

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

January 2, 2015

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 appoint Donald Frese as the chairman of the board of supervisors for 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to appoint Terry Hertle as the vice-chairman of the board of supervisors for 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the minutes of December 23, 2014. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to authorize chairman to sign Beacon Pictometry Online Integration agreement for \$900 per year service hosting fee. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve change in classification for Michele Stainbrook from part-time to full-time Communication Specialist in the Sheriff Department on January 1, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley to approve Change Order Proposal #5 for the installation of plugs in the existing courthouse window wood frames. All members voting aye thereon. Motion carried.

No action was taken by the Board on the request from Zephyr Aluminum for a contract extension of the Courthouse window project.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-01, Construction Evaluation Resolution for 2015. Voting aye were Wiley, Frese and Hertle. Nays none. Motion carried.

RESOLUTION # 15-1 CONSTRUCTION EVALUATION RESOLUTION

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

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

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

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2015 and January 31, 2016 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 2015.

Donald H Frese, Chairman

ATTEST:

Brenda Sutton, Benton County Deputy Auditor

Moved by Wiley, seconded by Hertle, to establish Tuesdays at 9:00 a.m. as the official scheduled meeting time for the Benton County Board of Supervisors for 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint the following members to the respective boards for 2015. All members voting aye thereon. Motion carried.

North Benton Family Resource Center (HACAP) - Supervisor Hertle

Regional HACAP - Supervisor Hertle

Emergency Management Commission - Supervisor Wiley

Supervisor Hertle, Alternate

Resource Enhancement & Protection (REAP) - Supervisor Frese

Solid Waste Disposal Commission Advisory Board - Supervisor Hertle

Supervisor Frese, Alternate

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Supervisor Wiley, Alternate

County Conference Board - Supervisor Wiley
 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 Wiley
 Supervisor Frese, Alternate
 Supervisor Hertle, Alternate
 North Iowa Juvenile Detention – Supervisor Hertle
 Supervisor Frese, Alternate
 Area Substance Abuse Council (ASAC) – Supervisor Frese
 Regional Child Support Recovery – Supervisor Wiley
 Benton County Conservation – Supervisor Wiley, Ex-Officio
 Regional Mental Health – Supervisor Frese

Moved by Wiley, seconded by Hertle, to authorize the chair to sign a Statement of Non-Issuance of Certificate of Occupancy for 2015. 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 Wiley, seconded by Hertle, to appoint Benjamin Bonar as Benton County Weed Commissioner for 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint the following persons to the Benton County Eminent Domain for 2015. All members voting aye thereon. Motion carried.

EMINENT DOMAIN

Licensed Real Estate Sales Person or Real Estate Broker

Denise Weeda
 Danny Kaestner
 Gloria Feuerbach
 Shannon Feuerbach
 Carmie Behrens
 Wayne Siela
 Kathy Tranel
 Marion Schminke

Persons Having Knowledge of Property Values by Reason of Occupation

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

Owner-Operator Agricultural Property

Bonnie Sanders
 Elaine Harrington
 David Rhinehart
 John Elwick
 Wayne Riley
 Todd Hennings

Owners of City or Town Property

Darold Sindt
 Jeff Kelly
 Kathy Van Steenhuyse
 Janice Eldred

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Larry Weeda
 Connie Ogier
 Lloyd Benson

Moved by Hertle, seconded by Wiley, to appoint Nancy Jensen, Steve Thompson, and Larry Koster to Benton County Zoning Commission. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint John Stiegelmeier to Eastern Iowa Airport Zoning Board. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint Wayne Shannon, Dick Duncalf, Deb Christianson, and Martha Long to Pioneer Cemetery Commission. All members voting aye thereon. Motion carried.

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

Moved by Hertle, seconded by Wiley, to appoint Kaitlin Emrich and Daniel LaGrange to Benton County Health Board. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle to appoint Dan Hill to Benton County Conservation Board. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to designate the official newspapers for Benton County for 2015 as The Star Press Union, The Cedar Valley Times, and The Vinton Eagle. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-02, Authorizing the Benton County Auditor to Issue Checks and Sign ACH Agreements for 2015. All members voting aye thereon. Motion carried.

RESOLUTION #15-2

AUTHORIZING THE BENTON COUNTY AUDITOR TO ISSUE CHECKS AND SIGN ACH AGREEMENTS FOR 2015

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 2015.

 Donald H. Frese, Chairman

ATTEST:

 Brenda Sutton, Benton County Deputy Auditor

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-03 to Authorize the Benton County Treasurer to Sign ACH Agreements for 2015. All members voting aye thereon. Motion carried.

Resolution #15-3

AUTHORIZING THE BENTON COUNTY TREASURER TO SIGN ACH AGREEMENTS FOR 2015

Whereas: Iowa Code 331.552(29) sets forth the treasurer's duties relative to the issuance of direct deposits of tax revenue, special assessments, and other moneys collected for each tax-certifying or tax-levying public agency in the county; and

Whereas: Benton County conducts part of this activity through the use of ACH deposits and other electronic means; and

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Whereas: It is necessary for the treasurer to have the authority to execute agreements on behalf of Benton County when necessary to allow the use of electronic banking, including but not limited to ACH deposits, and other financial activities; and

IT IS RESOLVED that the Benton County Treasurer and/or her designee is hereby authorized to execute all necessary agreements on behalf of Benton County for the purpose 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 the authority is granted beginning this date and shall remain in effect until revoked by the Benton County Board of Supervisors.

Signed this 2nd day of January 2015

Donald H. Frese, Chairman

Attest:

Brenda Sutton, Benton County Deputy Auditor

Moved by Wiley, seconded by Hertle, to appoint Elize Healzer, Kristina Kremer, Marlyn Jorgensen, Patrice Shakespeare, and Nick Novak to Benton County Development Group Board. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint Harold Cassen, Calvin Wolter, and Kathy Chamberlain to Benton County Integrated Roadside Vegetation Management Committee. All members voting aye thereon. Motion carried.

Moved by Wiley, 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 – Dean Werner

Keystone Benefited #2 – Jeff Kromminga

Newhall Benefited #4 – Duane Rinderknecht

Ben-Linn Benefited #3-#5 – Allan Schanbacher

Moved by Hertle, seconded by Frese, to appoint Supervisor Wiley as Trustee to Heartland Insurance Risk Pool Group and Jill Marlow as Alternate Trustee. All members voting aye thereon. Motion carried.

No action was taken on the appointment of Heartland Safety Coordinator for 2015.

Moved by Hertle, seconded by Wiley, to appoint Robert Spangler and Charles Yedlik to the Benton County Historic Preservation Commission. All members voting aye thereon. Motion carried.

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

BOARD OF DIRECTORS:

Dave Fish

Terry Hertle, Alternate

REGION 10 PASSENGER TRANSPORTATION ADVISORY COMMITTEE

Dana Burmeister

Terri Andorf, Alternate

REGION 10 TRANSPORTATION POLICY COMMITTEE

Duane Eldred

Don Frese, Alternate

REGION 10 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

Myron Parizek

No Alternate

REVOLVING LOAN FUND COMMITTEE

Kristina Kremer

REGION 10 REGIONAL TRAILS ADVISORY COMMITTEE

Randy Scheel

Moved by Hertle, seconded by Wiley, to appoint Steve Runyan and Joan Lindberg to Benton County Land Use Adjustment Board. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Dr. Brian Meeker as Benton County Medical Examiner and to appoint John McDaniel, Trey Myers, Mary Dee Phillips, and Anthony Thomsen as Benton County Medical Examiner-Investigator. All members voting aye thereon. Motion carried.

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Moved by Wiley, seconded by Hertle, to appoint Myron Parizek as Benton County Engineer for one year. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint Mary O'Brien, Jim Magnafrau, and Elaine Harrington to Benton County Judicial Magistrate Commission. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to authorize Terry Hertle to sign USDA Farm Service Agency documents on behalf of Benton County. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Terry Hertle, Jerry Petermeier, Diane Schmucher, Lindsey Olson, Tracy Seeman, and Jennifer Zahradnik to Benton County Solid Waste Commission. All members voting aye thereon. Motion carried.

Representatives from Cities in Benton County, Friends of the Shelter, and Benton County residents met with the Board to discuss animal control in Benton County. After much discussion it was moved by Hertle, seconded by Wiley to contact the interim animal control person that was approved on the November 18, 2014 and to pay for the insurance as long as the insurance coverage is approved by Benton County's insurance company Heartland Insurance Risk Pool. All members voting aye thereon. Motion carried.

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

Donald H. Frese, Chairman

ATTEST: _____
Brenda Sutton, Benton County Deputy Auditor

January 6, 2015

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 set Tuesday February 3, 2015, at 9:15 a.m., as the time and date for a land use hearing on a land use change requested by Michael and Melinda Fall on a parcel located in the SW1/4 NE1/4 Sec 23-85-9. All members voting aye thereon. Motion carried.

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

Recorder: Melissa Boisen

Treasurer: Kim Staab, Michele Sauer and Melinda Schoettmer

Attorney: Emily Nydle and Jo Nelson

All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve minutes from Friday, January 2, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Ben Vierling as Heartland Safety Coordinator for 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to accept resignation of Victoria Fink, part-time secretary at Social Services, effective January 13, 2015. All members voting aye thereon. Motion Carried.

Moved by Wiley, seconded by Hertle, to approve Auditor's and Sheriff's Quarterly Reports. All members voting aye thereon. Motion carried.

Continued discussion was had for the animal control in Benton County. Still researching insurance coverage for the interim. Supervisor Wiley will meet with Stout to discuss insurance costs and would like to also get ideas and input for the policy for changes that will need to take place to make this work. Interim vs full-time is still in consideration. The board would also like to set up a time to meet with the Cedar Valley Humane Society.

Mark Fassbinder of IIW, P.C, called the Board to follow up with the request from Zephyr Aluminum for a contract extension of the Courthouse window project. Supervisor Wiley feels they are making good progress and didn't want to lose leverage by extending the date and not have them continue moving forward. The board has no intention of enforcing liquidation damages. Hertle feels doing the job well is still top priority considering the recent weather conditions. The main concern with Fassbinder was if they don't give the extension, he is afraid Zephyr Aluminum may rush to get things done by the original deadline considering liquidated damages. Hertle reminded him this would be the 2nd extension if granted. Wiley felt a compromise from the original asking extended date of February 18th to a new target date of February 1st would be a happy medium. Moved by Hertle, seconded by Wiley to extend the end date of the Window Replacement Project to February 1, 2015, with liquidation damages to apply at \$1,000 per day. All members voting aye thereon. Motion carried.

Carol Zander, Director of Benton County Social Services met with the board to introduced the new Region Social Worker, Sarah Wagner and update on the reimbursement works from Region for county employees. Moved by Wiley, seconded by Hertle, to Amend Resolution #14-68, replace Victoria Fink with Sarah Wagner. Members voting aye were, Hertle, Wiley and Frese. Motion carried.

Moved by Hertle, seconded by Wiley to approve to loan one of Benton County's Transportation Vehicle's to Jones County while one of theirs is being repaired. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve and sign the contract and Contractor's Bond with Peterson Contractors, Inc. [Project No. BROS –CO06(92)—5F-06] the bridge replacement on 19th Ave. over Prairie Creek. All members voting aye thereon. Motion carried.

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

Donald H. Frese, Chairman

ATTEST: _____
Hayley Rippel, Benton County Deputy Auditor

January 13, 2015

The Benton County Board of Supervisors met in regular 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 January 6, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 213043 through 213267, payroll checks numbered 138044 through 138058, and ACH deposits numbered 229 through 23040, for payment with the exception of check to Benton County Agricultural. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the claim submitted by Tammy Wetjen-Kestersen for decategorization administration services for the month of December 2014, in the amount \$2,851.80. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set February 10, 2015, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Brad and Linda Anders on a parcel located in the SE1/4 of 6-86-10. All members voting aye thereon. Motion carried.

Charmaine Wickwire met with the board regarding the Benton County Volunteer Program (BCVP). Wickwire explained to the board the services provided by the BCVP including, but not limited to, medical transportation, food baskets, blood pressure screenings, and assist with crafts at elementary schools, help with senior dining and provide table favors, provide coupons to military personnel, and provide comfort pillows to cancer patients. Wickwire reviewed the organizations administrative structure and financial budget. Wickwire requested that the county fund the organization in the amount of \$25,000 in FY16.

Mary Lou Erlacher met with the board regarding the Work Place Learning Connection (WPLC) and the services they provide to Benton County school districts. The WPLC had one hundred job shadow requests in Benton County last year and placed thirty-three utilizing seventeen businesses. WPLC held a career day in Belle Plaine and have three events planned for 105, including mock interviews, career fair, and a pathway speaker. WPLC is requesting funding from the county in FY16 in the amount of \$1,304, which is calculated on five cents per capita.

Supervisor Wiley provided a brief update on the animal control issues. Wiley reported that he would be meeting with representatives of Friends of the Shelter and the City of Vinton on Monday, January 19, 2015, to gather additional input.

Moved by Hertle, seconded by Wiley, to approve the recorder's quarterly report for the period ending December 31, 2014. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-4. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Iowa State Association of County Supervisors Resolution #15-4

WHEREAS, the Iowa Association of County Supervisors recognizes that a high quality transportation system serves as the artery for economic activity and that the condition of the infrastructure in the State of Iowa is a key element for our future economic growth; and

WHEREAS, an integral part of the State of Iowa's Road Use Tax Fund (RUTF) is the fuel tax, which has not been significantly increased since 1989, while maintenance and construction costs have more than doubled during that same timeframe; and

WHEREAS, there have been several state-wide studies completed over the past 10 years identifying the requirement to significantly increase the amount of funding for the administration, maintenance and improvements to our state-wide public roadway system, including the 2006 Road Use Tax Fund (RUTF) study, the 2011 Road Use Tax Fund (RUTF) study completed per 2011 Iowa Code Section 307.31, and the 2011 Governor's Transportation 2020 Citizen Advisory Commission (CAC) created by Governor Branstad; and

WHEREAS, the 2008 TIME-21 study documented the fact that under today's funding structure and highway usage, over 20% of the travel done in Iowa is by out-of-state drivers while only 13% of the state's road use revenues come from out of state drivers; and

WHEREAS, the funding provided by the implementation of the TIME-21 Fund in 2009 is inadequate to meet the critical maintenance and improvements needs for the State of Iowa's transportation system; and

WHEREAS, 95% of Road Use Tax Fund revenues are required by the Iowa Constitution to be spent only on our roadways; and

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WHEREAS, due to the severe shortage in state funding to meet the critical needs of our roadway system, several Iowa counties have had to resort to issuing millions of dollars of bonds to pay for their most critical maintenance needs, which will have to be paid off through property taxes; and

WHEREAS, the 2011 Governor's Transportation 2020 Citizen Advisory Council report to Governor Branstad and the Iowa Legislature identified the need for at least \$215 million per year of increased funding over the next 20 years, in addition to the funding being provided by the TIME-21 revenues, just to meet the most critical needs of our transportation infrastructure; and

WHEREAS, the Iowa Good Roads Association, the Iowa County Engineer's Association, and numerous business related associations throughout Iowa have publically supported the call for increased RUTF funding;

NOW THEREFORE BE IT RESOLVED that the Iowa State Association of County Supervisors and the Benton County Board of Supervisors strongly encourages the implementation a long-term, sustainable transportation funding solution to address the critical needs of our infrastructure system.

1. Provide adequate state-wide funding to offset the projected shortfall for our most critical needs of over \$215 million annually through an increase of the motor fuel tax revenues.
2. Enable the Iowa Department of Transportation to provide primary highway funds to counties and cities in lieu of federal funds, providing increased efficiencies for state and local governments.
3. Increase the permit fee for oversize/overweight vehicles.
4. New funding should be distributed consistent with the Road Use Tax Fund distribution formula.

And, BE IT ALSO RESOLVED that the Iowa State Association of County Supervisors and the Benton County Board of Supervisors support the ongoing evaluation of creative, supplemental solutions to increased RUTF funding.

Resolved this 13th day of January, 2015

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-5. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-5

WHEREAS, the Benton County Secondary Roads Department has applied for Fiscal Year (FY) 2015 Living Roadway Trust Funds (LRTF) for a refurbished no-till seed drill, and

WHEREAS, the ownership of the no-till seed drill will make the local IRVM program more effective, and

WHEREAS, the Iowa DOT has invoiced Benton County Secondary Roads \$100.00 for the refurbished no-till seed drill, and

WHEREAS, the LRTF will offer the drill and fund \$100 to offset the cost incurred, and

WHEREAS, the Iowa DOT has prepared a project development agreement,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that this project development agreement be approved, and

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BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that County Engineer, Myron L Parizek be authorized to sign and execute this project development agreement.

Signed this 13th day of January, 2015.

Chairman, Board of Supervisors

ATTEST: _____
Benton County Auditor

The time of 10:00 a.m. having arrived, the board opened the public hearing on the right-of-way acquisition for the Bridge Replacement Project BROS-CO06(98) on 75th Street in Florence Township Sections 2 and 11. The following persons were present: Jim Morrison representing the news media, Benton County Engineer Myron Parizek, Assistant Benton County Engineer Ben Vierling, and Scott Hansen. The private parties involved in the acquisition, Kent Groff and Jannel and Eldred Schulte, were not present.

Vierling reported that he has been in discussions with Jannel and Eldred Schulte; however he has not been able to meet with or discuss the acquisition with Kent Groff after repeated attempts. The purpose of the acquisition is to allow a bridge replacement project and to straighten the road by eliminating the curve. A box culvert will be designed and installed to serve the drainage in the area. The land acquisition from the Schultes will be less than one-tenth of an acre on the north side of the existing right-of-way and a little over one acre from Groff on the south side of the current right-of-way.

Supervisor Frese questioned if the box culvert would be able to handle the water. Engineer Parizek stated that it is designed to handle a four inch rain which is the same as fifty-year flood event and is the standard design used in Benton County.

Engineer Parizek advised that his assistant had completed research on land sales in the general area – adding that the acquisition property is not crop ground. The Schulte property is currently pastured and the Groff property is currently timber. Parizek stated that crop ground in the area has been selling for approximately \$11,370 an acre but that the County has been using \$6,000 as a guideline for non-tillable land, which was from information compiled from property acquisitions on other projects in the county. Vierling added that if the property is in the conservation reserve program then a higher value is assigned. Supervisor Wiley commented that the county will need to be able to defend the amount offered.

Engineer Parizek stated that the county would need to purchase 1.06 acres of permanent easement from Groff; however no survey work has been done on the Groff property as Groff has told survey technicians in the past that they do not have authority to survey his property. Parizek reiterated that his department has tried to contact Groff on numerous occasions. Parizek stated that Groff has been contacted by certified mail and Groff has signed for them, but that he has been unable to communicate with him by other means. Vierling stated that Groff's property is either locked or when unlocked he has gone to Groff's door and knocked, but that no one will answer.

Vierling advised that there were three white pines that would need removed. Supervisor Frese questioned if compensation would be made for the lost trees. Parizek responded that the county would compensate in some manner.

Supervisor Hertle questioned if the existing right-of-way would revert back to the adjacent owners. Parizek stated that the existing right-of-way would still be maintained by the county, which is the reason for the minimal purchase from Schulte.

Parizek stated that he has sent letters to Groff requesting to sit down and negotiate the purchase of right-of-way. Parizek stated that he will now send an actual offer to Groff and if there is no response that the county can proceed with condemnation. Parizek stated that negotiations are under way with Schulte – adding that the Schultes have no issues with the acquisition of right-of-way.

Hearing no further comment, it was moved by Hertle, seconded by Wiley, to close the public hearing. The engineer is to draft a resolution for the board to consider regarding the acquisition by condemnation.

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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

January 20, 2015

The Benton County Board of Supervisors met in regular 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 January 13, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to authorize the chair to sign Change Order #2 to the contract with Zephyr Aluminum for the Courthouse Window Replacement Project changing the window tint resulting in a deduct of \$1,645.00. All members voting aye thereon. Motion carried.

Supervisor Wiley updated the board on his research into the animal control issues. Wiley stated that he spoke with Kirk Stout about providing animal warden duties and Stout presented an updated agreement. Stout's insurance meets the requirements of the county's insurance carrier; however it must list Benton County as an additional named insured. Wiley is still researching facility options as well.

Supervisor Hertle updated the board on the compensation board meeting. Hertle stated that the compensation board recommended 2.0% increases for all elected officials, with the exception of the county attorney. The compensation board recommended a 3.0% increase for the attorney.

Urbana Mayor Duane Eldred met with the board to request the county's participation in a road improvement within the corporate limits of Urbana. The county's secondary road maintenance shed is located on the street resulting in heavy vehicle traffic on approximately one-half block. Eldred stated that the estimated cost for the improvement is \$60,000. Supervisor Hertle expressed concern again about setting a precedent due to county sheds being located within other cities. The board questioned the possibility of a special assessment being done by the city rather than the county voluntarily participating in the costs due to the precedence. County Engineer Parizek stated that opinions of county board members vary – adding that some board members in the past had preferred that cities seek county participation. Supervisor Wiley questioned the type of road surface needed – stating that if it was gravel the county could maintain it. Mayor Eldred responded that the street needs to remain hard surfaced. Eldred will research further into a special assessment.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-6. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-6

FINAL APPROVAL TO FUND THE LOCATION AND DESIGN, AUTHORIZATION TO PROCEED WITH ACQUISITION OF PRIVATE PROPERTY RIGHTS NEEDED, BY CONDEMNATION PROCEEDINGS, IF NECESSARY, AND TO CONSTRUCT THE PROJECT.

WHEREAS, Benton County, determines that for the general welfare of Benton County and in the best interests of its citizens that Benton County consider straightening the road alignment and replacing the bridge on 75th Street just east of 32nd Avenue Drive in Florence Township between Sections 2 & 11 by approving this bridge replacement/roadway improvement project, Project No. BROS-CO06(98)--8J-06.

WHEREAS, Benton County, determines that if this project is to be approved and constructed, that it will be necessary to obtain right of way from private property to do so, all as shown by plans prepared by Calhoun-Burns & Associates, Inc.

WHEREAS, Benton County did send and publish Notice of a Public Hearing to consider a proposed public improvement project to construct this bridge replacement/roadway improvement project as required by §6B.2A Notice of Proposed Public Improvement of the Code of Iowa.

WHEREAS, on January 13, 2015, Benton County did after notice and publication as required by law hold said public hearing concerning said project, and

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WHEREAS, Benton County at said Public Hearing considered whether to proceed or not to proceed to approve the location and design of the project and to acquire private property for the public improvement either by negotiation and purchase, or condemnation, if necessary, and

WHEREAS, at said Public Hearing the Board of Supervisors of Benton County, Iowa did acknowledge and consider all public input, both oral and written.

THEREFORE, BE IT HEREBY RESOLVED that Benton County does hereby approve the construction of this bridge replacement/roadway improvement project.

BE IT FURTHER RESOLVED that Benton County does hereby approve the location and design of this project.

BE IT FURTHER RESOLVED that Benton County through their authorized representative shall make a good faith effort to acquire said property through negotiated purchase.

BE IT FURTHER RESOLVED that if property cannot be acquired through negotiated purchase the Benton County Board of Supervisors will authorize the acquisition of the property by condemnation procedures.

Signed this 20th day of January, 2015.

Benton County Board of Supervisors

Chairperson

Attest: _____
Auditor

Jon Swanson, legal counsel for Heartland Insurance Risk Pool (the county's insurance carrier) met with the board to discuss pending litigation. Moved by Wiley, seconded by Hertle, to enter into closed session pursuant to Iowa Code 21.5(1)(c). All members voting aye thereon. Motion carried at 10:00 a.m.

Moved by Wiley, seconded by Hertle, to return to open session. All members voting aye thereon. Motion carried at 10:40 a.m. There was no action taken as a result of the closed session.

Sheriff Forsyth and Chief Deputy Ferguson met with the board regarding inmate mental health services. Forsyth explained that currently the Abbe Center provides mental health service; however, it is becoming more difficult to obtain the services for the inmates due to hours of operation and staffing. Forsyth recommended that the county contract with Pathways Behavioral Service to provide mental health services for inmates. Moved by Wiley, seconded by Hertle, to contract with Pathways Behavioral Service for inmate mental health services and to authorize the sheriff to execute the required contract. All members voting aye thereon. Motion carried.

Sheriff Forsyth spoke to the board about maintenance agreements for the printers in his department. Forsyth advised that he has been in contact with ERB's Business Solutions as well as Premier Systems. Forsyth stated that both companies provide maintenance services; however there are significant differences in the details of the agreements. Forsyth requested the authority to enter into a printer maintenance contract for the devices located within his department, but wanted to give additional consideration to the two companies. Moved by Hertle, seconded by Wiley, to authorize the sheriff to execute a printer maintenance agreement for the devices located within his department with either ERB's Business Solutions or Premier Systems – the company to be at his discretion. All members voting aye thereon. Motion carried.

The board continued working on the FY16 county budget. They met with various departments and discussed the basis for their budget requests. Departments included the recorder, sheriff, engineer, public health/land use, and treasurer.

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

Don Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

January 26, 2015

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The Benton County Board of Supervisors met in special session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 7:30 p.m. at the Emergency Operations Center in Vinton, Iowa.

The purpose of the meeting was to participate in the public hearing on the emergency management FY16 budget. The budget was presented. The supervisors made no comment.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

January 27, 2015

The Benton County Board of Supervisors met in regular 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 January 20, 2015 and January 26, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 213268 through 213401, payroll numbered 138059 through 138073, and ACH numbered 23041 through 23169, for payment. All members voting aye thereon. Motion carried.

The board received the initial proposal for union negotiations from The Chauffers, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffers & Helpers of America, representing sheriff department employees.

Moved by Wiley, seconded by Hertle, to allow the Benton County Food Pantry to place a freezer in the rear of the Governor Sherman Building near the west exit doors. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve Pay Application #1 from Zephyr Aluminum Products for work done on the courthouse window project in the amount of \$201,974.68. All members voting aye thereon. Motion carried.

The board discussed an issue regarding the spandrel panels (windows) on the third floor. The contractor is spending a large amount of time trying to clean the underlying glass windows and is experiencing difficulty in attaining the desired outcome. Additional work may be needed on the inside to block light penetrating through the spandrel to prevent a "pinhole" effect. The board requested that the contractor continue with cleaning the windows and the board will determine if additional work is required after viewing the result.

Supervisor Wiley updated the other members on the status of an animal control warden. Wiley reported that a survey of the cities within the county showed that most cities were not interested in having a county-wide animal control warden wherein they would pay the county on a per-capita basis. Wiley stated that it is not cost effective for just the unincorporated area of the county to contract for animal control. Wiley stated that one option was to contract with either the Cedar Valley Humane Society or Cedar Rapids Animal Care for animal control and shelter services. Wiley stated that an animal control warden would not be needed if a contract was entered into with either of those organizations. Therefore Wiley was not recommending that the county contract for an animal warden at this time. Wiley stated that the county could build a new facility and hire full-time staff to manage it and perform animal control duties, but added that it would be quite costly. Wiley stated that if the public believed strongly that the county should maintain an animal shelter, they could petition the board. Wiley also advised that a contract with the Cedar Valley Humane Society had a 60-day termination clause so if the arrangement did not work out the county could terminate the contract. Supervisor Hertle suggested that Wiley check with the Black Hawk County animal shelter. Supervisor Frese requested that an arrangement with the Cedar Valley Humane Society be further investigated.

Benton County Weed Commissioner Ben Bonar presented the annual Integrated Roadside Vegetation Management report to the board. The report summarizes activities undertaken over the past year as well as goals for the coming year for roadside management activities. Moved by Hertle, seconded by Wiley, to approve the Integrated Roadside Vegetation Management 2014 Annual Report. All members voting aye thereon. Motion carried.

The board worked on the FY16 county budget and met with various departments to review their budget requests.

Moved by Hertle, seconded by Wiley, to recess. All members voting aye thereon. Motion carried at 11:35 a.m.

The board reconvened at 1:00 p.m. and continued working on the FY16 budget. Various departments reviewed their budget requests. Benton Development Group also made a presentation to the board as to their funding request for FY16.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

February 3, 2015

The Benton County Board of Supervisors met in regular 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 January 27, 2015. All members voting aye thereon. Motion carried.

The board met with Veterans Affairs Director Toni Parizek to discuss her departments FY16 budget request. Parizek stated that the commissioners had voted for a \$50.00 per meeting fee, an increase of \$25.00. However, the commission's fee is set by the supervisors. Parizek also discussed having a Thanksgiving dinner for veterans and using funds from the \$10,000 grant from the state. It was questioned if the grant funds could be used for that purpose. The board instructed Parizek to check on the use of the funds prior to the February 10, 2015, board meeting. Parizek also stated that she was not requesting an increase in salary as she believed she had not been in the position long enough to warrant an increase.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Michael and Melinda Fall. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1 acre located in the SW1/4 of the NE1/4 of 23-85-9. The request is to change the classification to a single residential use. A new septic would be needed for the residence. Hearing no further comment, it was moved by Hertle, seconded by Wiley, to approve the request for a land use change from agricultural to non-agricultural on approximately 1 acre for a residential purpose on a parcel generally described as being located in the Sw1/4 of the NE1/4 of Sec. 23-85-9. All members voting aye thereon. Motion carried.

County Attorney David Thompson met with the board to request the approval of the hire of Lori Strong as paralegal in his office. The hire would be effective February 4, 2015, at an annual salary of \$33,000. The county attorney requested that the board approve an employment agreement with Strong. The agreement provides that Strong is given two weeks of vacation time in her first year instead of the one week after six months and two weeks after one year of full-time employment as is current policy. Moved by Hertle, seconded by Wiley, to approve the hire of Lori Strong, effective February 4, 2015, at \$33,000 annually, and to further enter into an employment agreement with Strong providing for two weeks of vacation time in her first year of her employment, to be used at the discretion of the Benton County Attorney. Strong's employment is governed by all other applicable parts of the Benton County Employee Handbook as well as the vacation policy set out in the Handbook after one year of employment. All members voting aye thereon. Motion carried.

Representatives of the Shellsburg library board met with the supervisors to request an increase in funding for FY16. The request wraes for an additional \$2,000.00 over current funding. Deb Harrison and Brad Osborn provided information in support of the request, citing that the population in Shellsburg and adjoining townships has increased and that the library supports more population than some towns in the county. They stated that the costs to provide library materials continue to increase and that additional funding is needed. The board stated that they would take the request under consideration when determining the FY16 budget.

Representatives of the Benton County Solid Waste Commission met with the board to request that the county issue debt to fund the new cell at the landfill. Commissioner Jennifer Zahradnik advised that the commission is the process of working with engineers to construct a new cell, but currently they do not have a cost estimate. Zahradnik stated that the Commission has hired a financial advisor to assist them with the financial matters in the future and that the Commission plans to begin setting funds aside for future construction costs. However, the Commission is less than one year old and the current landfill will run out of room without a new cell being constructed this summer. The Commission requested that the county take the appropriate measures to issue up to \$750,000 dollars in general obligation bonds to pay for the infrastructure needs of the landfill. Supervisor Frese questioned the life expectancy of a new cell. Zahradnik responded that the estimated life is five years, but Commissioner John Watson interjected that the life of the new cell may depend on storms and disasters that may hit the county as well as the effect of Fiberright, if they become operational. Watson also stated that it would depend on recycling efforts and that there needs to be increased citizen involvement. Supervisor Hertle stated that the county needs to make sure that the landfill and the commission succeed and that the county should assist with the funding. Supervisor Wiley questioned the length of time to pay off the debt. The auditor stated that the time would be dependent upon the amount of issue, but that five years was a reasonable estimate. Moved by Hertle, seconded by Wiley, to proceed with issuing up to \$750,000 of general obligation bonds for the construction of a new landfill cell. It is the intent that the Solid Waste Commission will not be required to repay the funds. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the treasurer's semi-annual report for the period ending December 31, 2014. All members voting aye thereon. Motion carried.

The board discussed the wages and salaries of county employees not covered by a bargaining unit or deputies of elected officials. Supervisor Hertle started the discussion stating that he believed the supervisors should take their lead from the compensation board and give a two percent across-the-board (ATB) increase, except for the county attorney who would receive a three percent increase. Supervisor Frese commented that everyone should receive the same percentage increase with the exception of few that are due to job duties and agreements. Supervisor Wiley stated that he would struggle with granting a wage increase to persons newly hired. County Attorney Thompson stated that he had two employees whom he wanted to have four percent increases and that his budget for FY16 for salaries was less than his current budget even with a new hire and the four percent increase. Supervisor Wiley stated that elevating pay to reflect loyalty and longevity too aggressively was not good to do. Thompson replied that the increase was not a loyalty bump but a quality bump. Treasurer Geater stated that she had three employees that she had budgeted for five percent increases – stating that they were some of the lowest paid positions in the county and that without a larger increase they would continually fall further behind other employees in compensation. The board heard comments relative to granting

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increases for newly hired employees and that it would be another year and half before those employees would get raises if none were granted on July 1st. Supervisor Hertle reiterated that he believed a two percent ATB increase was appropriate with the county attorney's employees receiving a three percent increase. The board discussed some individual employees' salaries and reasons for considering their salaries outside of the ATB increase.

Supervisor Wiley moved to grant a 2.5% across-the-board increase to all employees who are not covered by a bargaining agreement or who are deputies of elected officials, except for the following who are granted the increase stated:

- Toni Parizek – no increase (at employee's request)
- Justin Birker - \$18.00 per hour
- Carol Zander- \$41,000.00
- Myron Parizek – pending further discussion

Supervisor Hertle questioned that lack of three percent increases for the county attorney's staff. Wiley stated that his motion stood as stated. Chairman Frese called for a second. Hearing none – the chair declared the motion died for lack of a second.

Moved by Hertle, seconded by Frese, to grant a 2.5% across-the-board increase to all employees who are not covered by a bargaining agreement or who are deputies of elected officials, except for the following who are granted the increase stated:

- Jo Kuennen and Deb Fleming –3.0%
- Toni Parizek – no increase (at employee's request)
- Justin Birker - \$18.00 per hour
- Carol Zander- \$41,000.00
- Lori Strong – 0% (just hired this date)
- Myron Parizek – pending further discussion

All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to accept the resignation of James Ludden from Benton County Transportation, effective February 6, 2015, and further to authorize the department to advertise for part-time drivers. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a Class C Liquor License submitted by Tara Hills. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-7, Classification and Wage Change. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-7

WHEREAS: The Benton County Secondary Road Department has an employee that has been employed for a year, and

WHEREAS: This employee as part of the original hire is entitled to a wage increase

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Labor Grade classification of Alan Jackson will be VD (mechanic.) VD base wage for Alan Jackson will be \$19.47 per hour. Alan Jackson rate change will be effective February 10, 2015.

Signed this 3rd day of February, 2015.

Chairman, Board of Supervisors

ATTEST: _____
Benton County Auditor

Supervisor Wiley updated the board on his research into animal control matters. Wiley stated that entering into an agreement with Cedar Bend in Black Hawk County was not option due to restrictions on their service area. Wiley stated that he has a draft agreement from Cedar Valley Humane Society (CVHS), which is similar to the City of Vinton's agreement with CVHS except for the fees. Wiley stated that CVHS will not take cats under the agreement, but that they would but the costs are prohibitive. Wiley stated that option of contracting with an animal warden is not viable. Wiley stated that the agreement with CVHS has a thirty day termination clause, which would be advantageous in the event the arrangement didn't work. Wiley stated that he is still researching the issue.

The board worked on the FY16 budget as time allowed throughout the meeting.

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

Donald H. Frese, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

February 4, 2015

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

The board continued working on the county's FY16 budget. The auditor provided budget documents reflecting changes made at the direction of the board for their review.

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

February 10, 2015

The Benton County Board of Supervisors met in regular 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 February 3, 2015 and February 4, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 213402 through 213571, payroll numbered 138074 through 138103, and ACH deposits numbered 23170 through 23298, for payment. All members voting aye thereon. Motion carried.

Supervisor Hertle introduced the resolution hereinafter next set out, related to setting a date for hearing on a general obligation loan agreement related to financing solid waste disposal facilities, and moved its adoption, seconded by Supervisor Wiley; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of the said resolution and the roll being called, the following named Supervisors voted:

Ayes: Frese, Hertle, and Wiley

Nays: None

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

RESOLUTION NO. 15-8

Resolution to fix a date for public hearing on a General Obligation Solid Waste Disposal Loan Agreement in an amount not to exceed \$750,000

WHEREAS, Sections 331.402 and 331.441 of the Code of Iowa authorize counties to enter into loan agreements and borrow money for the purpose of paying the cost of facilities for the collection and disposal of solid waste; and

WHEREAS, the Board of Supervisors (the "Board") of Benton County, Iowa (the "County"), proposes to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$750,000, pursuant to the provisions of Sections 331.402 and 331.441 of the Code of Iowa, for the purpose of paying the costs, to that extent, of constructing a facility for the disposal of solid waste to be operated by the Benton County Solid Waste Disposal Commission; and

WHEREAS, it is necessary to fix a date of meeting of the Board at which it is proposed to take action to hold a public hearing on the Loan Agreement and to give notice thereof;

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

Section 1. This Board shall meet on the 24th day of February, 2015, at the Boardroom, Benton County Courthouse, 111 E. 4th Street, Vinton, Iowa, at 9:30 o'clock a.m., at which time and place a hearing will be held on the proposal to enter into the Loan Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement, setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once and not less than 4 nor more than 20 days before the meeting, in a legal newspaper of general circulation in the County.

