehicle driving economic development in Benton County, depending on the supervisors' direction. Ann Jorgensen pointed out they are not trying to replace BDG, but they would like to give their opinions and get economic development going in the right direction again. The supervisors stressed also that this was nothing personal against BDG. The BCEDO is going to submit names of individuals who are willing to serve on the BDG board and are committed to pursuing the vision outlined here so that they can help make these plans become a reality. Supervisor Frese stated that it would be a positive thing to intertwine the two groups, work together and not against each other and to build an even stronger organization - adding that he would like to see more interest from people in the southern part of the county to serve on the committee. Hertle agreed with the suggestion that there needed to be accountability and reporting to investors to prove their accountability. Both supervisors believe quarterly reporting would be essential and thanked the group for coming and sharing their ideas. The supervisors agreed that the county could use help and guidance in reaching the economic development goals. Everyone was in agreement that they won't see immediate results, but with the right resources and people to make this work, they will be able to come back with positive results and share with the communities the benefits of the new outcome. The group was happy to give a positive vision and would like to move forward with their strategy and agreed that their next step will be to come back with an update during a meeting when the new supervisor is elected.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-85 AMENDING RESOLUTION #13-52 BANK DEPOSITORIES. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-85
AMENDING RESOLUTION #13-52
BANK DEPOSITORIES

WHEREAS, the Benton County Board of Supervisors adopted Resolution #13-52 establishing the maximum amount of funds to be held in various banks in the county; and

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WHEREAS, the treasurer has requested that the maximum amounts be increased for the Keystone Savings Bank due to higher interest rates being offered by said bank,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #13-52, adopted on June 25, 2013, establishing the amounts for bank depositories is hereby amended to reflect the following:

Keystone Savings Bank - \$1,000,000.00

The remainder of Resolution #13-52 adopted on June 25, 2013, remains in full force and effect.

Signed this 8th day of October 2013.

Donald H. Frese, Chairman

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The County Attorney, David Thompson, spoke to the board about the 28E Agreement for the governance of the solid waste disposal in Benton County. Thompson stated that he has read through the agreement and feels overall this is the right thing for the county to do and that some of the minor details can get worked out later after the commission is formed; however, this agreement should accomplish what it's intended to do.

Moved by Hertle, seconded by Frese, that it is the county's intent to enter into the 28E Agreement for the governance of the county's solid waste prepared by the East Central Iowa Council of Governments with the understanding that there could be minor changes. Further, that the county will notify the cities to allow them time to review the agreement and to include expenses in their FY15 budgets. Voting aye were Hertle and Frese, Nays none. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Interstate Power & Light Company to place utility lines in the county's right-of-way in Sections 22 in Polk Township. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Next Era Energy to place a new emergency siren in the county's right-of-way in Section 25 of Benton Township. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adjourn. Both members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy-Auditor

October 22, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of October 15, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve checks numbered 207320 through 207513, payroll checks numbered 137159 through 137174, and ACH deposits numbered 18799 through 187923, for payment. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the reimbursement of military tax credit in the amount of \$90.30 on the 2010 and 2011 tax years for parcel #260-11000. The property owner filed for the credit; however the assessor erroneously failed to apply the credit to the parcel. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Doug and Doreen Ayres, the board took up the matter for consideration. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The request is to add a second residence on 1 acre of their 15 acre parcel. Moved by Hertle, seconded by Frese, 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 Parcel C in the SW1/4 of the SW1/4 of 5-83-9. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the use of the vacant office in Benton County Social Services office for Supportive Services for Veterans Family. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the request for an extension to the CDBG Timber Ridge Water Project from November 2013 to May 2014. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to set the date for a public hearing on the Status of Funded Activities for Timber Ridge Water Project for Tuesday, November 12, 2013, at 2:00 p.m. in the Benton County Board of Supervisors Room. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adjourn meeting at 9:50 a.m. Both members voting aye thereon. Motion carried.

Donald H. Frese, Chairman Board of Supervisors

Attest: _____

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Brenda Sutton, Deputy Auditor

October 29, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded Frese, to approve the minutes of October 22, 2013. Both members voting aye thereon. Motion carried.

The auditor and maintenance personnel met with the board to request an increase in their salaries. The auditor stated that a \$6,000 increase was requested in January 2013 for fiscal year 2014. However, the board at that time stated that they could not give \$6,000 increases "all at once". The auditor stated that they were before the board to request the additional compensation requested in February effective July 1, 2013. The board, at that time, stated that they did not want to approve a large increase all at once. Supervisor Hertle stated that he did not want to provide mid-year salary increases for fear of setting a precedent. The auditor questioned how the salaries would be increased if the board was unwilling to provide it all at once and they were not willing to provide mid-year increases. Supervisor Frese requested that the maintenance personnel return with the salaries being paid in other organizations for review.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-86, ABATEMENT OF INTEREST AND PENALTY. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-86 ABATEMENT OF TAX

WHEREAS, the Benton County Treasurer has requested that the Board of Supervisors abate the interest and penalty assessed on a tax parcel due to an oversight in her office; and

WHEREAS, the Board finds that the interest and penalty should be abated,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors hereby abates the interest and penalty assessed on parcel 200-00950 for the 2012 assessment year in the amount of \$18.00 is abated in full:

Dated this 29th day of October 2013.

BOARD OF SUPERVISORS

Donald H. Frese

Terry L. Hertle

ATTEST: _____

Jill Marlow, Auditor

Dana Burmeister, Transportation Director, spoke to the board about sharing vehicles with Washington County. Moved by Hertle, seconded by Frese, to approve the sharing of a transportation vehicle with Washington County, if Burmeister determines that it is not detrimental to Benton County. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by East-Central Iowa REC to place utility lines in the county's right-of-way in sections 28 of Harrison Township and 33 of Taylor Township to place utility lines north of Hwy 150 and west along Hwy 150. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve 35.5 hours of vacation carry-over requested by Randy Sherwood. Said carry-over to be used by December 31, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a Class B liquor license requested by Kimm's Sinclair. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve the payment of the claim to Business Card in the amount of \$51.09. Both members voting aye thereon. Motion carried. Said claim was missing the receipt necessary for substantiation and was not included in last week's claims.

Moved by Hertle, seconded by Frese, to approve Benton County's Annual Urban Renewal Report for Fiscal Year 2012-2013. Both members voting aye thereon. Motion carried. Said report reflects the collection and disbursement of \$21,051.00 in tax increment revenue for the Frontier Urban Renewal.

Myron Parizek and Matt Purdy spoke to the board about the hire of an Integrated Roadside Vegetation Manager. Parizek explained that the position would be under the secondary roads department with expenses being billed to conservation and the weed department when duties are performed for those services. The engineer reviewed in detail what the duties would be and explained that the prior weed commissioner/roadside manager was not replaced. The auditor asked what impact the position would have financially on the general fund and rural services fund – indicating that those services are not legal secondary road fund expenses. Purdy stated that the overall goal is to save the county money through reduced roadside maintenance, i.e. spraying, weed control, etc. Purdy stated that the savings would be recognized in the long term and not immediate. The auditor stated that the expense would begin upon hire and wanted to insure that the board was aware that the position may have a financial impact on the general fund and rural services fund as well as the secondary road fund. Supervisor Hertle asked that the matter be placed on a future agenda when the financial impact on the general fund could be determined – adding that the general fund was already at its maximum.

Engineer Parizek spoke to the board about the restriction of construction and demolition waste at the landfill. Parizek stated that the landfill is currently at a level that he would expect; however large loads of construction and demolition waste could have a major impact on the life expectancy of the cell. Parizek questioned if the restriction should be implemented until the new

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landfill commission was in place to make decisions on the landfill. Supervisor Frese stated that the landfill was for the county and that he was opposed to the restriction stating that residents need to be able to dispose of the waste. The auditor questioned when the new commission would be in place. Supervisor Hertle responded that July 1, 2014, is the planned date for the 28E Agreement to become effective. Supervisor Hertle echoed Supervisor Frese in that he was not in support of any additional restrictions at this time.

Supervisor Hertle questioned the status of the removal of the speed limit on the Atkins road. Parizek stated that the request for a study has been submitted to the DOT.

Supervisor Hertle questioned the status of the bridge southeast of Vinton over Hinkle Creek, including if the land acquisition had been completed and what basis for the price was used. Parizek stated that the price for land acquisition was based on the same amount for the Oak Grove Road project.

Supervisor Hertle reported that he received a request from Renae Becker of Benton Development Group to attend a meeting with their board. Hertle told Becker that he wanted to meet with the BDG directors to update them on various matters. Hertle stated that he informed Becker of the November meeting being planned in Van Horne. Hertle is meeting with BDG board on October 30th at 9:00 a.m. at the Cedar Valley Bank. Hertle wants to provide an update and encourage economic development groups in Benton County to work together. Hertle questioned if there was anything he should discuss. Supervisor Frese stated that the matter was not on the agenda.