Section 3. The notice shall be substantially as follows:

**NOTICE OF PUBLIC HEARING ON LOAN AGREEMENT
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$750,000
(GENERAL OBLIGATION)**

The Board of Supervisors of Benton County, Iowa, will meet on the 24th day of February, 2015, at the Boardroom, Benton County Courthouse, 111 E. 4th Street, Vinton, Iowa, at 9:30 o'clock a.m. for the purpose holding a public hearing on a proposal to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$750,000 for the purpose of paying costs, to that extent, of constructing a facility for the disposal of solid waste to be operated by the Benton County Solid Waste Disposal Commission.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

The Loan Agreement is proposed to be entered into pursuant to authority contained in Sections 331.402 and 331.441 of the Code of Iowa and will constitute a general obligation of the County.

At that time and place, oral or written objections or comments may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections or comments, the Board of Supervisors may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Benton County, Iowa.

Jill Marlow
County Auditor

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved February 10, 2015.

Chairperson, Board of Supervisors

Attest:

County Auditor

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Brad and Linda Anders. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1 acre located in the SE1/4 of 6-86-10. The request is to change the classification to a commercial use. The use is for a custom gunsmith shop and would not require a new septic or well. The new use would be in an existing building and use an existing drive. The applicant advised that there would not be a public shooting range. Hearing no further comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 1 acre for a commercial use for a custom gunsmith shop on a parcel generally described as being located in the SE1/4 of Sec 6-86-10. All members voting aye thereon. Motion carried.

Representatives of Wellmark presented information to the board about the Iowa State Association of Counties Group Health Plan's (the Group) history and experience in health care claims. Information was provided on the ISAC Wellness program offered to employees and the effect on premiums employee participation produces. It was explained how the Affordable Care Act has and will continue to impact the Group. Changes to the coverage of specialty drugs effective July 1, 2015 was explained as well as the possibility of adding new drug plans to the Group's offerings.

The board discussed replacing the large south courthouse window, which has a hole in it, and also replacing a small decorative glass pane in the window on the north side that is cracked. The county attorney questioned what would be done with the glass removed from the south window – adding that the glass could be used by other persons. The architect stated that he would have to contact the contractor to determine if the salvaging the glass was considered as a part of his bid. The board also discussed the request from the recorder to change the spandrel windows (dark brown) in her office to clear glass. The current specifications set out the use of spandrel for the half-moon shaped windows on the entire first floor of the courthouse. Moved by Wiley, seconded by Hertle, to approve replacing the windows on the south and north sides of the courthouse, as discussed, at a cost of \$588.00. Further, to deny the request to change the spandrel in the recorder's office to clear glass. The denial is due to the fact that the windows would not match the remaining first floor windows. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a request for a utility permit requested by Farmer's Mutual Telephone to place utility lines in the county's right-of-way in Benton Township at the intersection of 61st St. Lane and 30th Avenue, then west to the tower. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Poweshiek Water Association to place utility lines in the county's right-of-way in Monroe Township sections six and seven and in Kane Township sections thirty-two and thirty-three. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve and sign the plan sheet for the HMA (hot mix asphalt) resurfacing project on E44 between Keystone and Van Horne, Project FM-CO06(99)—55-06. All members voting aye thereon. Motion carried.

The board conducted an employee evaluation of the county engineer. The engineer requested that the board go into closed session as provided by law. Moved by Hertle, seconded by Wiley, to go into closed session pursuant to Iowa Code 21.5(1)i. All members voting aye thereon. Motion carried at 11:00 a.m.

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

There was no action taken as a result of the closed session.

There was no action taken on the agenda item setting the FY16 salary of the county engineer.

The board delivered its initial contract negotiation proposal to Teamsters Union Local 238 representing the sheriff's department.

The board continued working on the FY16 budget. Moved by Wiley, seconded by Hertle, to set March 10, 2015, at 9:30 a.m. as the time and date for a public hearing on the FY16 budget. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley, to recess until 6:00 p.m. and reconvene at the Farm Bureau Office. All members voting aye thereon. Motion carried.

The board reconvened at 6:00 p.m. at the Farm Bureau Office at 1105 W. 9th St., Vinton, Iowa.

The board reviewed the FY16 budget with Farm Bureau members and discussed other issues including roads, landfill, road use tax, and other issues affecting Benton County and the residents of the county.

The board discussed the action taken earlier in the meeting concerning the windows in the courthouse.

Supervisor Wiley stated that he learned (during the board's recess) that the contractor had inadvertently ordered clear glass instead of spandrel glass for all windows on the first floor. Wiley stated that the offices located on the first floor would prefer the clear glass. Wiley moved to rescind the earlier action of the board to deny replacing the spandrel in the recorder's office with clear glass based on the new information, and to further approve a change from spandrel windows to clear glass windows on the entire first floor, with the stipulation that there will be a reduction in cost from the contractor due to the error. Supervisor Hertle seconded the motion. All members voting aye thereon. Motion carried.

Supervisor Hertle stated that he subsequently learned during the board's recess that replacing the glass on the south side of the courthouse will result in a glass that will be noticeably different than the adjacent glass due to the age of the glass, and that based on that information, he was moving to rescind the earlier action of the board authorizing the replacement of the glass on the south side of the courthouse, and to only replace the cracked window on the north side of courthouse. Supervisor Wiley seconded. All members voting aye thereon. Motion carried. The cost to replace just the cracked window on the north side is \$186.00.

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

Donald H. Frese, Chairman

ATTEST: _____

Jill Marlow, Auditor

February 17, 2015

The Benton County Board of Supervisors met in regular 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 February 10, 2015. All members voting aye thereon. Motion carried.

Representative of the Benton County Fair Board met with the supervisors regarding county funding. The board withheld payment in January 2015, until invoices could be produced indicating how county funds had been expended in accordance with Iowa law. The auditor reported that invoices were submitted for her review and the legal requirement had been met. Discussion was held regarding future payments and the time-line for invoice review. It was determined that the fair board would submit invoices at the end of each calendar year. Moved by Hertle, seconded by Frese, to release the second-half payment to the Benton County Fair Board as the required documentation has been submitted and approved. All members voting aye thereon. Motion carried.

Representatives of Friends of the Shelter, Inc. (FOTSI) met with the board regarding animal control for the unincorporated areas of Benton County. The group presented a proposal which included animal warden services and shelter management services for both cats and dogs. Supervisor Wiley questioned if FOTSI would be interested in providing services for the control of cats only. Wiley stated he had various concerns including limited space at the current facility, the 5-day per week operation, and pick up of animals. Wiley believed that contracting with the Cedar Valley Humane Society for services for the dog population and FOTSI for the cat population would address many of those concerns. FOTSI initially responded it was an "all or none" proposal and they had no interest in providing services for cats only; however, after further discussion FOTSI advised that they would give the matter further consideration, but added that they currently do not take feral cats. Supervisor Wiley, who was designated by the Board of Supervisors to research the animal control issues and make a recommendation to the board, stated that he believed the direction of the county should be to contract with Cedar Valley Human Society for controlling the dog issues in rural Benton County and possibly FOTSI for the feline issues.

Chris Ward, Vinton City Administrator, met with the Board regarding the current lease agreement between Benton County and the City Vinton for management of the animal shelter. Ward stated that the city council would be taking action to contract with the Cedar Valley Humane Society for animal control in the City of Vinton and Ward was formally notifying Benton County of the City's intent to terminate the lease agreement, effective June 30, 2015. Moved by Wiley, seconded by Hertle, to acknowledge and accept the request to terminate the lease agreement between Benton County and the City of Vinton for management of the animal shelter, effective June 30, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-9. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-9

WHEREAS: The Benton County Secondary Road Department has an employee that has been employed for a year, and

WHEREAS: This employee as part of the original hire is entitled to a wage increase

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Labor Grade classification of Jeff Bahr will be IIID (signman). IIID base wage for Jeff Bahr will be \$19.24 per hour. Jeff Bahr rate change will be effective February 18, 2015.

Signed this 17th day of February, 2015.

Chairman, Board of Supervisors

ATTEST: _____
Benton County Auditor

Engineer Parizek spoke to the board about the Iowa Department of Transportation's (IDOT) plan to resurface Highway 218 south of Vinton to Highway 30. Parizek stated that the IDOT will include hard-surfaced approaches at the intersections with secondary roads in their contract, but the approaches will be at the county's expense. Parizek recommended that the approaches be installed at a cost of \$3,750 each. The approaches will only be at intersections with gravel roads. The board agreed that the approaches should be constructed as a part of the IDOT's project.

Supervisor Hertle spoke to the engineer about the hard surface road between Urbana and Center Point. Hertle stated that the condition of the road was deteriorating and encouraged the engineer to move resurfacing of that roadway up in the current five-year plan.

The board also spoke to the engineer about concerns voiced by Farm Bureau about the condition of the box culverts under Highway 131.

Supervisor Hertle spoke about the changes in the farm program and it's applicability to the farm ground owned by the county at the Cedar Valley Ranch. Hertle is the appointed representative for matters relating to the Farm Service Agency. Discussion included the base acre allocation as well as other Farm Program issues.

Emergency Management Coordinator Scott Hansen spoke briefly to the board about a request from a resident for flood buy-out. The resident lives in the unincorporated area of the county.

Supervisor Wiley presented a proposed agreement between Benton County and the Cedar Valley Humane Society for animal control services in the unincorporated area of the county. The agreement provides for pick-up and shelter services for dogs. Cats are not included in the agreement. The cost is \$75.00 to pick up a dog with service available twenty-four hours a day/seven days a week. The cost to shelter the animal is \$80.00 for the first day, and \$25.00 a day for the second and third day. After three days, the dog becomes property of the Cedar Valley Humane Society. Wiley stated that the county attorney had reviewed the agreement and made several recommendations, which had been incorporated into the document. Lorin Potter was present and urged the board to consider the matter carefully – adding that the county was familiar with the services of Friends of the Shelter, Inc. and this relationship was an unknown. Supervisor Wiley stated that the contract with Cedar Valley Humane Society had a 30-day termination clause should the board determine that the arrangement was not meeting the needs of the county. Supervisors Frese and Hertle requested time to review the agreements and the matter was placed on the February 24, 2015, agenda for action.

The auditor reviewed several areas of the FY16 budget for clarification prior to publication.

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

February 24, 2015

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

Moved by Wiley, seconded by Frese, to approve the minutes of February 17, 2015. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to approve checks numbered 213572 through 213715, payroll numbered 138104 through 138131, and ACH deposits numbered 23299 through 23429, for payment. Both members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Frese, to approve the claim submitted by Tammy Wetjen-Kestersen for Decategorization services for January 2015 in the amount of \$2,851.80, for payment. Both members voting aye thereon. Motion carried.

Dana Burmeister, Transportation Director, requested permission to go to the Community Transportation Expo in Tampa, Florida for a trade show. ECICOG pays a fellowship of 80%. Supervisor Wiley questioned what the cost would be for the county. Burmeister stated she did not have a cost estimate at this time. Burmeister stated that she would rather go to this training than the annual RouteMatch training in Atlanta, Georgia. Moved by Wiley, seconded by Frese, to approve Burmeister to attend the Community Transportation Expo in Tampa, Florida, with the understanding that only one out-of-state training per fiscal year will be allowed. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to enter into the Agreement between Benton County and the Cedar Valley Humane Society for animal control services in the unincorporated area of Benton County. The service is limited to dogs and is effective upon execution by the county on this date. Both members voting aye thereon. Motion carried. Wiley reported that Friends of the Shelter, Inc. (FOTSI) declined the county's proposal for FOTSI to contract with the county to control the cat population and also declined the option of leasing the shelter.

This being the time and place specified for holding a hearing on a proposal to enter into a certain loan agreement related to financing solid waste disposal facilities, the County Auditor announced that no written objections had been placed on file. The Chairperson called for any written or oral objections, and the following persons made comments or presented written materials:

- o Two members of the news media were present. There were no members of the public present.
- o The increase in levy for the debt is being offset by a reduction in the general supplemental levy rate for FY16.
- o *No comments were heard either for or against the proposal.*

There being no further comments, the Chairperson then closed the public hearing.

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

Ayes: Frese and Wiley

Nays: None.

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

RESOLUTION NO. 15-10

RESOLUTION EXPRESSING INTENT TO AUTHORIZE A LOAN AGREEMENT AND ISSUE BONDS IN AN AMOUNT NOT TO EXCEED \$750,000 AND PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME

WHEREAS, Sections 331.402 and 331.441 of the Code of Iowa authorize counties to enter into loan agreements and borrow money for the purpose of financing solid waste disposal facilities; and

WHEREAS, the Board of Supervisors (the "Board") of Benton County, Iowa (the "County"), has proposed to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$750,000, pursuant to the provisions of Sections 331.402 and 331.441 of the Code of Iowa, for the purpose of paying the cost, to that extent, of constructing a facility for the disposal of solid waste to be operated by the Benton County Solid Waste Disposal Commission, and has published notice of the proposed action and has held a hearing thereon; and

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

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

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

Section 2. The County also determines to issue the Bonds at the time such funds are needed

Section 3. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds, there is hereby ordered levied on all the taxable property in the County a direct annual tax for collection in the fiscal year beginning July 1, 2015, sufficient to produce the amount of \$150,000.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

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

Passed and approved on February 24, 2015.

Chairperson, Board of Supervisors

Attest:

County Auditor

The sheriff opened bids for the purchase of squad cars. The cars bid are 2015 Chevrolet Impalas, 4-door Sedans with police package. The vehicles may be substituted with a 2016 model with no cost difference.

Thys Chevrolet – Blairstown – \$19,997.95
Greider Motors – Belle Plaine – \$20,449.95 - 2015
State Bid – Carl Chevrolet – Ankeny - \$20,006.06

It is noted that delivery before June 30, 2015, cannot be guaranteed by the bidders.

The sheriff also stated that Thys Chevrolet has two 2014 Chevrolet Impalas that they are willing to negotiate on the price if the county was interested. Moved by Wiley, seconded by Frese, to purchase three cars from Thys Chevrolet at a cost not to exceed \$19,997.95. It is understood that delivery may be after June 30, 2015. Further the sheriff is granted the authority to negotiate with Thys for the purchase of the 2014 models - at a cost less than the 2015 bid. The purchase of the 2014 vehicles will take the place of the 2015 vehicles and is not in addition to. Both members voting aye thereon. Motion carried.

Mindy Druschel of the Department of Human Services met with the Board regarding the FY16 budget for her department. Druschel apologized for her department's failure to submit a timely FY16 budget request. Druschel requested \$50,642 for FY16. The 2016 budget for DHS is currently at \$48,642.00. The auditor did not receive a FY16 budget request from DHS and therefore an amount was calculated using past history. The board advised that the budget had already been published; however there was additional funds included in the FY16 budget that could be appropriated to DHS and directed the auditor to adjust the FY16 budget for DHS to \$50,642.00.

Moved by Wiley, seconded by Frese, to approve a utility permit submitted by Iowa Power & Light Co., requesting to place utility lines in the county's right-of-way in Eldorado Township Sections 9 and 10. Both members voting aye thereon. Motion carried.

The engineer discussed issues with the county recycling drop-off sites, the cardboard recycling trailer at secondary roads, and the Vinton brush dump. Engineer Parizek stated that previously a semi-trailer was located on secondary roads for cardboard recycling drop-off. However, because of the amount of contamination the recycler stated that he would have to begin charging approximate \$350.00 per month to keep the trailer available. Parizek reported that he and the Vinton mayor believed that at least 85% of the cardboard being placed in the semi was from commercial businesses in Vinton. Parizek stated he concurred with the Mayor Watson and it was decided to remove the trailer. Auditor Marlow stated that one business contacted her as to how they were to dispose of the cardboard and she reported that Mayor Watson had instructed the business to use the county recycling trailer located east of the courthouse (courthouse recycling trailer). Marlow stated that the businessman advised that one visit by his business each week would fill the trailer with cardboard. Parizek stated that the courthouse recycling trailer's use has increased approximately 200% more than it had been in the past and it has doubled the county's cost to service that trailer. Parizek stated that the recycling trailer by the courthouse was being opened on the end and cardboard boxes (not broken down) were being thrown in reducing the amount of space for other recycling materials. Marlow stated that the cost of servicing the recycling trailers was being paid primarily from the rural services fund and should be changed to the general fund if they are not being used primarily by rural residents. Parizek stated that if the semi-trailer was to be returned that it should be cost-shared with the City of Vinton at 85/15 with the city paying the majority of the cost. The board suggested that the semi-trailer for cardboard be made available and agreed that the city should share in the cost.

Engineer Parizek also spoke about the Vinton brush dump. Parizek stated that when the county managed the landfill and expenses, it had agreed to pay \$7,000 per year to the City of Vinton to allow non-Vinton residents to use the brush dump. However, since the landfill management was now under the commission, the commission was not participating in the cost. The board discussed the matter and it was their belief that rural residents were probably not using the brush dump. The board believed that if other cities were using the brush dump that they should participate in the cost. Parizek stated that issue came up when he asked Vinton Mayor Watson if Secondary Roads could bring stumps to the brush dump from a road project. The board stated that if Parizek needed to utilize the brush dump for secondary road purposes that it should be done on a case-by-case basis with secondary roads paying those costs.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

March 3, 2015

The Benton County Board of Supervisors met in regular session with all Supervisors present. The meeting was called to order at 9:00 a.m.

Moved by Wiley, seconded by Frese, to approve the minutes of February 24, 2015. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set March 31, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by John Lane on a parcel located in the SW1/4 of NE 1/4 of 2-85-10. All members voting aye thereon. Motion carried.

The Grand Jury was rescheduled for Tuesday March 10, 2015 due to the weather.

Moved by Wiley, seconded by Hertle to amend minutes of January 2, 2015, to include Brenda Schanbacher on the Eminent Domain Commission. All members voting aye thereon. Motion carried.

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

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

March 10, 2015

The Benton County Board of Supervisors met in regular 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 March 3, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 213716 through 213888, payroll numbered 23430 through 23561, and ACH deposits numbered 138132 through 138163, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the claim submitted by Tammy Wetjen-Kesterson in the amount of \$2,851.80, for decategorization services during February 2015. All members voting aye thereon. Motion carried.

Transportation Director Dana Burmeister and Brock Genis met with the board to discuss a grant opportunity that could be used to construct a new garage in Belle Plaine for the transportation vehicles. Genis explained that the East Central Iowa Council of Governments (ECICOG) can apply for a state grant that can be used to construct the facility and then enter into a long-term lease agreement with the county for use of the facility. The grant may require a 20% local match, which may be an obligation of the county. Genis advised that this is the first time ECICOG would be involved in this type of project and that more information is needed; however Genis was seeking the supervisors' opinion before pursuing the idea. The board stated that they may be interested in the arrangement, but it was dependent upon the specific requirements to the county. They encouraged Genis to look into the grant further and to speak with the ECICOG board.

The time of 9:30 a.m. having arrived and this being the time and date for a public hearing on the county's FY16 budget, the chair opened the public hearing for comment. There was one member of the public present as well as the county attorney and assistant county attorney. There were no members of the media present. Al Schafbuch stated that he was appreciative that the budget was provided to him and other members of Farm Bureau in advance of the hearing for their review. Schafbuch also stated that he was not happy with the landfill and its associated costs. Schafbuch also stressed the importance of using the newly passed gas tax to fix the roads. The compensation board's recommendations for elected officials' salaries were presented. There were no comments voiced in opposition or support of the recommendations. There were no comments heard in opposition to the FY16 budget proposal. Hearing nothing further, the chair declared the public hearing closed.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-11 ADOPTION OF THE FY16 COUNTY BUDGET. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-11
ADOPTION OF THE FY16 COUNTY BUDGET

BE IT REMEMBERED that on this, the 10th day of March 2015, 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 2015-16 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.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The County Compensation Board recommendation for FY16 salaries for elected officials was approved as follows:

County Auditor - \$69,351.65
 County Treasurer - \$64,943.55
 County Recorder - \$64,943.55
 County Attorney - \$95,234.59
 County Sheriff - \$79,061.72
 County Supervisor - \$38,614.14

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 - \$532,000 – Vehicle Replacement, infrastructure upgrades/repair, IT upgrades
 General Supplemental - \$50,000.00 Emergency Response and \$75,000 election equipment replacement
 Rural Services - \$16,000 Vehicle Replacement
 Other – EMS revolving loan \$119,371; LOSST \$50,000 Technology upgrades

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 appropriable resources of Benton County.

The budget as adopted will approve the following property taxes for fiscal year 2015-16 (without gas and electric):

General Basic	\$4,502,818
General Supplemental	\$1,017,174
Mental Health Services	\$ 885,589
Rural Services Basic	\$2,418,808
Debt Service	\$ 146,352

IT IS THEREFORE RESOLVED, by the Benton County Board of Supervisors that the FY16 budget is hereby adopted.

Dated this 10th day of March 2015.

 Donald H. Frese, Chairman

 Terry L. Hertle

 Todd Wiley

ATTEST:

 Jill Marlow, Auditor

The 2015 Grand Jury met with the board to discuss the current condition of county facilities and other matters.

Treasurer Kelly Geater presented an agreement to the board for consideration. The agreement provides for the printing and mailing of county tax statements. Geater explained that the county has been utilizing Mail Services, LLC for this service for a couple of years. Geater added that the county could include a return envelope (no postage) for property owners to use when mailing their property taxes to her office for an additional cost. Moved by Wiley, seconded by Hertle, to enter into a one-year agreement with Mail Services, LLC to print and mail the county's property tax statements. There is to be no return envelope included. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to direct the chair to sign the Heartland Insurance Risk Pool renewal questionnaire containing the board's responses. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Interstate Power and Light to place utility lines in the county's right-of-way in sections 10 and 11 of Fremont Township, along 32nd Avenue between 69th Street and 70th Street. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by United Private Networks, LLC. to place utility lines in the county's right-of-way in Polk Township, along Highway 150, 53rd Street Drive., east on 53rd Street, to 32nd Avenue and to Center Point. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the Iowa Department of Transportation Agreement #6-15-HBPS-04 (Federal aid for a County Highway Program Project) for the 76th Street bridge replacement project. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the Iowa Department of Transportation Agreement #2015-C-211 for the HMA (hot mix asphalt) surfacing project of intersections along US Highway 218 from US Highway 30 north to US Highway 150. All members voting aye thereon. Motion carried. The asphalt is to be 7.5 inches thick and placed at 16 intersections at a cost of \$75,000.00.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-12, TEMPORARY ROAD CLOSURE. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-12

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from March 16, 2015, through the completion of the project.

From Iowa Hwy 21 thence east 1.0 mile to 11th Avenue along 61st Street (County Route E22) in Monroe Township.

Signed this 10th day of March, 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-13 TEMPORARY ROAD CLOSURE. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-13

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from March 9, 2015, through the completion of the project.

From the W ¼ corner of Section 10-T82N-R11W thence south 1.5 miles to the SW corner of Section 15-T82N-R11W along 19th Avenue between 75th Street Drive & 77th Street in Leroy Township.

Signed this 10th day of March, 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve and direct the chair to sign letters to the current landfill employees concerning the change in the employment relationship due to the change in governance from Benton County to the Benton County Solid Waste Commission and the transitioning of current benefits. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-14 REPEALING RESOLUTION #11-74. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-14

REPEALING RESOLUTION #11-74

ESTABLISHING IMPOUNDMENT FEES PURSUANT TO ORDINANCE #37, ANIMAL PROTECTION AND CONTROL

WHEREAS, the Benton County Board of Supervisors adopted Resolution #11-74 Establishing Impoundment Fees Pursuant to Ordinance #37, Animal Protection and Control; and

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

WHEREAS, the Benton County Board of Supervisors has recently entered into a contract with the Cedar Valley Humane Society (CVHS) for the impoundment of dogs apprehended within the unincorporated area of the county; and

WHEREAS, owners of reclaimed animals will be required to pay a fee to the CVHS; and

WHEREAS, due to the location of CVHS, it would be impractical to require owners of reclaimed animals to return to the Benton County Sheriff's Department to pay an additional fee prior to claiming their animal,

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #11-74 is HEREBY REPEALED in its entirety effective immediately.

PASSED and APPROVED this 7th day of October 2014.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

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

March 17, 2015

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

Moved by Wiley, seconded by Hertle, to approve the minutes of March 10, 2015. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to set April 14, 2014, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Barbara Galkowski on a parcel located in the SW1/4 of the SW1/4 of 10-84-9. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve firework permits requested by Charles Yedlik for firework displays on the following dates: April 11, 2015, May 23, 2015 and May 24, 2015, and November 7, 2015. The display location is 5901 28th Avenue Drive, Vinton, Iowa. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to pay the claim submitted by Linn County Regional Hazardous Materials Response Team in the amount of \$4,971.00 for services provided October 19, 2014, relative to a medical examiner case. Further that the costs be billed to Black Hawk County as the county of residence of the decedent. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a Class C liquor license for Bloomsbury Farms, Inc. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve 52.5 hours of vacation carry-over requested by Penny Applegarth to be used no later than June 30, 2015. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to renew the contract for FY16 with Employee Benefit Systems (EBS) for third-party administration services for the county's co-payment/deductible on health insurance and flexible spending plan. Both members voting aye thereon. Motion carried.

The board discussed the courthouse window project. The architects stated that project was substantially complete but questioned what the board's directive was for the liquidated damages. The contract deadline was February 1, 2015. The board indicated that the project had proceeded to their satisfaction and it was moved by Wiley, seconded by Hertle, acknowledging that the project had reached substantial completion and directed that a change order be drafted changing the completion date to March 17, 2015. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve Pay Request #2 to Zephyr Aluminum for the courthouse window replacement project in the amount of \$145,363.30. Both members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Supervisor Wiley presented proposals for signage in the courthouse. The signs display information on the location of the various departments and are to be placed in the west entryway and in the elevator. Wiley stated he would obtain cost estimates if the signs were acceptable. There were a few changes suggested and Wiley will provide those to the vendor and get quotes.

Moved by Wiley, seconded by Hertle, to contact with Pictometry International Corp. for aerial photography of Benton County. The contract provides for a flight in 2015 at a cost of \$196,902.00 and a second flight within three to five years at a cost of \$223,177.00. The second flight can be terminated upon notice to Pictometry. The costs for Change Finder are an assessment specific expense and are not a part of the agreement. Both members voting aye thereon. Motion carried. A formal contract will be drafted for execution by the parties at a future date.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-15, TRANSFER FUNDS. Voting aye were Hertle and Wiley. Nays none. Motion carried.

RESOLUTION #15-15 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that \$66,000 be transferred from General Basic to Capital Projects.

The auditor is authorized to adjust the budget to reflect this transfer.

Dated this 17th day of March 2015.

Terry L. Hertle, Vice-Chair

Todd A. Wiley

ATTEST:

Jill Marlow, Benton County Auditor

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

Terry Hertle, Vice-Chairman

ATTEST:

Jill Marlow, Auditor

March 24, 2015

The Benton County Board of Supervisors met in regular 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 March 17, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 213889 through 214052, payroll checks numbered 138164 through 138180, and ACH deposits numbered 23562 through 23692, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into the formal contract with Pictometry International for aerial imagery services at a total cost of \$420,079. The contract is for two flights to occur in 2015 and in 2018/2019. The contract provides that the second set of imagery can be cancelled with notice by the county. All members voting aye thereon. Motion carried.

Sheriff Forsyth and Deputy Garrison Reekers met with the board regarding the current status of a sheriff canine. The canine has medical issues requiring surgery and the future use of the animal is in question. The board stated that the service use of the animal will be determined after its recovery. The board indicated that if the dog must be retired that they would support the purchase of another canine.

The engineer reviewed a draft of the five-year construction plan for county roads. The engineer spoke about a resurfacing schedule for hard-surfaced roads and bridge replacement projects through 2020.

Moved by Wiley, seconded by Hertle, to approve and direct the chair to sign the Title Sheet for the bridge replacement project #BROS-CO06(97)—8J-06 for the bridge on 27th Avenue in St. Clair Township. All members voting aye thereon. Motion carried.

Brian Gruhn met with the board to discuss the labor agreements for the sheriff's department employees and secondary road employees. The agreements are for three years with only changes to the wages and the employee's share of health insurance premiums. The landfill employees were removed from the contract as they are no longer county employees. The respective unions have already ratified the agreements.

Moved by Wiley, seconded by Hertle, to approve the labor agreement between Benton County Sheriff's Department and Chauffers, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffers & Helpers of America (Sheriff) for the period July 1, 2015 through June 30, 2018, as presented. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley, to approve the labor contract between Benton County and Public, Professional & Maintenance Employees Local Union 2003 International Brotherhood of Painters & Allied Trades, AFL-CIO (Secondary Roads) for the period July 1, 2015 through June 30, 2018. All members voting aye thereon. Motion carried.

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

Don Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

March 31, 2015

The Benton County Board of Supervisors met in regular 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 March 24, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to establish a "No Parking" area in the immediate area located west of the county garage that is located east of the courthouse. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the hire of Janice M. McLaughlin as a part-time correctional officer at the Benton County Sheriff's Department, effective April 1, 2015, at a starting wage of \$13.77 per hour due to experience. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to terminate the part-time employment of Michael Beumer, effective immediately. This action is pursuant to county policy terminating an employee who has not worked for a period of one year. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set April 21, 2015, at 9:15 a.m., as the time and date for a public hearing on a Construction Permit Application for a confinement feeding operation submitted by John Harder, Pork Palace, LLC, on a parcel located in the NE1/4 of the NE1/4 of 25-84-12. All members voting aye thereon. Motion carried.

The board discussed the survey requested by the Dickinson County Board of Supervisors regarding the Iowa Master Matrix System. The survey is requesting the board's position on changing the current regulations to provide for more local control when it comes to siting confined animal feeding operations. Supervisor Hertle commented that he supports local control but added that there should be uniform regulations statewide. Supervisor Wiley stated that with local control comes more burden and responsibility on the county supervisors. Wiley added that he had no opinion on this specific matter, but believed that more separation distance should be considered when siting facilities. Supervisor Frese responded that he supports more local control. Land Use Administrator Marc Greenlee commented that if more local control is granted then the county would have to employ or contract with someone who has more expertise on confined animal feeding operations, as the Department of Natural Resources now provides that expertise.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by John C. Lane on a parcel located in Harrison Township Section 2 South. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1 acre located in the NE1/4 of 2 (S) -85-10. The request is to change the classification to a single residential use. A new septic would be needed for the residence and the well is existing. Hearing no further comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 1 acre for a residential purpose on a parcel generally described as being located in the SW1/4 of the NE1/4 Sec. 2 (S)-85-10. All members voting aye thereon. Motion carried.

Dan Kaestner and Steven Moretz met with the board to request a variance to the county's subdivision ordinance. Moretz currently owns approximately sixteen acres with a house located in the SW1/4 of the SW1/4 of 32-86-10 and the SE1/4 of the SW1/4 of 32-86-10. Moretz has been promoted by his employer and is moving out of the county. Moretz's employer will purchase the home if Moretz is unable to sell it; however, the company will only purchase the house and five acres. Moretz would like to split the sixteen acre parcel and is requesting that the county waive the subdivision ordinance requirements. The board discussed the matter in detail and although were understanding of Moretz's situation – they were unable to establish a hardship as required by the ordinance. The board advised that Moretz would need to comply with the Benton County Subdivision Ordinance; however the board agreed that they would consider waiving some of the specific requirements, if needed.

Moved by Hertle, seconded by Wiley, to authorize the engineer to advertise to hire part-time seasonal truck drivers for his department. All members voting aye thereon. Motion carried. The number of hires and the wages are to be determined at a later date.

Moved by Hertle, seconded by Wiley, to approve Change Order #3 to the contract between Benton County and Zephyr Aluminum for the courthouse window replacement project reducing the price of the contract by \$17,991.07. The reduction is for changing spandrels to clear insulated glass on the first floor arch tops and credit for unused contingency. The final contract price is \$366,113.93. **Further, to issue a Certificate of Substantial Completion for the window project, effective March 17, 2015, noting that \$5,000 for work is still incomplete or defective. The contractor is to complete or correct said items within fifteen days of the date of substantial completion.** All members voting aye thereon. Motion carried.

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

Donald H. Frese, Chairman

ATTEST: _____
Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

April 7, 2015

The Benton County Board of Supervisors met in regular 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 March 31, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to proclaim April as Sexual Assault Awareness Month. All members voting aye thereon. Motion carried.

Sexual Assault Awareness Month Proclamation 2015

Whereas, Sexual Assault Awareness Month is intended to draw attention to the fact that sexual violence is widespread and impacts every community member of Benton County, Iowa; and

Whereas, Rape, sexual assault, and sexual harassment impact our community as seen by statistics indicating that one in five women and one in 71 men will be raped at some point in their lives (Black et al., 2011); and

Whereas, Child sexual abuse prevention must be a priority to confront the reality that one in six boys and one in four girls will experience a sexual assault before the age 18 (Dube et al., 2005).; and

Whereas, young people experience heightened rates of sexual violence, and youth ages 12-17 were 2.5 times as likely to be victims of rape or sexual assault (Snyder & Sickmund, 2006).; and

Whereas, On campus, one in five women and one in 16 men are sexually assaulted during their time in college (Krebs, Lindquist, Warner, Fisher, & Martin, 2007).; and

Whereas, We must work together to educate our community about sexual violence prevention, supporting survivors, and speaking out against harmful attitudes and actions; and

Whereas, With leadership, dedication, and encouragement, there is evidence that we can be successful in preventing sexual violence in Benton County through increased education, awareness, and community involvement; and

Whereas, Benton County strongly supports the efforts of national, state, and local partners, and of every citizen, to actively engage in public and private efforts to prevent sexual violence. It's time for all of us to start conversations, take appropriate action and support one another to create a safer environment for all.

NOW THEREFORE BE IT RESOLVED,

That Benton County join advocates and communities across the country in playing an active role to prevent sexual violence. Along with the United States Government and State of Iowa, I do hereby proclaim April as "Sexual Assault Awareness Month!"

Donald L. Frese

April 7, 2015

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-16, Approval and Disapproval of Business Property Tax Credits for the 2014 Assessment. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-16

APPROVAL AND DISAPPROVAL OF BUSINESS PROPERTY TAX CREDITS FOR THE 2014 ASSESSMENT

WHEREAS, Iowa enacted SF295 establishing a business property tax credit; and

WHEREAS, the legislation requires property owners to apply for the credit; and

WHEREAS, the board of supervisors is required to allow or disallow the credit based on the requirements of the legislation; and

WHEREAS, the sign-up period has past and the assessor has provided a list of those applying for said credit; and

WHEREAS, the assessor has recommended allowance or disallowance based on the classification and/or use of the property,

NOW THEREFORE BE IT RESOLVED that the following application for the Business Property Tax Credit on the 2014 assessment is hereby disallowed based on the classification and/or use:

030-21900

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

IT IS FURTHER RESOLVED that the thirty-two (32) new applications for the 2014 assessment year Business Property Tax Credit filed with the assessor on or before March 15, 2015 are allowed.

IT IS FURTHER RESOLVED that the forty-three (43) applications for the 2014 assessment year Business Property Tax Credit that were re-filed with the assessor on or before March 15, 2015, due to changes in ownership or other matters, are allowed.

IT IS FURTHER RESOLVED that the removal of forty (40) applications due to change in ownership or other matters is hereby approved.

It IS FURTHER RESOLVED that notice be made to the denied application and that all applications be filed in the office of the assessor.

Signed this 7th day of April 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd A. Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve the quarterly reports for the periods ending December 2014 and March 2015, submitted by the Benton County Relief Department. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the quarterly reports for the period ending March 31, 2015, filed by the auditor, recorder, and sheriff. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a Class B Alcohol License, with Sunday Sales and Outdoor Area, requested by Watkins Community Athletic Association. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the claim submitted by Tammy Wetjen-Kestersen for March 2015 decategorization services in the amount of \$2,851.00. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 214053 through 214231, payroll checks numbered 138181 through 138193, and ACH payments numbered 23693 through 23820, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to amend the motion to approve the payment of checks to include the City of Norway invoice to Secondary Roads in the amount of \$62.18, to prevent late fees from being assessed. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a utility permit requested by ITC Midwest to place utility lines in the county's right-of-way in Iowa and Leroy Townships, northeast of Norway, along 14th Avenue Dr., 16th Avenue Dr., and 17th Avenue. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a utility permit requested by Farmers Mutual Telephone to place utility lines in the county's right-of-way in Benton, Canton, Fremont, and Eden Townships. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Mediacom to place utility lines in the county's right-of-way in Iowa Township, north of the Belle Plaine golf course. All members voting aye thereon. Motion carried. The engineer advised that this permit was approved on December 16, 2014; however he or the company is unable to locate it.

The engineer discussed the hire of part-time seasonal truck drivers for 2015. The engineer stated that he would like to hire three drivers – one for miscellaneous driving duties, including sign installations, and two for the weed department. The board questioned the need for another person for sign installation. The engineer advised the third employee would also assist with potholes and other road maintenance issues. Moved by Hertle, seconded by Wiley, to approve the hire of three part-time seasonal truck drivers, at a wage of up to \$11.39 per hour. All members voting aye thereon. Motion carried.

The engineer presented a 28E Agreement for consideration between Benton County and Linn County for the replacement of bridge #1589. The agreement provides for cost-sharing between Benton and Linn County. Benton County will administer and finance the project with Linn County reimbursing Benton County for a share of the costs. The supervisors questioned why the agreement was being entered into after-the-fact as the bridge has already been replaced and recommended that the 28E Agreement for this type of issue be entered into before starting the project. The agreement is to be reviewed by the county's insurance carrier due to the indemnification and hold harmless language it contains before the board will act on entering into it.

Moved by Hertle, seconded by Wiley, to approve the Iowa Department of Transportation FY16-20 Secondary Road Construction Program. All members voting aye thereon. Motion carried. The program reflects secondary road bridges and road upgrades over the next five years.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to approve the Iowa Department of Transportation FY16 Secondary Road Budget. All members voting aye thereon. Motion carried.

The engineer discussed the 2015 summer dust control program provided by secondary roads. The engineer advised that he had calculated the costs of applying a dust control product and was recommending that the board approve the costs that he developed. Moved by Wiley, seconded by Hertle, to approve the cost of MC-70 dust control applied by Benton County Secondary Roads for the summer of 2015 at \$1,215.00 for two applications of 400 feet each. The cost per additional foot is set at \$2.25 per foot for two applications. Dust control permits are to be submitted no later than May 1, 2015. All members voting aye thereon. Motion carried.

The engineer discussed the disposal of the six-cubic-yard dumpsters owned by the county. The board directed the engineer to advertise for disposal by sealed bids and directed that the county fair board be contacted as well.

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

April 14, 2015

The Benton County Board of Supervisors met in regular session with Supervisors Frese and Hertle present. Supervisor Wiley was attending the Department of Transportation meeting in Davenport. The meeting was called to order at 9:00 a.m.

Moved by Hertle, seconded by Frese, to approve the minutes of April 7, 2015. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to terminate the employment of Steven Fischer in accordance with county policy terminating part-time employees who have not worked for one year or more. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to enter into The Howard E. Nyhart Company, Inc. ("Nyhart") Service Agreement to complete the full GASB 45 actuarial update for Benton County at a cost of \$3,400.00 for the fiscal year ending June 30, 2015. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to sign the certification of the FY14 Cost Allocation Plan prepared by Cost Allocation Services, Inc. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to accept the treasurer's investment report for the period ending March 31, 2015. Both members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, met with the board regarding an amendment to a compliance certificate issued to Brad and Linder Anders on February 10, 2015. Anders had applied for and been granted a land use change for a custom gunsmith shop on a parcel located in the SE1/4 of 6-86-10. Anders had been informed by the U.S. Department of Alcohol, Tobacco and Firearms (ATF) that the compliance permit language is not specific enough to meet the requirements of their permit. Anders is requesting that the land use compliance permit be amended to include the specific language needed for him to obtain a permit from the ATF. Moved by Hertle, seconded by Frese, to amend the action taken on February 10, 2015, granting a land use change to Brad and Linda Anders, by adding the following:

"The applicants, Brad and Linda Anders, Cedar River Arms, L.L.C., dba Cedar River Arms, are approved to buy, sell and trade firearms, and provide gunsmith services at 5068 22nd Avenue Lane, Mt. Auburn, Iowa."

The remainder of the original action taken on February 10, 2015, relative to this land use change remains in full force and effect.

Both members voting aye thereon. Motion carried.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Barbara Galkowski. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 3 acres located in the SW1/4 of the SW1/4 of 10-84-9. The request is to change the classification to an equestrian riding and therapy center. There will be no septic or well on the property. The applicant will use portable toilets and obtain water for a neighboring parcel. Hearing no further comment, it was moved by Hertle, seconded by Frese, to approve the request for a land use change from agricultural to non-agricultural on approximately 3 acres for an equestrian riding and therapy center on a parcel generally described as being located in the SW1/4 of the SW1/4 of Sec. 10-84-9. All members voting aye thereon. Motion carried.

Kyle Helland of Helland Engineering met with the Board to request a subdivision variance on behalf of his client, Steven and Jodi Moretz, on a parcel located in the SW1/4 of the SW1/4 of 32-86-10. Moretz had been before the board on March 31, 2015, regarding the matter and was instructed to have a subdivision plat made but that the board would be willing to waive specific requirements. Land Use Administrator Marc Greenlee reviewed the initial request with the board and spoke to the specific requirements that could be waived. Moved by Hertle, seconded by Frese, to adopt Resolution #15-17, Variance to the Benton County Subdivision Ordinance. Voting aye were Frese and Hertle. Nays none. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

RESOLUTION #15-17

Variance to 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 the 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 vary a part of the requirements of the ordinance to allow one additional division on a parcel located in the SW 1/4 of the SW 1/4 of 32-86-10, due to hardship,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #61 are hereby varied for one additional division of real property located in the SW 1/4 of the SW 1/4 of 32-86-10. The following requirements of the ordinance are waived.

Article 4, Sections 4.01 through 4.04

Article 5, Sections 5.01 through 5.07

Article 6, Sections 6.01 through 6.03

All remaining portions of Ordinance #61, not waived by this resolution, shall remain in full force and effect.

Strict adherence to the requirements of the subdivision ordinance would create an undue hardship for the following reason(s):

1. The division is a minimal easing of the ordinance and will ultimately result in only the hard-surface road requirement being unmet.
2. Due to the minimal number (2) and design of lots being created there is no need for a Preliminary Plat to be developed.
3. The parcel being created through the subdivision is currently agricultural and no improvements are being designed as a part of the subdivision.

Dated this 14th day of April 2015.

Donald H. Frese, Chairman

Terry L. Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to approve three utility permits requested by ECI REC to place utility lines in the county's right-of-way in St. Clair Township along 25th Avenue in sections 21, 22, 27, & 28 and 23rd Ave Drive and along 79th St in section 32 and in Union Township along 69th St. from 19th Avenue east to 21st Avenue in sections 2 and 3. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to approve a utility permit requested by Unite Private Network to place utility lines in the county's right-of-way in Polk Township along 51st Street and 53rd Street Drive in sections 3, 10, 15, and 22. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #15-18. Voting aye were Frese and Hertle. Nays none. Motion carried.

RESOLUTION #15-18

WHEREAS: The Benton County Secondary Road Department has an employee that has been employed for a year, and

WHEREAS: This employee as part of the original hire is entitled to a wage increase

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the Labor Grade classification of Joshua Burkhart will be VD (mechanic.) VD base wage for Joshua Burkhart will be \$19.47 per hour. Joshua Burkhart rate change will be effective April 14, 2015.

Signed this 14th day of April, 2015.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Chairman, Board of Supervisors

Terry L. Hertle

ATTEST: _____

Benton County Auditor

Moved by Hertle, seconded by Frese, to approve the hire of Marvin Andrews as a part-time seasonal truck driver, effective April 20, 2015, at a wage of \$11.39 per hour. Both members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to direct the chair to sign the Title Plan Sheet for the HMA (hot mix asphalt) Resurfacing on W30 from Walford south to the county line – Project No, FM-CO06(65)—55-06. Both members voting aye thereon. Motion carried.

Supervisor Hertle strongly urged the engineer to place additional warning lights at the intersection of W14 and E44, approximately one mile north of Newhall. Hertle stated that the intersection is dangerous and that some type of flashing light(s) were needed to warn traffic – adding that it needed to be done before a tragedy occurs.

The board was introduced to Jessica Rilling, who is the new Iowa Valley Resource and Development (RC&D) executive director. Benton County is a part of the six-county region of the Iowa Valley RC&D.

Kenneth Krug met with the board to discuss dust control issues in the first one-half mile of 32nd Avenue south of Highway 30. Krug advised that he has over 300 cars per day drive past his house. Krug stated that there are two residential subdivisions located south of his residence that have resulted in the increase in traffic. Krug presented statistics that he had compiled regarding the amount of road dust being created each year past his residence. Krug stated that he applies dust control but it doesn't hold up to the amount of traffic – adding that he originally used the county's MC-70 product but that has become cost prohibitive. Krug requested that the board consider subsidizing the dust control or take other actions to reduce the speed of vehicles. Supervisor Hertle responded that if the county subsidized the dust control on 32nd Avenue then there would be a line of others wanting the same thing and that the county could not afford to subsidize dust control all over the county. Hertle stated that he was sympathetic to Krug's situation but was not willing to set a precedent. Supervisor Frese echoed Hertle's comments stating that road dust is a problem throughout the county.

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

Don Frese, Chairman

ATTEST: _____

Jill Marlow, Auditor

April 21, 2015

The Benton County Board of Supervisors met in regular 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 April 14, 2015. All members voting aye thereon. Motion carried.

Representatives of the Benton County Solid Waste Commission (the Commission) met with the board regarding leachate hauling. Benton County Secondary Roads had hauled the leachate in the past, but the county engineer has informed the commission that secondary roads will no longer provide that service. Supervisor Hertle stated that when the Commission was formed to take over management of the landfill, Benton County agreed to provide certain services to the Commission. Hertle stated that the decision on hauling leachate was a decision of the board of supervisors and not the county engineer. Hertle went on to state that there had been a gentleman's agreement that the county would haul the leachate in exchange for taking refuse to the landfill at no charge. Engineer Myron Parizek replied that when the Commission stated that they were no longer in need of the county's management services (in March) and that they, the Commission, wanted to stand on their own – he took that to mean all services being provided by the county including leachate hauling. Supervisor Wiley questioned what the approximate cost was to haul the leachate and the engineer estimated it to be less than \$10,000.00. Discussion also included the lack of documentation on what the landfill had accepted free-of-charge from county. The Commission stated that documentation was being kept now on the amount of refuse being brought in by the county, but that no documentation was kept prior when secondary roads managed the landfill nor was the new manager informed that he was to track it so the documentation would not be complete.

Moved by Hertle, seconded by Wiley, to enter into an Agreement for Leachate Hauling between Benton County and the Benton County Solid Waste Commission. All members voting aye thereon. Motion carried.

AGREEMENT FOR LEACHATE HAULING

WHEREAS, the Benton County Solid Waste Disposal Commission is a 28E entity organized by the municipalities and Benton County for operation of the Benton County Sanitary Landfill;

WHEREAS, the Benton County Sanitary Landfill has a leachate pond that must be emptied to comply with Department of Natural Resource regulations;

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

WHEREAS, the Benton County Solid Waste Disposal Commission does not have the necessary equipment to empty the leachate pond and transport the materials to the City of Vinton's wastewater treatment plant;

WHEREAS, Benton County has the necessary equipment to transport the leachate materials to the City of Vinton's wastewater treatment plant;

WHEREAS, the Benton County Solid Waste Disposal Commission does not charge Benton County for materials brought into the sanitary landfill;

WHEREAS, the parties desire to memorialize their agreement regarding leachate hauling and the depositing of materials by Benton County in the sanitary landfill.

IT IS THEREFORE AGREED between the Benton County Solid Waste Disposal Commission and Benton County, Iowa as follows:

- 1) Benton County, Iowa will continue to furnish the equipment and manpower needed to empty the leachate pond at the Benton County Sanitary Landfill at no charge to the Benton County Solid Waste Disposal Commission until July 1, 2015.
- 2) Benton County, Iowa will keep track of expenses associated with the hauling of leachate materials and will provide an itemized invoice to the Commission prior to July 1, 2015.
- 3) The Benton County Solid Waste Disposal Commission agrees that Benton County and their departments shall be permitted to deposit items at the sanitary landfill at no cost to Benton County.
- 4) The Benton County Solid Waste Disposal Commission shall keep track of all materials brought into the landfill by Benton County and its departments and shall provide a report to the Benton County Supervisors prior to July 1, 2015, regarding the tonnage received.
- 5) The parties agree to revisit this agreement in July of 2015.

Dated this 21st day of April, 2015.

Benton County, Iowa

By : (s) Donald H. Frese

Supervisor

ATTEST:

By: (s) Jill Marlow

Jill Marlow, Auditor

Benton County Solid Waste Disposal Commission

By: _____

John Watson, Chair

Attest:

By: _____

Tim Yoder, Secretary

Moved by Wiley, seconded by Hertle, to approve checks numbered 214232 through 214422, payroll checks numbered 138194 through 138206, and ACH payments numbered 23821 through 23953, for payment. All members voting aye thereon. Motion carried

Moved by Wiley, seconded by Hertle, to set May 12, 2015, at 9:15 a.m. as the time and date for a public hearing on a Construction Permit Application for a confinement feeding operation submitted by Jeff & Darla Kromminga for Prairieview Hog Farm, Inc. in Kane Township, Sections 27 & 33. All members voting aye thereon. Motion carried.

The time of 9:15 a.m., having arrived and this being the time and date for a public hearing on a Construction Permit Application for a confinement feeding operation submitted by John Harder, Pork Palace, LLC. in the NE1/4 of NE1/4 of 25-84-12, the chair opened the matter for public comment. The following persons were present: News Media - Jim Morrison; Applicant - John Harder and Kent Kraus with Pinnacle (applicant's consultant); Public - Hank Wehrman, Tyler Franzenburg, Eloise Timmerman, Dave Ramm, and Cheryl Ramm. Benton County Land Use Administrator Marc Greenlee presented the Master Matrix Review and Evaluation. Greenlee stated that he only reviews those items scored by the applicant on the Matrix to determine if the applicant's scoring is legitimate. Greenlee stated that he visited the site that is located about three-fourths of a mile north of 67th Street and west of 16th Avenue in Homer Township. The proposal is for two barns, which will be located approximately 150 feet from the road. The facility is planned to have 4,960 head of finished market hogs. Greenlee reported that his review found no discrepancies with the applicant's scoring. The scoring resulted in 490 points of which only 440 is required to pass the Master Matrix. The points are broken down into the following categories: Air - 144.5 (53.38 minimum required); Water - 136.5 (67.75 minimum required); and Community - 209 (101.13 minimum required). The board asked for comment from the public. Comments included, but are not limited to, the following:

Trees: Dave Ramm stated that he is not against the facility per se, but is concerned about the odor and questioned what was going to be done to keep the odor coming from the buildings minimized. Ramm questioned if trees would be planted around the facility - adding that he lived on 16th Avenue approximately 1.25 miles south of the proposed facility. Applicant John Harder responded that he would plant trees. Kraus added that landscaping was not needed to pass the Master Matrix and was not included, but the owner had spoken about planting trees on the north side but wasn't sure about the

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

west side and that the trees would be a fast growing poplar/willow type tree that will get fairly tall in a short period of time. Ramm asked if the owner gave his word on planting trees and Harder responded that he planned to do that. Eloise Timmerman questioned if the trees would be planted around the entire facility and specifically on the south side. Krause responded that trees planted on the south side would interfere with natural ventilation from summer breezes and explained the science behind the use of trees. Krause stated that producers hesitate to plant trees on the south side for the welfare of the animals. Supervisor Wiley questioned if trees could be added as a part of the permitted application. Krause responded that he hesitated putting trees in the Master Matrix due to the requirements for shrubs, fast growing and slow growing trees and although that would be nice the biggest impact would be from planting fast growing trees.

Residency: Eloise Timmerman stated she had nothing against hog confinements but believed that the owners should have to work the facility and live next to it – adding that she had a problem with Pork Palace LLC building the facility but living miles from it. Supervisor Hertle questioned Timmerman as to where she currently lived. Timmerman responded that she does not live on the farmstead owned by her but that she spent time maintaining the property, especially from April through November of each year.

Management: Supervisor Wiley questioned what arrangements were made for snow removal and lawn care – adding that well-kept sites are better received. Harder responded that he will have two workers who live within four miles of the facility and that he planned to plant alfalfa instead of grass. D. Ramm questioned if tanker trucks will be used to haul the manure and incorporate it. Harder responded that he will contract for that work and that he does not have a tanker truck, but that the manure will be incorporated on the 560 acres owned by Harder and that he plans to rotate the clean-out between barns each year. Krause added that the manure management on the Master Matrix commits the applicant to using the injection method and that would be a condition of the permit. Krause also explained the requirements of the Manure Management Plan and the annual update requirements. Greenlee stated that an on-site office is proposed to be located between the two barns.

Compost Structures: Supervisor Wiley questioned if there would be a compost structure for the site. Krause responded that the facility would be using composting versus rendering but that the composter is not a part of the Master Matrix, however a compost pad would be needed. Wiley stated that the bigger issue is when compost structures are not managed properly and that on-site equipment is needed to bury carcasses. Harder advised that a skid loader and truck would be kept on-site. Krause agreed that composting must be well managed. Wiley stated that there could be definite odor issues if rendering is used or the compost pile is not managed well.

The chair asked if there were any additional comments and hearing none declared the public hearing closed at 9:55 a.m.

Moved by Wiley, seconded by Hertle, to accept the Master Matrix Review and Evaluation as presented. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, that based upon the comments heard during the public hearing, to recommend approval of the application with the addition that Pork Palace, LLC is to have a minimum of two rows of hybrid willow-like trees on the north side of the site for a minimum distance of the length of the buildings. All members voting aye thereon. Motion carried.

MASTER MATRIX REVIEW AND EVALUATION BENTON COUNTY BOARD OF SUPERVISORS RECOMMENDATION

Applicant: John Harder, Pork Palace, LLC – 7 Sylvan Ln. SE, Cedar Rapids, IA 52403

Facility Location: NE1/4 of the NE1/4, Section 25, T84N, R12W (Homer Twp.)

The Benton County Board of Supervisors has reviewed and evaluated a construction permit application for a confinement feeding operation from Pork Palace, LLC. The application was received by Benton County on March 12, 2015. The application was received by the IDNR on March 27, 2015.

A public hearing notice was published by Benton County in the **Cedar Valley Times**, Vinton, Iowa, on April 7, 2015. A proof of publication is enclosed within this packet.

The Benton County Board of Supervisors held a public hearing regarding the construction permit application on April 21, 2015. Two (2) individuals came to the hearing. One questioned what would be done to control odors from the facility, would there be management onsite. The owner stated that he would be willing to plant trees on site to help minimize odors, and that there is going to be a local manager. One citizen stated that the owner of the proposed facility does not live onsite. No other comments were received.

After discussion and consideration of the information reported at the hearing the Board of Supervisors found that the applicant has demonstrated compliance with the minimum separation distances between the proposed facility and items referenced within Table 6C of 567 – Chapter 65 of the Iowa Administrative code, that the proposed building site is not on alluvial soils or in karst terrain, and that the overall score of the matrix evaluation was sufficient for approval. The Board voted to approve the master matrix review and evaluation as scored. A copy of the Master Matrix and Benton County Scoring Summary is attached.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The Board voted to recommend approval of the construction permit application, with the addition that Pork Palace LLC will have a minimum of two (2) rows of hybrid willow-like trees planted on the north side of the site at a minimum the same length as the confinement buildings.

Dated April 21, 2015.

BENTON COUNTY BOARD OF SUPERVISORS

Donald H. Frese
Chairman

Terry L. Hertle

Todd Wiley

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Bruce Thorman in accordance with the Benton County Agricultural Land Use Preservation Ordinance. Greenlee reported that the applicant is part of a family farming operation on 700 acres and meets the requirements of the ordinance for an exemption. The applicant is requesting an exemption to allow for a single-family residence. Moved by Wiley, seconded by Hertle, to approve a farm exemption in accordance with the Benton County Land Use Preservation Ordinance on a parcel located in the NE1/4 of 6-82-10, for the purposes of constructing a single-family residence. All members voting aye thereon. Motion carried.

Benton County Attorney David Thompson, Assistant County Attorney Emily Nydle and Assistant County Attorney Jo Nelson met with the board to request an amendment to Nelson's employment contract. Nelson has submitted her resignation from employment. Nelson advised that she is moving out-of-state due to her husband's job transfer. Nelson expressed her gratitude for the opportunity to work for Benton County - adding that she has learned a lot during her employment. Thompson recommended that the board amend the agreement and accept the resignation and wished Nelson well. Moved by Hertle, seconded by Wiley, to amend the employment contract between Benton County and Jo Nelson to reflect that the parties agree that Nelson's last day of employment with the Benton County Attorney's Office is May 22, 2015. Further, that the board accepts the resignation of Jo Nelson. All members voting aye thereon. Motion carried.

Sheriff Randy Forsyth met with the Board regarding his current fiscal year budget. Forsyth advised that he was currently running over budget in communications but was still within his overall budget. However, Forsyth stated he may not be able to stay within the budget until the end of the fiscal year unless he held off paying for maintenance agreements until after July 1st, which would cause problems for his FY16 budget. Forsyth also questioned his FY16 budget amount and the need to plan for a records management upgrade. Forsyth stated that he has to use full-time communications operators to cover shifts for other operators who are on vacation because he doesn't have enough part-time communications operators on staff. This had resulted in being over in that area of the budget. Forsyth stated he is having difficulty hiring part-time staff as no one wants to work nights, week-ends, or holidays. The board agreed to appropriate the remaining \$100,000 in the budget to the sheriff's department; however stressed the need to continue to find ways to reduce spending. Forsyth requested that the board provide insight as to their plans for the FY16 budget as that would dictate whether a records management upgrade could be done. The board stated that they would appropriate the entire amount that was budgeted for the sheriff's department in FY16.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-19, Amending Resolution #14-38. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION # 15-19 Amending Resolution #14-38 APPROPRIATIONS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #14-38, Appropriations on June 24, 2014; and

WHEREAS, said resolution appropriated funds to the various departments for the fiscal year beginning July 1, 2014; and

WHEREAS, the board did not appropriate \$100,000.00 to the sheriff's department as stated in said resolution; and

WHEREAS, the board desires to now appropriate said \$100,000.00

NOW THEREFORE BE IT RESOLVED BY THE BENTON COUNTY BOARD OF SUPERVISORS that Resolution #14-38, Appropriations, adopted on June 24, 2014, is HEREBY AMENDED as follows:

Section 1. Is amended by removing the sentence, "*The appropriation for the sheriff's department is reduced by \$100,000.00 from the adopted FY15 budget.*"

The remaining parts of said Resolution #14-38, adopted on June 24, 2014, remain in full force and effect.

Dated this 21st day of April 2015.

Donald H. Frese, Chairman

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Farmer's Mutual Telephone to place utility lines in the county's right-of-way along 32nd Avenue in Section 11 of South Polk Township (also known as Benton Township). All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve and sign the purchase agreement with Jampres L.L.C. for permanent and temporary easement for project BRS-CO06(95)—60-06, for .18 acres of permanent easement and .22 acres of temporary easement located in the of NE1/4 of 31-85N-12W at a total cost of \$2,809.43. All members voting aye thereon. Motion carried.

The matter of signing the FY16 health insurance renewal binder with Wellmark was discussed. The auditor advised that she was not provided with the renewal binder until Monday afternoon with a deadline to return it to Wellmark by April 27, 2015. Marlow stated that she immediately added it to the posted agenda and also contacted Wellmark to advise approval may be problematic due to the timing. Wellmark agreed to allow an additional day for return. The board however stated that the renewal had been fully discussed in a board meeting on February 10, 2015, and that signing the binder was simply a formality to what was presented on that date. Moved by Hertle, seconded by Wiley, to approve and direct the chair to sign the FY16 Renewal Group Binder Agreement and the Confirmation of MSP Addendum between Benton County and Wellmark for employee health insurance. All members voting aye thereon. Motion carried.

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

April 28, 2015

The Benton County Board of Supervisors met in regular 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 April 21, 2015. All members voting aye thereon. Motion carried.

Tammy Wetjen-Kestersen submitted her resignation to the Board of Supervisors as the Decategorization Executive Director, effective June 30, 2015. Wetjen-Kesterson is currently contracted with Benton County to perform the duties of the executive director and reports to the Benton/Iowa Decategorization Board. The county is reimbursed by the State for Wetjen-Kestersen's annual contract amount. Moved by Wiley, seconded by Hertle, to accept Wetjen-Kestersen's resignation, effective June 30, 2015. All members voting aye thereon. Motion carried. The board thanked Wetjen-Kestersen for her service and stated that the resignation was accepted with regret.

Wetjen-Kestersen spoke to the board about contracting for a new executive director. The board discussed the pros and cons of hiring an employee versus contracting for the service. Wetjen-Kestersen recommended that the executive director continue to be on a contractual basis. Moved by Wiley, seconded by Hertle, that Benton County continue to provide fiscal agent services and that the board proceed with replacing the executive director for the Benton/Iowa Decategorization Board, with the stipulation that the position is on a contractual basis only. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-20, RESOLUTION ACCEPTING AND APPROVING THE "MORETZ FIRST ADDITION" FINAL PLAT, BY BENTON COUNTY, IOWA. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION NO. 15-20

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

WHEREAS, A Final Plat of Moretz First Addition to Benton County, Iowa, containing two (2) lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

Moretz First Addition is a subdivision of the Southwest Quarter (SW ¼) Southwest Quarter (SW ¼) Section Thirty-Two (32), Township Eighty-Six (86) North, Range Ten (10) West of the Fifth P. M. EXCEPT The

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

North 147.58 feet of the East 147.58 feet; AND the West Ten (10) feet of the South Eight Hundred Seventy –Eight (878) feet of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Thirty-Two (32), Township Eighty-Six (86) North, Range Ten (10) West of the Fifth P. M., EXCEPT that part in Parcel A in the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) in Section Thirty-Two (32), Township Eighty-Six (86) North, Range Ten (10) West of the Fifth P. M., per Survey recorded in Book 10 Page 260; EXCEPT Parcel B in the South One-half (S ½) of the Southwest Quarter (SW ¼) in Section Thirty-Two (32), Township Eighty-Six (86) North, Range Ten (10) West of the Fifth P. M., per Survey recorded in Book 07, Page 5881.

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

WHEREAS, the Benton County Board of Supervisors find that the Final Plat of Moretz First Addition would be advantageous to Benton County, Iowa, and

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that said Final Plat of Moretz First Addition to Benton County, Iowa, will be and the same hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new private water supply system will be constructed with the approval of the Benton County Health Department.
2. Any new private on–site sewage treatment system will be constructed with the approval of the Benton County Health Department

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Benton County Board of Supervisors that said board, on April 14, 2015, at the request of Steven & Jodi Moretz, Developers, did grant a variance to Ordinance #61 waiving the following items regarding the submission of the “Moretz First Addition” Final Plat:

Article 4, Sections 4.01 through 4.04

Article 5, Sections 5.01 through 5.07

Article 6, Sections 6.01 through 6.03

The Benton County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided as law.

ADOPTED AND PASSED this 28th day of April 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Supervisor Wiley spoke about the county’s current website. The current site cannot be updated due to outdated software and while the county is in the process of designing a new website, the information on the current site is not accurate and he has received complaints. The option of having the website taken down was discussed as well as having a static message displayed that a new “website was under construction”. Moved by Wiley, seconded by Hertle, to direct the auditor to have the current website taken down. All members voting aye thereon. Motion carried. The board did not act on the additional cost for adding the static page advising that a new website was under construction.

Ben Bonar, Website Committee, spoke to the board about the status of the new website being developed. Bonar stated that the shell of the website is very close to completion; however direction was being sought from the supervisors as to the “employment” section of the site. Bonar stated to add a mechanism for potential employees to submit an application on-line was going to come at an additional cost of approximately \$600.00. The board discussed the need for a website that was fairly current with today’s standards and that applicants now submit on-line much of the time. Moved by Wiley, seconded by Hertle, to approve the additional cost to submit on-line employment applications in pdf format. All members voting aye thereon. Motion carried.

Representatives of the Benton County Solid Waste Commission met with the board to update them on the construction of a new cell at the landfill. The commission advised that a bid had been awarded in the amount of \$402,642.35, well below the engineer’s estimated project cost. The commission was requesting that the county proceed with borrowing the funds for the construction costs as planned. The possibility of over-runs was discussed and that there was no contingency funding factored into the amount. The board stated that any additional funding would be taken from

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

existing county funds. Moved by Wiley, seconded by Hertle, to direct the auditor to obtain quotes from county banks for a loan in the amount of \$402,642.35, with repayment over a three-year period. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-21, APPROVAL OF ADDITIONAL BUSINESS PROPERTY TAX CREDITS FOR THE 2014 ASSESSMENT. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-21
APPROVAL OF ADDITIONAL BUSINESS PROPERTY TAX CREDITS FOR THE 2014 ASSESSMENT

WHEREAS, Iowa enacted SF295 establishing a business property tax credit; and

WHEREAS, the legislation requires property owners to apply for the credit; and

WHEREAS, the board of supervisors is required to allow or disallow the credit based on the requirements of the legislation; and

WHEREAS, the sign-up period has past and the assessor has provided a list of those applying for said credit; and

WHEREAS, the board approved and disapproved the applications on April 7, 2015; and

WHEREAS, the assessor has discovered seven applications that he did not present to the board on said date; and

WHEREAS, the assessor has recommended allowance or disallowance based on the classification and/or use of the property of these additional seven applications,

IT IS THEREFORE RESOLVED that the seven (7) new applications for the 2014 assessment year Business Property Tax Credit filed with the assessor on or before March 15, 2015 are allowed.

Signed this 28th day of April 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd A. Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-22, DESTRUCTION OF NOXIOUS WEEDS. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

**Resolution #15-22
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 **June 1, 2015** 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 Loosestrife.

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

Group 3. European Morning Glory or Field Bindweed, Wild Carrot, Poison Hemlock, Multiflora Rose, Horsenettle, Perennial Sowthistle, Quackgrass, Butterprint, Puncture Vine, Cocklebur, Bull Thistle, Musk Thistle, Tall 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: Quackgrass, Perennial Sowthistle, Canada Thistle, Bull Thistle, Musk Thistle, European Morning Glory or Field Bindweed, Horsenettle, Leafy Spurge, Perennial Peppergrass, Russian

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Knapweed, Buckthorn, Tall Thistle, Purple Loosestrife, and all other species of thistles belonging in general of Cirsium and Carduus.

- (b) Secondary Noxious Weeds: Butterprint, Cocklebur, Wild Mustard, Puncturevine, Teasel, Wild Carrot, Buckthorn Plantain, 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 or his designee shall cause this to be done and the expense of said work, including costs of serving notice and other costs, if any, shall be assessed against the real estate.

4. That the County 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 28th day of April 2015.

Donald H. Frese, Chairman

Terry Hertle

Todd A. Wiley

ATTEST:

Jill Marlow, Benton County Auditor

The engineer spoke with the board about right-of-way encroachment, and specifically farming of the county's right-of-way. Supervisor Hertle expressed concern about telling farmers that they could not farm into the ditch; however Engineer Parizek stated that state law prohibits placing hazards in the ditch and also prohibited farming the ditch. Parizek stated that farming the ditch is hazardous and that utility lines are often located in the county's right-of-way. Hertle suggested that farming of ditches where utility lines are located should not be allowed, but permitting farming of one or two rows past the property lines next to the ditch should be allowed. Supervisor Frese stated that it should be an "all or none" approach - adding that it isn't fair to tell one farmer he can farm the ditch and the next one that he cannot. The engineer advised that he was not ready for the board to take action at today's meeting but that he was ultimately seeking the board's support for enforcement of state law.

Ben Bonar spoke to the board about the creation of a native seed production plot in Benton County. Bonar told the board that the Iowa Department of Natural Resources (DNR) through the Iowa Prairie Resource Center partners with Iowa counties to produce native prairie plant seed. The parties enter into a 28E agreement wherein the county provides the property for the production plot, maintains the plot, and harvests, dries, and stores the seed until cleaned. Bonar stated that all other costs including construction materials, seed dryer and boxes, plants, etc. are provided at no cost to the county. The county can then benefit from getting more seed and a higher diversity seed mix to plant in its roadsides and parks. The board supported the concept and Bonar is to return with the necessary paperwork. The plot will be placed by the Benton County Nature Center.

Gene Mealhow met with the board to discuss sealcoating 62nd Street past his business. Mealhow stated that he has eighteen employees and generates three-five million dollars annually, selling 1.6 million pounds of popcorn product per year. Mealhow anticipates growing his business, Tiny but Mighty Popcorn, to fifteen million pounds per year over the next three to five years. Mealhow stated that amount of traffic, including semis, has increased greatly, not only due to his business but also because of traffic going to Pleasant Creek State Park. Supervisors Frese and Hertle both stated that they had viewed the road prior to the meeting and agreed that the road needed improvement, but did not believe the county should provide a seal coated surface. Hertle and Frese believed the road base should be improved with the surface remaining gravel. Supervisor Wiley commented that many farmers generate semi-traffic and put millions of dollars into the economy and he was not willing to sealcoat the road at the county's expense. The board directed the engineer to upgrade the road base so that it would hold up to the increased traffic better. The engineer also stated that he would provide Mealhow with contact information for the Department of Natural Resources so that Mealhow could speak with them as well about sealcoating.

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

Don Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

May 5, 2015

The Benton County Board of Supervisors met in regular 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 April 28, 2015, as corrected. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to set June 2, 2015, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Gary Ollinger on Parcel A of the SE1/4 of the NE1/4 of 36-82-11. All members voting aye thereon. Motion carried.

Marc Greenlee requested that the board take action on the draft permit received from the Department of Natural Resources for Pork Palace. Iowa Code Section 459.304 allows the board to contest the decision of the DNR to issue the permit, but must be done so within fifteen days of the receipt of the draft permit. The item was not on the agenda as the draft permit was not received in time; however the matter is time sensitive and this is a follow-up action to the public hearing held on April 21, 2015. Moved by Hertle, seconded by Wiley, that the board does not intend to appeal the decision of the DNR to issue the permit. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to sign the renewal forms for the county's cyber liability insurance. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to table a fireworks permit requested by Roger Downing for an event to be held on May 16, 2015, at 1927 51st St. Dr., Mt. Auburn, Iowa, as the application has not been signed by the chief of the fire department. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-23, SERVICE AREA BUDGET AMENDMENT. Voting aye were Frese, Hertle, and Frese. Nays none. Motion carried.

**RESOLUTION #15-23
SERVICE AREA BUDGET AMENDMENT**

WHEREAS, the Benton County Board of Supervisors adopted the FY2015 budget on March 4, 2014; 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 FY2015 county budget is hereby amended within the following service areas:

Service Area 1 - \$2,000. from department 99 (non-departmental), Function 12200 to department 28 (Medical Examiner), Function 11100

IT IS FURTHER RESOLVED that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 5th day of May 2015.

Donald H. Frese

Terry Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to amend the EBS renewal documents for the county's partial self-funding to reflect that employees meeting the 30-hour definition of full-time employee under the Affordable Care Act are eligible for coverage as well as part-time employees at their own expense. All members voting aye thereon. Motion carried.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

May 12, 2015

The Benton County Board of Supervisors met in regular 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 May 5, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 214423 through 214630, payroll checks numbered 138207 through 138221, and ACH deposits numbered 23954 through 24085, for payment. All members voting aye thereon. Motion carried.

Marc Greenlee requested that the board approve a resolution on the draft permit received from the Department of Natural Resources for Pork Palace LLC. Iowa Code Section 459.304 allows the board to contest the decision of the DNR to issue the permit, but must be done within fifteen days of the receipt of the draft permit. Moved by Wiley, seconded by Hertle, to approve Resolution #15-24. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-24

RESOLUTION APPROVING WAIVER OF BENTON COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.

BE IT RESOLVED by the Benton County Board of Supervisors as follows:

Section 1. The Benton County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that John Harder and Troy Louwagie, dba Pork Palace, LLC has been issued a draft permit for the construction of confined animal feeding operation buildings in the NE ¼ of the NE ¼, Section 25, T84N, R12W, Homer Township, in unincorporated Benton County.

Section 2. The Benton County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on April 21, 2015.

Section 3. The Benton County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.

Section 4. The Benton County Board of Supervisors encourages the Iowa DNR to issue the final permit immediately upon notification of this waiver.

Section 5. The Benton County Board of Supervisors authorizes the Board Chairperson to notify the Iowa DNR of this waiver.

Section 6. This resolution shall take effect immediately.

THIS RESOLUTION IS ADOPTED AND PASSED this 12th day of May, 2015.

Donald H. Frese

Terry L. Hertle

Todd Wiley

ATTEST:

Deputy Benton County Auditor

Moved by Wiley, seconded by Hertle, to take from the table the fireworks permit requested by Roger Downing . Moved by Wiley, seconded by Hertle, to approve the fireworks permit requested by Roger Downing for an event to be held on May 16, 2015, at 1927 51st Street Drive, Mount Auburn. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the claim submitted by Tammy Wetjen-Kestersen for decategorization administration services for the month of April 2015, in the amount \$2,851.80. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a Class B Liquor License submitted by Blairstown Sauerkraut Days Beer Tent. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Moved by Wiley, seconded by Hertle, to approve the use of the courthouse lawn on June 25, 2015, by the Vinton Parks and Recreations for Vinton’s Party in the Park Kids Night. Vinton Parks and Recreation is responsible for enforcing the no smoking law, cleaning up the grounds, and that no vehicles are to be parked on the lawn. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the use of the courthouse lawn by the Vinton Cruise Committee on July 18, 2015, for their annual cruise. The committee is responsible for enforcing the no smoking law, cleaning up the grounds, and that no vehicles are to be parked on the lawn. All members voting aye thereon. Motion carried.

Marc Greenlee requested that the board take action on the construction permit received from the Department of Natural Resources for Daren Rinderknecht doing business as Rinderknecht Pork. The permit is to expand an existing facility established in 1970. The existing barn holds 1,000 head of hogs; the permit is to add two more barns designed to house 2,600 head of hogs. A public notice of the application was published on April 24, 2015; no comments were received from the public. Moved by Hertle, seconded by Wiley, that the board recommend approval of the construction permit application for Daren Rinderknecht, doing business as Rinderknecht Pork. All members voting aye thereon. Motion carried.

IDNR CONSTRUCTION PERMIT APPLICATION CONFINEMENT FEEDING OPERATION BENTON COUNTY BOARD OF SUPERVISORS RECOMMENDATION

Applicant: Daren Rinderknecht Farms, 6774 24th Avenue, Van Horne, IA 52346

Facility Location: NW ¼ and SW ¼ of the SW ¼, Section 33, T84N, R10W (Eden Twp.)

The Benton County Board of Supervisors has reviewed and evaluated a construction permit application for a confinement feeding operation from Daren Rinderknecht Farms. The application was received by Benton County on April 9, 2015. The application was received by the IDNR on April 16, 2015.