Supervisor Hertle reported that he met with HLW Engineering regarding the engineering services for the landfill. Hertle presented a copy of the current agreement with Howard R. Green and said he has asked HLW to quote the same services for FY15.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____

Jill Marlow, Auditor

November 5, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of October 29, 2013. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to set December 3, 2013 at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Brian and Jessica Ashlock on a parcel described as Parcel A in the NW1/4 of the SE1/4 of Section 24-85-9. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to amend the current contract between Benton County and Schneider to provide that the following forms be added to the Beacon website for Benton County: Homestead Tax Credit Application, Military Exemption Application, and Iowa Business Property Tax Credit Application. The forms will allow for the automatic population of relevant data in fields for selected parcels. The cost is \$2500.00 to be paid solely by the assessor as the application process that is being enhanced is a duty of the assessor's office. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to change the employment classification of the following persons from part-time to full-time:

Steven Fischer (corrections)

Chelsea Hassenius (communications and corrections)

Both positions are in the sheriff's department and the change in classification is effective November 5, 2013. Both members voting aye thereon. Motion carried.

The board discussed the upcoming economic development meeting to be held on November 19, 2013 in Van Horne. Ann Jorgenson was present and discussed a booklet that was available from the extension service that contains "thinking points" that the cities might find beneficial. The board discussed the agenda with Jorgenson and the goals of the meeting. Moved by Hertle, seconded by Frese, to authorize the expenditure for twenty booklets from the extension service as well as various meeting supplies. Both members voting aye thereon. Motion carried.

Myron Parizek, Ann Jorgenson, and Randy Scheel met with the board regarding the hire of a manager for the Integrated Vegetation Roadside Management (IVRM) program. This issue was discussed last week but the board had asked that the impact on the general fund be determined prior to approving the position being filled. Parizek stated that the conservation department had determined that they would not utilize the services of the IVRM manager in the foreseeable future and therefore there would be no impact on the general fund during the current budget year or the next fiscal year. Parizek asked for authority to fill the position with a salary range of \$35,000 to \$45,000 as a starting salary. Parizek stated that the position could be started lower now with an increase on July 1, 2014. The position is not a bargaining unit position and will also perform the duties of the county weed commissioner. Supervisor Hertle stated that he would approve a salary of \$40,000; however Jorgenson stated that it would take a larger salary to hire the desired applicant. Moved by Hertle, seconded by Frese, to authorize the engineer to fill the position of roadside manager to perform various duties, including but not limited to, weed commissioner duties, brush removal, and integrated vegetation roadside management. The salary is not to exceed \$42,500 with the understanding that the salary may be increased upon successful completion of a probationary period. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #13-87, SERVICE AREA BUDGET AMENDMENT. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #13-87
SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2014 budget on March 12, 2013; and

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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 FY2014 county budget is hereby amended within the following service areas:

Service Area 9 – \$12,300 moved from department 01 to department 99

IT IS FURTHER RESOLVED that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 5th day of November 2013.

Donald H. Frese

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Carol Zander met with the board to discuss her general supplemental budget. Zander stated that her budget for substance abuse commitment costs is down to 37% remaining. Zander stated that she may have some funds available in her relief budget if necessary.

Carol Zander spoke to the board about the Affordable Care Act (ACA) and the requirement for non-insured persons to have insurance on January 1, 2014. Zander stated that the county's policy for providing certain services requires that the individual carry health insurance if it is available to them. Zander questioned if the county should pay for services when someone fails to sign up for insurance coverage under the ACA. Zander stated that she had contacted the county attorney for a legal opinion but has not received a response as of this date.

Jennifer Fencel of East Central Iowa Council of Governments, County Engineer Myron Parizek and County Attorney David Thompson discussed the 28E Agreement for the sanitary landfill operations. Thompson reported that Fencel had sent a letter to the cities with a draft of the 28E Agreement and the by-laws. Thompson stated that there will be a learning curve for the new commissioners and suggested that training sessions be conducted. Fencel suggested that a session be held on how a modern landfill is built and operated and how it is funded. Fencel also suggested that Brian Harthun give a presentation on the possible waste management scenarios prepared by Foth Infrastructure & Environment with budget estimates and timelines. Fencel stated that the third session could be conducted to discuss the 28E transition and budget discussion. The board agreed that the training would be beneficial, but asked that it be limited to two sessions. The sessions are to be held on November 26, 2013 and December 3, 2013. The county attorney stated he would make arrangements for a site to hold the training.

Moved by Hertle, seconded by Frese, to approve the hire of Edward T. Watts as a collection paralegal in the county attorney's office, at a salary of \$32,000 annually, effective November 8, 2013. Both members voting aye thereon. Motion carried.

The county attorney spoke to the board about the collections program. The county attorney reported that he expects that the program will collect \$125,000 in FY14 for Benton County with the addition of the additional employee. Thompson stated that he is not collecting on jail fees until the new person is in place; however he added that a resolution was not adopted formally by the board of supervisors until January 2013 and therefore collections aren't possible for jail fees prior to that date. Thompson stated that Michael is doing a great job with collections and that another county may ask Benton County to collect on their behalf. Thompson stated that \$32,427 was collected in FY13 and \$8,819.13 so far in FY14 for victim restitution, which is generally going directly to the victims of crime in Benton County. Thompson stated that his long term goal is to collect a couple of hundred thousand dollars a year with a two person office. Supervisor Hertle questioned why the county would try to impede the collections since the collection far exceeds the expense.

Thompson requested that his budget be amended to include the money that he has collected as well as some forfeiture funds that he is anticipating. Thompson stated that he would be willing to pay the cost of the budget publication and wanted the additional funds for spending on employee training, remodeling the office on the 1st floor at \$ 6123.00, a school liaison, a new copy machine at \$2400, and wiring for computers and telephones (no bill yet). The remodel for the basement was \$9,604.00 to move juvenile probation to that office. Thompson requested spending authority for what his office is collecting in fines and forfeiture funds. Thompson also spoke about the requirement for paperless filing with the clerk of court. The requirement has been delayed to FY15 but upgrades to current computer equipment may be necessary in this fiscal year. Hertle stated that people don't understand how much money the county attorney is bringing in. Thompson stated that he has always stated that if someone doesn't understand how much his office has brought in then they should contact him. Auditor Jill Marlow recommended that the county wait to amend the budget until later in the year in the event other departments need amendments. Marlow stated that the county attorney can spend the current authority within his budget, but would need affirmation that the board will amend his budget when needed. Supervisor Hertle stated that he wanted to amend the county attorney's budget immediately; however the county attorney agreed that if he was assured his budget would be amended that waiting would be more prudent. Moved by Hertle, seconded by Frese, to provide assurance that the board will amend the county attorney's FY14 budget to include spending authority for the funds he has collected for his department through the fine collections program as well as forfeiture funds being collected. Said amendment is to occur at a later date within the current fiscal year. Both members voting aye thereon. Motion carried.

The auditor asked for direction from the board as to repairing the courthouse clock and budgeting for the expenditure. Supervisor Hertle had indicated previously that the clock should be repaired but stated he wanted to see if there was grant money available. Hertle stated that he would be attending the next meeting of the Historical Preservation Commission on December 7,

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2013, to see if they could assist with fundraising or grant applications. County Attorney Thompson stated that he would assist with writing grant applications.

The auditor asked for direction from the board as to the replacement of windows in the courthouse. Window replacement was placed on hold after the 2008 flood due to uncertainty of funding for repairs; however all repairs have been completed and funds to replace the windows have been set aside over the past several years. The board directed the auditor to proceed with the project. The auditor stated that an engineering firm would need to be retained due to the estimated cost of the project and that a bid letting would be necessary as well.

Moved by Hertle, seconded by Frese, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

November 12, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. The meeting was called to order at 12:00 p.m.

The Board proceeded with the canvass of the November 5, 2013, Regular City Election and the November 5, 2013, Special County Election.

The time of 12:00 p.m. having arrived, the board proceeded with canvassing the November 5, 2013, regular City Election. Having reviewed all results, it was moved by Hertle, seconded by Frese, to approve the canvass of the November 5, 2013, City Election, and Special County Election and declare the winners so elected. Further that the write-ins for Patricia Rousch are to be counted as Patricia G. Rausch. Both members voting aye thereon. Motion carried.