A public notice advising the public of the application was published by Benton County in the **Cedar Valley Times**, Vinton, Iowa, on April 24, 2015. A proof of publication is attached to this recommendation.

The Benton County Board of Supervisors entertained written public comment regarding the construction permit application until May 8, 2015. No comments were received from the public.

After discussion and consideration of the information reported at the Board of Supervisors regular meeting on May 12, 2015 concerning the application the Board found that the applicant has demonstrated compliance with the minimum separation distances between the proposed facility and items referenced within Chapter 65 of the Iowa Administrative code.

The Board voted to recommend approval of the construction permit application for Daren Rinderknecht, dba Rinderknecht Pork. Dated May 12, 2015.

BENTON COUNTY BOARD OF SUPERVISORS

Donald H. Frese
Chairman

Terry L. Hertle

Todd Wiley

The time of 9:15 a.m., having arrived and this being the time and date for a public hearing on a Construction Permit Application for a confinement feeding operation submitted by Jeff & Darla Kromminga for Prairieview Hog Farm, Inc. in Kane Township Sections 27 & 33, the chair opened the matter for public comment. The following persons were present: News Media -Jim Morrison; Applicant – Jeff Kromminga and Tyler Franzenburg (applicant’s consultant). Benton County Land Use Administrator Marc Greenlee presented the Master Matrix Review and Evaluation. Greenlee stated that he only reviews those items scored by the applicant on the Matrix to determine if the applicant’s scoring is legitimate. The proposal is to construct a 2480 head wean-to-finish hog confinement at another site approximately 2,200 feet away from their current 2,400 head wean-to-finish hog confinement. They also wish to change the capacity of the existing confinement to 2,480 head. Both confinements will use below building deep concrete pits for manure storage. Greenlee reported that his review found no discrepancies with the applicant’s scoring. The scoring resulted in 480 points of which only 440 is required to pass the Master Matrix. The points are broken down into the following categories: Air – 148.5 (53.38 minimum required); Water – 134 (67.75 minimum required); and Community – 197.5 (101.13 minimum required). Greenlee stated there is a current well on Don Franzenburg ground which will be 200 feet away from the new facility; it is classified as a shallow well. As a result the DNR has asked that the well be closed. Greenlee will notify the DNR when the well is closed. The chair asked if there were any additional comments and hearing none declared the public hearing closed at 9:29 a.m.

Moved by Hertle, seconded by Wiley, to accept the Master Matrix Review and Evaluation as presented. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Moved by Wiley, seconded by Hertle to recommend approval of Construction permit Application for Jeff and Darla Kromminga for Prairieview Hog Farm, Inc. All members voting aye thereon. Motion carried.

MASTER MATRIX REVIEW AND EVALUATION BENTON COUNTY BOARD OF SUPERVISORS RECOMMENDATION

Applicant: Jeff and Darla Kromminga – 1625 73rd Street, Keystone, IA 52249

Name of Operation: Prairieview Hog Farm, Inc.

Facility Location: Sections 27 & 33, T83N, R12W (Kane Twp.)

The Benton County Board of Supervisors has reviewed and evaluated a construction permit application for a confinement feeding operation from Prairieview Hog Farm. The application was received by Benton County on April 17, 2015. The application was received by the IDNR on April 17, 2015.

A public hearing notice was published by Benton County in the **Vinton Eagle**, Vinton, Iowa on April 28, 2015. A proof of publication is enclosed within this packet.

The Benton County Board of Supervisors held a public hearing regarding the construction permit application on May 12, 2015. No written comments were received prior to the hearing and no comments from the public were received at the hearing.

After discussion and consideration of the information reported at the hearing the Board of Supervisors found that the applicant has demonstrated compliance with the minimum separation distances between the proposed facility and items referenced within Table 6 of 567 – Chapter 65 of the Iowa Administrative code, that the proposed building site is not on alluvial soils or in karst terrain, and that the overall score of the matrix evaluation was sufficient for approval. The Board voted to approve the master matrix review and evaluation as scored. A copy of the Master Matrix and Benton County Scoring Summary is attached.

The Board voted to recommend approval of the construction permit application. Dated May 12, 2015.

BENTON COUNTY BOARD OF SUPERVISORS

Donald H. Frese
Chairman

Terry L. Hertle

Todd Wiley

Deputy Auditor Gina Edler discussed with the Board the need to appoint a Kane Township trustee. Shawn Ritter was written-in at the General Election and has not filled out the appropriate paperwork for the position. Kane Township clerk Michael Silhanek has been unable to find anyone to fill the position. Supervisor Hertle is going to make some phone calls to try to find someone to appoint. No action was made; item was put on the next week's agenda.

Joey Moore with SecureTech presented a courthouse security system. The system is completely wireless. The system involves panic buttons that would activate up to 4 frequencies. It could dispatch directly to the deputy on duty. There are no annual fees and would be able to get up to a 4-year warranty with the unit. It can notify by text, email and radio. There are 3 panic button set ups. One is a virtual panic button, which is on employee's computer - the virtual panic button provides more options on what kind of threat there is and is \$60 per button. Second is the physical button, which would be at an employee's desk - it would not be able to describe the kind of threat and is \$120 per button. The third option is a movable panic button the employee could keep with them as they move throughout the courthouse and it would describe to the deputy where the employee is in the courthouse and if there is a threat. That button Moore thought would be approximately \$200 per button. Moore stated they are beta testing smart phone applications as well, but they are approximately two months away from launching the application. The touch screen unit to run the system would be \$7,500 and could get up to 10 buttons for less than \$10,000. Moore stated that a repeater would be \$600 and would reach about 200 feet. Secondary Roads could be included in the security system being set up with virtual buttons or a remote module box that would be \$3,000. Installation could be waived if they are in the location setting up other counties at the same time. County Attorney Dave Thompson asked what other counties they serviced and how long they have had the system. Moore stated that Clinton County has had their system for several years; they have also been contacted by another county who went with a different company and now is looking to change to SecureTech as they are not happy. Supervisor Frese stated they would discuss the options and get back to Moore.

County Attorney Dave Thompson discussed that Supervisor Hertle had asked him if would be able to give legal counsel and possibly represent the Benton County Solid Waste Commission for possible litigation. Thompson stated normally there is a 28E Agreement in place for these types of situations but there is not enough time to get one in place for the Commission's meeting on May 21, 2015. The Commission is looking into getting an attorney on retainer. Thompson stated he thinks it will be a one-time visit if there is any more than that he will come back and discuss it further with the board. Moved by Wiley, seconded by Hertle to authorize County Attorney Dave Thompson to represent Benton

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

County Solid Waste Commission for possible litigation and to be limited to one session. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the hire of Jeff Geiger as a part-time seasonal truck driver, effective May 11, 2015, at a wage of \$11.25 per hour. All members voting aye thereon. Motion carried.

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

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Benton County Deputy Auditor

May 19, 2105

The Benton County Board of Supervisors met in regular 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 May 12, 2015, as corrected. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set June 16, 2015, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Orland Ronald and Connie A. Fish on a parcel located in the NE1/4 of the NW1/4 of 23-85-9. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the use of the courthouse lawn by the Vinton Kiwanis on August 29, 2015, for their 5K run, as well as placing their wagon on a cement area of the courthouse lawn during the week leading up to Boomtown. The Vinton Kiwanis is responsible for enforcing the no smoking law, cleaning up the grounds, and that no vehicles are to be parked on the lawn. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Charles Overbey in accordance with the Benton County Agricultural Land Use Preservation Ordinance. Greenlee reported that the applicant owns 89 acres with 45 acres in a corn, bean, and hay rotation, which constitutes a farm use as required by the ordinance. The applicant is requesting an exemption to allow for a single-family residence. Moved by Hertle, seconded by Wiley, to approve a farm exemption in accordance with the Benton County Land Use Preservation Ordinance on a parcel located in the NE1/4 of the SW1/4 of Section 36-85-9, for the purposes of constructing a single-family residence. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Joe and Gloria Hadachek in accordance with the Benton County Agricultural Land Use Preservation Ordinance. Greenlee reported that the applicant owns 40 acres with 22 acres in the Conservation Reserve Program and 10 acres in crop production, which constitutes a farm use as required by the ordinance. The applicant is requesting an exemption to allow for a single-family residence. Moved by Wiley, seconded by Hertle, to approve a farm exemption in accordance with the Benton County Land Use Preservation Ordinance on a parcel located in the NE1/4 of the Nw1/4 of Section 15-85-12, for the purposes of constructing a single-family residence. All members voting aye thereon. Motion carried.

Kay Hanzlik met with the board and requested that the county consider buying out her residence that is located near the Cedar River. Hanzlik stated that her residence has been subject to repeated flooding. Hanzlik purchased the property located in Patten's Addition on contract eleven years ago and constructed a residence. Since that time the home has been flooded repeatedly and Hanzlik is asking the county to purchase the home from her. Scott Hansen, Emergency Management Coordinator, concurred that the home has been subject to repeated flooding and spoke to the board about the possibility of funds being available to assist with buying the property. The amount of grant funding that may be available would be determined by utilizing 110% of the property value as well as a cost benefit analysis. The grant would require a 20% local match in funding from the county. Benton County would be responsible for demolition and removal of the house and the county would own the property with responsibility for maintenance for perpetuity. Hansen stated that Hanzlik's request was the first step needed before other options could be explored. Marc Greenlee, Land Use Administrator, explained the history of the development of the area to the board. Greenlee stated that Charles Patten sought a land use change in 1997 on 107 acres for development purposes. Patten then created a residential and recreational subdivision; however, it was understood that the lots located within the flood plain would be used for recreational purposes (no permanent year-round residential lots) utilizing holding tanks for waste (no septic tanks) and sand points for water. Other parts of the subdivision not located within the floodplain would be used for permanent residential purposes. The area that Hanzlik built a residence on was located in the floodplain, but the county did not have a flood plain ordinance at the time or zoning and therefore no regulatory authority. The county adopted a floodplain ordinance in 2008, which now requires the county's approval, as well as the Department of Natural Resource's approval, prior to anything be constructed in the floodplain. Supervisor Wiley questioned if the property was located in the floodplain at the time Hanzlik purchased it. Hansen and Greenlee advised that Hanzlik's property was located in a floodplain prior to and at the time of her purchasing it. Supervisor Hertle expressed concern about setting a precedent and the potential for more buy-out requests. Supervisor Frese agreed that if the county purchased Hanzlik's property that there was a possibility of more requests. Wiley stated that he might be more supportive of the buy-out if the property had not been in the floodplain when Hanzlik purchased it. Hansen advised that there may be other assistance available for clean-up but not for a total buy-out. Hansen reiterated that this was the first step in the process of obtaining assistance for Hanzlik and that the board needed to decide if they were willing to buy-out Hanzlik before other options could be pursued.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The supervisors voiced their sympathy for Hanzlik but continued to be concerned about setting a precedent. Moved by Hertle, seconded by Wiley, to deny the request from Kay Hanzlik to buy out her property located at 5454 22nd Avenue, Lot 96, Mt. Auburn, Iowa. All members voting aye thereon. Motion carried.

The matter of the employee handbook did not come before the board as the county attorney advised he did not have a document ready for presentation.

Moved by Hertle, seconded by Wiley, to approve the immediate payment of a claim to Novak Fencing in the amount of \$14,353.50. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a cigarette permit for Kimm's Mini-Mart for the period July 1, 2015 through June 30, 2016. All members voting aye thereon. Motion carried.

No action was taken on the appointment of a Kane Township trustee. Supervisor Hertle has been in communication with an individual who is considering the appointment.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-25, Service Area Budget Amendment. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-25 SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2015 budget on March 4, 2014; 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 FY2015 county budget is hereby amended within the following service areas:

Service Area 1 - \$12,000.00 from department 99 (non-departmental), Function 12200 to department 28 (Medical Examiner), Function 11100

IT IS FURTHER RESOLVED that said funds are hereby appropriated on an as-needed basis.

The auditor is directed to make the necessary changes.

Signed this 19th day of May 2015.

Donald H. Frese

Terry Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to direct the chair to sign the Letter of Understanding for FY15 audit services with EideBaily. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to sign the EBS (Employee Benefit Services) Plan Document and Summary Plan Description for Partial Self-funded Health Plan for FY16, with clarification that the deductibles and out-of-pocket maximums for drugs do not apply to the health out-of-pocket maximum and deductible. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the Fireworks Permit requested by Joel Weber for a display at 2870 60th Street, Vinton, Iowa, on July 4, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-26, Amending Resolution #14-45 Approval and Disapproval of Homestead Tax Credits, Military Tax Credits, And Disabled Veteran's Homestead Tax Credits. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-26

AMENDING RESOLUTION #14-45 APPROVAL AND DISAPPROVAL OF HOMESTEAD TAX CREDITS, MILITARY TAX CREDITS, AND DISABLED VETERAN'S HOMESTEAD TAX CREDITS

WHEREAS, Iowa law provides that property owners may apply for certain credits against their property tax; and

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

WHEREAS, applications for various credits were submitted to the Board of Supervisors for approval or denial on July 8th 2014; and

WHEREAS, the board denied a credit on July 8, 2014, for the Disabled Veteran's Homestead Credit pursuant to the statutes in effect on that date; and

WHEREAS, the 2015 Iowa Legislature enacted legislation changing the requirements for qualification for the disabled veteran's homestead credit; and

WHEREAS, said legislation is effective for the 2014 assessment year,

NOW THEREFORE BE IT RESOLVED that Resolution #14-45 adopted on July 8, 2014, is hereby amended by rescinding the denial of the Disabled Veteran's Homestead Credit on parcel #240-75950 and that the credit is hereby approved on said parcel.

The remainder of Resolution of #14-45 remains in full force and effect.

Signed this 19th day of May 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd A. Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Carol Zander updated the board on legislative changes regarding the mental health advocate. Legislation was passed that will make the mental health advocate and employee of the county effective July 1, 2015. Currently the advocate is appointed by the state with the expenses being paid by the county. Zander stated with regionalization of mental health the current number of advocates needed for services may be reduced with one advocate serving multiple counties. The mental health region will reimburse the county for the expenses of the advocate and the region may wish to reduce the number (most advocates are part-time). Zander stated that should the advocates be shared between counties that a 28E Agreement may be needed. Zander sought answers to various questions, including but not limited to, who the advocate would report to in the county structure after July 1st, where the advocate's place of employment would be or if he/she would work from home, and if the board would be interested in an sharing arrangement. The board discussed the matter in detail and determined that the advocate would continue to be part-time employee with the place of employment located in the Governor Sherman Building. The advocate will be an employee of the social services department. The board also advised that they would be interested in participating in a sharing arrangement with other counties. Zander is to draft a letter for board signature and addressed to the current mental health advocate advising him of the July 1st changes and to direct him to contact the auditor's office for completion of the proper employment paperwork prior to July 1st.

Moved by Wiley, seconded by Hertle, to approve the purchase of .07 acres of permanent easement in a part of the NW1/4 of 24-82-10 from Terry and Elaine Harrington at a price of \$830.33. All members voting aye thereon. Motion carried. The easement is needed for project BROS-CO06(97)—8J-06.

Moved by Hertle, seconded by Wiley, to approve the IDOT Agreement 6-15-HBPS-14 (Highway Bridge Program), BROS-CO06(100)—8J-06 for the bridge replacement on 76th Street over Prairie Creek, located northwest of Blairstown. All members voting aye thereon. Motion carried. The estimated cost is \$900,000.00 with 80% being federally funded.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

May 26, 2015

The Benton County Board of Supervisors met in regular 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 May 19, 2015, with the change concerning the clarification on the placement of the Kiwanis wagon. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 214631 through 214815, payroll numbered 138222 through 138239, and ACH deposits numbered 24086 through 24218, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to set June 9, 2015, at 9:15 a.m., as the time and date for accepting and acting on bids received for financing a general obligation loan for a new landfill cell. All members voting aye thereon. Motion carried.

The board spoke with Sheriff Forsyth concerning the purchase of a records management system for the sheriff's department. Forsyth advised that there is only one brand of system that is all-inclusive and would work the best for his department. Forsyth asked about the county's procurement procedures as the cost of the system exceeds \$100,000, which is the limit set in the county's procurement policy for purchases without competitive bid. The board advised that Forsyth should advertise for the system, stating that it is to be bid for the brand desired. This would allow other retailers that sell that brand the opportunity to bid. The board advised that Forsyth is not required to come before the board for approval of the purchase once the bids are received.

Marc Greenlee presented an application for a farm exemption submitted by Pork Palace, LLC. The applicant is involved in the production of food and fiber and owns 21 acres as required by the Benton County Agricultural Land Use Preservation Ordinance. The applicant is requesting the exemption for the purpose of building two new barns for animal feeding operations. Moved by Wiley, seconded by Hertle, to approve a farm exemption under the Benton County Agricultural Land Preservation Ordinance for the purposes of constructing two confined animal feeding facilities on a parcel described as being located in the NE1/4 of the NE1/4 of 25-84-12. All members voting aye thereon. Motion carried.

Greenlee also requested that the board take action approving two resolutions although it was not listed on the agenda. The resolutions are a formality to the action taken after the public hearings held on May 12, 2015, for animal feeding operations. Greenlee explained that the county only has fourteen days to waive their appeal on the issuance of the permits and that he just received notice from the Department of Natural Resources. Greenlee stated that the matters had been discussed and acted on during a public meeting on May 12, 2015, at which there were objections heard to the operations. Moved by Hertle, seconded by Wiley, that it be stated this matter had been publicly discussed at a meeting on May 12, 2015, and that due to the adoption of the resolution being time-sensitive, and that there were no objectors present or heard on May 12, 2015, that the board proceed with adoption of Resolution #15-27. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

RESOLUTION NO. 15-27

RESOLUTION APPROVING WAIVER OF BENTON COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.

BE IT RESOLVED by the Benton County Board of Supervisors as follows:

Section 1. The Benton County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that Jeff and Darla Kromminga, dba Prairieview Hog Farm Inc. has been issued a draft permit for the construction of a confined animal feeding operation building in the NE1/4 of the NE1/4, Section 33, T83N, R12W, Kane Township, in unincorporated Benton County.

Section 2. The Benton County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on May 12, 2015.

Section 3. The Benton County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.

Section 4. The Benton County Board of Supervisors encourages the Iowa DNR to issue the final permit immediately upon notification of this waiver.

Section 5. The Benton County Board of Supervisors authorizes the Board Chairperson to notify the Iowa DNR of this waiver.

Section 6. This resolution shall take effect immediately.

THIS RESOLUTION IS ADOPTED AND PASSED this 26th day of May, 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Benton County Auditor

Moved by Wiley, seconded by Hertle, that it be stated this matter had been publicly discussed at a meeting on May 12, 2015, and that due to the adoption of the resolution being time-sensitive, and that there were no objectors present or heard on May 12, 2015, that the board proceed with adoption of Resolution #15-28. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION NO. 15-28

RESOLUTION APPROVING WAIVER OF BENTON COUNTY'S RIGHT TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.

BE IT RESOLVED by the Benton County Board of Supervisors as follows:

Section 1. The Benton County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that Darren Rinderknecht Farms, dba Rinderknecht Pork Site has been issued a draft permit for the construction of confined animal feeding operation buildings in the NW1/4 and SW1/4 of the SW1/4, Section 33, T84N, R10W, Eden Township, in unincorporated Benton County.

Section 2. The Benton County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on May 12, 2015.

Section 3. The Benton County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.

Section 4. The Benton County Board of Supervisors encourages the Iowa DNR to issue the final permit immediately upon notification of this waiver.

Section 5. The Benton County Board of Supervisors authorizes the Board Chairperson to notify the Iowa DNR of this waiver.

Section 6. This resolution shall take effect immediately.

THIS RESOLUTION IS ADOPTED AND PASSED this 26th day of May, 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

The board discussed the request from the Iowa Drainage District Association, Buena Vista County, Calhoun County and Sac County for funding to assist with litigation in a lawsuit Des Moines Water Works. The request was for \$5,000 a year for three years. Supervisor Frese was in favor of providing \$1,000 a year for three years. Supervisor Hertle was not in support of providing funding at this time. Hertle stated that the county should take a “wait-and-see” approach. Hertle stated that the legislature, either on the state or federal level, may ultimately pass legislation to address these issues. Supervisor Wiley stated that the ruling in the case will have a state-wide impact including impacting Benton County and the agricultural community and that the county should assist with the cost of the litigation, but also agreed that the county could wait. No action was taken on the request at this time.

Moved by Hertle, seconded by Wiley, to appoint William Selken as a Kane Township Trustee to fill a vacancy. All members voting aye thereon. Motion carried. The township trustees had not appointed within the time frame set forth by law and therefore the board was required to appoint.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-29, Amending the 28E Agreement with the Mental Health/Disability Services of the East Central Region. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Resolution #15-29

HIPAA CONFIDENTIALITY ADDENDUM TO 28E AGREEMENT

Come now the Benton County Board of Supervisors (hereinafter the “County Board”) and the Governing Board of the Mental/Health/Disability Services of the East Central Region of Iowa (hereinafter “the Governing Board”) and agree to the terms and conditions of this Addendum as follows, which addendum shall be incorporated by reference into the 28E Agreement between the parties:

1. Benton County is a member county of and the County Board is a signatory to a 28E Agreement for Mental Health/Disability Services of the East Central Region (MH/DS-ECR) (the “Region”).
2. The purpose of the 28E Agreement is to establish an entity to provide local access to mental health and disability services for adults and to engage in any other related activity in which an Iowa 28E organization may lawfully be engaged.
3. Under the 28E agreement, the Chief Executive Officer, the Coordinators of Disability Services and all support staff providing services to the Region will remain employees of the individual counties.
- 4.. Subject to statutory or regulatory amendments, and with respect to their activities described in this Agreement, each party acknowledges and agrees that it is a “covered entity” under 45 C.F.R. Parts 160 and 164 (“HIP AA”). As such, each party shall comply with all HIPAA and state law requirements relating to the privacy and security of Protected Health information (PHI) as defined by HIPAA.
5. County agrees that County and its employees and subcontractors shall adhere to the Region’s HIPAA privacy and security policies when providing services to the Region as set out in the 28E Agreement between the Region and the County.
6. County agrees that a violation of any federal or state requirement concerning the privacy or security of PHI and/or any privacy or security policy of the Region by any County employee shall result in an appropriate sanction by County against the employee consistent with County’s human resources policies and procedures [and applicable collective bargaining agreements].
7. County shall require all County employees and subcontractors providing services under this Agreement to sign a confidentiality agreement in the form attached hereto as Exhibit 1, incorporated herein.

Benton County Board of Supervisors

Governing Board of the
Mental Health/Disability Services
Of the East Central Region of Iowa

By: _____
Chairperson

By _____
Chairperson

Attest: _____
Auditor

Signed the 26th day of May, 2015

Signed the ____ day of _____, 2015

Exhibit 1

**CONFIDENTIALITY STATEMENT
FOR EMPLOYEES WITH ACCESS TO
PROTECTED HEALTH INFORMATION**

The undersigned, an employee [subcontractor] of Benton County agrees as follows:

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

1. As part of my employment duties I have been assigned to perform services for the MH/DS of the East Central Iowa Region (the Region).
2. In performing services for the Region, I agree to comply with all state and federal requirements concerning the privacy and security of Protected Health Information and with the Region's privacy and security policies.
3. I understand that in the event that I violate any state or federal requirement concerning the privacy and security of the Region's PHI or the Region's privacy and security policies, I will be subject to discipline by my employer, Benton County, consistent with County's human resources policies and procedures [and applicable collective bargaining agreements].

Signature

Date

Job Title

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-30 Amending the Electronic Clearinghouse 28E Agreement. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Resolution #15-30

To Amend and Restate the Electronic Transactions Clearinghouse 28E Agreement

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

WHEREAS, the 28E Agreement should be amended to provide more flexibility and reflect the broader activities of the 28E entity, including: changing the entity's name to Iowa Counties Technology Services; removing the cap on the number of members of the Advisory Committee; allowing for a fee schedule; and allowing the option to have MHDS Regions and other non-county entities as members.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that the Amended and Restated Electronic Transactions Clearinghouse 28E Agreement is hereby approved.

Approved by the Benton County Board of Supervisors on May 26, 2015.

Board Chair

County Auditor

Moved by Hertle, seconded by Wiley, to approve the hire of Caitlin Jane Schoenberger as a part-time communication specialist/correctional officer, effective May 29, 2015, at a training wage of \$13.77 per hour due to her experience. All members voting aye thereon. Motion carried.

The county attorney as well as various county employees met with the board regarding the employee handbook. The board of supervisors had requested that the handbook be reviewed for legal compliance in September 2014 and the county attorney had offered to form a committee to review the handbook. The county attorney presented a document containing copies of the following policies from other counties: disclaimer, job postings, nepotism, inclement weather/emergency closings, donated leave, military leave, and Family Medical Leave (FMLA). The document also contained the early retirement incentive. Thompson recommended that a professional be hired to draft a new handbook and recommended Renee Von Bokern. The board discussed the document and asked those present if they had any other input. Committee members commented that other policies had been discussed that were not included in the document. Thompson stated that he did not include every item discussed. The auditor questioned if additional policies would be written, including but not limited to, computer usage, privacy, harassment, and also questioned if GINA Safe Harbor language needed to be included. The county attorney stated that it was his intention that a professional would be able to address those policies. The county attorney recommended that further review of the handbook be done with a mandate from the board that all departments participate. The auditor stated that Von Bokern had drafted several policies currently in the county's handbook but that there were also other companies that provided that service. Supervisor Wiley offered to contact Von Bokern for more information regarding her services and report to the board about what he learns during the next board meeting. The board asked that the matter be placed on the next agenda for further discussion.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

June 2, 2015

The Benton County Board of Supervisors met in regular 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 May 26, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to authorize the chair to sign the revised EBS Plan Document and Summary Plan, which reflects the clarification that drug co-pays and deductibles do not apply to the out-of-pocket maximums for the health plan. All members voting aye thereon. Motion carried.

The board discussed adding the county attorney's office to the county computer network. The county attorney would have a virtual server residing on the network. The server would not be able to be accessed by other departments. The board believed that adding the office was appropriate. The board discussed if the third-party management of the county attorney's equipment would be on a separate contract with ERBs or if it would be added to the county's current contract. The board determined that adding it to the current contract would be more efficient due to intertwining of the management duties. Moved by Wiley, seconded by Hertle, to add the county attorney's office to the county computer network and that the attorney's office be included in the county's management consultant contract. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to authorize the chair to sign the excess flood insurance renewal application for the law enforcement center. All members voting aye thereon. Motion carried. The flood insurance is a requirement of FEMA and the amount of coverage is dictated by that agency.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Gary Ollinger. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1 acre located in section 36 of St. Clair Township. The request is to change the classification to a non-agricultural use for the manufacture and sale of ammunition. There will be no water or septic needed for the proposed use and it will be conducted in an existing building. Hearing no comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 1 acre for the reloading, manufacture and sale of ammunition on a parcel generally described as being located in Parcel A of the SW1/4 of the NE1/4 of 36-82-11. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to authorize the chair to sign the certification of suspended taxes pursuant to Iowa Code 427.9 to the Department of Human Services for verification of eligibility. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to renew the Service Agreement to Participate in the Iowa State Association of Counties HIPAA Program for FY16. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into a Law Enforcement Contract with the City of Urbana for fiscal year 2016, providing for 130 hours of coverage at an annual cost of \$11,700. All members voting aye thereon. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-31. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Resolution #15-31

Benton County Integrated Roadside Vegetation Management Plan

WHEREAS, The Benton County Board of Supervisors support the use of Integrated Roadside Vegetation Management (IRVM) in the right-of-way of the Benton County secondary roads system; and

WHEREAS, The Iowa Department of Transportation requires Integrated Roadside Vegetation Management Plans for county IRVM programs; and

WHEREAS, The Living Roadway Trust Fund (LRTF) requires an updated IRVM Plan for counties seeking funding for its competitive grant program; and

WHEREAS, The Benton County Roadside Manager has drafted an IRVM plan to meet the new guidelines set by the Iowa Department of Transportation and the Iowa Living Roadway Trust Fund.

THEREFORE BE IT RESOLVED, that the Benton County Board of Supervisors support the adoption of the updated Benton County Integrated Roadside Vegetation Management Plan.

ATTEST:

Jill Marlow, Benton County Auditor

Don H. Frese, Chairman

Terry L. Hertle

Todd A. Wiley

Moved by Wiley, seconded by Hertle, to approve the Iowa Department of Transportation (IDOT) Agreement 6-15-HBPS-17 (Federal Aid for County Highway Bridge Program), BROS-CO06(102)—8J-06 for the bridge replacement on 30th Avenue over Bear Creek. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the Iowa Department of Transportation (IDOT) Agreement 6-15-HBPS-18 (Federal Aid for County Highway Bridge Program), STP-S-CO06(103)—5E-06 for the bridge replacement on E44 over Prairie Creek. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-32: 28E Joint County Project Agreement with the City of Walford for the HMA resurfacing south of Walford. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-32

28E COUNTY PROJECT AGREEMENT

WHEREAS, both Benton County and the City of Walford are a public agency as is defined by Section 28E.2 of the Code of Iowa, and

WHEREAS, Section 28E.3 of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by a public agency of the State of Iowa having such power or powers, and

WHEREAS, it is deemed to be in the best interest of Benton County, the City of Walford, and their respective citizens, that the County and City jointly undertake to provide a construction project within the Corporate Limits of the City of Walford, and

WHEREAS, it is proposed, that Benton County plan, design and let for bidding a construction project to prepare and overlay with Hot Mix Asphalt (HMA) the existing pavement on shared portions of First Street / Benton-Linn Road / County Route W30 from US Highway 151, south to the Iowa-Johnson County Line, and

WHEREAS, the Benton County Board of Supervisors and the Walford City Council have informed themselves as to the proposed improvement.

IT IS NOW AGREED that Benton County and the City of Walford enter into an agreement pursuant to Chapter 28E of the Code of Iowa providing for cooperative action pursuant to the proposed roadway resurfacing project and, said cooperative actions include the following:

1. SCOPE OF WORK – Benton County will design, let and construct improvements to First Street / Benton-Linn Road per plans produced by the Benton County Engineer. Work is to include asphalt overlay, granular shoulders, pavement markings, staking, inspection, and other preparation items to complete the project. The City of Walford will provide manhole risers and utility risers for locations within the project.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

2. DURATION – This agreement shall commence on the date that both parties sign this agreement and shall continue thereafter until the final completion of the project and settlement of the financial conditions of this agreement.
3. PURPOSE – The purpose of this agreement is to accomplish the proposed project as described herein in accordance with aforesaid scope of work and in agreement with conditions specified in this agreement.
4. FINANCING – Benton County shall initially finance the cost of the project. The City of Walford shall reimburse Benton County for the actual cost of construction based on proposed plans and attached project estimate for the portion of the project within the corporate limits as they exist at the time the project is complete plus 1.5% for Benton County survey, design, and inspection services. Payment shall be made within 90 days of receipt of detailed invoice.
5. ADMINISTRATION – All engineering services provided before, during and after construction shall be administered by Benton County through its Secondary Roads Department, which shall be responsible for all procedural and substantive matters relating thereto. These services shall be provided by the Benton County Engineer or his authorized representative and shall be in accordance with appropriate standards of the Iowa Department of Transportation.
6. The County and City agree to save and indemnify and keep harmless, each other against all liabilities, judgments, costs, and expenses which may in any way come against either party or which in any way result from carelessness or neglect of either party or its agents, employees, workmen, or subcontractors in any respect whatsoever.
7. The County and City agree to indemnify and hold each other, their employees, agents, workmen, and subcontractors wholly harmless from any damages, claims, demands, or suits by any person or persons arising out of any acts or omissions by either party, its agents, employees, workmen, or subcontractors in the course of any work done in connection with any of the matters set forth in this agreement.
8. TERMINATION: -
 - a. This agreement shall be considered binding upon both Benton County and the City of Walford and shall not be terminated until provision of paragraph 8b are met after actual work has begun on the project.
 - b. This agreement will be terminated upon final acceptance of the work and final settlement of the financial conditions set forth in paragraph 7 thereof.

Executed in triplicate, each of which shall constitute as original, by Benton County on the 2nd day of June, 2015 and by the City of Walford on the ____ day of _____, 2015.

BENTON COUNTY, IOWA

CITY OF WALFORD, IOWA

By: _____
Chair, Board of Supervisors

By: _____
Mayor

Attest: _____
Auditor

Attest: _____
City Clerk

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-33: Joint County Project Agreement with Linn County for the HMA resurfacing south of Walford. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-33 JOINT COUNTY PROJECT AGREEMENT

This agreement entered into this _____ day of _____, by and between Linn County, Iowa, hereinafter referred to as Linn County, and Benton County, Iowa, hereinafter referred to as Benton County.

WHEREAS, both Linn County and Benton County are a public agency as is defined by Section 28E.2 of the Code of Iowa, and

WHEREAS, Section 28E.3 of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by a public agency of the State of Iowa having such power or powers, and

WHEREAS, it is proposed, that Benton County plan, design and let for bidding a construction project to replace bridge #1589 (FHWA #223350) on Linn-Benton Road, and

WHEREAS, the Linn County and Benton County Board of Supervisors have informed themselves as to the proposed improvement.

IT IS NOW AGREED that Linn County and Benton County enter into an agreement pursuant to Chapter 28E of the Code of Iowa providing for cooperative action pursuant to the proposed bridge replacement project and, said cooperative actions include the following:

- 1) SCOPE OF WORK - Design, let and replace bridge #1589 as per plans and specifications produced by the Benton County Engineer. Participation by Linn County is to include 50% of the substructure and removal cost contracted, and 50% of any associated day labor removal costs.
- 2) DURATION - This Agreement shall commence on the date that both parties sign this agreement and shall continue thereafter until the final completion of the project and settlement of the financial conditions of this agreement.
- 3) PURPOSE - The purpose of this Agreement is to accomplish the proposed project as described herein in accordance with the aforesaid scope of work and in agreement with conditions specified in this Agreement.
- 4) ADMINISTRATION – Benton County shall be responsible for the administration of this project.
- 5) Linn County and Benton County agree to save and indemnify and keep harmless, each other against all liabilities, judgments, costs, and expenses which may in any way come against Linn County or Benton County or which in any way result from carelessness or neglect of either party or its agents, employees, workmen, or subcontractors in any respect whatsoever.
- 6) Linn County and Benton County agree to indemnify and hold each other, their employees, agents, workmen, and subcontractors wholly harmless from any damages, claims, demands, or suits by any person or persons arising out of any acts or omissions by Linn County or Benton County, its agents, employees, workmen or subcontractors in the course of any work done in connection with any of the matters set forth in this agreement.
- 7) FINANCING – Benton County shall initially finance the cost of the project. Linn County shall reimburse Benton County for the actual cost of construction based on proposed plans and invoice supplied by Benton County for the portion of the project as per described in the SCOPE OF WORK (Section 1). Payment shall be made within 30 days of receipt of detailed invoice.
- 8) TERMINATION: -
 - a) This Agreement shall be considered binding upon Linn County and Benton County and shall not be terminated until provisions of Section 8b are met after actual work has begun on the project.
 - b) This agreement will be terminated upon final acceptance of the work by Linn County and final settlement of the financial conditions set forth in Section 7 thereof.

Executed in triplicate, each of which shall constitute as original, by Linn County on the _____ day of _____, _____, _____, and by Benton County on the 2nd day of June, 2015.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

BENTON COUNTY, IOWA
BOARD OF SUPERVISORS

LINN COUNTY, IOWA
BOARD OF SUPERVISORS

ATTEST:

ATTEST:

BENTON COUNTY AUDITOR

LINN COUNTY AUDITOR

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-34: Joint County Project Agreement with Linn County for the bridge replacement south of 51st Street. All members voting aye thereon. Motion carried.

**RESOLUTION #15-34
JOINT COUNTY PROJECT AGREEMENT**

WHEREAS, both Benton County and the Linn County are a public agency as is defined by Section 28E.2 of the Code of Iowa, and

WHEREAS, Section 28E.3 of the Code of Iowa provides that any power or powers, privileges or authority exercised or capable of exercise by a public agency of the State of Iowa may be exercised and enjoyed jointly by a public agency of the State of Iowa having such power or powers, and

WHEREAS, it is proposed, that Benton County plan, design and let for bidding a construction project to prepare and overlay with Hot Mix Asphalt (HMA) the existing pavement, shoulder and apply pavement markings on shared portion of Benton-Linn Road, south of Walford, and

WHEREAS, the Benton County Board of Supervisors and the Linn County Board of Supervisors have informed themselves as to the proposed improvement.

IT IS NOW AGREED that Benton County and Linn County enter into an agreement pursuant to Chapter 28E of the Code of Iowa providing for cooperative action pursuant to the proposed roadway construction project and, said cooperative actions include the following:

- 1 SCOPE OF WORK – Design, let and construct improvements to Benton-Linn Road per plans and specifications produced by the Benton County Engineer. Work is to include asphalt overlay, granular shoulders, pavement markings, staking, inspection, and other preparation items to complete the project.
- 2 DURATION – This agreement shall commence on the date that both parties sign this agreement and shall continue thereafter until the final completion of the project and settlement of the financial conditions of this agreement.
- 3 PURPOSE – The purpose of this agreement is to accomplish the proposed project as described herein in accordance with aforesaid scope of work and in agreement with conditions specified in this agreement.
- 4 FINANCING – Benton County shall initially finance the cost of the project. Linn County shall reimburse Benton County for the actual cost of construction based on proposed plans and attached project estimate for the portion of the project within Linn County outside the City of Walford corporate limits as they exist at the time the project is complete plus 3% for Benton County survey, design, and inspection services. Payment shall be made within 30 days of receipt of detailed invoice.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

- 5 ADMINISTRATION – All engineering services provided before, during and after construction shall be administered by Benton County through its Secondary Roads Department, which shall be responsible for all procedural and substantive matters relating thereto.
- 6 The Counties agree to save and indemnify and keep harmless, each other against all liabilities, judgments, costs, and expenses which may in any way come against either party or which in any way result from carelessness or neglect of either party or its agents, employees, workmen, or subcontractors in any respect whatsoever.
- 7 The Counties agree to indemnify and hold each other, their employees, agents, workmen, and subcontractors wholly harmless from any damages, claims, demands, or suits by any person or persons arising out of any acts or omissions by either party, its agents, employees, workmen, or subcontractors in the course of any work done in connection with any of the matters set forth in this agreement.
- 8 TERMINATION: -
 - a. This agreement shall be considered binding upon both Counties and shall not be terminated until provision of paragraph 8b are met after actual work has begun on the project.
 - b. This agreement will be terminated upon final acceptance of the work and final settlement of the financial conditions set forth in paragraph 7 thereof.

Executed in triplicate, each of which shall constitute as original, by Benton County on the 2nd

day of June, 2015 and by Linn County on the _____ day of _____, 2015.

LINN COUNTY, IOWA
BOARD OF SUPERVISORS

BENTON COUNTY, IOWA
BOARD OF SUPERVISORS

ATTEST:

ATTEST:

LINN COUNTY AUDITOR

BENTON COUNTY AUDITOR

Moved by Wiley, seconded by Hertle, to approve the utility permit requested by East Central Iowa REC to place utility lines in the county’s right-of-way in Iowa and Kane Townships. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to amend the utility permit requested by Unite Private Networks to place utility lines in the county’s right-of-way in Polk Township as portions of the lines must be placed underground instead of overhead as originally submitted. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to sign the final IDOT Contract Construction Progress voucher with Taylor Construction Inc., for projects BRS-CO06(85)—60-06 (in the amount of \$13,776.87) and BRS-CO06(87)—60-06 (in the amount of \$7,817.92). All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle , seconded by Wiley, to adopt Resolution #15-35. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-35

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from May 29, 2015, through the completion of the project.

From 14th thence east 1.0 mile to 15th Avenue along 61st Street (County Route E22) in Monroe Township.

Signed this 2nd day of June, 2015.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____
Auditor

Judy Funk of Heartland Insurance Risk Pool presented the insurance renewal for FY16. Funk reviewed the county's past loss-control experience as well as the county's various insurance coverages. Funk advised that the FY16 premiums are estimated at \$575,108, which is an increase of .55% from FY15. Additionally, there will be a \$36,612 premium credit issued by the Heartland Insurance Risk Pool to Benton County. Moved by Wiley, seconded by Hertle, to approve the Client Confirmation and Exposures and direct the chair to sign the same. All members voting aye thereon. Motion carried.

Client Confirmation of Schedules and Exposures

After careful review of your insurance summary dated May 27, 2015. Benton County agrees with the schedules and exposures. Any updates or changes if applicable are noted or attached.

It is understood this insurance summary provides only a summary of the details; the policies will contain the actual coverage.

We confirm the values, schedules, and other data contained in the insurance summary are from our records and acknowledge it is our responsibility to see that they are maintained accurately.

Moved by Wiley, seconded by Hertle, to bind coverage with Heartland Insurance Risk Pool for FY16 and direct the chair to sign the same. All members voting aye thereon. Motion carried.

Client Authorization to Bind Coverage

After careful consideration of your proposal dated May 27, 2015, Benton County accepts your insurance program subject to the following exceptions/changes: Exceptions: None

It is understood this proposal is only a summary of the details; the policies will contain the actual coverages.

We confirm the values, schedules, and other data contained in the proposal are from our records and acknowledge it is our responsibility to see that they are maintained accurately.

Please provide us with a binder(s) and invoice(s) for the coverages agreed upon at your earliest convenience.

County Attorney David Thompson spoke to the board regarding the compilation of a new county employee handbook. The matter had been discussed at previous meetings. Thompson recommended that the county contract with Renee Von Bokern to review and update the document. Thompson stated that 80% of the policies are discretionary county policies with 20% being non-discretionary. The cost is \$3200, which includes one meeting with department heads to a maximum of \$5200 if three meetings are necessary. Thompson stated that Von Bokern will act as a facilitator to develop policies and will work to build consensus with the department heads. The total fee includes travel, mileage, copy costs, etc. and the final handbook is to be provided in an electronic copy. It is estimated that the project will take two to four months to complete. Supervisor Wiley advised that he had spoken with Von Bokern and believed that the county could benefit from her services. Moved by Wiley, seconded by Hertle, to contract with Renee Von Bokern to facilitate and update the Benton County Employee Handbook. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Assistant Benton County Attorney Emily Nydle requested permission to travel by air to a conference in Wichita, Kansas. Moved by Hertle, seconded by Wiley, to grant Nydle's request for air travel. All members voting aye thereon. Motion carried.

The board discussed the July 1st expiration of the lease between the City of Vinton and the county for the animal shelter. Vinton City Manager Chris Ward was present for the discussion. The facility will continue to be served with electricity, but gas and water are to be shut off and the locks changed. The City of Vinton will clean and winterize the facility. The city is to check into the cost of having city employees mow the property. Supervisor Wiley agreed to have the current sign removed and a sign installed stating that the facility was closed and contact information for animal control issues.

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

June 9, 2015

The Benton County Board of Supervisors met in regular 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 June 2, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the Second Amendment to the Decat Program Administration Contract between the Iowa Department of Human Services and the Benton County Board of Supervisors for the period July 1, 2015 through June 30, 2016. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into a Contract for Decategorization Program Administration between the Benton County Board of Supervisors and Benton/Iowa County Decat and Heidi Schminke and Erin Monaghan for decategorization services for the period beginning July 1, 2015 and ending June 30, 2016. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve final Application and Certificate for payment to Zephyr Aluminum for the courthouse window project. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into Law Enforcement Contracts with the City of Mt. Auburn for fiscal year 2016, providing for 26 hours of coverage at an annual cost of \$585.00 and with the City of Atkins for fiscal year 2016, providing for 936 hours of coverage at an annual cost of \$21,060.00. All members voting aye thereon. Motion carried.

The board discussed the bids received for a loan for the new landfill cell. Bids were received as followed:

Bank Rate	6/1/2016	6/1/2017	6/1/2018	Net Interest Cost	Effective Interest
Cedar Valley Bank & Trust 0.7778000	0.50%	1.00%	1.50%	\$9,395.00	
Regions (* see below) 1.5400000	1.54%	1.54%	1.54%	\$11,885.00	
BankIowa-Norway 3.5000000	3.50%	3.50%	3.50%	\$27,010.57	
MidwestOne Bank 3.0930000	3%	3%	3%	\$24,396.52	

\$402,642 General Obligation Solid Waste Disposal Note
\$134,214 maturing on 6/1/17, 6/1/18, 6/1/19

*Bonds to be issued as one term bond with no CUSIP numbers

*Regions will provide paying agent services at no additional cost

*The 1.54% rate Regions Bank is quoting is a tax exempt rate, subject to an acceptable opinion letter from Borrowers counsel.

*Issuer would be responsible for all closing costs to include Bank Review Counsel Fee that will not exceed \$3,500

*Rate is binding through award date of Friday, June 12, 2015 for funding on Wednesday, July 1st, 2015. Afterwards, rate will be subject to market conditions.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley to adopt Resolution Number 15-36, Resolution authorizing and approving a Loan Agreement. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION NO. 15-36

Resolution authorizing and approving a Loan Agreement and providing for the issuance of a \$402,642 General Obligation Solid Waste Disposal Note, Series 2015, and providing for the levy of taxes to pay the same

WHEREAS, pursuant to the provisions of Section 331.402 of the Code of Iowa, the Board of Supervisors (the "Board") of Benton County, Iowa (the "County"), has heretofore proposed to contract indebtedness and enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$402,642, for the purpose of paying the cost, to that extent, of constructing a facility for the disposal of solid waste to be operated by the Benton County Solid Waste Disposal Commission, and has published notice of the proposed action and has held a hearing thereon; and

WHEREAS, bids have been received for the purchase of a \$402,642 General Obligation Solid Waste Disposal Note, Series 2015 (the "Note") in evidence of the obligation of the County under the Loan Agreement, and it is necessary at this time to authorize and approve the Loan Agreement and to make provision for the issuance the Note;

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

Section 1. The Board hereby determines that the bid from Cedar Valley Bank & Trust, Vinton, Iowa (the "Bank") is the best bid, providing the lowest interest cost to the County, and the Board determines to enter into the Loan Agreement with the Bank, providing for a loan to the County in the principal amount of \$402,642 for the purpose set forth in the preamble hereof.

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

Section 2. The Note is hereby authorized to be issued in evidence of the obligation of the County under the Loan Agreement, in the principal amount of \$402,642 for the purpose set forth in the preamble hereof.

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

Principal of the Note shall be payable in annual installments due on June 1 in each of the years and in the respective amounts and shall bear interest at the respective rates, as follows:

<u>Year</u>	<u>Principal Installment</u>	<u>Interest Rate Per Annum</u>
2016	\$134,214	0.50%
2017	\$134,214	1.00%
2018	\$134,214	1.50%

Accrued interest on the Note shall be payable semiannually on the first day of June and December in each year, commencing December 1, 2015. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

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

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

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

The Note shall be fully registered as to principal and interest in the name of the owner on the registration books of the County kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owner or its legal representatives or assigns. The Note shall be transferable without cost to the registered owner thereof only upon the registration books of the County upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

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

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

(Form of Note)

**UNITED STATES OF AMERICA
STATE OF IOWA
BENTON COUNTY**

GENERAL OBLIGATION SOLID WASTE DISPOSAL NOTE, SERIES 2015

\$402,642

MATURITY DATE	NOTE DATE
June 1, 2018	July 1, 2015

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

Cedar Valley Bank & Trust
Vinton, Iowa

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

Principal of this Note shall be payable in annual installments due on June 1 in each of the years and in the respective amounts and shall bear interest at the respective rates, as follows:

<u>Year</u>	<u>Principal Installment</u>	<u>Interest Rate Per Annum</u>
2016	\$134,214	0.50%
2017	\$134,214	1.00%
2018	\$134,214	1.50%

Accrued interest on this Note shall be payable semiannually on the first day of June and December in each year, commencing December 1, 2015. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

This Note is issued by the County to evidence its obligation under a certain Loan Agreement, dated as of July 1, 2015 (the “Loan Agreement”) entered into by the County for the purpose of paying the cost, to that extent, of constructing a facility for the disposal of solid waste to be operated by the Benton County Solid Waste Disposal Commission.

This Note is issued pursuant to and in strict compliance with the provisions of Chapters 76 and 331 of the Code of Iowa, 2015, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the County Board of Supervisors authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of this Note (the “Resolution”), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of this Note and the rights of the owner of this Note.

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

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

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

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Note were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the County for the payment of the principal of and interest on this Note as the same will respectively become due; and that the total indebtedness of the County, including this Note, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, Benton County, Iowa, by its Board of Supervisors, has caused this Note to be executed by its Chairperson and attested by its County Auditor, on July 1, 2015.

BENTON COUNTY, IOWA

By (DO NOT SIGN)
Chairperson, Board of Supervisors

Attest:

(DO NOT SIGN)
County Auditor

ABBREVIATIONS

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

TEN COM	-	as tenants in common	UTMA _____ (Custodian)
TEN ENT	-	as tenants by the entireties	As Custodian for _____ (Minor)
JT TEN	-	as joint tenants with right of survivorship and not as tenants in common	under Uniform Transfers to Minors Act _____ (State)

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

ASSIGNMENT

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

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

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

Dated: _____

Signature guaranteed:

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

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

Section 5. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Note as the same become due, there is hereby ordered levied on all the taxable property in the County in each of the years while the Note is outstanding, a tax sufficient for that purpose, and in furtherance of this provision, but not in limitation thereof, there is hereby levied on all the taxable property in the County the following direct annual tax for collection in each of the following fiscal years:

For collection in the fiscal year beginning July 1, 2016, sufficient to produce the net annual sum of \$137,570;

For collection in the fiscal year beginning July 1, 2017, sufficient to produce the net annual sum of \$136,228;

(such taxes being supplemental and additional to taxes previously authorized by the County Board of Supervisors for this purpose for collection in the fiscal year that will begin July 1, 2015)

Section 6. A certified copy of this resolution shall be filed with the County Auditor, and the Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Note hereby authorized and for no other purpose whatsoever.

Section 7. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds to the sum thus advanced.

Section 8. It is the intention of the County that interest on the Note be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

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

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

Section 9. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved on June 9, 2015.

Chairperson, Board of Supervisors

Attest:

County Auditor

Moved by Hertle, seconded by Wiley, to approve checks numbered 214816 through 214983, payroll checks numbered 138240 through 138258, and ACH deposits numbered 24219 through 24351, for payment. All members voting aye thereon. Motion carried. A claim submitted by David Thompson for t-shirts was excluded and placed on next week's agenda to discuss with Thompson.

Supervisor Hertle reported Director Debbie Durham with the Iowa Department of Economic Development is coming to Benton County on June 17th to speak and asked if all members of the board of supervisors would attend to show good representation of the county. Benton Development Group is asking all mayors and city council members to attend as well. Supervisor Wiley stated he is not against land use changes for economic development and that they should be viewed on a case-by-case basis. Wiley doesn't want to discourage any potential economic development opportunities because of the land use ordinance that the county currently has in place. Supervisor Frese told Wiley to say something at the meeting so that the public knows that the Board is open to review land use changes for economic development.

Supervisor Wiley reported that he took down the animal shelter sign. He is thinking of getting a chain with a sign to go across the driveway from post to post. The other supervisors agreed.

Supervisor Hertle questioned with RAGBRAI coming through town in about a month if the county's insurance covered any liability that the county would need for that. Wiley stated he would call Judy Funk with Heartland Insurance Risk Pool to check.

Supervisor Hertle reported on the courthouse clock. Hertle stated the gears are cut and they are working as fast as they can.

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

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Benton County Deputy Auditor

June 16, 2015

The Benton County Board of Supervisors met in regular 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 request from Vinton Unlimited to use the courthouse lawn on July 23, 2015, for events associated with RAGBRAI. Vinton Unlimited is responsible for enforcing the no smoking law, cleaning up the grounds, and that no vehicles are to be parked on the lawn. All members voting aye thereon. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The assessor's office spoke to the board regarding an application for a business property tax credit. The applications had been previously certified to the supervisors; however the assessor's office inadvertently missed an application and did not submit it. Moved by Hertle, seconded by Wiley, to adopt Resolution #15-37, Amending Resolution #15-21, Approval of Additional Business Property Tax Credits for the 2014 Assessment. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-37
AMENDING RESOLUTION #15-21
APPROVAL OF ADDITIONAL BUSINESS PROPERTY TAX CREDITS FOR THE 2014 ASSESSMENT

WHEREAS, Iowa enacted SF295 establishing a business property tax credit; and

WHEREAS, the legislation requires property owners to apply for the credit; and

WHEREAS, the board of supervisors is required to allow or disallow the credit based on the requirements of the legislation; and

WHEREAS, the sign-up period has past and the assessor has provided a list of those applying for said credit; and

WHEREAS, the board approved and disapproved the applications on April 7, 2015; and

WHEREAS, the Benton County Board of Supervisors adopted Resolution #15-21 on April 28th, 2015, approving additional business property tax credits presented by the assessor's office; and

WHEREAS, the assessor has discovered an additional application that he did not present to the board on either date; and

WHEREAS, the assessor has recommended allowance or disallowance based on the classification and/or use of the property of the application,

IT IS THEREFORE RESOLVED that the application on parcel #090-00360 for the 2014 assessment year Business Property Tax Credit filed with the assessor on or before March 15, 2015 is allowed.

Signed this 16th day of June 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd A. Wiley

ATTEST:

Jill Marlow, Benton County Auditor

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Orland Ronal Fish and Connie A. Fish. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 4 acres located in a part of the NW1/4 of the NW1/4 of Section 23 of Benton Township. The request is to change the classification to a single residential use. A new septic and well would be needed for the residence. Hearing no further comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 4 acres for a residential purpose on a parcel generally described as being located in a Part of the NW ¼ of the NW1/4 of 23-85-9. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to acknowledge the resignation of Barry Adams as the Benton County Mental Health Advocate effective June 30, 2015. All members voting aye thereon. Motion carried.

The board discussed the position of mental health advocate and issues related to the position being changed to that of a county employee on July 1st. Supervisor Frese advised that he spoke with the county attorney who was willing to put the position under his office. Supervisor Wiley stated that no formal action has been taken by the board to change the position from being a part of Social Services to the County Attorney. Frese stated he would speak with the county attorney about advertising and filling the position.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Social Services Acting Director Carol Zander spoke with the board regarding the amendment to the Mental Health Region 28E Agreement. The board, upon the recommendation of Zander and Supervisor Frese, adopted Resolution #15-29 on May 26, 2015, amending the 28E to include additional language relating to the Health Insurance Portability and Accountability Act (HIPAA). Zander stated that the adoption of the amendment was premature and that changes were being made to the document due to the recommendations of the Johnson County Attorney from one of the other counties in the Region. Moved by Hertle, seconded by Wiley, to adopt Resolution #15-39, RESCINDING RESOLUTION #15-29. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-39
 RESCINDING RESOLUTION #15-29
 HIPAA CONFIDENTIALITY ADDENDUM TO 28E AGREEMENT

WHEREAS, the Benton County Board of Supervisors adopted Resolution #15-29, HIPAA Confidentiality Addendum to 28E Agreement on May 26, 2015; and

WHEREAS, the Board has been advised that the document adopted on May 26, 2015, is now having the language changed to address concerns raised by a county attorney from another county; and

WHEREAS, it is necessary that Resolution #15-29 be rescinded,

IT IS THEREFORE RESOLVED by the Benton County Board of Supervisors that Resolution #15-29, HIPAA Confidentiality Addendum to 28E Agreement, adopted on May 26, 2015, is hereby rescinded in its entirety.

Dated this 16th day of June 2015.

 Donald H. Frese, Chairman

 Terry L. Hertle

 Todd Wiley

ATTEST:

 Jill Marlow, Benton County Auditor

Zander spoke with the board about changing the entry door to her office. The current door is hollow core and Zander is requesting that it be replaced with a solid core door for security purposes. Zander presented a quote in the amount of \$325.00 from McDowell's to replace the current door. Moved by Hertle, seconded by Wiley, to approve the quote in the amount of \$325.00, and to proceed with the replacement of the office entry door at social services. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the minutes of June 9, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the following law enforcement contracts between Benton County and the respective cities listed:

Newhall – 780 hours of coverage - \$17,550 annually
 Norway – 520 hours of coverage at \$11,700 annually
 Shellsburg – 260 hours of coverage at \$5,850 annually
 Walford – 520 hours of coverage at \$11,700 annually
 Luzerne – 26 hours of coverage at \$585 annually
 Keystone – 260 hours of coverage at \$5850 annually
 Garrison – 156 hours of coverage at \$3,510 annually

All members voting aye thereon. Motion carried.

The auditor presented a quote from United Business Technologies for required upgrades to change the courthouse phone system from analog to digital. Moved by Wiley, seconded by Hertle, to approve the quote in the amount of \$6,140.00, for converting to a digital based phone system. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Monica Becker to a 3-year term on the Veterans Affairs Commission. All members voting aye thereon. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley, to establish the rates for the county employees' share of the health insurance premium for FY16 as follows:

Union employees:

Secondary Roads (per labor contract):

Single Plan: 30.00 per month Family Plan: \$200 per month

Sheriff's Department (per labor contract):

Single Plan: \$35.54 per month Family Plan: \$238.23 per month

Non-union employees:

Single Plan: \$25.00 per month Family Plan: \$185 per month

Retiree:

Single Plan: \$710.78

Family Plan: \$1,588.23

All members voting aye thereon. Motion carried. The county's monthly share of the premium for a single plan is \$710.78 less the respective amounts above and \$1,588.23 for a family plan less the respective amounts above.

Moved by Hertle, seconded by Wiley, to amend the Fireworks Permit issued to Joel Weber/Jim Wilkinson for an event held at 2870 60th Street, Vinton, Iowa, to allow for a rain date of July 5, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-40, Service Area Amendment. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-40
SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2015 budget on March 4, 2014; 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 FY2015 county budget is hereby amended within the following service areas:

Service Area 1 - \$15.00 (fifteen dollars) from department 99 (non-departmental), Function 12200 to department 28 (Medical Examiner), Function 11100

IT IS FURTHER RESOLVED that said funds are hereby appropriated on an as-needed basis.

The auditor is directed to make the necessary changes.

Signed this 16th day of June 2015.

Donald H. Frese

Terry Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Ron Burgess of Cincinnati Life Insurance spoke to the board regarding a life insurance program that will help some of the county's employees. Burgess stated that the insurance has is portable, there is no medical exam, is available to all employees actively working at least twenty hours a week and it was a guaranteed issue, provided Burgess was able to visit with the employees as long as I get to visit with the employees. Burgess stated that generally the employer provides a time when employees can meet with him to discuss the program and then a few days later the employees are allowed to visit with Burgess again to sign up. The insurance is through payroll deduction. The board advised that they were not interested in the proposal at this time – adding that they did not want to insert the county into the personal lives of the employees and did not want to sponsor one life insurance company over another.

The board met with County Attorney David Thompson regarding a claim submitted by Thompson. The claim was in the amount of \$126.26 and was to reimburse Thompson for the purchase of shirts for his employees. Thompson stated that the board must approve payment of a bill submitted unless the bill is illegal. Thompson then questioned what the board's legal basis was for denying the claim. Thompson stated that the shirts were for team-building in his office and was disappointed that the board did not contact him last week when the claim was questioned. Thompson stated that the shirts could only be worn while on official office business and only with approval of the county attorney. Thompson reiterated his request for the board's basis for denial. Supervisor Wiley stated that the board had been pretty consistent about not allowing funds to be used for apparel and added that other offices had been denied and would then see that the board allowed this purchase. The board stated that they questioned the expenditure because it was coming from the

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Forfeiture Fund. Thompson stated that the purchase of the shirts was a qualified claim from the forfeiture fund, but that he wanted it paid from his collections monies. Supervisor Hertle stated that the board's policy has been not to pay for apparel items and stated that this was not the first time the board has held a claim pending further information. Assistant County Attorney Nydle question if the board had a written policy regarding the purchase of apparel and Thompson again asked for the legal reason for denial. Hertle responded that the board didn't want to set a precedent of using tax dollars for clothing purchases. Hertle stated that he didn't believe the matter to be an emergency and that important that Thompson should be contacted last week while he was out-of-the-office. Thompson stated he was attending a conference and was available by phone. Hertle expressed his dismay over the matter and after re-affirming that the claim would no longer be paid from the forfeiture fund, he then made a motion to approve the claim submitted by David Thompson in the amount of \$126.26. Thompson then stated that he was withdrawing the claim for payment and that he would be proud to eat the cost but added that the board had no legal reason to deny the claim. Thompson added that the board should not be concerned about employees purchasing shirts when representing their offices and that he had given Nydle authority to represent the county attorney's office in a donkey ball game. No further discussion or action was held on the matter.

County Attorney David Thompson requested approval of the hire of Brett Schilling as an assistant county attorney. Schilling would be a part-time assistant, effective July 1, 2015, at a wage of \$33.33 per hour. Then go to a full-time position, effective July 13, 2015, at a salary of \$65,000 annually. Thompson requested that Schilling be hired pursuant to a contract for the period July 13, 2015, through December 31, 2018. The contract provides in part that Schilling will receive two weeks of paid vacation during the 2015 calendar year and three weeks of paid vacation during each calendar year 2016, 2017, and 2018. Moved by Hertle, seconded by Wiley, to approve the hire of Brett Schilling and to enter into the employment contract presented. All members voting aye thereon. Motion carried.

Don Eells and Brian Parr met with the board regarding the Tall Corn Project. The project is taking place in Vinton and consists of large fiberglass corn statues that have been painted by local artist and sponsored by businesses and individuals being placed around the city. Eells and Parr were requesting that a statue titled "Freedom Isn't Free" be placed somewhere on the courthouse square. The statue would be bolted down to a cement pad and there would be no cost to the county. Moved by Wiley, seconded by Hertle, to approve the placement of the statue on the courthouse square, pending a suitable location, with the understanding that the county is not liable for any damages or repairs to the statue and that the county retains sole discretion as to the removal of the statue. All members voting aye thereon. Motion carried. The board met with Eells and Parr later in the meeting and determined that the statue could be placed on the southwest corner of the courthouse square.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-41, Bridge Embargo. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-41

WHEREAS, the structure at this location has been replaced by a new structure and

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

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

MO-0750 0.3 mile west of the NE corner of section 31-85N-12W (Monroe Township) on 61st Street/E22

Signed this 16th day of June 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Integrated Vegetation Roadside Manager Ben Bonar gave a presentation to the board about the integrated vegetation roadside management program in Benton County. Bonar reviewed the progress that has been made as well as goals for the future. Bonar stated that program saves money once a planting is established through the elimination of weed control expense. Bonar responded to various questions regarding the program, as well as noxious weed control in the county. Bonar stated that he is developing a program to address the noxious weed problem on private property and explained the procedure to the supervisors. The board supported Bonar's efforts – stating the property owners know if they have a noxious weed problem and that is not a matter of not knowing, but rather a failure to address it.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

June 23, 2015

The Benton County Board of Supervisors met in regular 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 June 16, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to rescind the action taken on March 24, 2015, approving the labor agreement between Benton County Sheriff's Department and Chauffers, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffers & Helpers of America (Sheriff) for the period July 1, 2015 through June 30, 2018. All members voting aye thereon. This action was taken as the agreements approved were subsequently found to contain errors.

Moved by Hertle, seconded by Wiley, to approve the labor agreement between Benton County Sheriff's Department and Chauffers, Teamsters & Helpers Local No. 238, An Affiliate of International Brotherhood of Teamsters, Chauffers & Helpers of America (Sheriff) for the period July 1, 2015 through June 30, 2018. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve for payment checks numbered 214984 through 215213, payroll checks numbered 138259 through 138273, and ACH deposits numbered 24352 through 24488. All members voting aye thereon. Motion carried.

The board discussed establishing another claim payment date for the current fiscal year. The final date is today; however several department officials have contacted the auditor and requested that additional invoices be paid prior to the end of the fiscal year. The board specifically discussed the recording system for the sheriff's department. Sheriff Forsyth had met with the board earlier regarding the purchase of the system. The board told Forsyth that they approved of the purchase provided Forsyth had the funds available in his budget. Forsyth stated that he was not able to determine if adequate funds were available until all other invoices had been paid for the fiscal year. The board questioned if they would be encouraging departments to "spend their budgets" by authorizing an additional payment date and agreed that if additional claims would be paid that it would have to be available to all departments. County Attorney Thompson stated that he did not believe that any department would purchase items just to spend their budget, but only to purchase needed items. Moved by Wiley, seconded by Hertle, to authorize an additional payment date for claims submitted to the auditor's office by noon on July 26, 2015, for payment on June 30, 2015. The invoices must be for product and services actually received as of June 26, 2015. All members voting aye thereon. Motion carried.

The auditor spoke to the board about the FY16 claim payment schedule. The auditor advised that the county pays twice monthly and that the final payment date in FY16 would be June 21, 2016, similar to the current fiscal year. The auditor questioned if the board wanted to establish a third payment date in June 2016. The board stated that no change was to be made to the bi-monthly payments schedule and that they would address any issues next year, if needed.

Moved by Wiley, seconded by Hertle, to appoint Nick Volk to a four-year term as the supervisor's representative on the Benton County Compensation Board. The term expires June 30, 2019. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to adopt Resolution #15-42. Voting aye were Frese and Hertle. Wiley abstained. Motion carried. Supervisor Wiley abstained due to his position on the board of directors of one of the banks.

Resolution #15-42 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 2016.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Regions Bank	
Waterloo/Vinton	\$ 5,000,000
Chelsea Savings Bank	
Belle Plaine	\$ 5,000,000
Chelsea Savings Bank	
Van Horne	\$ 5,000,000
Benton County State Bank	
Blairstown	\$ 3,000,000
Bank Iowa	
Norway	\$ 2,000,000
Watkins Savings Bank	
Watkins	\$ 1,000,000
Cedar Valley Bank & Trust	
La Porte City/Vinton	\$ 5,000,000
Central State Bank	
Walford	\$ 2,000,000
Atkins Savings Bank & Trust	
Atkins	\$ 750,000
Keystone Savings Bank	
Keystone	\$ 1,000,000
Dysart State Bank	
Dysart	\$ 500,000
Security State Bank	
Urbana/Independence	\$ 1,000,000

Signed this 23rd day of June 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-43. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-43 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 2015-2016 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, 2015, 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	\$ 170,734.00
General Basic	General Supplemental	\$ 650,000.00
General Basic	Debt Service	\$ -
General Basic	Land Acquisition	\$ 25,000.00
Rural Services Basic	Secondary Road	\$ 2,233,814.00

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Section 2. The auditor shall order a transfer each quarter of fiscal year 2015-2016. Said quarterly transfers shall be one quarter of the total transfer to each fund as set forth in Section 1.

Section 3. Exceptions to Section 2 shall be transfers to the Conservation Land Acquisition fund, which may be done at any time during the fiscal year

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 23, 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-44. Voting aye were Frese, Hertle and Wiley. Nays none. Motion carried.

RESOLUTION # 15-44 APPROPRIATIONS

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2015, 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, 2015 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, 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, 2015.

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 2015-2016 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 at least quarterly during the 2015-2016 budget year.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Section 6. Tax Increment payments, which are subject to annual appropriation are authorized.

Section 7. All appropriations authorized pursuant to this resolution lapse at the end of the business day on June 15, 2016, the final date for submission of claims for payment of goods and services received and/or performed as of that date. The board reserves the right to waive this date at its sole discretion for specific payments for the provision of goods and services that it deems should be paid within said fiscal year.

Section 8. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2016.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 23, 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-45. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-45 CERTIFICATION OF DEPUTY SALARIES FOR FY16

WHEREAS, Iowa Code 331.904(1) states that auditor, treasurer, and recorder shall certify the annual base salary of the deputies in the auditor's, recorder's, and treasurer's office pursuant to said code section; and

WHEREAS, Iowa Code 331.904(2) states that the sheriff shall certify the salaries of the first and second deputies within his department pursuant to said code section; and

WHEREAS, Iowa Code 331.904(3) states that the county attorney shall set the salaries of the assistant county attorneys pursuant to said code section; and

WHEREAS, the salaries of the deputies and assistants of the auditor, treasurer, recorder and sheriff, have been certified by the principal officers to the board of supervisors; and

WHEREAS, the base salaries will not exceed the limitations specified in Iowa Code for the deputies in the auditor's, treasurers, recorder's and sheriff's departments; and

WHEREAS, Iowa Code 331.904 states that the Board shall certify the salaries to the county auditor if the salaries are within the budgets set for the auditor, treasurer, recorder and sheriff,

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 – 59.7% 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 – 75% of the principal officer

Sheriff's Department:

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Michael Ferguson – 85% of the principal officer
John Lindaman – 80% of the principal officer

FURTHER the county attorney has certified that he has set the salaries for the assistant county attorneys in his office as follows:

Emily Nydle – 90% of the principal officer
Brett Schilling - \$65,000 effective July 13, 2015

Dated this 23th day of June 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-46. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

**RESOLUTION #15-46
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, 2015:

COMMITTED FUND BALANCES:

General Fund: \$16,000 sanitarian vehicle replacement; \$75,000 election equipment replacement; \$50,000 emergency response; \$500,000 infrastructure upgrades; \$16,500 IT upgrades

Rural Services Fund - \$16,000 land use administrator vehicle replacement

EMS Revolving Loan Fund – \$119,353 for emergency services loans

LOSST Fund - \$50,000 for technology upgrades and infrastructure; \$234,000 GIS aerial flight

BE IT RESOLVED that committed fund balances established prior to June 30, 2015, are hereby uncommitted as of June 30, 2015, 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 23rd day of June 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Frese, to adopt Resolution #15-47. Voting aye were Frese and Hertle. Wiley abstained. Nays none. Motion carried. Supervisor Wiley abstained due to his position on the board of directors of one of the banks.

RESOLUTION #15-47 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 2016:

Lexa Speidel, Recorder Farmers Savings Bank & Trust – Vinton	\$150,000
Randall Forsyth, Sheriff Farmers Savings Bank & Trust – Vinton	\$ 500,000
Randall Forsyth, Sheriff US Bank	\$ 1,000
Randall Forsyth, Sheriff Regions Bank	\$ 100,000
Jill Marlow, Auditor US Bank	\$ 5,000
Dana Burmeister, Transportation Dept. Midwest One Bank	\$ 2,500

Signed this 23rd day of June, 2014

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-48. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-48 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that the following interfund funds are ordered:

Local Option Sales & Services (LOSST) to Secondary Roads - \$264,039.14
 Local Option Sales & Services (LOSST) to Rural Services - \$220,032.62
 Local Option Sales & Services (LOSST) to General Basic - \$65,634
 Tax Increment Fund (TIF) to Secondary Roads - \$12,762.06
 Capital Projects to General Basic - \$19,824.60

The auditor is authorized to make the necessary adjustments to the FY15 budget.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Dated this 23rd^h day of June 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve the Law Enforcement Contract between the Benton County and the City of Blairstown for 780 hours of coverage at \$17,550 annually. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to set the meeting rate for the Veterans' Affairs Commission at \$35.00 per meeting, effective July 1, 2015. All members voting aye thereon. Motion carried.

Supervisor Wiley spoke about the need for repairs to a portion of the courthouse roof. Wiley advised that in order to obtain quotes a contractor would have to erect scaffolding just to view the area. Wiley stated that it would be more efficient to hire a contractor in this situation without taking quotes. Wiley advised that Janssen Waterproofing will be performing other work on the courthouse and recommended that the company be hired to perform the minimal roof repair. Moved by Wiley, seconded by Hertle, to contract with Janssen Waterproofing to repair small pin holes on the clock tower roof. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Michael and Marlys Crane in accordance with the Benton County Agricultural Land Use Preservation Ordinance. Greenlee reported that the applicant will continue to have at least 21 acres in a farm use as required by the ordinance. The applicant is requesting an exemption to allow for a single-family residence. Moved by Hertle, seconded by Wiley, to approve a farm exemption in accordance with the Benton County Land Use Preservation Ordinance on Parcel C located in the NW1/4 of the SW1/4 of Section 15-83-9, for the purposes of constructing a single-family residence. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the contract and contractor's bond with L.L. Pelling Co., Inc., for the HMA Resurfacing of E44 between Van Horne and Keystone, Project # FM-CO06(99)—55-06, in the amount of \$1,562,101.74.

The engineer stated that three bids were received for the bridge replacement project on 27th Avenue, north of 77th St. Dr. The bids were as follows:

Taylor Construction., Inc.	\$363,744.00
Iowa Bridge & Culvert, LC	\$372,539.81
Peterson Contractors, Inc.	\$435,105.43

The engineer recommended that the board award the bid to the apparent low bidder: Taylor Construction Inc. Moved by Hertle, seconded by Wiley, to award the bid for the Bridge Replacement Project #06-CO06-097 to Taylor Construction Inc. in the amount of \$363,744.00. All members voting aye thereon. Motion carried.

The board proceeded with the annual employee evaluation of Engineer Myron Parizek. Parizek requested that the Board go into closed session. Moved by Hertle, seconded by Wiley, to enter into closed session pursuant to Iowa Code 21.591(i). All members voting aye thereon. Motion carried at 10:30 a.m.

Moved by Hertle, seconded by Wiley, to return to open session. All members voting aye thereon. Motion carried at 12:05 p.m.

Moved by Wiley, seconded by Hertle, to set the FY16 salary of the county engineer at the same annual salary as FY15. All members voting aye thereon. Motion carried.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

June 30, 2015

The Benton County Board of Supervisors met in regular 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 June 23, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 215214 through 215302, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to set July 28, 2015, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Marty and Stephanie Hanson on Parcel B of the SW1/4 of the NW1/4 of 32-86-10. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-49. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-49 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that the following interfund funds are ordered:

From Forfeiture Fund 0090 to Forfeiture Fund 0094 - \$7,813.28

The auditor is authorized to make the necessary adjustments to the FY15 budget.

Dated this 30th day of June 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-50. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-50 AMENDING Resolution #14-39 Bank Depositories

WHEREAS, the Benton County Board of Supervisors adopted Resolution #14-39 on June 24, 2014, naming the bank depositories for FY15 and setting the amounts of said deposits in each respective bank; and

WHEREAS, the treasurer has requested an increase in the depository limit at the bank in Keystone Savings Bank; and

WHEREAS, the board desires to amend said resolution #14-39 to reflect the above,

NOW THEREFORE BE IT RESOLVED that Resolution #14-39 is hereby amended as follows:

The Keystone Savings Bank in Keystone depository limit shall be changed to: \$ 1,000,000

The remaining resolution, as amended, remains in full force and effect.