City of Atkins: Mayor: David Becker Council: Diane Herman, Connie Jacobsen Drahos, Timothy Harbach, Dave Duball and Kevin Korsmo

City of Belle Plaine: Council at Large: Leah Upah District 1: Mark D. Tegeler District 3: Judy Schlesselman Park Commissioner: Tony Benton

City of Blainstown: Mayor: Rodney C. Kubichek Council: Bradley M. Davidson, Gary Bierschenk and James Elliff

City of Garrison: Mayor: Allan Lindsey Council: Shelly Flickinger-Williams, Kevin Kirchner and Heidi Kirchner

City of Keystone: Mayor: Michael Seeck Council: Kathy Janss, Tim Kruse and Mark W. Andresen

City of Luzerne: Mayor: John W. Brandt Council: Ryan Rupp, Lorin J. Potter, Kelly Kendall, Dwight Glinsmann and Rick Rupp

City of Mt. Auburn: Mayor: Patricia G. Rausch Council: Denise Schultz, Jodi Mehlert, Dean W. Vrba, Michelle Oldfather and Justin Hendryx

City of Newhall: Mayor: Jan Mattson Council: Skyler Childers, William Much, Ruby Carolan, Gerald Gessner and Douglas Rinderknecht

City of Norway: Mayor: Kyle Schmidt Council: Darrell A. Schulte, Heather Milker-Rudie and Thomas Budak

City of Shellsburg: Mayor: Danny Roehr Council: Sharon Heneghan, Judy Shaeffer and Daniel L. Pence

City of Urbana: Mayor: E. Duane Eldred Council: Jacqueline Michael and Michael J. Kramer Council-Vacancy: Gary Benson

City of Van Horne: Mayor: Martin Junge Council: Jim Parmenter, Rebecca Norton, Steve Allman

City of Vinton: Mayor: John R. Watson Council at Large: David Redlinger District 1: Ron Hessenius District 3: Bud Maynard

City of Walford: Mayor: Mark L. Carter Council: Randall Hoskins and Brian Plogman

Benton County Supervisor District I – Todd Wiley

Todd Wiley was subsequently sworn into office as Benton County Supervisor.

Moved by Wiley, seconded by Hertle, to approve the minutes of November 5, 2013. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve payment of the Decategorization claim submitted by Tammy Wetjen-Kestersen in the amount \$2,716.00 for services performed in October 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 207514 through 207811, payroll checks numbered 137175 through 137188, and ACH deposits numbered 18924 through 19049, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #13-88, HIRE OF BENJAMIN BONAR. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #13-88 HIRE OF BENJAMIN BONAR

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

WHEREAS, this position is the IRVM Roadside Manager, and

WHEREAS, the applicants have been narrowed to one.

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Benjamin Bonar be hired to fill the position at a salary of \$40,000 per year starting on November 18, 2013, and

BE IT FURTHER RESOLVED that a \$2,500 salary increase is approved upon successful completion of a six-month probationary period.

BE IT FURTHER RESOLVED that there will be no salary increase on July 1, 2014, or during FY15.

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Signed this 12th day of November 2013.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

The engineer reported that the balance in the landfill account at the Blairstown bank on October 31, 2013, was \$39,921.60.

The county engineer spoke to the board about the need to fill vacancies within his department. The vacancies are for mechanic and sign crew and have been vacant for over a year for the sign crew and since the spring of 2013 for the mechanic. Supervisor Wiley questioned the need to fill a position that had been vacant for over year and if the position was really needed. County Attorney Thompson stated that it had been reported to him that the engineer needed to hire clerical help as well. The county attorney questioned the engineer as to why the engineer continually budgeted for additional office personnel but never filled the position. The engineer responded that his office originally had two office staff positions with one of the staff retiring a couple of years ago. The engineer continued that with changes in computer software and office processes he was still trying to determine if another full-time position was justified – adding that he had tried to fill the position with part-time employment but was unsuccessful due to other circumstances. Due to agenda timing constraints, the board asked that this matter be placed on the next agenda for further discussion.

The time of 2:00 p.m. having arrived, and this being the time and date published for a public hearing, the board proceeded with the matter as follows:

THE PURPOSE OF THIS HEARING IS TO CONSIDER THE STATUS OF FUNDED ACTIVITIES FOR THE "TIMBER RIDGE" WATER IMPROVEMENT PROJECT BEING DEVELOPED BY BENTON COUNTY, IOWA, AS ASSISTED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM (CONTRACT #12-WS-024)

As required for this hearing, it is noted that:

- a. For a general description of accomplishments to-date, an improvement contract totaling \$115,457.85 was awarded to Hurst & Sons Contractors which has installed underground service lines on-site. In accordance with Sub-recipient Agreement, the Poweshiek Water Association has also extended mains to the site.
- b. For a summary of expenditures to-date, through October 31, 2013 invoicing totals \$23,224.01: \$9,283.01 for project design; and \$13,941 for grant administration. Of \$146,000 awarded from the CDBG Program; \$19,511 of invoicing received is reimbursed according to 60% federal share of development cost and 100% share of administrative cost. With work only recently initiated, additional engineering and construction invoicing presently remains outstanding to be received and processed.
- c. For a general description of remaining work, Hurst and Sons Contractors is awaiting the delivery of meters, with possibility that work will be done by Thanksgiving and, with cooperative weather, water main tie-in and well abandonment is to be completed in December. Poweshiek water will assist with tie-in to connect the water supply.
- d. For a general description of changes made to the project budget, performance targets, activity schedules, project scope, location, objectives or beneficiaries, no such changes have been implemented to-date. However, due to projected work completion beyond the current stipulated grant termination date of November 30, 2013, a request for extension of the funding agreement through February 28, 2014 has been submitted to the Iowa Economic Development Authority (IEDA). The extension is also necessitated due to need for IEDA to conduct a monitoring visitation.

Public in attendance: _0_.

There were no comments heard and therefore the chair declared the hearing closed.

Treasurer Kelly Geater asked if the supervisors wanted to continue with lighting a large central tree on the second floor rotunda. The board stated that they wanted the tradition to continue. Geater then requested authority to purchase LED lighting. The board stated that if funds were available then the purchase could be made. The auditor advised that funding was available.

Moved by Wiley, seconded by Hertle, to adopt Resolution #13-89, ABATEMENT OF TAX. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #13-89

ABATEMENT OF TAX

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Whereas, the City of Urbana acquired the property located at 906 W. Main Street, Urbana, for use as a public library; and

WHEREAS, the city subsequently received a tax statement for assessment year 2013; and

WEHREAS, the city has not paid said tax,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the tax for assessment year 2013 on parcel 200-06250 is hereby abated in full pursuant to Iowa Code 445.63.

Dated this 11th day of November 2013.

BOARD OF SUPERVISORS

Donald H. Frese

Terry L. Hertle

Todd Wiley

ATTEST: _____

Jill Marlow, Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #13-90. ABATEMENT OF TAX. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #13-90
ABATEMENT OF TAX

Whereas, the City of Atkins acquired the property located at 280 Park Ridge Road, Atkins, when they constructed a city hall and library; and

WHEREAS, the property record did not reflect the change in ownership and was subsequently assessed for taxation purposes for assessment year 2013;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that \$237.00 in tax for assessment year 2013 on parcel 010-03820 is hereby abated in full.

Dated this 11th day of November 2013.

BOARD OF SUPERVISORS

Donald H. Frese

Terry L. Hertle

Todd Wiley

ATTEST: _____

Jill Marlow, Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #13-91, ABATEMENT OF TAX. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #13-91
ABATEMENT OF TAX

Whereas, Iowa Code 445.16 provides that if the treasurer determines that it is impractical to pursue collection of the total amount of tax due through the tax sale and the personal judgment remedies, the treasurer shall make a written recommendation to the board of supervisors to abate the amount due and the board of supervisors shall abate the amount due and direct the treasurer to strike the amount due from the county system; and

WHEREAS, the treasurer has recommended that the tax be abated on parcels 370-7887 and 370-8D4211691 as said tax is on mobile homes that are no longer present,

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NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that all unpaid tax on parcels 370-7887 and 370-8D4211691 is hereby abated in full pursuant to Iowa Code 445.16I.

Dated this 11th day of November 2013.

BOARD OF SUPERVISORS

Donald H. Frese

Terry L. Hertle

Todd Wiley

ATTEST: _____

Jill Marlow, Auditor

Moved by Hertle, seconded by Wiley, to enter into the Agreement with Employee Benefit Systems (EBS) for administration of the county's Section 125 Plan for 2014. All members voting aye thereon. Motion carried.

The auditor recommended that the county research other providers for Section 125 plans and third-party administration of the county's partial self-funding of health insurance. The auditor stated that it had been a number of years since the county looked at other providers.

Nathan Hesson of Vinton Unlimited and Duane Randall of Vinton Park and Recreation met with the board regarding placement of lighted triangular trees on the courthouse lawn. The auditor advised that she had received numerous complaints last year about the lighted trees – primarily due to the color of lights and that the trees did not follow the historic theme of the courthouse, and also that they were damaged and never repaired. Hesson stated that the trees were damaged and left due to being frozen down. Hesson also stated that the color of lights on the trees were a cool white, which matched downtown lights but did not match the warm white lights of the courthouse. Randall asked that the trees be allowed this year with a discussion on whether they continue held after this season to allow alternate plans if needed. Hesson also requested use of the courthouse proper for Santa on November 21, 2013. Moved by Wiley, seconded by Hertle, to allow the placement of the trees on the courthouse lawn for the 2013 holiday season and allow the use of the courthouse first floor on November 21, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the Veterans Affairs' Quarterly Report for the period ending September 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to designate Supervisor Don Frese as the county's representative in union negotiations and to appoint Todd Wiley as the supervisor to the Emergency Management Board. All members voting aye thereon. Motion carried.