Signed this 30th day of June 2015

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to approve a fireworks permit requested by Chris Herr, for an event to be held on July 11, 2015, at the Watkins ball diamond. The rain date is July 12, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to close 26th Avenue between 2nd Street and Railroad Street in Watkins for the Watkins Car Show on September 12, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve a fireworks permit requested by Darris Pickering, for an event to be held on July 4, 2015, at 6990 19th Avenue, Van Horne, Iowa. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-51, Executing Closing Documents and directing the chair and auditor to execute the same. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-51

EXECUTING CLOSING DOCUMENTS

BE IT RESOLVED that the following closing documents are hereby approved in their entirety:

CLOSING CERTIFICATE

We, the undersigned Chairperson of the Board of Supervisors (the "Board") of Benton County, Iowa (the "County"), and County Auditor, do hereby certify that we are now and were at the time of the execution of the County's \$402,642 General Obligation Solid Waste Disposal Note, Series 2015, dated July 1, 2015 (the "Note"), the officers respectively above indicated; and that in pursuance of Chapter 331 of the Code of Iowa, a resolution adopted by the Board on June 9, 2015 (the "Resolution"), and a loan agreement dated as of July 1, 2015 (the "Loan Agreement"), by and between the County and Cedar Valley Bank & Trust, Vinton, Iowa (the "Lender"), the Note has been heretofore lawfully authorized and this day by us lawfully issued and delivered to the Lender, and, pursuant to the Loan Agreement, the County has received \$402,642, receipt of which is hereby acknowledged, which amount represents the par amount of the Note. Principal of the Note is payable in each of the years and bears interest at the rates set forth in the Resolution.

The Note has been executed by these officers and has been fully registered as to principal and interest in the name of the Lender on the registration books of the County.

We further certify that the Note is being issued to evidence the County's obligation under the Loan Agreement entered into by the County for the purpose of constructing a facility for the disposal of solid waste to be operated by the Benton County Solid Waste Disposal Commission (the "Project").

We further certify that no controversy or litigation is pending, prayed or threatened involving the organization, existence or boundaries of the County, or the titles of these officers to their respective positions, or the validity of the Note, or the power and duty of the County to provide and apply adequate taxes for the full and prompt payment of the principal of and interest on the Note, and that none of the proceedings incident to the authorization and issuance of the Note have been repealed or rescinded.

We further certify that no appeal of the decision of the Board to enter into the Loan Agreement and to issue the Note has been taken to the district court.

We further certify that all meetings held in connection with the Note were open to the public at a place reasonably accessible to the public and that notice was given at least 24 hours prior to the commencement of all meetings by advising the news media who requested notice of the time, date, place and the tentative agenda and by posting such notice and agenda at the principal office of the County on a bulletin board or other prominent place which is easily accessible to the public and is the place designated for the purpose of posting notices of meetings.

We further certify as follows:

1. The net sales proceeds of the Note are \$402,642 (the "Net Sales Proceeds"), the same being the issue price (the "Issue Price") thereof.

2. The Net Sales Proceeds, including investment earnings thereon, will be invested by the County without restriction as to yield for a period not to exceed three years from the date hereof (the "Three Year Temporary Period"), the following three tests being reasonably expected to be satisfied by the County:

(a) Time Test: Either the County or the Benton County Solid Waste Disposal Commission has entered into or, within six months of the date hereof, will enter into binding contracts for the Project with third parties:

(i) which are not subject to contingencies directly or indirectly within the County's control;

(ii) which provide for the payment by the County to such third parties of an amount equal to at least 5% of the Net Sales Proceeds;

(b) Expenditure Test: At least 85% of the Net Sales Proceeds will be applied to the payment of total costs of the Project within the Three Year Temporary Period; and

(c) Due Diligence Test: Acquisition and Construction of the Project to completion and application of the Net Sales Proceeds to the payment of total costs of the Project will proceed with due diligence.

3. The Note is payable from ad valorem taxes levied against all taxable property within the County which will be collected in a Debt Service Fund and applied to the payment of interest on the Note on each June 1 and December 1 and principal of the Note on each June 1 (the 12-month period ending on each June 1 being herein referred to as a "Bond Year"); the Debt Service Fund is used primarily to achieve a proper matching of taxes with principal and

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

interest payments within each Bond Year; the Debt Service Fund will be depleted at least once each Bond Year except for a reasonable carryover amount not to exceed the greater of (i) the earnings on the fund for the immediately preceding Bond Year; or (ii) 1/12 of the principal and interest payments on the Note for the immediately preceding Bond Year; amounts on deposit in the Debt Service Fund will be invested by the County without restriction as to yield for a period of 13 months after their date of deposit.

4. None of the Nets Sales Proceeds will be used to reimburse the County for prior expenditures on the Project.

5. Not more than 50% of the Net Sales Proceeds will be invested in non-purpose investments [as defined in Section 148(f)(6)(A) of the Internal Revenue Code of 1986, as amended (the “Code”)] having a substantially guaranteed yield for four years or more (e.g., a four-year guaranteed investment contract or a Treasury Obligation that does not mature for four years).

6. The weighted average maturity of the Note does not exceed 120% of the reasonably expected economic life of the Project.

7. To our best knowledge and belief, there are no facts, estimates or circumstances which would materially change the foregoing conclusions.

On the basis of the foregoing, it is not expected that the Net Sales Proceeds will be used in a manner that would cause the Note to be an “arbitrage bond” under Section 148 of the Code and the regulations prescribed under that section. The County has not been notified of any listing or proposed listing of it by the Internal Revenue Service as a bond issuer whose arbitrage certifications may not be relied upon.

We further certify that the County does not currently have outstanding tax exempt obligations issued during the current calendar year, including the Note, equal to or in excess of \$5,000,000, nor will the County issue additional tax exempt obligations during the current calendar year which, when added to the County’s current tax exempt obligations issued during the current calendar year, including the Note, would be equal to or in excess of \$5,000,000.

We further certify that due provision has been made for the collection of taxes sufficient to pay the principal of and interest on the Note when due. All payments coming due before the collection of any such taxes will be paid promptly when due from legally available funds.

IN WITNESS WHEREOF, we have hereunto affixed our hands on July 1, 2015.

BENTON COUNTY, IOWA

By _____
Chairperson, Board of Supervisors

Attest:

County Auditor

**UNITED STATES OF AMERICA
STATE OF IOWA
BENTON COUNTY**

GENERAL OBLIGATION SOLID WASTE DISPOSAL NOTE, SERIES 2015

\$402,642

MATURITY DATE	NOTE DATE
June 1, 2018	July 1, 2015

Benton County (the “County”), Iowa, for value received, promises to pay in the manner hereinafter provided to

Cedar Valley Bank & Trust
Vinton, Iowa

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

Principal of this Note shall be payable in annual installments due on June 1 in each of the years and in the respective amounts and shall bear interest at the respective rates, as follows:

<u>Year</u>	<u>Principal Installment</u>	<u>Interest Rate Per Annum</u>
2016	\$134,214	0.50%
2017	\$134,214	1.00%
2018	\$134,214	1.50%

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Accrued interest on this Note shall be payable semiannually on the first day of June and December in each year, commencing December 1, 2015. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

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

This Note is issued by the County to evidence its obligation under a certain Loan Agreement, dated as of July 1, 2015 (the "Loan Agreement") entered into by the County for the purpose of paying the cost, to that extent, of constructing a facility for the disposal of solid waste to be operated by the Benton County Solid Waste Disposal Commission.

This Note is issued pursuant to and in strict compliance with the provisions of Chapters 76 and 331 of the Code of Iowa, 2015, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the County Board of Supervisors authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of this Note (the "Resolution"), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of this Note and the rights of the owner of this Note.

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

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

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

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Note were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the County for the payment of the principal of and interest on this Note as the same will respectively become due; and that the total indebtedness of the County, including this Note, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, Benton County, Iowa, by its Board of Supervisors, has caused this Note to be executed by its Chairperson and attested by its County Auditor, on July 1, 2015.

BENTON COUNTY, IOWA

By _____
Chairperson, Board of Supervisors

Attest:

County Auditor

ABBREVIATIONS

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

TEN COM	- as tenants in common	UTMA _____ (Custodian)
TEN ENT	- as tenants by the entireties	As Custodian for _____
JT TEN	- as joint tenants with right of survivorship and not as tenants in common	(Minor) under Uniform Transfers to Minors Act _____ (State)

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

ASSIGNMENT

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

(Please print or type name and address of Assignee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF ASSIGNEE

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

Dated: _____

Signature guaranteed:

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

ADOPTED this 30^h day of June 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve the use of the courthouse on July 23, 2015, as an emergency shelter, if needed, for RAGBRAI. The emergency management director is authorized to have access to the facility until 9:00 p.m. on said date. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to rescind the action taken on March 24, 2015, approving the labor agreement between Benton County and Public, Professional & Maintenance Employees Local Union 2003 International Brotherhood of Painters & Allied Trades, AFL-CIO (Secondary Roads) for the period July 1, 2015 through June 30, 2018, due to errors found within the document. Further, to approve the corrected labor agreement presented on this date between Benton County and Public, Professional & Maintenance Employees Local Union 2003 International Brotherhood of Painters & Allied Trades, AFL-CIO (Secondary Roads) for the period July 1, 2015 through June 30, 2018. All members voting aye thereon.

Renee Von Bokern of Von Bokern & Associates spoke with the board via speaker phone. Von Bokern has been contracted to review and provide guidance on the county's employee handbook. Von Bokern spoke with the board as to the expectations of both parties. Von Bokern stated that she generally has one point-of-contact within the county as she works through the handbook. Von Bokern stated that she will meet with the county's department heads or committee prior to the finalization of the handbook as well. The document is then finalized. The board advised Von Bokern that the point-of-contact is the auditor, but that the auditor is to relay information to the board throughout the process as well as the department heads. Von Bokern stated that eighty percent of the county's policies are discretionary and twenty percent are needed to comply with federal and state laws. The board will have the final authority on the policies adopted and believed it would be more efficient for them to be involved throughout the process. Von Bokern stated that she would begin work with the goal of having a draft back to the county by the end of July and the project finalized by this fall.

Jack Geiger, Louis Guynn, Jim Fleming, John Fetzer and Steve Henry met with the board about the use of all-terrain vehicles (ATV) and utility task vehicles (UTV) on county secondary roads. The group asked the board to consider adopting an ordinance legalizing the operation of ATVs and UTVs by persons other than between farms. Buchanan County has adopted an ordinance as well as other counties. A copy of the Buchanan County ordinance was presented as a reference. The board was not opposed to the matter, but stated that further research was needed on their part.

Benton County Assistant County Attorney Emily Nydle requested that the Board send a letter to the Governor asking him to line-item veto a part of Senate File 510. Nydle stated that SF510 included language that would adversely

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

affect the collection of delinquent fines and restitution by county attorneys. The law provides that the initial 60-day collection by the Department of Revenue will be done by a private company and if the defendant enters into a repayment plan the county attorney will be prohibited from collecting on that account. This could result in less fines and restitution being collected and less money being paid to victims. Moved by Hertle, seconded by Wiley, to submit a letter to the Governor requesting a line-item veto of Sections 89 through 96 of Division XV, of Senate File 510. All members voting aye thereon. Motion carried.

Nydle also questioned the amount of spending authority the county attorney was given in FY16 for monies collected through the fine collection program. The board budgeted and appropriated \$35,000 for FY16.

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

July 7, 2015

The Benton County Board of Supervisors met in regular 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 June 30, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the claim submitted by Tammy Wetjen-Kestersen for Decategorization services provided in June 2015, in the amount of \$2,851.80. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to authorize the chair to sign the excess flood insurance renewal for the law enforcement center, including the terrorism coverage, in the amount of 16,704.39. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 215303 through 215417, payroll checks numbered 138274 through 138288, and ACH deposits numbered 24489 through 24622, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the auditor's and sheriff's quarterly reports for the period ending June 30, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve two pieces of artwork created by Elaine Conrad to be displayed on the first floor of the courthouse. All members voting aye thereon. Motion carried.

Supervisor Hertle updated that board on the courthouse clock project. Hertle advised that a meeting of the committee was being held later today for further discussions. Hertle questioned if the board had a position as to the use of glass or Plexiglas on the face of the clock. Supervisors Frese and Wiley both indicated that glass should be used to maintain the original design and appearance.

The board discussed the employee evaluation process. The board has begun their annual employee evaluations. The board discussed a process for providing a written evaluation to the employee and determined that the most efficient procedure would be for a single supervisor to be designated to write a formal summary taken from the discussions of each employee's evaluation. The written document would then be provided to the employee and a copy placed in the employee's confidential personnel file. The board members are to have access to the evaluations contained in those employees' files. If the employee disagrees with the written summary then employee may request to meet with the supervisors to discuss the written evaluation. Moved by Hertle, seconded by Frese, to authorize Supervisor Todd Wiley to compose a written summary documenting each employee's performance evaluation on behalf of the board of supervisors. The employee is to be provided with the written summary and a copy placed in their personnel file. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the contract and contractor's bond with Taylor Construction, Inc. for the bridge replacement on 27th Avenue, Project No. BROS-CO06(97)—8J-06. All members voting aye thereon. Motion carried. The cost of the bridge replacement is \$363,744.00.

Moved by Wiley, seconded by Hertle, to set July 28, 2015, at 9:00 a.m. as the time and date for receiving bids on three reinforced concrete box culverts for the Oak Grove Road project. The bids are to be filed in the office of the county engineer by said time and date. The engineer is authorized to open the bids at said time and place and to review them for conformance with the bid specification. Further, the time and date set for accepting and awarding the bids by the board of supervisors is set at July 28, 2015, at 10:30 a.m., in the Board of Supervisors room. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to sign the Title Plan Sheet for the Reinforced Concrete Box Culverts for the Oak Grove Road project. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to temporarily detour traffic around Shellsburg on July 23, 2015, for RAGBRAI. Traffic is to be routed west of Shellsburg on E36 to 31st Avenue; South on 31st Avenue to 65th Street; east on 65th street to W26/E36 south of Shellsburg. All members voting aye thereon. Motion carried.

Demar & Shirley Enget met with the board concerning dust control measures on the Benton Linn Road south of Highway 30. The Engets advised that due to the erosion on the hill, that grading was frequently needed after rains and that the grading was destroying the privately applied dust control on the roadway. The Engets stated that the dust created by the traffic on that stretch of road was creating a dangerous situation for the school bus. Supervisor Frese agreed that

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

there had been issues in the past for the school bus on that particular road. The Engets requested that the county place a more permanent dust control on the hill. The board advised that they would have to look into the matter further.

The board travelled to the animal shelter to perform an inspection due to the termination of the lease agreement between the county and the City of Vinton on July 1st. The board verified that the building was left clean with nothing notable as to the condition. The board stated that they would like to continue to lease the facility – possible for a dog boarding business or some other similar use.

The board reconvened in the board room and continued with employee evaluations. Evaluations were conducted with Maintenance Director Rick Bramow and Land Use Administrator Marc Greenlee. The board discussed employee performance as well as issues relative to those departments.

Supervisor Hertle left the meeting at 1:25 p.m. to attend another meeting.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

July 14, 2015

The Benton County Board of Supervisors met in regular 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 July 7, 2015. All members voting aye thereon. Motion carried.

Mike Elwick and John Elwick met with the board regarding the property commonly known as the Benton County Animal Shelter. The county ceased using the facility as an animal shelter on July 1st and had considered leasing the facility. The Elwicks wanted the board to be aware of the land use restriction included on the deed issued in 1948 limiting the use of the property to a wildlife refuge. The board acknowledged that they were not aware of the 1948 deed restriction. Mike Elwick questioned if the property was not used as a wildlife refuge if it would have to revert back to the landowner. Supervisor Wiley commented that it was his position that the building and grounds remain until it is determined that the current arrangement with Cedar Valley Humane Society proves to be in the best interest of the county. Wiley stated he did not want the structure demolished and have no option in the future, if needed. Wiley and Hertle both stated that they had no issue with either option posed by Elwick. The board stated that leasing the facility for another use should not be pursued.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-52. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-52
APPOINTMENT OF BRETT SCHILLING
AS ASSISTANT BENTON COUNTY ATTORNEY

Whereas, the Benton County Attorney has requested approval of the appointment of Brett Schilling as an Assistant Benton County Attorney pursuant to Iowa Code 31.903 (1) on June 16, 2015; and

Whereas, the Board approved said appointment on said date; and

Whereas, Schilling has taken the oath of office as required by law,

THEREFORE IT IS RESOLVED that the appointment of Brett Schilling as Assistant Benton County Attorney is hereby formally approved.

Dated this 14th day of July 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve the recorder's quarterly report for the period ending June 30, 2015. All members voting aye thereon. Motion carried

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to approve the law enforcement agreement between Benton County and the City of Van Horne for FY16. Said agreement provides for 780 hours of coverage at an annual cost of \$17,550.00. All members voting aye thereon. Motion carried.

The county attorney requested that Benton County enter into the Iowa County Attorneys Case Management Project 28E Agreement. The project provides for the tracking of cases statewide over a long period of time and also coordinates with law enforcement. It provides the ability to see whenever anyone calls in to report a matter. The county attorney advised that currently there is no cost to the county. Moved by Wiley, seconded by Hertle, to adopt Resolution #15-53, Entering into the Iowa County Attorneys Case Management Project 28E Agreement. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-53
IOWA COUNTY ATTORNEYS CASE MANAGEMENT PROJECT
28E AGREEMENT

WHEREAS, the Benton County Attorney has requested that the Board enter into a 28E Agreement to allow his office to participate in the Iowa County Attorneys Case Management Project; and

WHEREAS, participation in the 28E Agreement would provide valuable information to the county attorney and law enforcement; and

WHEREAS, it would be advantageous to Benton County to participate in the 28E Agreement,

NOW THEREFORE BE IT RESOLVED that Benton County enter into the Iowa County Attorneys Case Management Project and the chair is directed to execute said 28E Agreement on behalf of Benton County.

Dated this 14th day of July 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve the treasurer's semi-annual report for the period January 1, 2015 through June 30, 2015. All members voting aye thereon. Motion carried.

The board continued discussion allowing all-terrain vehicles to operate on county secondary roads. The board had been approached previously requesting that the county adopt such an ordinance. Jack Geiger and Steve Henry presented a draft ordinance for the board to consider. Supervisor Hertle advised that he spoke with the sheriff regarding ATV use and the sheriff, as well as his officers, had no real concern with the proposal. Sheriff Forsyth provided the board with additional information regarding the transportation of firearms on ATVs and other pertinent information. Supervisor Hertle stated that he spoke with a Buchanan County supervisor regarding that county's ordinance and if there had been any problems or issues. Hertle reported that Buchanan County had not had any problems and added that much of the enforcement was done by the local ATV club. The supervisors stated that they had no opposition to the operation of ATVs on the county's secondary roads and that they would work on drafting an ordinance for consideration.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Steve Cory met with the board to request a variance to the county's subdivision ordinance. Cory stated that he would like to purchase a strip of property adjacent to his to provide for a field buffer as well as a way to control water drainage around his property. Moved by Wiley, seconded by Hertle, to adopt Resolution #15-54. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-54

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 25-85-10 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 25-85-10, 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. The parcel size is small measuring approximately 256 feet long by 20 feet wide
5. The new parcel will allow the property owner to manage the drainage onto his property due to the topography of the area

IT IS FURTHER RESOLVED that the division of property must still comply with state law.

PASSED and APPROVED this 14th day of July 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

The Board conducted an employee evaluation Beverly Baldwin. Baldwin did not request to go into closed session.

Sheriff Forsyth met with the board regarding deputies residing outside of the county and driving their squad cars to and from their residence. Forsyth questioned if the county had a policy regarding this issue or if would be a departmental policy. The board indicated that the matter would be a departmental policy matter, but stated that the distance outside of the county should be within reason and that a mileage limit should be set instead of a response time, i.e. 5 miles outside of the county versus within a 10 minute response time as the response time could be subjective depending on the driving speed when responding. Supervisor Wiley stated that he would speak with the county's insurance carrier to determine if there were issues not being considered by the supervisors.

Moved by Hertle, seconded by Wiley, to approve and direct the chair to sign the 2015 Department of Justice Equitable Sharing Agreement and Certification. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by Interstate Power & Light to place utility lines in the county's right-of-way in Benton Township (South Polk) Section 1. All members voting aye thereon. Motion carried.

Carol Zander presented a revised HIPAA confidentiality addendum to the 28E agreement which formed the Mental Health/Disability Services of the East Central Region. The addendum provides for compliance with the privacy regulations set forth in the Health Insurance Portability and Accountability Act.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to adopt Resolution #15 -55. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Resolution #15-55
HIPAA CONFIDENTIALITY ADDENDUM TO 28E AGREEMENT

Come now the Benton County Board of Supervisors (hereinafter the "County Board") and the Governing Board of the Mental/Health/Disability Services of the East Central Region of Iowa (hereinafter "the Governing Board") and agree to the terms and conditions of this Addendum as follows, which addendum shall be incorporated by reference into the 28E Agreement between the parties:

1. Benton County is a member county of and the County Board is a signatory to a 28E Agreement for Mental Health/Disability Services of the East Central Region (MH/DS-ECR) (the "Region").
2. The purpose of the 28E Agreement is to establish an entity to provide local access to mental health and disability services for adults and to engage in any other related activity in which an Iowa 28E organization may lawfully be engaged.
3. Under the 28E agreement, the Chief Executive Officer, the Coordinators of Disability Services and all support staff providing services to the Region will remain employees of the individual counties.
4. Subject to statutory or regulatory amendments, and with respect to their activities described in this Agreement, each party acknowledges and agrees that it is a "covered entity" under 45 C.F.R. Parts 160 and 164 ("HIP AA"). As such, each party shall comply with all HIPAA and state law requirements relating to the privacy and security of Protected Health information (PHI) as defined by HIPAA.
5. County agrees that County and its employees shall adhere to the Region's HIPAA privacy and security policies when providing services to the Region as set out in the 28E Agreement between the Region and the County.
6. County agrees that a violation of any federal or state requirement concerning the privacy or security of PHI and/or any privacy or security policy of the Region by any County employee shall result in an appropriate sanction by County against the employee consistent with County's human resources policies and procedures [and applicable collective bargaining agreements].
7. County shall require all County employees and subcontractors providing services under this Agreement to sign a confidentiality agreement in the form attached hereto as Exhibit 1, incorporated herein.

Benton County Board of Supervisors

Governing Board of the Mental Health/Disability Services
Of the East Central Region of Iowa

By: _____
Chairperson

By _____
Chairperson

Attest: _____
Auditor

Signed the ____ day of _____, 2015

Signed the ____ day of _____, 2015

Exhibit 1

**CONFIDENTIALITY STATEMENT
FOR EMPLOYEES WITH ACCESS TO
PROTECTED HEALTH INFORMATION**

The undersigned, an employee [subcontractor] of Benton County agrees as follows:

1. As part of my employment duties I have been assigned to perform services for the MH/DS of the East Central Iowa Region (the Region).
2. In performing services for the Region, I agree to comply with all state and federal requirements concerning the privacy and security of Protected Health Information and with the Region's privacy and security policies.
3. I understand that in the event that I violate any state or federal requirement concerning the privacy and security of the Region's PHI or the Region's privacy and security policies, I will be subject to discipline by my employer, Benton County, consistent with County's human resources policies and procedures [and applicable collective bargaining agreements].

Signature

Date

Job Title

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to approve the General Assistance quarterly report for the period ending June 30, 2015. All members voting aye thereon. Motion carried.

The board discussed the new Mental Health Advocate position in Benton County. Currently the position is vacant and due to the functions performed, it was the advice of the county attorney that the position be filled immediately on a temporary basis while the advertising and hiring a regular replacement is done. The county attorney discussed the services provided by the Advocate, that it is estimated the position will require fifteen to twenty hours per month, and the salary range for the position. The board discussed the department that the Advocate would be placed in and the potential for conflict of interests.

Moved by Wiley, seconded by Hertle, that the Mental Health Advocate be placed in the office of the County Attorney on a temporary basis pending further consideration. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, that a hiring committee be formed for the purposes of hiring a mental health advocate. Said committee shall consist of the board chairman, the county attorney, and the acting director of social services. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to hire Bethany Wheaton as a temporary Mental Health Advocate for Benton County, effective this date, at a wage of \$17.00 per hour, to perform the duties set forth in the job description. Said position is a part-time temporary position until the hire of a regular part-time mental health advocate can be secured. All members voting aye thereon. Motion carried. Wheaton currently is the mental health advocate for Jones County and Linn County.

The board continued with employee evaluations. Carol Zander requested that the board enter into closed session pursuant to Iowa Code 21.5(1)i. The board entered into closed session.

Moved by Wiley, seconded by Hertle, to return to open session. All members voting aye thereon.

Moved by Hertle, seconded by Frese, to recess until 1:00 p.m. Both members voting aye thereon. Motion carried at 12:35 p.m. Supervisor Wiley had temporarily stepped outside of the meeting.

The chair reconvened the meeting at 12:55 p.m.

The board continued employee evaluations with Veterans Affairs Director Toni Parizek and Transportation Director Dana Burmeister. Neither Parizek nor Burmeister requested a closed session.

Moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried at 1:20 p.m.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

July 21, 2015

The Benton County Board of Supervisors met in regular 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 July 14, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to authorize the auditor to disburse the loan proceeds, in full, to the Benton County Sanitary Landfill Commission upon their request. All members voting aye thereon. Motion carried. The loan proceeds are in the amount of \$402,642.00, which was borrowed by the county on behalf of the landfill commission and is to pay for a new cell at the landfill. The Commission has accepted a bid to construct a new cell in the amount of \$402,642.35.

Moved by Hertle, seconded by Wiley, to approve checks numbered 215418 through 215610, payroll checks numbered 138289 through 138301, and ACH deposits numbered 24623 through 24759, for payment. All members voting aye thereon. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-56. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried. The board did not take action on one Disabled Veterans Homestead Tax Credit pending further research.

RESOLUTION #15-56
APPROVAL AND DISAPPROVAL OF HOMESTEAD TAX CREDITS, MILITARY TAX CREDITS, AND DISABLED VETERAN'S HOMESTEAD TAX CREDITS FOR 2015 ASSESSMENT
And
AMENDING RESOLUTION #14-45
APPROVAL AND DISAPPROVAL OF HOMESTEAD TAX CREDITS, MILITARY TAX C. REDITS, AND DISABLED VETERAN'S HOMESTEAD TAX CREDITS

WHEREAS, Iowa law provides that property owners may apply for certain credits against their property tax; and

WHEREAS, new applications for various credits have been submitted to the assessor, in accordance with law, for his approval or disapproval; and

WHEREAS, the assessor has made recommendations and provided said applications to the auditor; and

WHEREAS, the auditor has submitted said applications to the board of supervisors for their consideration; and

WHEREAS, the board of supervisors is required to allow or disallow the credit,

NOW THEREFORE BE IT RESOLVED that the following applications for Homestead Credit, Military Credit, and/or Disabled Veteran's Homestead Credit submitted to the assessor on or before July 1, 2015, are hereby disallowed based on the assessor's recommendation:

- 480-12100 – Disabled Veteran's Homestead Credit
- 870-03600 - Disabled Veteran's Homestead Credit
- 660-17810 – Homestead Credit

IT IS FURTHER RESOLVED that the remainder of the applications for Homestead Credit, Military Credit, and/or Disabled Veteran's Homestead Credit that were filed with the assessor on or before July 1, 2015, for the 2015 assessment year are allowed based on the assessor's recommendation. The assessor is to maintain a permanent file of the applications in accordance with law.

IT IS FURTHER RESOLVED that Resolution #14-45, Approval and Disapproval of Homestead Tax Credits, Military Tax Credits, And Disabled Veteran's Homestead Tax Credits, adopted on July 8th, 2014, for the 2014 assessment year is hereby amended to include the following approvals for the Disabled Veteran's Homestead Credit as required by legislation enacted by the 86th Iowa General Assembly:

240-22150	240-27300	200-08900
240-63000	010-16100	010-02700
190-19450	240-76775	160-10750
160-08150	240-78200	370-04000
360-00600	200-15210	870-10450
240-57300	240-68725	010-09550

The remainder of Resolution of #14-45, as amended by Resolution #15-36, remains in full force and effect.

Signed this 21st day of July 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd A. Wiley

ATTEST:

Jill Marlow, Benton County Auditor

The auditor advised that vehicles were parked next to the courthouse (west door) during the Vinton Cruise as evidenced by a picture. The board has stated that no vehicles may be parked on the lawn during events. Supervisor Wiley stated that the pictures show the vehicles were parked on the sidewalk and that the board needs to clarify that the sidewalk is included as he thinks of the lawn as the grassy area. Supervisor Frese stated that he would speak with the

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Vinton Cruise Committee regarding the matter. The board discussed the use of a written agreement when people requested to use the lawn that would address various issues, including insurance. The board requested that the auditor research and present an agreement for consideration.

Moved by Wiley, seconded by Hertle, to set August 18, 2015, at 9:30 a.m., as the time and date for a public hearing on a land use change requested by Larry and Kim Rouse on a parcel located in a part of the SE1/4 of the NW1/4 of Section 9-86-10. All members voting aye thereon. Motion carried.

Steve Meyer, Chairman of the Benton County Emergency Management Commission, expressed the Commission's gratitude for the county's FY16 funding to the Commission. Meyer stated that the funding assists the Commission in meeting its goals of providing emergency management services and planning to the county.

Moved by Hertle, seconded by Wiley, to accept the resignation of Jerry Petermeier from the Benton County Sanitary Landfill Commission, effective September 1, 2015. All members voting aye thereon. Motion carried.

Representatives of Benton Development Group met with the Board to request the County's support for an industrial expansion project being undertaken by Frontier Cooperative. The support would be in the form of an industrial tax exemption under Iowa Code 427B. The assessor stated that the county currently has an ordinance in place; however since the project is largely remodeling the ordinance requires the Board of Supervisor's approval for the tax exemption. Moved by Wiley, seconded by Hertle, to adopt Resolution #15-57 exempting tax. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Resolution #15-57 INDUSTRIAL PROPERTY TAX EXEMPTION

WHEREAS, Frontier Cooperative has requested financial assistance for an expansion project from the Iowa Economic Development Authority; and

WHEREAS, the financial assistance requires a local match in the form of a tax abatement; and

WHEREAS, Benton County enacted Ordinance #18, Benton County Industrial Property Tax Exemption and recorded the same on August 6, 1993; and

WHEREAS, Ordinance #18 provides that the industrial property tax exemption must have prior approval of the Benton County Board of Supervisors and be upon the recommendation of the Iowa Department of Economic Development when the project involves reconstruction of an existing building or structure; and

WHEREAS, the Iowa Economic Development Authority, through Benton Development Group, has recommended that the Board of Supervisors grant the industrial property tax exemption,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the county provide support of the Frontier Co-op expansion project through the industrial property tax exemption as authorized by Ordinance #18, Benton County Industrial Property Tax Exemption.

Dated this 21st day of July 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Benton Development Group provided an update to the board on their activities. The Group has assisted with the creation of 160 new jobs in the county and continues to meet with the all of the communities on a regular basis. The Group has hosted an event with Iowa Economic Development Authority Director Debi Durham and has continued to foster relationships with other economic development agencies in the area. Areas of concern for economic development in Benton County are the lack of high-speed internet and workforce issues. The Group created a survey that has been completed by various businesses and they have also been working with student interns.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

David Kelty met with the Board to request a variance to the county's subdivision ordinance.

RESOLUTION #15-58

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 three parcels in 29-86-9, due to hardship,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #61 on a two additional divisions located in the SE1/4 of the SW1/4 of 29-86-9 and one additional division in the SW1/4 of the SW1/4 of 29-86-9, 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):

6. Two divisions provide for enlargement of current parcels to an existing line, which line has been previously recognized as the boundary.
7. The divisions are necessary for the executor to settle an estate at the direction of the estate's legal counsel.

IT IS FURTHER RESOLVED that the division of property must still comply with state law.

PASSED and APPROVED this 21st day of July 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Benton County Attorney David Thompson and Assistant County Attorney Emily Nydle met with the board regarding additional office space. Thompson requested that the office being vacated by Judge Zimmer be assigned to his office. Thompson and Nydle both stated that the current office space being shared by the assistant county attorneys is not ideal. Thompson stated that office space is very crowded with two attorneys and various pieces of office equipment. The current space is occupied by two attorneys separated by cubicle walls. Nydle stated that it is difficult to speak on the phone while the other attorney is dictating as dictation equipment picks up the conversation. Nydle stated that it is difficult to interview victims and witnesses privately when sharing the office space. Moved by Wiley, seconded by Hertle, to assign the office (number 303) once vacated to the county attorney's office. All members voting aye thereon. Motion carried.

Benton County Engineer Myron Parizek spoke with the board regarding various speed studies conducted by the Iowa Department of Transportation on various segments of the county's secondary roads. Parizek advised that a study is required by the board of supervisors when setting a speed limit on a secondary road. The findings of the study are as follows indicating the recommended speed limit:

- 57th Street Trail – 55 mph (area of Rodger's Park)
- 54th St. Trl – 45 mph from I-380 eastward to just east of 32nd Avenue where 55 mph commences and continues eastward (east of Urbana)
- 32nd Avenue – 40 mph (east of Urbana)
- 78th Street Trail – 55 mph (east of Belle Plaine)
- 70th Street (old Highway 199) – 55 mph (Van Horne)
- 32nd Avenue – 55 mph from 56th Street Trl, northward to just south of church's south driveway where a 45 mph zone commences and continues to 160 feet south of South Street where a 30 mph zone begins (south of Urbana)

The board is not obligated to use the recommendations of the Iowa Department of Transportation. Discussion ensued on the various findings and the board's position on speed zones being established. The engineer was directed to prepare a resolution for consideration at the board's next meeting.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The board spoke with Engineer Parizek and IVRM Manager Ben Bonar about noxious weed control. Supervisor Hertle stated that there was a problem with thistles both on private and public property and questioned how the situation was being addressed. Hertle stated that had the thistle been addressed when reported several weeks ago they could have been destroyed prior to bloom. However, the thistles have all bloomed magnifying the problem. Bonar stated that he had a letter that he would be sending to property owners with noxious weeds subject to the board's approval. The county attorney, present at the meeting, reviewed the letter and advised that it was legally sufficient. Hertle questioned if the county's maintainer operators were assisting by identifying areas of noxious weed infestation and reporting them to the weed commissioner. There was no clear response as to whether the operators were required to report said areas to the weed commissioner. The supervisors were in support of efforts to address the issue and it was moved by Hertle, seconded by Wiley, that Bonar is directed and authorized to send a letter to property owners whose property contains noxious weeds. All members voting aye thereon. Motion carried. The letter sets forth that the property owner is given five days to address the problem and if fails to do so, then the weed commissioner is to enter onto the property, pursuant to Iowa law, and destroy the noxious weeds. The expenses of the weed commissioner are to be assessed against the property.

Representatives of the Courthouse Clock Committee met with the board regarding the replacement of the clock glass. Persons present were Robert Spangler, Roger Albert, Kent Stufflebeam, Phil Borleski, Peggy Schott, County Attorney David Thompson, and Assistant County Attorney Emily Nydle. Supervisor Hertle stated that he placed the matter on the agenda to provide an opportunity for the other supervisors to view the clock tower and discuss the project as well as decide they type of glass, clear or white laminate, to be installed. Thompson stated that work was being done in the clock tower area and that he created a diagram to assist in explaining the project. Thompson also provided a piece of the current glass for the board to view. Thompson explained that not all of the glass currently around the clock was original, but was glass that had been altered in an attempt to match the original glass. Thompson stated that the east clock face must be kept as original as possible according the State, but the other three sides of the clock could have the white laminated glass. Thompson stated that the original glass that remains is extremely brittle and much is broken. It was also reported that all three bidders on the project proposed replacing the glass. Supervisor Wiley asked for clarification that the white laminate was not plexiglass and Thompson confirmed that it was not. Supervisor Hertle stated that it was his desire to give the committee and the supervisors the opportunity to discuss the issue prior to installation and to determine if the glass laminate was the preference. Robert Spangler stated that he polled all of the committee and that they were unanimous in using the white laminate. Kent Stufflebeam stated that he hoped the supervisors would consider the committee's opinion when making the final decision. Moved by Hertle, seconded by Wiley, to adhere to the wishes of the Courthouse Clock Committee and install white laminate on three sides of the courthouse clock, with the east side remaining original glass. All members voting aye thereon. Motion carried.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

July 28, 2015

The Benton County Board of Supervisors met in regular 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 July 21, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve an increase in the rate from \$15.69 to \$18.00 per hour for cleaning services performed by Lutheran Home Communities & Services in the Governor Sherman building. All members voting aye thereon. Motion carried.

The board discussed holding work sessions to review the first draft of the employee handbook and county ordinances. The first work session will be held on August 11th and another held on August 25th. Additional sessions will be scheduled as the board works through the documents.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Marty and Stephanie Hanson. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1 acre located in a Part of the SW1/4 of the NW1/4 of 32-86-10. The request is to change the classification to a commercial use. A new septic would be needed for the business and the existing well would be used. The sight distance is thirty short of the five hundred foot requirement for a driveway; however Road Superintendent Randy Sherwood reported that due to the traffic count that the existing driveway was adequate. The applicant advised that his business consists of Hanson Machinery, which employs only himself and performs production machining for various industries. In addition, Hanson can manufacture firearms and related components, sell firearms, and perform gunsmithing of firearms and related components. Hanson advised that he would have outdoor shooting and would utilize a backdrop and would shoot westward over adjoin property. Greenlee

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

reported that the nearest residence was 1/2 mile away. Hearing no further comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 1 acre for a commercial purposed on a parcel generally described as being located in a Part of the SW1/4 of the NW1/4 of 32-86-10. The commercial use is for production machining and for the manufacture, sale, and gunsmithing of firearms and related components in accordance with the Federal Alcohol Firearms & Tobacco rules and regulations. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve vacation carry-over requested by Rick Bramow in the amount of sixteen hours. Said carry-over to be used no later than October 1, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into closed session pursuant to Iowa Code 21.1(5)c. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to return to open session. All members voting aye thereon. Motion carried at 10:00 a.m.

Moved by Wiley, seconded by Hertle, to authorize the auditor to respond to the inquiry from Michael Merino regarding the accrual of benefits. All members voting aye thereon. Motion carried.

Transportation Director Dana Burmeister and County Attorney David Thompson spoke with the board regarding the TMS contract requiring personal information of county staff. Thompson stated that is an unreasonable request that the supervisors to provide their personal information for purposes of the contract. Thompson advised that the contract could be submitted without the supervisors' information, as Burmeister has already provided her own. Thompson stated that he will be speaking with the attorney general's office regarding the request; however the attorney from that office is out at this time.

The time of 10:30 a.m. having arrived, and this being the time and date set for awarding a bid for three RCB culverts, the board took up the matter for consideration. The engineer advised that two bids were received and were reviewed by his office. Moved by Hertle, seconded by Wiley, to adopt Resolution #15-59. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

**RESOLUTION #15-59
AWARDING BID FOR RCB CULVERTS**

WHEREAS, the Benton County Engineer has received two bids for three RCB culverts; and

WHEREAS, the bids were as follows:

- Iowa Bridge and Culvert, LC of Washington, Iowa - \$579,065.50
- Gus Construction Co., Inc. of Casey, Iowa - \$700,166.50

WHEREAS, the engineer has recommended that the board of supervisors award the bid to Iowa Bridge and Culvert, LC

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the project for three RCB culverts be awarded to the lowest responsible bidder:

- Iowa Bridge Culvert, LC in the amount of \$579,065.50.

FURTHER, the engineer is to prepare a contract for signature at a later date.

Dated this 28th day of July 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-60. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-60

WHEREAS: The Board of Supervisors is empowered under authority of Sections 321.255 and 321.285 subsection 4 of the Code of Iowa to determine upon the basis of an engineering and traffic investigation that the speed limit on any secondary road is greater than is reasonable and proper under the conditions existing, and may determine and declare a reasonable and proper speed limit, and

WHEREAS: Such investigation has been completed by the Iowa Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the Benton County Board of Supervisors that a speed limit be established and appropriate signs erected at the locations described as follows:

Secondary road 54th Street Trail from Interstate 380, east 1500 feet, 45 MPH.

Secondary road 32nd Avenue from 54th Street Trail, north 1200 feet, 40 MPH.

Resolution adopted this 28th day of July, 2015.

Chairman, Board of Supervisors

ATTEST: _____
County Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-61. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-61

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from August 3, 2015, through the completion of the project.

From 77th Street Drive near the W ¼ corner of Section 24-T82N-R10W thence north approximately 0.5 mile to 77th Street near the NW corner of Section 24-T82N-R10W along 27th Avenue in St. Clair Township.

Signed this 28th day of July, 2015.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____
Auditor

The engineer advised that bids were let by the Iowa Department of Transportation for the HMA resurfacing project on W30 south of Walford. One bid was received from LL Pelling, Co. in the amount of \$590,934.31. Moved by Hertle, seconded by Wiley, to adopt Resolution #15-62 , Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

**RESOLUTION #15-62
AWARD OF CONTRACT**

WHEREAS, the Iowa Department of Transportation held a bidding letting for the HMA resurfacing project on W30 south of Walford, Project No. FM-CO06(65)—55-06; and

WHEREAS, one bid was received for said project from L.L. Pelling, Co. in the amount of \$590,934.31; and

WHEREAS, the county engineer has recommended that the Board of Supervisors award said contract,

NOW THEREFORE BE IT RESOLVED that Project No. FM-CO06(65)—65-06 for the HMA resurfacing project on W30, south of Walford, is awarded to L.L. Pelling, Co. in the amount of \$560,934.31.

Dated this 28th day of July 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST: _____
Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to authorize payment to Lowell Henkle in the amount of \$1,200.00 for the purchase of one-tenth (.10) acre of permanent easement (\$500.00) and fencing (\$700.00), for the bridge project located in the SE1/4 of the 28-85-10. The auditor is authorized to issue the payment. All members voting aye thereon. Motion carried.

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

ATTEST: _____
Jill Marlow, Auditor

Don Frese, Chairman

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

August 4, 2015

The Benton County Board of Supervisors met in regular 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 July 28, 2015. All members voting aye thereon. Motion carried.
 Moved by Wiley, seconded by Hertle, to adopt Resolution #15-63. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-63
 AMENDING RESOLUTION #15-56
 APPROVAL AND DISAPPROVAL OF HOMESTEAD TAX CREDITS, MILITARY TAX CREDITS, AND DISABLED
 VETERAN'S HOMESTEAD TAX CREDITS FOR 2015 ASSESSMENT
 And
 AMENDING RESOLUTION #14-45
 APPROVAL AND DISAPPROVAL OF HOMESTEAD TAX CREDITS, MILITARY TAX C. REDITS, AND DISABLED
 VETERAN'S HOMESTEAD TAX CREDITS

WHEREAS, Iowa law provides that property owners may apply for certain credits against their property tax; and
 WHEREAS, the Board adopt Resolution #14-45 allowing and/or disallowing credits for the 2014 assessment year; and
 WHEREAS, the Board adopted Resolution #15-56 on July 21, 2015, allowing and/or disallowing credits for the 2015 assessment year; and
 WHEREAS, the assessor has submitted additional applications for the board of supervisors' consideration; and
 NOW THEREFORE BE IT RESOLVED that Resolution #15-56 is amended to include the following:

240-05100 – Disabled Veteran's Homestead Credit – Allowed

IT IS FURTHER RESOLVED that Resolution #14-45, Approval and Disapproval of Homestead Tax Credits, Military Tax Credits, And Disabled Veteran's Homestead Tax Credits, adopted on July 8th, 2014, for the 2014 assessment year is hereby amended to include the following:

870-18050 – Disabled Veteran's Homestead Credit - Disallowed

The remainders of Resolutions #14-45 and #15-56, as amended, continue in full force and effect.

Signed this 4th day of August 2015.

 Donald H. Frese, Chairman

 Terry L. Hertle

 Todd A. Wiley

ATTEST:

 Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to set September 1, 2015, at 9:15 a.m., as the time and date for a land use change requested by Robert Moore on a parcel located in a Part of the N1/2 of the NE1/4 of 2-85-9. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to suspend taxes on parcel 240-16300 pursuant to Iowa Code 427.9. All members voting aye thereon. Motion carried.

Marc Greenlee, Land Use Administrator, presented an application for a farm exemption submitted by Karissa Burroughs in accordance with the Benton County Agricultural Land Use Preservation Ordinance. Greenlee reported that the applicant owns 29.85 acres with approximately 26 acres being used for a farm use as required by the ordinance. The applicant is requesting an exemption to allow for a single-family residence. Moved by Hertle, seconded by Wiley, to approve a farm exemption in accordance with the Benton County Land Use Preservation Ordinance on a parcel located in a Part of the NE1/4 of the NE1/4 of 25-82-9, for the purpose of constructing a single-family residence. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the purchase of road right-of-way located in the NE1/4 and the NW1/4 of 25-85-9 from Stanley Coberly for .11 acre of permanent easement at \$550 and .17 acre of temporary easement at \$635, for a total purchase price of \$635.00. Frese, Hertle, and Wiley voting aye thereon. Motion carried. The easement is for the box culvert project on 33rd Avenue Dr., Project #FM-BE—7X-06.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Chairman Frese directed that the board enter into work session for purposes of reviewing and discussing the employee handbook.

Upon conclusion of the work session, it was moved by Wiley, seconded by Hertle, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

August 11, 2015

The Benton County Board of Supervisors met in regular 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 August 4, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 215611 through 215857 (includes handwrites during the period), payroll checks numbered 138302 through 138334, and ACH deposits numbered 24760 through 25028, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the claim for July 2015 decategorization services submitted by Erin Monaghan and Heidi Schminke in the amount of \$1,425.90 each. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-64. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

**RESOLUTION #15-64
FINDING OF PUBLIC PURPOSE AND SUPPORT OF BUSINESS FINANCIAL APPLICATION**

WHEREAS, Iowa Code 15A.1 provides that economic development is a public purpose for which the county may provide grants, loans, guarantees, tax incentives, and other financial assistance to or for the benefit of private persons; and

WHEREAS, the Benton County Board of Supervisors fully supports activities that promote and facilitate economic development in Benton County, including growth and expansion of existing businesses for the creation of jobs and retaining existing jobs; and

WHEREAS, Benton County has received a request by Frontier Natural Products Co-op to sponsor an application to Iowa Economic Development Authority for financial assistance through the Business Financial Assistance Program for company upgrades and expansion at its facility located at 3028 78th Street, Norway, Iowa; and

WHEREAS, the financial assistance is for the expansion, remodeling and upgrading of the current facility; and

WHEREAS, the total estimated cost of the project is \$8,651,500 and will create twenty-three new jobs; and

WHEREAS, the Board of Supervisors took formal action on July 21, 2015, adopting Resolution #15-57, supporting the project through industrial property tax exemption,

NOW THEREFORE BE IT RESOLVED BY THE BENTON COUNTY BOARD OF SUPERVISORS, that Benton County FINDS that the application for the Business Financial Assistance Program submitted by Frontier Natural Products Co-op will provide for economic development in Benton County and is a public purpose under Iowa Code Chapter 15A.

FURTHER, that Benton County SUPPORTS and SPONSORS the application to the Business Financial Assistance Program submitted by Frontier Natural Products Co-op and the chair was authorized to sign said application on July 21, 2015.

Dated this 11th day of August 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The county received two bids for the purchase of a John Deere Zero-Turn 665 lawnmower. The bids were as follows: P & K, Keystone - \$5,450 and Bodensteiner Implement, Rowley - \$5,784. Moved by Wiley, seconded by Hertle, to purchase the John Deere 665 lawnmower from P & K at a price of \$5,450. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-65. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

**RESOLUTION #15-65
RECORD RETENTION POLICY FOR
COUNTY AUDITOR'S OFFICE**

WHEREAS, The Benton County Auditor has requested that policies be adopted governing retention of records in the auditor's office; and

WHEREAS, the Iowa State Association of County Auditors, Iowa League of Cities, Iowa State Records Commission, State Historical Society of Iowa, Iowa State Auditor, Iowa Code and Iowa Administrative Code, have provided guidelines for records retention for records filed in the county auditor's office; and

WHEREAS, Iowa Code Chapter 554D sets forth the authority to maintain records in electronic format,

IT IS THEREFORE RESOLVED by the Benton County Board of Supervisors that the following is established as the Record Retention Policy for the Benton County Auditor's Office.

IT IS FURTHER RESOLVED that county auditor, at his/her discretion, may retain records for a period longer than those established by this policy.

IT IS FURTHER RESOLVED that this policy will automatically change to comply with retention requirements set forth in the Iowa Code or the Iowa Administrative Code, as amended.

IT IS FURTHER RESOLVED that the county auditor, at his/her discretion, may retain records in electronic format as provided by Iowa Code Chapter 554D and said records will meet the requirements for record retention as set forth below unless Iowa law specifically requires the original record to be retained.

IT IS FURTHER RESOLVED that said policy is effective this date.

Dated this 11th day of August 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

County Auditor as Clerk to BOS			
DOCUMENT	CODE (or other attribution)	EXPLANATION:	DISPOSITION:
Bid Record	Iowa State Records Commission	Bids for construction work, materials and equipment – specifications, blueprints, estimated costs	Retain 10 years after fulfillment of the contract, then destroy
Leases and Contracts	Iowa State Records Commission	Leasing/contracting agreements for road and bridge work, construction materials, fuel, real estate, maintenance, repairs, printing and other materials/services purchased by the county	Retain 10 years after fulfillment of the contract, then destroy
Claim Register	Iowa State Records Commission	Claim numbers, claimant's name and address, nature of claim, fund, date of filing, amount claimed/allowed, date allowed, warrant number	Retain 10 years after approved audit, then destroy
Claims	Iowa County Records Manual	Claims	Retain 2 years after approved audit, then destroy
Abstracts and Deeds	Iowa County Records Manual	Title papers and legal descriptions of county properties	Permanent
Blueprints for County Facilities	Iowa State Records Commission	Blueprints	Retain until property no longer owned by the county
Minute Books	Iowa County Records Manual	Board of Supervisors proceedings – resolutions, petitions, correspondence, tax levies, claim approvals, appointments, resignations and legislation	Permanent
Closed Session Minutes	Iowa Code §21.5(4)	Closed Session Records - Detailed minutes and recordings	Detailed minutes and audio recordings of any closed session shall be kept for a minimum of one year from the date of the meeting, except as otherwise provided by law
Liquor License	State of Iowa Alcoholic Beverages Division	Liquor License Permits	Retain for 3 years, then destroy

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Franchises Granted	Iowa County Records Manual	Franchises for utilities, railways, pipelines and motor carriers – correspondence, agreements, descriptions	Permanent
Petition Record	Iowa County Records Manual	Petitioner, filing date, nature of petition, date acted upon, disposition, book and page numbers in Board of Supervisors minutes	Permanent
General Ledger – Warrants	Iowa County Records Manual/Iowa State Records Commission	Warrant number, fund, warrant amount, payee	Retain 10 years after approved audit, then destroy
Warrants	Iowa Code§ 331.554(4)	Warrants	Retain at least 2 years after approved audit, then destroy
Tax Credits and Exemptions	State of Iowa Auditor’s Office	Applications – taxpayer, tax district, description and valuation of property, year’s taxes, credits/exemptions applied	Retain 1 year after approved audit following payment of taxes, then destroy
Property Tax Suspensions	Following standards for Retention of tax credits and exemptions	Request for tax suspensions - DHS notice or petition under Iowa Code 427.8 or 427.9	Retain 1 year after approved audit following termination of suspension and payment of taxes.
Pioneer Cemetery Commission Minutes	Following standards for retention of minutes	Pioneer Cemetery Commission minutes	Permanent

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

County Auditor			
DOCUMENT	CODE (or other attribution)*	EXPLANATION:	DISPOSITION:
Indemnity Bonds	Iowa State Records Commission	Bonds for insurance against double payment in cases where duplicate warrants are issued	Retain 2 years after payment of claim, then destroy
Official Bond Register	Iowa State Records Commission	Name, address, office of bonded person, date, bond amount, sureties	Permanent
Official Bonds for County Officers	Iowa State Records Commission	Bond instruments – name, obligations, sureties	Retain for current year plus 6 years, then destroy
Accounts with Treasurer	Iowa State Records Commission	Record of collections and disbursements of funds in individual accounts as reported by the County Treasurer	Retain for 5 years after approved audit, then destroy
Budgets	Iowa State Records Commission	Budget estimates and worksheets of individual county offices	Retain as long as administratively useful, then destroy
Final Budgets	Iowa State Records Commission	Final budgets of individual county offices	Permanent
Expenditure Record	Iowa State Records Commission	Expenditure record	Retain for 5 years after approved audit of last recorded year, then destroy
Receipts	Iowa State Records Commission	Receipts	Retain 1 year after approved audit, then destroy
Transfer Books – Funds	Iowa State Records Commission	Date, amount of transfer, funds involved, reason for transfer	Retain 5 years after approved audit, then destroy
Transfer Orders	Iowa State Records Commission	Stubs of orders issued to transfer funds	Retain 1 year after approved audit, then destroy
Auditor's Fee Book	Iowa State Records Commission	Payment date, type of service provided, payer, fee collected	Retain 10 years after approved audit, then destroy
Auditor's Receipt Book – Fees	Iowa Code § 331.902	Stubs or carbon copies of original receipts issued for payment of fees	Retain 3 years after approved audit, then destroy
Auditor's Record of Unclaimed Fees and Trusts	Iowa State Records Commission	Record of court fees and probate deposits for which no claim has been made	Retain 5 years after credit entered in treasurer's record, then destroy
Notice to Plat	Iowa County Records Manual	Notices to property owner stating that new plat is required for taxation and assessment purposes	Retain 1 year after plat completed, then destroy
Plat Books	Iowa County Records Manual	Plat books	Permanent
Plats	Iowa County Records Manual	Plats	Permanent
Description Books	Iowa County Records Manual	Grantee, legal description of property, instrument filed, filing date	Permanent
Index of Real Estate Owners	Iowa County Records Manual	Notecards naming farm and incorporated town property owners	Permanent
Lot Books	Iowa County Records Manual	Lot books	Permanent
Survey Field Notes	Iowa County Records Manual	Field notes	Permanent
500,000 Acre Land Grants and Sixteenth Sections	Iowa County Records Manual	School land divisions, appraisements and approvals	Permanent
Irregular Survey	Iowa County Records	Irregular survey	Permanent

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

	Manual		
Cemetery Transfers	Iowa County Records Manual	Cemetery transfers arranged by township	Permanent
Change of Title	Iowa County Records Manual	Name of estate, new owner, legal description of property	Permanent
Record of Sale of School Lands	Iowa County Records Manual	Record of sale of school land	Permanent
Transfer Book – Real Estate	Iowa County Records Manual	Real estate transfer book	Permanent
Semi-Annual Report of Treasurer	Iowa County Records Manual	Reports of tax/fee collections and disbursements warranted by auditor	Retain 1 year after approved audit, then appraise for permanent retention
Township Officer Resignations, Appointments and Oaths	Iowa County Records Manual	Township officer resignations and appointments	Retain as long as administratively useful, then appraise for historic value
Affidavits of Publication for Public Participation Notices	Iowa County Records Manual	Notices of budget hearings, enacted budget availability and use report availability	Retain for 3 years after issuance of audit report, then destroy
Assessment Rolls	Iowa County Records Manual	Owner, description of personal property/real estate, assessed value, credits to be applied.	Retain 5 years, then destroy
Assessor's Book	Iowa County Records Manual	Owner's name and address, description of real property (ag, city, township, residential, business, etc.) description of personal property, 100% assessed valuation, subsequent adjustments	Permanent – maintained by assessor
Real Estate Cards	Iowa County Records Manual	Notecards – property owner, legal description of property, assessed tax	Retain while current, then appraise for historic value
Special Assessment Files	Iowa County Records Manual	Special assessment files	Permanent
Tax Rate Record	Iowa County Records Manual	Record of determined rates for each taxing district	Permanent
Tax List – General	Iowa County Records Manual	Taxpayers, land description, number and value of acres, number and value of city lots, value of personal property, tax description, amount due, aggregate actual/taxable value of all property in county and subdivisions	Permanent
Notice of Sale and Certificate of Publication	Iowa County Records Manual	(copies) – Published tax sale notices and certificates – publisher, newspaper, publication date	Permanent – Maintained by treasurer
Tax Sale Register	Iowa County Records Manual	Type of tax, interest, cost per tract, parcel sold, purchaser, tax sale date, date deed issued, titleholder	Permanent – maintained by treasurer
Bond Certificates Filed by Other Tax Entities	State of Iowa Auditor's Office	Bond certifications/resolutions filed by school districts, cities, community college districts, etc.	Retain for life of debt service plus 3 years after taxing entity's approved audit
City, School, etc., Final Budgets Filed and Certified in the Auditor's Office	Iowa State Records Commission Recommendation	Government entity budgets required by Iowa Code to be filed with the County Auditor's Office	Permanent
Payroll journal	League of Cities Records Manual	Records name, SSN, earnings, deductions, net pay per pay period and yearly totals	60 years
Payroll support documents	League of Cities Records Manual	Time sheets, sick leave reports, vacation reports	Retain 5 years or after fiscal value ends
W-2, W-3, W-4	League of Cities Records Manual		Retain 5 years or after fiscal value ends

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

941 Quarterly Report	League of Cities Records Manual		Retain 5 years or after fiscal value ends
1099	League of Cities Records Manual		Retain 5 years or after fiscal value ends

County Auditor as Commissioner of Elections			
DOCUMENT	CODE (if known)	EXPLANATION:	DISPOSITION:
Abstracts	43.61; 50.19; 50.26; 50.28	Election Abstracts	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Applications for Absentee Ballots	50.19; 53.30	Absentee ballot request forms	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Ballots	50.12; 50.19; 53.26; 53.30; 50.3; 50.4; 50.5; 50.9; 52.35(3)	Ballots voted, test deck, spoiled, provisional, disputed, absentee	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Unvoted Ballots	50.9	Unvoted ballots	May be destroyed after the deadline to contest the election, if no contest is pending.
Declarations of Eligibility	50.19	Declarations of eligibility signed by voters	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Election Registers	50.19	Election registers	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Envelopes, Absentee (all types)	50.19; 53.30	All envelopes used in the absentee voting process	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Memory Cards (as well as audit logs/program files)	50.19; IAC721-22.51(11,13,14)	Memory cards used in ballot tabulation machines including the audit logs and program files.	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Nomination Papers	50.19	Nomination papers from any primary or non-primary election	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Poll Watcher Certification	50.19	Poll watcher certification	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Precinct Official Appointment Records	50.19	Precinct official appointment records	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Public Test Results	50.19; 52.35; IAC 721-22.41(2)(c)	Public test records	After all contests are determined, retain for six months unless the election

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			included a federal office, then retain for 22 months.
Tally Lists	50.19	Tally lists	If recorded electronically for permanent retention, then same as above. Otherwise retain the tally list permanently.
Other Material Pertaining to the Election	50.19	Miscellaneous documents generated during an election	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.
Service and Repair Reports from Election Day	50.19; IAC 721-22.51	Documentation of election day repairs to polling equipment	After all contests are determined, retain for six months unless the election included a federal office, then retain for 22 months.

Mindy Druschel, Department of Human Service (DHS) Social Work Supervisor for Benton/Iowa/Tama County and Valerie Lovaglia, DHS Social Work Administrator, met with the Board to provide an update on current administration and to discuss the possibility of moving the county's DHS offices. Approximately a year ago, the board toured the third floor of the Braille School to determine if it would be a viable location for the DHS offices. No action has taken place since that time. Benton County Attorney David Thompson advised that he was in the process of negotiating a lease with the State of Iowa, but would not discuss the details in a public meeting. Supervisor Frese stated that the old West School may be an option as well. Thompson stated that Mike Elwick was interested in leasing space at the facility as well. The board stated that they would like to tour both facilities in the future and consider the options.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-66. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

**RESOLUTION #15-66
HIRE OF MENTAL HEALTH ADVOCATE**

WHEREAS, the position of Mental Health Advocate was changed from a State of Iowa employee to a Benton County employee, effective July 1, 2015; and

WHEREAS, the Benton County mental health advocate (employed by the State) resigned effective June 30, 2015; and

WHEREAS, the position was advertised and applications taken; and

WHEREAS, the county attorney recommends the hire of Bethany Wheaton as the Benton County Mental Health Advocate,

NOW THEREFORE IT IS RESOLVED by the Benton County Board of Supervisors that Bethany Wheaton is hired, effective August 11, 2015, as the Benton County Mental Health Advocate.

IT IS FURTHER RESOLVED that the wage for this part-time position be set at \$17.00 per hour.

Dated this 11th day of August 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve the contract and contractor's bond with Iowa Bridge & Culvert, LC for the Reinforced Concrete (RC) Box Culverts on 61st Street Lane and 33rd Avenue Drive, Project No. LFM-BE—7X-06 (Oak Grove Road project). All members voting aye thereon. Motion carried.

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Moved by Hertle, seconded by Wiley, to adopt Resolution #15-67. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-67

WHEREAS, the structure at this location has been replaced by a new structure and

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

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

LE-3023 0.7 mile north of the SW corner of section 15-82N-11W (Leroy Township) on 19th Avenue

Signed this 11th day of August 2015.

Supervisors Donald H. Frese Chairman, Board of

Terry L. Hertle

Todd A. Wiley

ATTEST: _____
Benton County Auditor

Moved by Wiley, seconded by Frese, to adopt Resolution #15-68. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-68

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

THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that the Labor Grade classification of Daniel J. McKenna will be VF (finish blade operator with grading crew). VF base wage for Dan McKenna will be \$19.92 per hour. Dan McKenna rate change will be effective August 8, 2015.

Signed this 11th day of August, 2015.

Donald H. Frese Chairman, Board of Supervisors

Terry L. Hertle

Todd A. Wiley

ATTEST: _____
Benton County Auditor

The board travelled to 1668 70th Street to discuss concerns about a culvert replacement with Ed McGivern, the adjoining landowner. McGivern was concerned about the effect the new larger culvert would have with water flow on his property. McGivern requested that culvert be replaced with a culvert the same size as well as at the same depth or to raise the depth of the new larger culvert (currently being installed) as well as implement methods to reduce the flow of water. The board advised that the new culvert will be constructed according to the engineer's plans. The county will reconstruct a berm on the landowner's side abutting the right-of-way line to help slow water flow and the landowner is to install a standpipe (vertical intake pipe) in order to navigate potential standing water away from the culvert outlet. The standpipe is to be located in the county right-of-way offset from the flow line of the culvert and as dictated by the current tile line location. The berm is not to exceed 25% of the height of the culvert, which equates to 18 inches. McGivern may harvest the field prior to installing the standpipe. Future maintenance of the standpipe will be the responsibility of the county. Future maintenance of the berm will be the responsibility of the landowner and shall be maintained in such a manner as to not disrupt the flow of water as designed.

McGivern also spoke to the board about the installation of "Do Not Pass" signage to the east and west of his entrance. McGivern stated that although double yellow lines exist, as well as "No Passing" signs, he has witnessed

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various close calls and accidents. McGivern believes that the additional signage would provide one more warning to motorists. The board did not take any action on the matter.

The board returned to the courthouse at 12:10 p.m.

Supervisor Hertle updated the board on the timeline for the road project on 70th St (E44 between Van Horne and Keystone) as well. Hertle stated that August 24th is the last starting date for that project and with a 35 day completion time-line, that would tentatively put completion on October 9. Hertle continued that with at least one more week of laying pipe, which would be August 17 or 18, then another week fixing the road bed above the new pipe, it will then at best be August 24th. Hertle expressed concern that this portion of roadway was a main thoroughfare for farmers harvesting crops and the impact the road construction would have on those farmers. Supervisors Frese and Wiley expressed their agreement that it would cause issues for the farmers and travelling public; however, the road construction season was limited and that the project should continue as scheduled. The board discussed recessing and returning to work on the employee handbook; however County Attorney Thompson advised that the courthouse clock committee would be meeting of which Supervisor Hertle was a member. The board determined that trying to work on the handbook would be futile given the circumstances and the interruption.

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

Don Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

August 18, 2015

The Benton County Board of Supervisors met in regular 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 August 11, 2015 with the correction of the lowest bid amount for the lawn mower to be \$5450. All members voting aye thereon. Motion carried.

Mechelle Dhondt and Carol Zander met with the board to update the board on the Mental Health Region. Dhondt discussed the Iowa Help line and how it works to help people in crisis.

The time of 9:30 a.m. having arrived, the board opened the public hearing on a land use change requested by Larry Rouse Jr. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1 acre located in the SE ¼ of the NW ¼ of 9-86-10. The request is to change the classification to a recreational camping – bathhouse. A new septic has been dug and a new well has been refurbished. Hearing no further comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 1 acre for a residential purpose on a parcel generally described as being located in the SE ¼ of the NW ¼ of Sec. 9-86-10. Voting aye were Wiley, Frese and Hertle. Nays none. Motion carried.

Moved by Hertle, seconded by Wiley, to approve 3 hours of vacation carry-over requested by Joy McGowan to be used no later than October 1, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the purchase of road right-of-way located in the NW corner of 36-85-9 from Brian Brummer for .19 acre of permanent easement at \$950 and .42 acre of temporary easement at \$210, for a total purchase price of \$1,160.00. All members voting aye thereon. Motion carried. The easement is for the box culvert project on 61st Street Ln., Project #L-5150 and L-5250.

Moved by Wiley, seconded by Hertle, to approve the contract and contractor's bond with L.L. Pelling Co., Inc., for the HMA Resurfacing of W30 (Walford south), Project # FM-CO06(65)—55-06, in the amount of \$590,934.31.

Chairman Frese directed that the board enter into work session for purposes of reviewing and discussing the employee handbook.

Upon conclusion of the work session, it was moved by Hertle, seconded by Wiley, to adjourn. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____
Gina Edler, Benton County Deputy Auditor

August 25, 2015

The Benton County Board of Supervisors met in regular 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 August 18, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 215858 through 216011, payroll numbered 138335 through 138351, and ACH deposits numbered 25029 through 25165, for payment. All members voting aye thereon. Motion carried.

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Moved by Hertle, seconded by Wiley, to recess until 12:30 p.m. All members voting aye thereon. Motion carried at 9:06 a.m.

The board was reconvened at 12:30 p.m.

The board continued working on the Benton County Employee Handbook and reviewing various policies.

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

September 1, 2015

The Benton County Board of Supervisors met in regular 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 August 25, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set September 29, 2015, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Pat and Nancy Jorgenson on a parcel located in the a Part of the SW1/4 of the SW1/4 of 32-86-10. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve check 216012 for payment of a squad car. All members voting aye thereon. Motion carried.

The board discussed the partial payment request for JJ Smith for work on the courthouse clock. Auditor Marlow explained that the county attorney informed her that the clock committee had approved payment of 80% of the invoice and that it was to be paid this week and that the funds are not county funds and should not be subject to the board's approval. Marlow advised the board that she believed the payment was subject to board approval. Supervisor Hertle stated that he was not aware that the payment needed to be made this week. Supervisor Wiley stated that he did not believe that the board should be approving payment of invoices outside of the normal payment schedule unless specific circumstances necessitated the payment. Moved by Hertle, seconded by Frese, to approve payment to JJ Smith for work on the courthouse clock. Voting aye were Frese and Hertle. Wiley voting nay. Motion carried. This matter was not on the agenda, but was acted upon due to the time requirement for payment of the invoice.

Moved by Wiley, seconded by Hertle, to approve the following employment related matters in the sheriff's department:

Changes in employment classification status:

Whitney Stout – from full-time communications specialist to part-time communications specialist, effective August 31, 2015

Caitlin Schoenberger – from part-time communications specialist to full-time communications specialist, effective September 15, 2015, at a wage of \$14.14 per hour

Dennis Eden – from part-time correctional officer to full-time correctional officer, effective September 15, 2015, at a wage of \$15.24 per hour

New hire:

Gwen Vogeler – part-time communications specialist, effective September 15, 2015, at a training wage of \$14.14 per hour

All members voting aye thereon. Motion carried.

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

Moved by Hertle, seconded by Wiley, to accept the resignation of Connie Pickering from the Pioneer Cemetery Commission, effective this date. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the appointment of Coleen Dickerson, Dan Johnson and Elana Johnson as Medical Examiner- Investigators and to acknowledge the resignation of Trey Meyers as a Medical Examiner- Investigator. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the Benton County Annual Urban Renewal Report for Fiscal Year 2014-2015. All members voting aye thereon. Motion carried.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Robert Edward Moore. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1 acre located in the N1/2 of the NE1/4 of 2-85-9. 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 will be utilized. Hearing no comment, it was moved by Hertle, seconded by Wiley, to approve the request for a land use change from agricultural to non-agricultural on approximately 1 acre for a single residential purpose on a parcel generally described as being located on a Part of the N1/2 of the NE1/4 of 2-85-9. All members voting aye thereon. Motion carried. The applicant is aware that any future housing or splitting may require the applicant to follow the county's subdivision ordinance.

Representatives of the Benton County Conservation department, Benton County Soil and Water, City of Vinton, and IIHR Hydroscience & Engineering/Iowa Flood Center met with the Board regarding the creation of a Middle Cedar River Watershed Management Authority (WMA). Larry Weber presented information on the requirements and need for

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creating a WMA. The WMA is created through a 28E Agreement with the interested cities, counties, and Water and Soil Conservation Districts, lying within the watershed. Funding for the WMA is initially provided through federal Community Development Block Grants (CDBG) and if fully funded would provide \$15,700,000 for administration and projects. The WMA's purpose is to improve water quality, reduce soil loss, reduce the impact of flooding in the watershed, and provide environmental benefits in the watershed. The WMA has not condemnation authority and participation in projects is voluntary. Weber stated that one governmental entity must be willing to serve as the sub-recipient of the CDBG funds and recommended Benton County as the entire county lies within the Middle Cedar River watershed and approximately 80% of unmet recovery needs from Presidential Disaster Declarations of 2011, 2012, and 2013, were in Benton County. The board of supervisors expressed an interest in the WMA but took no action.

Conservation Board Member Dan Hill and Director Matt Purdy met with the board to request that Benton County grant management authority to conservation for property owned by the county in the SE1/4 of the SE1/4 of 18-82-10. The county owns approximately 19 acres east of Blairstown. Supervisor Wiley asked if the conservation board would be willing to designate their property commonly known as the Atkins Roundhouse Property as "no hunting" in exchange for management authority. Purdy responded that they would not be interested that designation. Supervisor Hertle added that the conservation board should reconsider allowing hunting that close to a city and with walking trails in the area. Supervisor Hertle stated that he wanted to speak with adjacent landowners prior to making any decision. Auditor Marlow added that the county could also sell the property. No action was taken.

Matt Purdy and Ben Bonar updated the board on the development of the county's website. The site will go live in approximately four weeks with training and page development occurring during that four-week period. Auditor Marlow stated that "global administrators" needed to be designated by the supervisors. The global administrator will have full access to all pages on the website. Marlow stated that she was initially told that Purdy had designated 4 persons to serve as administrators and was seeking two more from her office. Marlow stated that she was not interested in being and administrator and questioned why so many were needed – adding that when something goes wrong it will be difficult to narrow down with so many people having full access. Bonar stated that he would not have time to develop and maintain all of the webpages. The initial design of the website is to have pages that are developed and maintained by each individual department. The board advised that the global administrators are to train individual offices on matters relating to the website but are not to develop or access the offices' website pages without authorization from that office. Moved by Wiley, seconded by Hertle, to designation Ben Bonar, Matt Purdy, Sheriff Forsyth, and Danelle Fowler as global administrators for the county's website. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve an application for a utility permit submitted by Mediacom to place utility lines in the county's right-of-way in sections 14 and 23 of Canton Township. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-69. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-69

WHEREAS, the structure at this location has been replaced by a new structure and

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

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

MO-4450 0.4 mile east of the NW corner of section 35-85N-12W (Monroe Township) on 61st Street/E22

Signed this 1st day of September 2015.

Chair, Board of Supervisors

ATTEST: _____
Auditor

The board reviewed a draft of an ordinance allowing ATVs and UTVs to be used on the county's secondary roads. Discussion included penalties and registration requirements as well as the illegal operations stated in the ordinance. No action was taken.

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Moved by Hertle, seconded by Wiley, to recess until 1:00 p.m. All members voting aye thereon. Motion carried at 11:50 a.m.

The chair reconvened the meeting at 1:00 p.m. with all members present.
The board continued to work on the employee handbook by reviewing various policies.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

September 8, 2015

The Benton County Board of Supervisors met in regular 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 September 1, 2015, and to amend the minutes of August 25, 2015, to include the following:

Moved by Wiley, seconded by Hertle, to set September 22, 2015, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by John and Jul Tuttle on a parcel located in a Part of the SE1/4 of the SE1/4 of Section 23-85-9. All members voting aye thereon. Motion carried.

All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve vendor checks numbered 216014 through 216202, payroll checks numbered 138352 through 138370, and ACH deposits numbered 25166 through 25298, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to set October 6, 2015, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Jeffrey and Debra Ralston on a parcel located in the N1/2 of the NW1/4 of Section 25-85-9. All members voting aye thereon. Motion carried.

Kyle Helland of Helland Engineering met with the board to request a variance to the subdivision ordinance on behalf of his clients Roger and Mary Geater. The variance is requested on divisions occurring in the NW1/4 of the NE1/4 of Section 33-86-10. Helland was requesting a variance to the entire ordinance; however Land Use Administrator Marc Greenlee recommended that only certain provisions of the ordinance be varied. Moved by Hertle, seconded by Wiley, to adopt Resolution #15-70. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION#15-70
GRANTING VARIANCE TO SUBDIVISION ORDINANCE

WHEREAS, Roger and Mary Geater have requested a variance to the Benton County Subdivision Ordinance #61; and

WHEREAS, the Board believes that certain requirements should be varied,

NOW THEREFORE BE IT RESOLVED that the following requirements of the Benton County Subdivision Ordinance #61 shall be waived with regards to the division of real property located in the NW1/4 of the NE1/4 of 33-86-10 and owned by Roger and Mary Geater:

- Article IV: Sections 4.01 through 4.05 Improvements
- Article V: Sections 5.01 through 5.07 Minimum Standards for the Design of Subdivisions.
- Article VI: Sections 6.01 through 6.03 Procedures and Submission Requirements for Plats

FURTHER IT IS RESOLVED that the owners shall comply with the remaining requirements set forth in the Benton County Subdivision Ordinance #61.