Supervisor Hertle spoke about comments he had received regarding the State's proposal for the Highway 218 & 30 intersection. Hertle stated that all of the comments were opposed to the design and he questioned if the county should go on record as opposing it as well.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____

Jill Marlow, Auditor

November 19, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Hertle, to approve the minutes of November 12, 2013, with the following amendments: Resolution #13-88 reflects that the starting salary is \$40,000 with a \$2,500 increase after the successful completion of a six-month probation period and that Wiley is a District I supervisor. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to sign corrected abstracts and election certificates relative to the City Elections for Atkins held on November 5, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to sign the amendment to the 2014 Third Party Administration agreement between Benton County and Employee Benefit Systems for administration of the county's Section 125 Plan. Said amendment states that the county is continuing with the grace period as currently done. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to authorize the auditor to issue a hand written check, if necessary, for payment of fencing expense to Tim and Abney Clark, upon the direction of the county attorney. All members voting aye thereon. Motion carried. This matter was taken as a result of the public comment section of the agenda and is due to pending litigation.

Moved by Hertle, seconded by Wiley, to sign the following purchase agreement for road right-of-way for the Oak Grove Road project:

Steven J. Hinds and Dawn M. Hinds - .12 acres of permanent easement located in the SE1/4 of the NW1/4 of 25-85-9 - \$774.91.

All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to sign the following purchase agreements for road right-of-way for the Oak Grove Road project:

Larry K. Wear and Susan M. Wear - .21 acres of permanent easement located in the NE1/4 of the NW1/4 of 25-85-9 - \$1,356.10.

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Larry K. Wear and Susan M. Wear - .23 acres of permanent easement located in the SE1/4 of the SW1/4 of 24-85-9 - \$1,485.25

Larry K. Wear and Susan M. Wear - .23 acres of permanent easement located in the NW1/4 of the SE1/4 and the SW1/4 of the SE1/4 and the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4 and the NE1/4 of the SW1/4 all located in 24-85-9 - \$1,485.25.

All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to enter into the following purchase agreement for road right-of-way for the Oak Grove Road project:

Larry K. Wear and Susan M. Wear, Brian Ashlock and Jessica Ashlock - .10 acres of permanent easement located in Parcel A in the NW1/4 of the SE1/4 of the SE1/4 of 24-85-9 - \$953.00.

All members voting aye thereon. Motion carried.

The county engineer spoke to the board about advertising for the hire of a mechanic and a sign crew employee. The engineer stated that he plans to overhaul two motor graders using his mechanics. The county attorney questioned how long the sign crew position had been vacant with the county engineer responding that it was close to the end of fiscal year 2012. Moved by Wiley, seconded by Hertle, to authorize the engineer to advertise to fill the positions for mechanic and sign crew. All members voting aye thereon. Motion carried.

The board recessed until 6:30 p.m.

The board was reconvened at 6:30 p.m. at the Van Horne Community Center. Chairman Frese reconvened the meeting with all members present.

The purpose of the meeting was to meet with representatives of cities and interested members of the public regarding current and future economic development efforts in the county. Representatives were present from various cities and organizations within Benton County. Dennis Jordan of the Metro Economic Alliance gave a presentation on economic development. Jordan explained that economic development is "the promotion of economic wellbeing and quality of life for communities by creating, retaining and expanding jobs that facilitate growth, enhance wealth and provide a stable tax base". Jordan spoke about the importance of bringing new money into the county and not just recirculating the same money, which is accomplished by bringing in money from all over. Jordan spoke about the location of the Creative Corridor, including Benton County in relationship to large urban areas such as Chicago, Milwaukee, Minneapolis, Kansas City and St. Louis. Jordan stated that the availability of a workforce is vital to new business. Jordan spoke about the areas of economic development in our region, including advanced manufacturing, electronic equipment and design, renewable energy, information technology, food processing, food ingredient and bioprocessing, insurance and financial, biotechnology, and transportation and distribution services. Jordan spoke about the need to measure performance of economic development through job development, company expansions, investment in capital, and capital commitments to the organization. Jordan spoke to the need to find companies that are a good fit for the region by conducting site location services, surveying industries, and speaking with current businesses. Jordan stated that Benton County provides ten percent of the workforce in the region, has direct access to Interstate 380 and Highway 30, railroads, and business parks. Jordan stated that economic development organizations have the ability to shape economic development strategy in the region, access regional resources, coordinate marketing efforts, and an opportunity to compete for jobs and capital investment.

Questions from persons in attendance included concerns about the county's current land use policy and its prohibition on development of good agricultural ground and if the county would be changing the current policy. Discussion included the need for the county and cities to come together and the concern that the economic development efforts weren't organized and there wasn't enough activity as a whole. The question of measuring success of economic development was also discussed and the need to grow the tax base to provide for quality of life. Discussion on the financial commitment of the county was also held. Jordan stated that their financial support is as follows: Linn County contributes \$40,000 annually to the Metro Economic Alliance, \$125,000 comes from the City of Cedar Rapids, and 85% from private business with 250 investors. Jordan also stated that the organization assists Linn County with grant applications.

It was questioned how investments were solicited from private business. Jordan stated that the organization sits down with investors and explains what they have done and what they are going to do. Jordan stated the organization has to demonstrate what they have done and that the organization has to perform.

Concern was expressed that financial assistance is provided to new business and when the money is gone the business leaves.

Marlyn Jorgenson reviewed the history of economic development in the county, citing several successful cases. Jorgenson spoke about business being developed from within the county and the need for entrepreneurs with new ideas. Tim Guenther also stated that quality housing, good schools, and location were important when he located his business in Benton County. Jorgenson spoke about the need for an economic development/county coordinator to pass ideas from one town to another, who will meet with communities each quarter, to assist businesses with succession planning, as well as many other duties. Ann Jorgenson added that communities could participate in joint training, joint paving projects and possibly water and sewer projects. Jorgenson asked the communities what type of support they needed. Don Eells emphasized that communication and accountability to the taxpayers is vital. Harry Ruth stated that existing businesses cannot be forgotten as a vast majority of jobs are created by existing businesses and they need help to grow as well. Ruth also stated that there are a lot of resources but the need is always greater and it is the job of economic development personnel to put the needs with the resources by helping business recognize their needs and how best to meet those needs. Eells added that tax incentives are also important. Jordan interjected that 80% of Linn County growth comes from existing businesses.

Kristina Kraemer spoke about the need to think outside of the box. Kraemer also reviewed a booklet being distributed to the cities and asked that each city work through the booklet in an effort to determine their development needs.

Discussion on the need for good roads, the communities' inability to afford industrial parks and the need for long term planning was also held. The need to allow growth on agricultural land and changes in policy was questioned with responses being heard that economic development doesn't mean the sacrifice of good agricultural land. The need for communities to begin economic development within and then network with each other was mentioned.

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Renae Becker questioned the supervisors about what their intentions were for economic development going forward. Supervisor Frese stated that he is looking for ideas, but admitted that it would take a lot of funding and there will be a need for a lot of investors.

Supervisor Hertle stated that Benton Development Group needs to do a better job of communicating – adding that many people don't know what Benton Development Group is. Hertle stated that there needs to be more accountability. Hertle stated that there would be successes and failures and that there was nothing wrong with failing but the taxpayers need to know more about the organization.

Supervisor Wiley responded that building relationships with communities is key. Communication is necessary and that there needs to be a unified group and that it is imperative that representation is spread across the county. Wiley continued that agriculture is huge in the county but it is not the economic generator that it once was. He added that home grown business needs to be developed. Wiley spoke to speculative buildings in that they are great for builders but are difficult to market. Wiley also stated that opportunities need to be provided for you entrepreneurs through groups such as SCORE.

Ruth Schafbuch commented on the need for the rural and cities to work together on developing economic development policy.

Nathan Hesson questioned what the next step would be. Supervisor Frese stated that he was waiting to see what ideas came back to the board. Hesson responded that a plan cannot be put together without guidance. Supervisor Wiley stated that there are great leaders who are passionate about economic development. Wiley didn't see why Benton Development Group could not continue to be the economic development organization if it has county-wide representation, communication, and a cohesive group of leaders.

Dave Coulter explained that the Benton Development Group used to seek funding from all of the cities. Some cities would contribute and some wouldn't, which became problematic. So the Group asked the county to provide all of the funding. Coulter was not in support of returning to the cities for financial support, but continue to be funded by the county.

Becker added that when the county funded the organization that representatives from Walford and Belle Plaine became involved in the organization.

Supervisor Hertle stated that a clean start from scratch was needed. Hertle reflected on a conversation he had earlier in the summer with an individual who had previously been in economic development. Hertle stated that the upheaval was not all bad in that economic development could be better and stronger as a result.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

November 26, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of November 19, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the installation of a gutter on the west side of the brown transportation shed at a cost of \$212.00 from Terry's Gutter. All members voting aye thereon. Motion carried.