ADOPTED AND PASSED this 8th day of September 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

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Dr. Charles Jennison, Department of Emergency Medicine, University of Iowa Carver College of Medicine, spoke with the Board regarding the proposed ordinance to allow the use of all-terrain vehicles (ATV) and utility terrain vehicles (UTV) on county roadways. Jennison told the board that research has been conducted on the use of ATVs and related injuries and deaths. Jennison stated that ATVs and UTVs are not safe to use on roadways as they are designed for off-road use and the tires are made to grip unlike car tires. Jennison also stated that the rear-end differential does not allow the vehicle to stabilize when turning corners, which can result in rollovers. Jennison provided statistics on the use of ATVs/UTVs by persons under 18. Jennison strongly discouraged the board from adopting the ordinance citing safety concerns. Benton County Attorney David Thompson also encouraged the board to rethink adoption of the ordinance citing safety concerns. Thompson stated that the board opposed a J-turn at Highways 218 and 30 citing safety concerns and that they should consider safety with this matter also. Supervisor Hertle commended Jennison for his concern and dedication to the ATV/UTV safety; however stated that there are inherent risks with everything in life. Supervisor Wiley stated that the ordinance did not allow persons under 16 to operate ATVs/UTVs on the county’s roadways and stated that the laws should not prohibit law-abiding citizens from using ATVs/UTVs because of those acting illegally. The board stated that the ordinance was still in the drafting stage. Thompson suggested that the ordinance, once drafted, be provided to the county’s public health board and peace officers association for their input as well. The board stated that they would take under consideration the information and comments presented.

County Engineer Myron Parizek and Integrated Roadside Vegetation Manager Ben Bonar met with the board regarding application for a grant from the Fy2016 Living Roadway Trust Fund. Parizek explained that the grant application was for \$15,000 to be used towards the renovation of the IRVM storage facility, \$720.78 for two Echo leaf blowers, and \$500.00 for a Truax Seed Slinger. The total of the grant application is \$16,220.78 with a county share of \$41,908.20. The board questioned the renovations to the IRVM storage facility, which included a cement floor, in-floor boiler heat, insulation, and room separations. Parizek and Bonar stated this would allow for the chemicals to be stored in a separate area from the seed and equipment. Supervisors Hertle and Wiley both voiced concerns on cementing the entire facility floor as well as heating and suggested that only the chemical area be cemented for containment reasons. The board requested that a new plan with updated costs be presented for consideration prior to approval of the grant application.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-71. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Resolution #15-71

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from September 14, 2015, through the completion of the project.

From 32nd Avenue thence east 1.25 miles to 33rd Avenue Drive along 61st Street Lane and continuing from 61st Street Lane north 1.25 miles to 59th Street Trail along 33rd Avenue Drive in Benton Township.

Signed this 8th day of September, 2015.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____
Auditor

Moved by Wiley, seconded by Hertle, to approve and direct the chair to sign the Purchase Agreement between Benton County and Richard Robertson and Judy Robertson for .09 (nine one- hundredths) of an acre of permanent road easement and .09 (nine one-hundredths) of temporary road easement located in the NE1/4 of Section 35-85-9, for a total price of \$495.00. Further, that the auditor’s office is authorized to issue payment for said purchase on this date. All members voting aye thereon. Motion carried. The easement is needed for project number LFM-BE—7X-06, a box culvert on 61st Street Lane.

The discussed the formation of a watershed management authority for the Middle Cedar River watershed. The board is in support of creating the watershed management authority as well as taking the lead in its creation. A meeting of interested counties, cities, and soil and water conservation districts located within the watershed is scheduled for September 16, 2015.

Deputy Auditor Gina Edler reviewed the website pages that she is developing for the Board of Supervisors. Edler requested guidance on specific information to be included in the board’s pages of the website. The board indicated that they were pleased with the development so far and provided ideas for additional information to include.

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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

September 11, 2015

The Benton County Board of Supervisors met in special session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 8:30 a.m.

Moved by Hertle, seconded by Wiley, to approve the minutes of September 8, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set October 13, 2015, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Brian and Renelda Baldus on a parcel located in the E1/2 of the NE1/4 of the NW1/4 of Section 34-86-10. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to set October 13, 2015, at 9:30 a.m., as the time and date for a public hearing on a land use change requested by Jeremy and Mandi Boots on a parcel located in a Part of the NE1/4 of the Sw1/4 of 24-85-9. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the hire of Morgan Mehlert, as reserve officer in the sheriff's department effective September 11, 2015, at a wage of \$21.01. All members voting aye thereon. Motion carried.

The board proceeded with canvassing the School Elections. Moved by Hertle, seconded by Wiley to approve the Canvass of the Regular School Election held on September 8, 2015. The official results are to be filed in the office of the County Auditor. All members voting aye thereon. Motion carried.

The following **School Board Directors** were elected:

Belle Plaine: Mike Bachelder, Bradley G. Cook, and Marie L. Stratford

Benton Community: District 1-Roy J. Becker Jr.

District 2-Theresa Thompson

District 3-Matt Nolte

District 5-to fill a vacancy-Theresa Ludeking

District 7-Shannon Feuerbach

Vinton-Shellsburg: District 1-Brenda Bartz and Jason L. Hicok

District 2-Kyle Schminke

At Large -Kathleen J. Van Steenhuyse

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

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Deputy County Auditor

September 15, 2015

The Benton County Board of Supervisors met in regular 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 September 11, 2015. All members voting aye thereon. Motion carried.

Scott Hansen, Emergency Management Director, met with the board to discuss the hazard analysis for the unincorporated area of Benton County. Hansen reviewed the analysis for terrorism, extreme heat, river flood, human disease, severe winter storm, drought, infrastructure failure (communications, electric, gas, etc.), flash flood, structural fire, grass or wildland fire, animal/plant /crop disease and thunderstorm/lightning/hail. Moved by Wiley, seconded by Hertle, to approve the hazard analysis scoring as follows:

Scoring is considered on:

1. Probability of occurrence in any given year
2. Magnitude and Severity of impact
3. Amount of warning time before hazard occurs
4. Duration of the hazard's impact

Scoring:

1. Unlikely
2. Occasional
3. Likely
4. Highly Likely

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Hazards and Assessment Scoring (weighted):

- Terrorism – 1.55
- Extreme Heat – 1.65
- River flood – 1.65
- Human Disease – 2.45
- Drought – 2.05
- Infrastructure Failure – 2.55
- Flash Flood – 2.75
- Grass or Wildland Fire – 2.80
- Thunderstorm/lightning/hail – 2.80
- Structural Fire – 2.80
- Animal/Plant/Crop Disease – 2.80

All members voting aye thereon. Motion carried. The scoring for hazards in the unincorporated area of Benton County only.

Moved by Wiley, seconded by Hertle, to approve up to 8.5 hours of vacation carryover for Michele Sauer, which was used from September 8, 2015 through September 11, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to enter into a purchase agreement with Steven and Dawn Hinds for the purchase of one-tenth (.10) of an acre of permanent and thirty-two hundredths (.32) of temporary right-of-way easement on 33rd Ave. Drive in the NW1/4 of 25-85-9, in the amount of \$880.00. All members voting aye thereon. Motion carried.

The board discussed the all-terrain vehicle (ATV) and utility terrain vehicle (UTV) ordinance. County Attorney David Thompson and Assistant County Attorney Emily Nydle, Recorder Lexa Speidel, and Justin Birker were present. The board discussed various areas of the ordinance and requested that the county attorney review the ordinance and present proposed language at the board's meeting on September 29, 2015.

The board travelled to the old west school located at 8th Street and D Avenue in Vinton to view the facility as a potential office space for the Department of Human Services. No action was taken.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

September 16, 2015

The Benton County Board of Supervisors met in special session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 5:30 p.m. at the City Hall in Vinton, Iowa.

The purpose of the meeting was to discuss the creation of a Middle Cedar River Watershed Management Authority. There were approximately thirty people in attendance representing the Cities of Cedar Rapids, Cedar Falls, Waterloo, Hudson, La Porte, and Vinton; the counties of Black Hawk and Benton; the Soil and Water Conservation Districts and Conservation Boards of Benton County, Tama County, and Black Hawk County; the Nature Conservancy, Iowa State Extension, Vinton-Shellsburg School District, Dry Run Creek Watershed, Iowa Department of Natural Resources, Benton/Tama Nutrient Reduction, East Central Iowa Council of Governments, and Iowa Northland Regional Council of Governments.

The meeting included the benefits for creating a watershed management authority, the enabling legislation, funding, and requirement for formation and operation. Those present indicated that the creation of the authority should proceed and were instructed to return to their respective governing bodies with the information and to request formal action by said bodies supporting the creation of a Middle Cedar River Watershed Management Authority through a 28E agreement.

Moved by Wiley, seconded by Frese, to adjourn. Both members voting aye thereon. Motion carried. Hertle was speaking with other persons during the adjournment.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

September 22, 2015

The Benton County Board of Supervisors met in regular 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 September 15 and 16, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve vendor checks numbered 216209 through 216384, payroll checks numbered 138371 through 138414, and ACH deposits numbered 25299 through 25434, for payment. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley, to renew the contract between Benton County and TMS for Medicaid reimbursed transportation services, for the period October 1, 2015 through September 30, 2016, unless the State of Iowa would override the contract. All members voting aye thereon. Motion carried.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by John and Jul Tuttle. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is on approximately 1 acre located in the SE ¼ SE ¼ of Section 23-85-9 and is to change the classification to a single residential use. A new well and septic, which may need to be a nonconventional system, would be needed for the new residence. There is an existing residence on part of parcel, which will remain and has a conforming well and septic. Hearing no further comment, it was moved by Wiley, 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 the SE ¼ SE ¼ of Sec. 23-85-9. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

The Board selected two pieces of artwork created by Gloria Orcutt to be displayed on the first floor of the courthouse

Moved by Hertle, seconded by Wiley to adopt Resolution #15-72 TEMPORARY ROAD CLOSURE. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-72

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from September 23, 2015, through the completion of the project.

From the SCL of Walford south approximately 1 mile to Benton-Iowa Rd along County Route W30 (Benton-Linn Road) in Florence Township.

Signed this 22nd day of September, 2015.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____
Auditor

Moved by Wiley, seconded by Hertle to adopt Resolution #15-73 TEMPORARY ROAD CLOSURE. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried

RESOLUTION #15-73

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for MAINTENANCE effective from September 28, 2015, through the completion of the project.

At the Cedar Rapids and Iowa City Railway Co. crossing along 33rd Avenue in Florence Township between US Hwy 151 (79th St.) and Benton-Iowa Rd.

Signed this 22nd day of September, 2015.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____
Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley, to direct the chair to sign the Title Plan Sheet for the grading project: Project No, L-BE-01-15. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Moved by Wiley, seconded by Hertle, to set Tuesday October 6, 2015, at 9:30 a.m., as the time and date to for the bid letting on project L-BE-01-15. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to accept resignation of Roger Junge from Benton County Secondary Roads, effective November 30, 2015. All members voting aye thereon. Motion carried. The resignation is due to retirement.

Deputy Auditor Gina Edler reviewed the website pages that she is developing for the Board of Supervisors. Edler requested guidance on specific information to be included in the board's pages of the website. The board indicated that they were pleased with the development so far and provided ideas for additional information.

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

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Benton County Deputy Auditor

September 29, 2015

The Benton County Board of Supervisors met in regular 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 September 22, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve payment to Karl Chevrolet in the amount of \$19,949.95, for a patrol car. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set October 27, 2015, at 9:15 a.m., as the time and date for a public hearing on a land use change requested by Dean and Taraca Brown on a parcel located in the NW ¼ NE ¼ of Sec. 32-86-10. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by Pat and Nancy Jorgensen. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 2 acres located in the SW ¼ of the SW ¼ of 32-86-10. The request is to change the classification to a single residential use. A new driveway, well and septic would be needed for the residence. Hearing no further comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 2 acres for a residential purpose on a parcel generally described as being located in the SW ¼ of the SW ¼ of Sec. 32-86-10. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

The board discussed the all-terrain vehicle (ATV) and utility terrain vehicle (UTV) ordinance. County Attorney David Thompson and Assistant County Attorney Emily Nydle, Recorder Lexa Speidel, Jack Geiger and Steve Henry were present. Thompson recommended Section 8 be taken out of the proposed ordinance. Thompson presented a resolution from Jackson County, stating that Jackson County doesn't have an ordinance yet, but are trying out the resolution which allows the ATV/UTV to be used on designated dates and trails. Thompson read a section of the Code of Iowa, Section 3211.10 (2), which states "A registered all-terrain vehicle or off-road vehicle may be operated on the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. In designating such roadways, the board may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated roadway." Thompson believes that the county is liable if there is any injury or death if a study is not done and the ordinance is passed. Geiger questioned how mopeds get to drive on the roads and Thompson responded that he doesn't care about mopeds. Henry asked if the county is liable if there is any accident or fatality on the roads. Supervisor Wiley responded that the county may have liability if the cause of the accident was due to the roadway. Supervisor Frese stated that if the county is to pass an ATV/UTV Ordinance then it should be done the right way. Wiley asked if they could utilize the county engineer to do the safety study. Thompson stated that engineer should know how to do these things. Thompson is also proposing that the ATV/UTV's be driven at a specified time, such as they should not be driven at night, and should not be allowed to be driven year around. The board discussed Sections 3 and 7 of the ordinance draft and requested that the county attorney present proposed language for those sections at the board's meeting on October 6, 2015.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Moved by Wiley, seconded by Hertle, to Adopt Resolution #15-74. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-74

A RESOLUTION OF THE BENTON COUNTY BOARD OF SUPERVISORS

**SUPPORTING THE CREATION OF THE MIDDLE CEDAR RIVER
WATERSHED MANAGEMENT AUTHORITY**

WHEREAS, Benton County is a governmental entity serving the citizens of Benton County; and

WHEREAS, the Board of Supervisors is a body elected to administer programs and services for the benefit of Benton County; and

WHEREAS, the Board of Supervisors has determined that water quality and flood mitigation are important to the health and well-being of the citizens and property owners of Benton County; and

WHEREAS, Benton County has experienced serious flooding in regions of the Middle Cedar River Watershed; and

WHEREAS, the Iowa General Assembly created Watershed Management Authorities to encourage inter-agency cooperation for watershed planning and management; and

WHEREAS, the various counties, cities, and soil and water conservation districts located within the Middle Cedar River Watershed have expressed a desire to create a watershed management authority to assist in the reduction of flooding and improving water quality,

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors supports the creation of the Middle Cedar River Watershed Management Authority.

PASSED and APPROVED this 25th day of September 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

County Engineer Myron Parizek discussed the land value on W28 for the remaining acquisition of property south of Atkins. Parizek stated that they initially looked at land values for this area back in 2012 and made purchase offers based on \$12,700 per acre. Land values have since changed and Parizek questioned what the county should offer the land owners for an acquisition price. Supervisor Hertle stated that he believes it should all be treated the same. Supervisor Wiley agreed and told Parizek to stay with \$12,700 per acre basis.

Moved by Hertle, seconded by Wiley, to rescind the motion of September 22, 2015, setting a bid letting date and time of October 6, 2015, at 9:30 a.m. for project L-BE-01-15 and further to set October 13, 2015, at 10:00 a.m. as the date and time for the bid letting of project I-BE-01-15. All members voting aye thereon. Motion carried.

Benton County Attorney David Thompson discussed a rough draft for a lease with the Iowa Braille and Sight Saving School for office space for the Department of Human Services. Thompson stated that the draft is not to be made available to the public at this time. The lease is for 10 years with two options to renew for five years each. Thompson requested that a board member help him facilitate these lease agreements. Supervisor Frese volunteered to help Thompson with the lease agreements. No action was taken.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

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

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Benton County Deputy Auditor

September 30, 2015

The Benton County Board of Supervisors met in special session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 12:45 p.m.

Moved by Wiley, seconded by Hertle to enter into closed session Pursuant Iowa Code Section 21.5(c). Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried at 12:45 p.m.

Moved by Wiley, seconded by Hertle, to return to open session. All members voting aye thereon. Motion carried at 1:22 p.m.

Moved by Wiley, seconded by Hertle to order County Attorney to continue as directed in closed session. All members voting aye thereon. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Benton County Deputy Auditor

October 6, 2015

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

Moved by Wiley, seconded by Hertle, to approve the minutes of September 29, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve 37.5 hours of vacation carry-over requested by Ed Watts. Said carry-over is to be used no later than December 31, 2015. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the September 30, 2015 Quarterly Reports filed by the sheriff, recorder, and auditor. Both members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by Jeffrey and Debra Ralston. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 3 acres located in the NW1/4 of 25-85-9. The request is to change the classification to a single residential use. A new septic and well will be needed for the residence. Hearing no comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 3 acres for a residential purpose on a parcel generally described as being located in the N1/2 of the NW1/4 of Section 25-85-9. Both members voting aye thereon. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Carol Zander, Benton County Social Services, presented a revised Memorandum of Understanding (MOU) for consideration by the board. The revision requires an appeal process be implemented for the income offset program in which Benton County currently participates. Zander explained that a change to the Iowa Administrative Code in February 2015 requires the appeal procedure. Moved by Wiley, seconded by Hertle, to adopt Resolution #15-75. Voting aye were Hertle and Wiley. Nays none. Motion carried.

RESOLUTION #15-75
MEMORANDUM OF UNDERSTANDING
between

The Iowa Department of Administrative Services State Accounting Enterprise
And
Benton County
for
Participation in the INCOME OFFSET PROGRAM

WHEREAS, Benton County has entered into an agreement with the Iowa Department of Administrative Services State Accounting Enterprise for participation in the income offset program; and
WHEREAS, the Iowa Administrative Code was amended in February 2015 wherein an appeal process is now required as a part of the income offset program; and
WHEREAS, the Board believes that participation in the program is beneficial to Benton County,
NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Benton County enters into a Memorandum of Understanding between the Iowa Department of Administrative Services State Accounting Enterprise and Benton County for Participation in the Income Offset Program. Said Memorandum provides for appeal procedures within said program.
PASSED and APPROVED this 6th day of October 2015.

Terry L. Hertle, Vice-Chairman

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve and file the quarterly report submitted by General Assistance for the quarter ending September 30, 2015. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve and sign the purchase agreement for temporary and permanent easement and the purchase of real property all for road right-of-way as follows:

Brad Ferguson: two tenths of an acre (.20) of permanent easement (\$1000), thirty-one hundredths plus one-tenth of an acre of temporary easement (\$155); and damages (\$200) for a total price of \$1,405.00 all located in the SW1/4 of the SW1/4 of 25-85-9. Easements are needed for project #LFM-BE—7X-06, box culvert on 61st St. Lane.

Delores Keiper: sixty-four hundredths (.64) of an acre located in the NE1/4 of the SE1/4 of 23-83-9 of property purchased by deed in the amount of \$8,130.00. Purchase is need for right-of-way along W28 south of Atkins.

Both members voting aye thereon. Motion carried.

The board discussed the draft of an ATV/UTV ordinance. The county attorney provided revised language for several sections at the board's request: the Repealer Section was deleted and the penalty section was changed to reflect that it followed the Iowa law for simple misdemeanors. The county attorney was concerned about the enforcement of the section allowing ATVs/UTVs on hard-surfaced roads – stating that anyone stopped would state they were just travelling on the hard-surfaced road to the next intersection with a gravel road. Supervisor Wiley stated that a patrol officer could follow the ATV/UTV and watch to see if it passed an intersection with a gravel road and then conduct a stop. Discussion included the adoption of a resolution allowing ATVs/UTVs on county roadways but only on limited roads and on a limited basis allowing for a test run prior to adoption of a full ordinance. The requirement for a study on the traffic conditions was also discussed. The county engineer stated that there is no definition for traffic conditions and that he was reaching out to other counties that had adopted an ordinance to gain more direction. The county attorney expressed his overall opposition to the ordinance and advised that the Benton County Health Board and the Benton County Peace Officers Association would be meeting later in the month and that they could submit a statement of position concerning the ordinance to the board. Jim Fleming, a member of the public, stated that he was in support of an ordinance allowing ATVs/UTVs on county roadways but not on hard-surfaced roads but also stressed that all things need to be considered for the protection of everyone. The matter was placed on the October 27, 2015, agenda at 10:00 a.m. for further discussion and/or action.

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

Terry L. Hertle, Vice-Chairman

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

October 13, 2015

The Benton County Board of Supervisors met in regular 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 October 6, 2015, with corrections. Further, to amend the minutes of September 1, 2015, to change the name of Elana Johnson to Elana Janss for the action appointing medical examiner-investigators. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve vendor checks numbered 216386 through 216646, payroll checks numbered 138415 through 138426, and ACH payments numbered 25435 through 25566, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the request submitted by the Vinton Parks and Recreation to use the courthouse lawn on October 31, 2015, for the children's Halloween activities. There is to be no vehicles on the courthouse premises, except for temporary loading/unloading and in no event should motorized vehicles be driven on grassy areas, no-smoking is to be enforced by Vinton Parks and Recreation, and the premises are to be cleaned up after the event. All members voting aye thereon. Motion carried.

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by Brian and Renelda Baldus. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 2 acres located in the E1/2 of the NE1/4 of the NW1/4 of 34-86-10. The request is to change the classification to a commercial use to allow for a kennel to board dogs. The proposed use is for a 40 x 60 building that would house twelve kennels. A new septic would be needed for the business but the existing well would be used. The applicant stated that no dogs would be allowed outside and only one dog would be allowed to exercise at a time to reduce the potential for barking. The building and operation would be constructed and operated to reduce the noise from barking dogs. The kennels would have solid side walls and other sound protection measures. Comments were heard from adjacent property owners with concerns about the noise. However, if there is no noise then there were no objections. Hearing no further comment, it was moved by Hertle, seconded by Wiley, to approve the request for a land use change from agricultural to non-agricultural on approximately 2 acres for a commercial purpose on a parcel generally described as being located in the E1/2 of the NE1/4 of the NW1/4 of 34-86-10. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, the board opened the public hearing on a land use change requested by Jeremy and Mandi Boots. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 2 acres located in the NE1/4 of the SW1/4 of 24-85-9. The request is to change the classification to a single residential use. A new septic, which may need to be non-conventional, and a well would be needed for the residence. The land is currently owned by family members. Hearing no further comment, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural on approximately 2 acres for a residential purpose on a parcel generally described as being located in the NE1/4 of the SW1/4 of 24-85-9. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-76. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-76 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that the following interfund funds are ordered:

Tax Increment Fund (TIF) to Secondary Roads - \$8,424.33

The auditor is authorized to make the necessary adjustments to the FY16 budget.

Dated this 13th day of October 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to suspend taxes on parcel #030-24975, pursuant to Iowa Code section 427.9. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the treasurer's monthly and quarterly report for the period ending September 30, 2015. All members voting aye thereon. Motion carried.

The board did not take action on the request to revise their action taken on October 6, 2015, approving the vacation carry-over requested by Ed Watts. The action of October 6, 2015, remains in effect.

Supervisor Wiley spoke about the Middle Cedar Watershed Management Authority and whether Benton County should be the lead county. Wiley stated that he had been researching what was required of the lead county had not

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

gotten a clear understanding. Wiley spoke about the proposed 28E agreement, which does not create a separate legal entity and whether a separate entity should be created. Wiley stated that he would attempt to gather more information about the duties and expectations of a lead county and suggested the board wait to take action. A meeting on the watershed management authority is scheduled for October 21, 2015, at which time Wiley hopes to gain a better understanding.

The county engineer presented a Record of Construction and Material Bids for the grading project #L-BE-01-15, which is a part of the Oak Grove Road project. Bid totals were as follows:

Hatch Grading & Contracting, Dysart, Iowa - \$527,378.00
 Reilly Construction Co., Inc. – Ossian, Iowa – 726,106.00
 Tschiggfrie Excavating, Dubuque, Iowa – 871,371.10
 Rathje Construction Co., Marion, Iowa – 672,30,3.80

The board discussed the bids and the various differences. Moved by Wiley, seconded by Hertle, to award the bid for the grading project #L-BE-01-15, to Hatch Grading & Contracting in the amount of \$527,378.00. The project has a 35-day completion with an approximate finish date sometime during the first week of December 2015. All members voting aye thereon. Motion carried.

The engineer spoke with the board about the need for an amendment to his capital projects budget. The engineer stated that with the projects being bid and planned yet this fiscal year that additional spending authority will be needed. The board was not opposed to amending the engineer's budget, but stated that the amendment should occur later in the fiscal year.

Supervisor Wiley questioned the engineer about the study on traffic conditions required for the ATV/UTV ordinance. The engineer stated that Mitchell County did not do a study and that he planned to speak with Cedar and Washington Counties on October 14, 2015.

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

 Don Frese, Chairman

ATTEST: _____

Jill Marlow, Auditor

October 20, 2015

The Benton County Board of Supervisors met in regular 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 October 13, 2015, with the change in the word "start" to "finish" relative to the road grading project. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to set November 17, 2015, at 9:15 a.m., as the date and time for a land use hearing requested by Deborah and Dennis Nielsen on a parcel located in a part of the SW1/4 of the NW1/4 of Section 10-83-10. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to set November 17, 2015, at 9:30 a.m., as the date and time for a land use hearing requested by Justin Schrader on a parcel located on Parcel A of the NW1/4 of the NE1/4 of Section 32-83-9. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the hire of the following persons as part-time drivers for transportation:

Judy Wright – effective October 20, 2015, at \$12.99 per hour
 Susan Meyer – effective December 1, 2015, at \$12.99 per hour
 Scott Hepker – effective March 1, 2016, at \$12.99 per hour

All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into a closed session pursuant to Iowa Code Section 21.5(c) and 21.5(g) to discuss pending litigation and investigations. All members voting aye thereon. Motion carried at 9:40 a.m.

Moved by Wiley, seconded by Hertle, to return to open session. All members voting aye thereon. Motion carried at 10:10 a.m. There was no action taken relative to the closed session.

Moved by Hertle, seconded by Wiley, to enter into an agreement with ClearSpan Fabric Structures International, Inc. for a truss building for storing the county's sand/salt mixture. The cost of the building is \$53,459.75. All members voting aye thereon. Motion carried. The engineer is contacting the county's insurance company regarding the Builder's Risk Insurance.

The contract was not received as anticipated from Hatch Grading & Contracting, Inc. for the grading project # L-BE-01-15 on 61st St. Ln. and 33rd Avenue Drive, therefore no action was taken.

Moved by Hertle, seconded by Wiley, to renew the contract with Employee Benefit Systems for third party administrator services for the county's health related benefits and the county's flexible spending account (Section 125) for the year 2016. The Section 125 amount for child care remains unchanged and the amount for medical is set at \$2,550. The cost for the flexible spending administration is \$4.50 per participating employee per month, a \$500 annual flex fee, and a fee to provide non-discrimination testing based on the total number of employees. There is no debit card option authorized. All members voting aye thereon. Motion carried.

No action was taken on entering into the Economic Development Assistance Contract with Frontier Natural Products Co-op and the Iowa Economic Development Authority (IEDA) as clarification is needed from IEDA and the county attorney.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

The board took emergency action on entering into a contract to repair the courthouse roof. Repairs are needed to prevent further leakage and damage. The proposal to repair the slate roof was just received and due to the nature of the issue – this matter is deemed to be urgent and action taken without the matter being on the agenda. Moved by Wiley, seconded by Hertle, to accept the proposal from Renaissance Roofing to repair the courthouse slate roof at a cost of \$5,830 for leak repair and \$4,964 for maintenance work for a total of \$10,794. Upon acceptance of the proposal \$4,894.00 is due. All members voting aye thereon. Motion carried.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

October 27, 2015

The Benton County Board of Supervisors met in regular 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 October 20, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve vendor checks numbered 216647 through 216770, payroll checks numbered 138427 through 138439, and ACH payments numbered 25567 through 25703, for payment. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle to approve hire of part-time correctional officer, Payton Bartling effective October 27, 2015 at \$13.14 per hour. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley to sign Builder's Risk Insurance Quote for new sand and salt storage building for Secondary Roads with a premium of \$1,000.00. All members voting aye thereon. Motion carried.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Dean and Taraca Brown. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1 acre located in the NW ¼ of the NE ¼ of 32-86-10. The request is to change the classification to a new non-ag use, specifically an auto repair shop in an existing building on the property. The land under review is not in production and the CSR of the site where the building is located is a 25. The driveway is existing and meets all county criteria, and the proposed use would not require a new septic or well. Greenlee stated the overall land use pattern in the immediate area is agriculture and residential, with the exception of the Vinton Municipal Airport, He advised that the County Comprehensive Plan states that a commercial use, which an auto repair shop would be a low-medium compatibility for the adjoining land uses. He gave the Board copies of a graph taken from the plan to illustrate the issue. He reported that further out in the area in question there are some commercial uses such as: a dog kennel, a gunsmith shop and future manufacturing, a veterinary clinic and two auto body repair shops. Vehicular traffic was also brought up as a consideration in the technical review portion of Greenlee's report. It was noted that at this point it is unknown how much the traffic would increase but it was expected to increase. Greenlee shared that he had received an e-mail opposing the land use change from adjacent property owners, Gary and Jill Marlow, and Patricia Maynard POA Jill Marlow who were unable to attend the board meeting. The e-mail quoted the land use ordinance and comprehensive plan pointing out the lack of compatibility to the land use change. The e-mail stated the property owners didn't have an issue with Dean and Taraca Brown but the policy and zoning issue could have lasting effects. Supervisor Frese questioned how many cars/trucks per week Dean would be working on. Dean stated he is not looking for high volume, he is going to be a 1 man operation; he has been doing side work for about 10 years; he is waiting on the land use change to go full-time doing this; he is trying to keep the area as clean as possible. He keeps the waste oil inside and has someone come and pick it up and recycles the antifreeze as well. He doesn't want a lot of vehicles sitting out at his property, and he sits back off the road, tucked into his own property. Supervisor Wiley questioned if he was limiting his business since he was 1 mile off of a hard surface road, and said he believes Brown's business would flourish if it was in a better spot. He doesn't want to penalize someone for wanting to start a business the right way and asking for permission first. Supervisor Hertle stated he is questioning the compatibility with the neighbors. Wiley asked Dean to go to the Marlow's and talk to them and see if there is something they can work out together. No action was taken.

The board continued discussion on renting office space for DHS. Mike Elwick, Irene Holzwarth DHS Service Area Manager and Mindy Druschel Department of Human Service (DHS) Social Work Supervisor for Benton/Iowa/Tama County were present. Elwick stated there are 4 rooms in the proposal, 50 cars capacity parking lot with 2 handicapped parking spots available. The office building is handicapped accessible with a state of the art fire and smoke detection/alarm system. Heating and air-conditioning expenses will be sub-metered and billed monthly. Druschel stated this building would be a better fit for them than the Braille School since it would be all on the first level, safer for people and easier to have people find them. Elwick stated the property could be ready when the County would want it and he is not opposed to a long term lease. Wiley questioned what they would do with the current building and where it would be better off long term to lease versus own. Frese, would put the building up for sale and have Thompson write up a lease. No action was taken, County Attorney, Dave Thompson, is to make up a lease between the County and Mike Elwick

The board continued discussion allowing all-terrain vehicles to operate on county secondary roads. Benton County Attorney David Thompson, Assistant County Attorney Emily Nydle, Benton County Engineer Myron Parizek, Dan

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hutchinson, Cary Paul, Acil Meyer, Benton County Sheriff Deputy John Lindaman, John Fetzer, Deputy Sheriff Morgan Mehlert, and DNR Conservation Officer Ron Lane were present. Mehlert presented a letter from the Benton County Peace Officers Association. The letter presented concerns and reservations with the proposed ordinance from the perspective of law enforcement. Some of the concerns are; conflict with municipal codes, applicability of Iowa Code 321.20b for ATV's and enforcement, enforceability, recreational use and safety. Ron Lane asked the supervisors to wait on a decision on the ordinance until they went to ISAC fall school. David Downing will be presenting on drafting legislation and help with language for the ordinance to not conflict with the Iowa Code. It was pointed out that dirt bikes and go-carts can be registered as an ATV so they could be drove in the current ordinance. John Fetzer questioned why ATV/UTV's are not allowed when golf carts and bikes are allowed on roads and bikes do not pay road taxes. ATV's have more safety measures than the others with roll bars, seat belts etc. Wiley stated that one of the requirements of the code is to evaluate the roads, which ones are suitable and which ones aren't. Myron Parizek stated he has called other counties that have passed a similar ordinance, they moved through with the ordinance, no official reports were done. There is no current checklist or ideas on how to evaluate the roads. Insurance and safety concerns were addressed. No action was made. Board wants to wait till after ISAC fall school next month.

Moved by Wiley, seconded by Hertle to approve the contract from Hatch Grading & Contracting, Inc. for the grading project # L-BE-01-15 on 61st St. Ln. and 33rd Avenue Drive, for \$527,378.00. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

Wiley reported on Middle Cedar River Watershed Management Authority (WMA). They are talking about having Benton County being the lead county but they want it to be a legal entity of itself first. They are going to have the 28E re-written to make itself a legal entity. They will have a next meeting in November.

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

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Benton County Deputy Auditor

November 3, 2015

The Benton County Board of Supervisors met in regular 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 October 27, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a Class B Liquor License submitted by Kimm's Sinclair. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve payment of a claim to Karl Chevrolet for a sheriff's department vehicle in the amount of \$19,945.00. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to terminate the employment of Devin Rinderknecht from the sheriff's department in accordance with current policy as the individual has not worked for the county for one year or more; to rescind the hire of Gwen Voegler as the sheriff has advised that the individual never started her employment; and to acknowledge the resignation of Janice McLaughlin as the sheriff has advised that the employee has resigned her position. All are effective this date. All members voting aye thereon. Motion carried.

Mike Raue and Treasurer Kelly Geater met with the board regarding the abatement of tax on buildings on leased land. Raue is requesting that the county abate unpaid taxes on parcel 270-12931. Raue stated that he has a potential buyer of the building but only if the delinquent tax is abated. The board discussed the legal process for abating the taxes and if it was allowed by law. The board also discussed the whether the abatement of tax on property that was going to be sold was appropriate and questioned if the taxes could be paid with proceeds from the sale. Raue stated that it would be more beneficial to everyone, including the county, to sell the building versus demolition. The board requested that Raue return with additional information before a decision could be made by the board.

The board discussed the request to renew the lease agreement between Benton County and the Cedar Valley Ranch. The board did not take action as there are possible changes to the lease agreement that need to be discussed between the parties.

Ben Bonar met with the board regarding the design and estimated cost for the renovation of the building for the weed commission and integrated roadside vegetation management. The estimated cost is \$64,031 with a \$15,000 grant from the Living Roadway Trust Fund for a net cost of \$49,031. Supervisor Wiley was concerned about the ridge cap on the current facility and whether it should be replaced. Wiley stated that a ridge cap would not be that expensive assuming that a standard cap could be installed. The board was concerned that the facility would not be sealed without the ridge cap being replaced. Bonar spoke about the separation of the seed storage and the chemical storage areas; the installation of running water; the requirement for a safety shower and eye wash station when storing hazardous chemicals; heating; and emergency chemical containment measures that include a sloped floor under each spray truck with drains joining a pipe under the chemical storage area and then ran to a storage tank. There will also be a storage tank for grey water from the sink, eyewash, and shower station. Wiley questioned the type of underground storage tank and recommended that the tanks not be made of steel due to the potential for degradation over the long-term. Bonar stated that there was no financial benefit for installing a water system to fill the trucks at the shop site versus filling up at the city utility. Bonar stated that the proposal does not include pedestrian doors, but three doors will be needed. Ventilation in the herbicide storage area was discussed. The board directed Bonar to do additional research on the ridge

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

cap before they would give final approval on the project and to include the pedestrian doors. The building will be constructed during FY17.

Emily Upah and Marlyn Jorgenson of Benton Development Group spoke to the board about the economic development assistance grant sponsored by Benton County for Frontier Natural Products Co-op. Upah stated that the grant requires a \$16,500 local match. Upah advised that various options are being researched for the match requirement and one of those options could be a loan from the county. The loan could be paid back in cash or with tax increment. The auditor advised that the county currently has a tax increment area for Frontier Natural Products and that all TIF project debt will be paid in FY16. The auditor advised that if TIF funds were to be utilized that she had a December 1st deadline for certifying any additional debt for collection in FY17. The board spoke about the pros and cons of using incremental tax or a cash loan from the Local Option Sales and Services fund. The board instructed BDG to speak with the Iowa Economic Development Authority and Frontier Natural Products and ascertain if a zero percent loan paid back over three years would be agreeable with the parties. The loan funds would come from the local option sales and services tax.

Benton County Recorder Lexa Speidel requested that the board change the bank depository for the recorder's office from Farmer's Savings Bank & Trust to US Bank. Moved by Hertle, seconded by Frese, to adopt Resolution #15-77. Voting aye were Frese and Hertle. Wiley sits on the board of directors at Farmer's Savings Bank and abstained due to a conflict of interest. Motion carried.

RESOLUTION #15-77
AMENDING RESOLUTION #15-47
COUNTY OFFICIAL BANK DEPOSITORY LIMITS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #15-47, on June 23, 2015, establishing the banks and depository limits for county officials; and

WHEREAS, the Benton County Recorder has requested that the bank depository for the recorder's office be US Bank,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #15-47 be amended to reflect that US Bank is named the depository for county funds for the Benton County Recorder and that the Recorder is authorized to deposit county funds in said bank in an amount not to exceed \$150,000, for the remainder of fiscal year 2016. The designation of Farmers Savings Bank & Trust as a depository for the recorder is rescinded.

All remaining parts of the original Resolution #15-47, adopted on June 23, 2015, and any amendments thereto, remain in full force and effect.

Signed this 23rd day of June, 2014

Donald H. Frese, Chairman

Terry L. Hertle

ABSTAINED

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to authorize the county engineer to advertise to fill a full-time motor grader position for the Newhall route. All members voting aye thereon. Motion carried. The position is vacant due to a retirement and transfer.

Moved by Wiley, seconded by Hertle, to authorize the county engineer to advertise for a part-time temporary driver for the winter season. All members voting aye thereon. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Steve Metz, representing the Blairstown Fire Department, submitted copies of invoices paid by the fire department for a 2015 Dodge rescue truck. The total expense incurred was \$69,