Representatives of the Cedar Valley Ranch met with the supervisors to explain the current facility lease agreement, the budgeting process, and the history of rate setting. It is no longer believed that the rate will no longer be set by the county due to the regionalization of mental health services. Lorene Spencer requested that the board amend the current facility lease agreement to allow the reserve to be set at \$450,000 instead of \$200,000, as adjusted annually for inflation. The current lease provides that the net assets that exceed \$200,000 (as adjusted annually inflation) are to be paid to Benton County. This is due to the county providing \$200,000 to the Cedar Valley Ranch when the operation of the county care facility was privatized. Spencer stated that the Cedar Valley Ranch will have paid the county \$360,195.00 by June 30, 2014, as a result of the current lease. Supervisors Hertle and Frese stated that they were in agreement with the change in the lease. The auditor stated that amending the lease was not on the agenda and therefore no action could be taken. The board asked that the matter be placed on the next agenda for action.

Moved by Hertle, seconded by Wiley, to approve checks numbered 207813 through 207975, payroll checks numbered 137189 through 137259, and ACH deposits numbered 19050 through 19172, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt the county's employee wellness position. All members voting aye thereon. Motion carried. The position is as follows: *"We will continue to provide opportunities to participate in the Tavi Programs offered through ISAC and Wellmark. We will continue to have a member of the Board of Supervisors as an active member of the Wellness Committee. We will continue to offer information and options for healthy food choices for our employees. (Nutritional education options, healthier food options for meetings and offering a free magazine for health food choices and recipes.)"*

Angie Shaffer and Jamar Thompson met with the board to educate them on the Benton County Community Foundation. Thompson explained that the Community Foundation of Northeast Iowa (CFNI) is host foundation for the Benton County Community Foundation. The CFNI was first established in 1956 as Waterloo Civic Foundation and currently has \$70 million in assets. There are twenty four other communities and affiliates being served by CFNI. Thompson stated that in 2004, legislation was passed that provided gambling dollars to counties without casinos; however the county foundation had to be affiliated or meet national standards to receive the funds. There must be a governing committee established in the community and that group determines distributions of grants, which is approximately \$130,000 for 2014 for Benton County. Angie Shaffer explained the appointment of board members to the Benton County Community Foundation as well as the use of grant funds. The purpose of the meeting was solely for educational purposes and to insure that the supervisors understood that the Benton County Community Foundation and the Benton Development Group were two separate organizations with neither being tied to the other.

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Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in sections 9, 10, and 15 of Canton Township along 64th Street west from the city limits of Shellsburg. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #13-92, IMPOSING WEIGHT RESTRICTIONS ON CERTAIN STRUCTURES. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #13-92

WHEREAS, the structures at these locations are not currently posted for any embargo restrictions, and

WHEREAS, these structures, due to age, design and load rating computations have reached the point where a restricted weight limit should be imposed,

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

<u>LE-2220</u>	20 ton 0.2 mile east of the NW corner of section 16-82-11 (Leroy Township) on 76 th Street.
<u>CA-0011</u>	20 ton 0.1 mile south of the NW corner of section 7-84-9 (Canton Township) on 28 th Avenue.
<u>MO-0750</u>	TRUCKS OVER 6000 LBS YIELD TO TRUCKS ON BRIDGE (Eastbound traffic)
<u>KA-4420</u>	0.3 miles west of the NE corner of section 31-85-12 (Monroe Township) on 61 st Street. 22/34/38 ton 0.4 miles east of the NW corner of section 14-83-12 (Kane Township) on 70 th Street.

Signed this 26th day of November 2013.

Chair, Board of Supervisors

ATTEST: _____
Auditor

Moved by Wiley, seconded by Hertle, to adopt Resolution #13-93, IMPOSING NEW WEIGHT RESTRICTIONS ON CERTAIN STRUCTURES. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #13-93

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

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

<u>MO-4450</u>	15 ton & One Truck on Bridge 0.4 mile east of the NW corner of section 35-85-12 (Monroe Township) on 61 st Street.
<u>STC-5034</u>	10 ton 0.4 mile south of the NW corner of section 24-82-10 (St Clair Township) on 28 th Avenue.
<u>LE-0009</u>	24/36/40 ton 0.1 mile north of the SW corner of section 6-82-11 (Leroy Township) on 16 th Avenue.
<u>LE-3023</u>	10 ton 0.3 mile south of the NW corner of section 15-82-11 (Leroy Township) on 19 th Avenue.
<u>FL-4820</u>	15 ton 0.2 mile west of the NE corner of section 14-82-9 (Florence Township) on 76 th Street.
<u>BE-2159</u>	15 ton 0.1 mile east of the SW corner of section 33-85-9 (Benton Township) on 62 nd Street.
<u>BE-5250</u>	5 ton

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PO-5037 15 ton 0.2 mile east of the NW corner of section 36-85-9 (Benton Township) on 61st Street Lane.
0.3 mile north of the SE corner of section 23-86-9 (Polk Township) on 33rd Avenue.

Signed this 26th day of November 2013.

Chair, Board of Supervisors

ATTEST: _____
Auditor

Moved by Hertle, seconded by Wiley, to enter into a purchase agreement between Benton County and Dines Family Farm, LLC for the purchase of 1.72 acres of permanent right-of-way easement located in SW1/4 of the SW1/4 and the NW1/4 of the SW1/4 of 25-83-9, at a price of \$16,130.00. All members voting aye thereon. Motion carried.

The auditor requested that the Board amend the county's snow removal ordinance to include language regarding abandoned vehicles. The engineer asked that the ordinance be amended to change the hours of operation during snow removal as well. Moved by Hertle, seconded by Wiley, to set December 10, 2013, December 13, 2013, and December 17, 2013, at 9:15 a.m. as the time and date for considerations on amending Ordinance #43, An Ordinance Establishing the Policy and Level of Service in Respect to Clearance of Snow or Ice and Maintenance of this County's Secondary Roads during the Winter Months. Further, that notice be published allowing the board to waive considerations if appropriate. All members voting aye thereon. Motion carried.

The auditor presented the county's policies on Equal Opportunity, Code of Conduct, Prohibition of the Use of Excessive Force, Residential Anti-displacement & Relocation Assistance, Conflict of Interest, and Fair Housing to the board for re-adoption. The auditor explained that the policies were last adopted in 2010 and she believed that the county should readopt the policies, especially since all of the board members were elected since that time. Supervisor Wiley requested additional time to read the policies. The matter was placed on the next agenda.

The board did not discuss the Iowa Department of Transportation's (IDOT) proposal for a J-turn at the intersection of Highway 218 and 30. Supervisor Wiley explained that he had contacted a representative from the IDOT who would attend the board meeting on December 10th to discuss the matter.

The board discussed potential county appointees to the Sanitary Disposal Commission, including Stuart Towe, Bryce Brecht, Dean Jensen, Jerry Petermeier, Tracy Seeman, Dan Kaestner, Dave Wrage, and Garth Beatty. The board will be selecting seven appointees to the commission. The auditor reminded the board of the requirement for gender-balanced boards. The supervisors will continue to seek potential appointees for consideration.

The board recessed at approximately 1:00 p.m.

The board was reconvened at 6:30 p.m. at the Benton County Law Enforcement Center.

Representative of the East Central Iowa Council of Governments provided information on sanitary landfills including the construction of landfill cells, the revenue and expenses of operating a landfill, and the transition from a county-run facility to a facility managed and operated by a 28E commission. No action was taken.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

December 3, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese and Hertle present. Supervisor Wiley was absent. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of November 26, 2013. Both members voting aye thereon. Motion carried.

Initial bargaining proposals were exchanged between the Benton County Sheriff and Teamsters (representing Benton County Sheriff's Department employees).

The time of 9:15 a.m. having arrived, and this being the time and date set for a public hearing on a land use change requested by Brian and Jessica Ashlock, the board took up the matter for consideration. Marc Greenlee presented the 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. A new well and septic will be needed for the residence. Ken Nemecek, an adjacent

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property owner, was present but did not voice objection to the proposal. Nemecek expressed concern about compliance with fencing laws and that it is a rural area with rural activities. Moved by Hertle, seconded by Frese, 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 located in Parcel A in the NW1/4 of the SE1/4 of 24-85-9. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to recess. Both members voting aye thereon. Motion carried at 9:30 a.m.

The Board reconvened at 5:45 p.m. at the Benton County Law Enforcement Center with Supervisors Frese and Hertle present.

Moved by Hertle, seconded by Frese, to adopt the 2013 Benton County Wellness Policy as set forth below. Both members voting aye thereon. Motion carried.

2013 Benton County Wellness Policy

1: We will continue to provide opportunities to participate in the Tavi Programs offered through ISAC and Wellmark.

2: Supervisor Role on Wellness Committee

Purpose

Clearly outline what the committee would like the supervisor to commit to related to the wellness committee goals and objectives.

Meetings

The supervisor will attend meetings 4 meetings per year that last approximately 1 hour.

Terms

Each supervisor will serve for one year, with a maximum of two years, unless retirement or no longer employed by Benton County.

Responsibilities

- Assist program planning.
- Actively promote program activities among coworkers.
- Communicate the program in supervisor and departmental meetings.
- Provide feedback to the Wellness Committee Leader about your thoughts, ideas, and suggestions, and those of your coworkers.
- Recommend policy and environmental changes that are aimed at improving the health and safety of employees.

3: We will continue to offer information and options for healthy food choices for our employees. (Nutritional education options, healthier food options for meetings and offering a free magazine for healthy food choices and recipes)

Moved by Hertle, seconded by Frese, to approve 49 hours of vacation carry-over requested by Marc Greenlee. Said carry-over is to be used by March 1, 2014. Both members voting aye thereon. Motion carried.

Supervisor Wiley arrived at 5:50 p.m.

The board discussed the request from the Cedar Valley Ranch to amend the current lease agreement. The Cedar Valley Ranch has specifically requested that the Section 5.2, \$200,000 Reserve, be amended as follows: "Tenant shall maintain \$200,000 \$450,000 net earnings reserve (net assets) adjusted annually for inflation. Tenant shall pay to the Landlord any excess in the net earnings reserve over \$200,000 as annually adjusted." The amendment would change the \$200,000 to \$450,000 and also changes the language to allow for quarterly payments instead of one annual payment. The proposed language also removes the requirement for an annual audit being provided to the county. The county provided \$200,000 to Cedar Valley Ranch approximately twenty years ago when the non-profit corporation was formed and began leasing the county home and the language was a part of the initial lease agreement. The corporation has exceeded the earnings reserve in the past several years and will have remitted \$360,195.00 to the county's general fund by the end of the current fiscal year. The board was concerned about the impact the amendment would have on the funds being paid to the county and the impact of mental health regionalization on the organization. The board determined that an amendment should be delayed until further information on its impact is obtained. Moved by Hertle, seconded by Wiley, to table amending the lease agreement between Benton County and the Cedar Valley Ranch. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #13-94, RE-ADOPTING AND/OR AMENDING POLICIES FOR CODE OF CONDUCT, EQUAL OPPORTUNITY POLICY STATEMENT, PROHIBITION OF THE USE OF EXCESSIVE FORCE, CONFLICT OF INTEREST, and RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #13-94

ADOPTION AND/OR READOPTION OF POLICIES FOR CODE OF CONDUCT, EQUAL OPPORTUNITY POLICY STATEMENT, PROHIBITION OF THE USE OF EXCESSIVE FORCE, CONFLICT OF INTEREST AND RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN and REPEALING RESOLUTION #10-64

WHEREAS, the Benton County Board of Supervisors desires to re-adopt and/or amend various policies currently in place,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following policies are adopted:

CODE OF CONDUCT

PURPOSE

The purpose of this Code of Conduct for Benton County (hereinafter referred to as "County") is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 24 CFR; Part 85 (85.36(b.)(3)) and other applicable federal and state standards, regulations, and laws.

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APPLICATION

This Code of Conduct applies to all officers, employees, or agents of the County engaged in the award or administration of contracts supported by federal grant funds.

REQUIREMENTS

No officer, employee, or agent of the County shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization that employs, or is about to employ any of the above;

has a financial or other interest in the firm selected for award.

The County's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the County's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

EQUAL OPPORTUNITY POLICY STATEMENT

It is the policy of Benton County (hereinafter referred to as "County") to provide equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, handicap, age, familial status, gender identity, sexual orientation, disability, genetic information, pregnancy, political affiliation or citizenship.

The Chairperson has ultimate responsibility for the overall administration of the affirmative action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the Board of Supervisors Chairperson's responsibility. The Board of Supervisors Chairperson will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by the County. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administered by the County because of race, creed, color, religion, sex, national origin, handicap, age, gender identity, sexual orientation, disability, genetics, pregnancy, political affiliation or citizenship has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by the County, which may be contacted at 319-472-2365.

This Equal Opportunity Policy of the County shall be posted in conspicuous places within the facility, distributed to all employees, contractors and to the persons of all advisory and policy-making groups.

POLICY ON THE PROHIBITION OF THE USE OF EXCESSIVE FORCE

WHEREAS, the County of Benton (hereinafter referred to as "County") has received federal funding through the Community Development Block Grant (CDBG) program; and,

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, the County endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOLVED, that Benton County hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, the County agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. Benton County further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that the County has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by Benton County, which may be contacted at 319-472-4869.

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RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN UNDER SECTION 104(D) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED

Benton County (hereinafter referred to as “County”) will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496a(c)(1).

All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the County to provide funds for an activity that will directly result in demolition or conversion, the County will make public by publication in a newspaper of general circulation and submit to IDED the following information in writing:

1. A description of the proposed assisted project;
2. The address, number of bedrooms, and location on a map of low/moderate-income housing that will be demolished or converted to a use other than as low/moderate-income housing as a result of an assisted project;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. To the extent known, the address, number of bedrooms and location on a map of the replacement housing that has been or will be provided.
5. The source of funding and a time schedule for the provision of the replacement housing;
6. The basis for concluding that the replacement housing unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy.
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units), or any proposed replacement of efficiency or single-room occupancy (SRO) units with units of a different size, is appropriate and consistent with the housing needs and priorities identified in the state's Consolidated Plan for Housing and Community Development.

To the extent that the specific location of the replacement housing and other data in items 4 through 7 are not available at the time of the general submission, the County will identify the general location of such housing on a map and complete the disclosure and submission requirements as soon as the specific data are available.

The County's Board of Supervisors, which may be contacted at 319-472-4869, is responsible for tracking the replacement of housing and ensuring that it is provided within the required period. The Board of Supervisors is also responsible for ensuring requirements are met for notification and provision of relocation assistance, as described in CFR 570.496(a)(c)(2), to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low/moderate-income dwelling unit to another use in connection with an assisted activity.

Consistent with the goals and objectives of activities assisted under the Act, the County will take steps to minimize the direct and indirect displacement of persons from their homes that may include the following:

1. Coordinate code enforcement with rehabilitation and housing Assistance programs.
2. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent undue financial burden on established owners and tenants.
3. State rehabilitation of apartment units to allow tenants to remain in the building/complex during and after the rehabilitation, working with empty units first.
4. Arrange for facilities to house persons who must be relocated temporarily during rehabilitation.
5. Adopt policies to identify and mitigate displacement resulting from intensive public investment in neighborhood.
6. Adopt policies, which provide reasonable protection for tenants faced with conversion to a condominium or cooperative.
7. *Adopt tax assessment policies, such as deferred tax payment plans, to reduce impact of increasing property tax assessments on lower income owner-occupants or tenants in revitalizing areas.*

Conflict of Interest

County officers and employees shall not be allowed to enter into contracts with Benton County for amounts greater than \$1,500.00, cumulatively, in any one fiscal year unless said contract is awarded through a competitive quote process. The competitive quote process shall consist of a minimum of three quotes. In the event three quotes are not possible, two quotes will be accepted with documentation from the department stating the reason for the deviation from the three quote requirement. Documentation of the

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competitive quote process shall be attached to the claim filed in the office of the county auditor and remain on file for a period of ten years.

IT IS FURTHER RESOLVED that Resolution #10-64, adopted on October 19, 2010, is hereby repealed in its entirety upon adoption of this resolution.

Dated this 3rd day of December 2013.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to accept the resignation of Chris Behrens as a part-time transportation driver, effective immediately. All members voting aye thereon. Motion carried.

The engineer reported that the balance in the landfill account at the Blairstown bank on November 30, 2013, was \$52,063.86.

Myron Parizek, county engineer, spoke to the board about setting a landfill per-capita fee for FY15. Parizek referred to the feasibility study completed last year by Foth Engineering wherein a one percent per-capita increase was recommended. Parizek stated that a one percent increase equated to approximately a fifty cent per-capita increase. Parizek and the board discussed the changing governance of the landfill and the possibility that a gate fee will be initiated. Parizek stated that the per-capita fee could be reduced later in the year if it is determined appropriate by the commission. Parizek recommended a per-capita fee of \$32.50 for city residents and \$36.75 for rural residents. The recommended increase for rural residents is twenty-five cents, which is less than the recommendation and is due to the decreased costs of the rural recycling program. The difference in per-capita fees between city and rural is to provide for rural recycling drop-off sites and associated costs. Moved by Hertle, seconded by Wiley, to table setting per-capita fees pending discussions with the cities and representatives on the sanitary disposal commission. All members voting aye thereon. Motion carried. It was emphasized that a rate will need to be set within the next thirty days to allow the county and cities to budget accordingly.

The board attended an educational presentation by Brian Harthun of Foth Engineering and Jennifer Fencel of the East Central Iowa Council of Governments regarding actual operations of a landfill including the current and future costs. Representatives from various cities were present. Discussion ensued regarding budgeting for next fiscal year and revenue sources. It was determined that the new sanitary disposal commission should begin meeting as soon as possible to address operations, budgeting and contractual obligations for the next fiscal year. The board requested that all cities take action by February 1, 2014, relative to the 28E Agreement creating a new sanitary disposal commission and the governance of the solid waste facility.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Auditor

December 10, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of December 3, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the claim for decategorization services submitted by Tammy Wetjen-Kestersen in the amount of \$2,716.00. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve vendor checks numbered 20797 through 208139, payroll checks numbered 137260 through 137275, and ACH deposits numbered 19173 through 19297, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the following vacation carry-over requests:

Justin Birker – 63 hours to be used no later than June 1, 2014

Deb Fleming – 28 hours to be used no later than June 30, 2014

All members voting aye thereon. Motion carried.

The time of 9:15 a.m., having arrived and this being the time and date for the first consideration on Ordinance #70, Snow Removal, the board opened the public hearing. There was one member of the public present. The ordinance amends the current snow removal ordinance by repealing it and adopting Ordinance #70. Notice of the public hearing had been published as provided by law. There were no objections. Hearing no comment, it was moved by Hertle, seconded by Wiley, to approve the first consideration of Ordinance #70, Snow Removal. All members voting aye thereon. Motion carried.

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The board continued discussion as to future considerations of Ordinance #70, Snow Removal. The changes between Ordinance #70 and the current Ordinance #43 includes language about removing abandoned vehicles during an emergency and changing the hours of operation of snow plows to be more consistent with current practice. There were no objections heard during the first consideration. The board also discussed the need to adopt an ordinance without delay due to the time of year and snow removal. Moved by Wiley, seconded by Hertle, to waive the second and third considerations of Ordinance #70, Snow Removal. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #13-95, ADOPTING ORDINANCE #70, SNOW REMOVAL. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #13-95 ADOPTING ORDINANCE #70, SNOW REMOVAL

WHEREAS, the Board of Supervisors desires to adopt Ordinance #70, Snow Removal; and

WHEREAS, notice of the considerations of said ordinance were published in the official newspapers of Benton County; and

WHEREAS, said notice advised the public that considerations may be waived; and

WHEREAS, the first consideration was held on this date with no objections heard; and

WHEREAS, the second and third considerations were waived,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #70, Snow Removal, is adopted in its entirety.

ORDINANCE #70 (Replaces Ordinance # 43)

TITLE: An ordinance establishing the policy and level of service in respect to clearance of snow or ice and maintenance of this county's secondary roads during the winter months.

Be it Enacted by the Board of Supervisors of Benton County, Iowa:

SECTION 1 -- PURPOSE. The purpose of this ordinance is to establish this County's policy and level of service in respect to clearance of snow and ice and maintenance of its secondary road system during the winter months, pursuant to the provisions of Section 668.10(2), Code of Iowa. Except for "Emergency" conditions, defined in Section 5, as determined by the County Engineer's professional judgment, this policy and level of service are to be implemented within the amount of money budgeted for this service, as contained in this County's secondary road budget as submitted to and approved by the Iowa Department of Transportation and adopted by the Board of Supervisors. Clearing the roads at any cost is not the County's policy.

SECTION 2 -- LEVEL OF SERVICE. Clearance of snow or ice and maintenance of the secondary road system during the winter months is primarily for the benefit of the local residents of this County. Each storm has individual characteristics and must be dealt with accordingly. The portion of the roadway improved for travel will have upon it snow and ice in a compacted condition. These conditions may be continuous, or they may be more concentrated on hills, in valleys, curves, and/or intersections. The County's existing snow removal equipment and personnel will be utilized for this purpose. On occasion County personnel may be unavailable due to the Omnibus Transportation Employee Testing Act of 1991. Except for emergencies as determined by the County Engineer's professional judgment, all clearance of snow and ice, sanding, salting, and other maintenance respecting winter conditions shall be accomplished within the amount of money budgeted for this service. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow and ice, or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right-of-way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The line of sight, sight distance, or visibility of motorists approaching these intersections may be greatly reduced or impaired. The County shall not be responsible for snow pushed or otherwise placed on the roadway or shoulder by others. Motorists shall drive their vehicles during these conditions with additional caution and watchfulness, especially in respect to the surface of the roadway, and reduced or impaired visibility, and are advised to reduce their speed at least 25 miles per hour below that legally permitted or advised under normal conditions. In respect to roadways that have only one lane open, further extreme watchfulness and caution should be exercised by the motorist, and their speed should not exceed 10 miles per hour. During these conditions no additional warning or regulatory signs will be placed that warn of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

SECTION 3 -- SEQUENCE OF SERVICE. In the implementation of snow and ice removal and other maintenance of the county's secondary road system during the winter months, the County Engineer shall select the actual sequence of roads to be cleared as provided for in this Section of this Ordinance, and shall determine when drifting, wind velocity, and additional snow or snowstorms require that the snow removal equipment be removed from the roadway, or that additional clearance of paved routes be accomplished prior to the clearance of rock and dirt roads.

PAVED ROUTES

1. The initial effort will be to get all routes open to two-lane traffic as soon as possible.

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2. After two-lane travel is possible, subsequent snow removal will be carried on during normal working hours.
3. The truck mounted snow plows and spreaders will not normally be in operation between the hours of 5:00 PM and 5:00 AM. The trucks may be called off the road if snow and/or blowing snow reduce visibility to hazardous working conditions, in the professional judgment of the County Engineer or the County Engineer's delegated representative.
4. When required, due to drifting snow, motor graders may be used to keep the paved roads open and the opening of rock roads may be delayed.
5. It is not the policy of the county to provide a "dry" pavement condition.

UNPAVED ROADS

1. The initial effort will be to get all routes opened to one-lane traffic as soon as possible after a storm has passed.
2. After one-lane travel is possible, subsequent snow removal will be carried on during normal working hours.3. Motor graders and/or truck plows will not normally be in operation between the hours of 5:00 PM and 5:00 AM. Rock roads may not be plowed if the wind is causing continual drifting.
4. Snow may not be removed from roads designated at Level B.

PRIVATE DRIVES

The County will not clear snow from private drives. Normal snow removal operations may result in snow being deposited in private drives. Snow from private drives shall not be placed on the roadway or shoulders.

MAILBOX REPLACEMENT

The County will repair mailboxes that the county personnel damage in the course of its operation. The mailbox repair will be secondary to the snow removal operation and will be done, as personnel are available.

There is no time limit after a snowstorm in which any of the above sequence of clearance, on paved or unpaved roads, shall take place.

SECTION 4 -- LIMITATION OF SERVICE. The policy and level of service provided for in this Ordinance shall not include the performance of the following services:

- A. Sanding, salting, or placing of other abrasives upon the roadway that are slick, slippery, and dangerous due to the formation of frost.
- B. Sanding, salting, or placing other abrasive upon paved roadways due to freezing precipitation that occurs outside the county's usual working hours.
- C. Sanding, salting or placing abrasives upon any unpaved roads. If in the opinion of the County Engineer ice has built up on hills and intersections on the rock system that slope up or down to another road so as to become dangerous, abrasives may be applied to these locations. This will only be done after other mechanical means, such as scraping with motor graders, have been tried and are unsuccessful.
- D. Removing of sand, salt or other abrasives.
- E. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

SECTION 5 -- EMERGENCY CONDITIONS.

- A. The County Engineer may suspend the level of service or sequence of service during "Emergency" conditions. An "Emergency" condition shall be considered as one where a loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. An "Emergency" condition reported by the public shall be verified through the 911 dispatcher or Sheriff's Office, or his/her physician.
- B. The provisions of the Ordinance shall be further suspended in the event the Governor, by proclamation, implements the State disaster plan, or the County Emergency Management Director, by proclamation, implements the County disaster plan. If such occurs, the County personnel and equipment shall be immediately subject to the direction of the Governor or the County Emergency Management Director.
- C. When any ice storm or blizzard creates conditions that vehicles are abandoned on county roads, such that snow and ice maintenance operations are halted and unable to clear the roadway under circumstances that an "Emergency" defined in Subsection A exists, the Board of Supervisors may declare an Emergency authorizing county maintenance or private towing company vehicles to clear the roadway sufficient to continue snow and ice maintenance operations.

SECTION 6 -- REPEALER. All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Ordinance #43 in Chapter 1, Streets, Roads, Public Ways & Transportation, of the Benton County Code of Ordinances is repealed in its entirety upon the effective date of this ordinance.

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SECTION 7 -- SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8 -- WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

SECTION 9 -- BENTON COUNTY CODE OF ORDINANCES. Chapter 1, Streets, Roads, Public Ways & Transportation, of the Benton County Code of Ordinances is amended to add Ordinance #70 and remove Ordinance #43.

Passed and adopted by the Benton County Board of Supervisors on this 10th day of December, 2013.

BENTON COUNTY BOARD OF SUPERVISORS

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST: _____
Jill Marlow, Auditor

Representatives of the Workplace Learning Connection (WLC) met with the board to provide an overview of the services provided by their organization in Benton County. The organization provides career development activities to help children understand why they have to learn certain subject matter as well as teaches them what job opportunities are available in their communities. Mary Lou Erlacher stated that 793 events had been held in the past year including financial literacy fairs, speaker days, and worksite tours. WLC arranged for 153 job shadows and 8 internships for high school students. Erlacher spoke about the history of the organization and its funding sources and asked that Benton County consider providing funding to WLC when considering the FY15 budget.

Bill Anderson spoke to the board about problems with maintenance of the gravel roads adjacent to his property. Specifically, Anderson questioned why gravel is applied to roads and then windrowed off into the ditch all in the same day. Supervisor Wiley advised that he viewed the issue at Anderson's residence on 59th Street Trl. and assured Anderson that the rock issue along his property was not intentional. Wiley stated that the county ditch was being maintained as a yard by Anderson and therefore the rock was actually in the ditch, but Wiley added that winging road rock off into the ditches is a concern. Anderson stated that he took four buckets full of rock out of his yard with a skid loader, which was the result of windrowing rock off of the road. Supervisor Frese stated that he mows his ditch and always has a lot of rock. Supervisor Hertle advised that he has had the same complaint for years regarding windrowing the rock off into the ditches. Anderson stated that the road has no crown resulting in water sitting on the road. Supervisor Wiley echoed that his road is also flat and holds water. Wiley stated that he spoke with the road foreman about the basis for evaluating employee performance as well as what an ideal road crown should be. The road foreman told him (Wiley) that a 7 inch crown is ideal in his opinion. Wiley questioned what standards are used for motorgrader operators to use – adding that if there are no standard to evaluate employees then the county needs to develop standards. Wiley added that the goal is not to terminate employees but to make them better employees. Supervisor Frese added that there will never be a day when there is not rock in the ditches. Wiley stated that he believed there was a problem with applying gravel too late in the year. Supervisor Hertle stated that he has told the county engineer specifically to quit hauling rock in the fall. Wiley continued that the county also had to be careful to not get too much crown on the road because if there is too much then there isn't enough clearance and added that there has to be a happy medium. Wiley ended the conversation stating that the board would be having this conversation again with the county engineer. Anderson hoped to see a change next year.

Jim Schnoebelen with Iowa Department of Transportation met with supervisors at the supervisors' request. The board discussed the proposed J-turn intersection at Highways 218 and 30. Schnoebelen told the board that there always has to be a first and this would be the first in Iowa although the intersection would not be a "guinea pig". Schnoebelen advised that the J-turn was being proposed for safety reasons – adding that standard intersections have higher crash rates for fatalities according to a study done by Iowa State University. The study showed that a J-turn intersection would reduce the total number of intersection conflict points from 42 to 24. The board discussed the pros and cons of the intersection with very few pros being identified. The board was concerned that a semi turning east from 218 onto 30 would have to initially turn west then cross Highway 30 and turn back east. The concern was not only with crossing the west bound lanes but also the need to accelerate when entering the east bound lanes. After significant discussion, Supervisor Wiley stated that he would avoid the intersection if the J-turn is built when driving a truck. Supervisor Hertle stated he was vehemently opposed to the proposal. The supervisors stated that they would take formal action during their next meeting to oppose the J-turn proposal.

Moved by Hertle, seconded by Wiley, to authorize the sheriff to sign and enter into the Western States Contracting Alliance #1907 Authorized User Agreement on behalf of Benton County. All members voting aye thereon. Motion carried. The agreement was bid under state contract and provides for cellular service to the county squad car's computers.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “N-N”

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The librarians from various communities in Benton County met with the board to discuss the various services they provide and to request continued financial support in FY15. The librarians stated that they appreciate the funding they receive from the county through the local option sales and services tax and expressed hope that funding would continue – adding that any extra money would be appreciated. Supervisor Wiley asked how the libraries served the public from a “tech savvy” position. The librarians stated that many patrons need high speed internet as well as access to computers and printers. They further stated that libraries provide e-books at no charge and also some libraries provide wireless access for business people and visitors. The board stated that the librarians’ requests would be taken under consideration during the FY15 budget development process.

County Attorney David Thompson, Assistant County Attorney Emily Nydle, and Mary Ann Blumer met with the board regarding the hire of Mary Ann Blumer as a permanent part-time employee in the county attorney’s office. Thompson stated that he has an immediate vacancy in his staff due to a six-week leave of absence and requested that Blumer be hired immediately to fill the temporary vacancy as well as fill in during other times throughout the year when his office was short-staffed due to illness and/or vacation. Thompson stated that he would need to post the position to meet veterans’ preference laws but wanted approval to hire Blumer immediately due to her experience within the office. Blumer was previously employed in the county attorney’s office but retired through the county’s early retirement program. Thompson stated that Blumer would be limited to 400 hours per year. Supervisor Wiley expressed concern about departments hiring part-time employees to cover vacations and stated that proper scheduling should avoid the need to hire someone to cover vacations. Wiley stated that he understood that a six-week unexpected leave of absence may require the hire of temporary assistance. Thompson responded that having someone gone in his office was difficult and that he has had a line item in prior budgets for part-time help. Thompson reminded the board that his office is bringing in collection money, which can be used for this expense and there would be no cost the taxpayers. Thompson stated that it was difficult for his office to hire temporary employees due to confidentiality and that Blumer has the experience. Nydle added that Blumer understands the office while current staff still questions what needs to be done. Supervisor Hertle clarified that the hire would not be full-time and stated that he did not see any problems with the request. Supervisor Frese echoed Hertle’s comment. Moved by Hertle, seconded by Frese, to approve the hire of Mary Ann Blumer, effective this date, as a part-time employee in the county attorney’s office, at a wage of \$20.00 per hour. The position is not to exceed 400 hours per year. All members voting aye thereon. Motion carried.

Supervisor Hertle reported on his meeting with the Benton County Historical Preservation Commission. Hertle stated that he discussed the repair of the courthouse clock with the commission. The commission agreed to seek public input as to whether the clock should be repaired and if so, at what cost. The next meeting of the commission will be held on January 20, 2014 at 1:00 p.m. at the Vinton library.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____

Jill Marlow, Benton County Auditor

December 17, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of December 10, 2013. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve 37.5 hours of vacation carry-over requested by Emily Nydle. Said carry-over is to be used by April 30, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to authorize the chair to sign the 2014 Wellness Agreement between Benton County and the Iowa State Association of Counties. All members voting aye thereon. Motion carried. Said agreement provides that Benton County will continue to participate in the wellness program offered through the Iowa State Association of Counties in exchange for potential health insurance premium savings.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Windstream Communications to place utility lines in the county’s right-of-way in sections 22, 23, 24 and 27, along 77th Street Dr. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the corrected purchase agreement of April 23, 2013, between Benton County and Ritscher Farms, Inc., to provide for the purchase of .23 acres of permanent easement and .24 acres of temporary easement for a total cost of \$2,956.65. The easement is relative to project FM-CO06*89)—55-06 on E44 (box culvert). All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to set the FY15 landfill per-capita rate at \$33.00 for urban and \$37.00 for rural. All members voting aye thereon. Motion carried. It is understood that the future landfill commission may reduce the rates but it is necessary to set a rate at this time to allow cities and the county to prepare FY15 budgets.

Gary McKenna, Chief of the Vinton Fire Department, and John Holst, Eden Township Trustee, met with the board to request that local option sales and services tax be earmarked for the Vinton Fire Department. McKenna explained that the department is securing funding for a new rescue/pumper truck at an estimated cost of \$450,000.00. The Vinton Fire Department serves Harrison, Taylor, Eden, and Jackson townships, as well as provides mutual aid to other departments when needed. The county has adopted procedures to allow up to 10% of the cost of equipment. Moved by Hertle, seconded by Wiley, to earmark up to \$45,000 for the Vinton Fire Department for the purchase of a rescue/pumper truck. The amount is 10% of the actual cost as verified by purchase documentation not to exceed \$45,000.00. The anticipate purchase is in the next fiscal year. All members voting aye thereon. Motion carried.

The board discussed the J-turn proposal for the intersection of Highway 218 and Highway 30. The supervisors are opposed to the proposal for various reasons and will draft the basis for their opposition in resolution form to be approved at the next board meeting.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "N-N"

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Donald H. Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

December 24, 2013

The Benton County Board of Supervisors met in regular adjourned session with Supervisors Frese, Hertle, and Wiley present. The meeting was called to order at 9:00 a.m.

Supervisor Hertle attended by telephone, which was placed on speaker phone for public participation. Supervisor Hertle is out-of-state and unable to attend in person.

Moved by Wiley, seconded by Hertle, to approve the minutes of December 17, 2013. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 208140 through 208320, payroll checks numbered 137276 through 137304, and ACH deposits numbered 19298 through 19422, for payment. All members voting aye thereon. Motion carried.

The auditor requested authority to issue a handwritten check to Poweshiek Water Association in the amount of \$97,896.34 upon receipt of the Community Development Block Grant funds. The auditor explained that federal regulations require that the grant funds be disbursed within ten days of receipt. Moved by Wiley, seconded by Hertle, to authorize the auditor to issue a handwritten check to Poweshiek Water Association in the amount of \$97,896.34 upon receipt of the grant funds. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the hire of the following persons as part-time correctional officers in the sheriff's department, both positions are effective upon passing of a physical and MMPI: Nigel Yarbrough and Dennis Eden. Further, the classification of Phillip Close is changed from part-time to full-time correctional officer, effective December 28, 2013. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the following vacation carry-over requests:

Jo Kuennen – 7.5 hours to be used by April 1, 2014.

Barbara Greenlee – 15.0 hours to be used by April 1, 2014.

All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #13-96, OPPOSING THE IOWA DEPARTMENT OF TRANSPORTATION J-TURN INTERSECTION AT HIGHWAYS 218 AND 30. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor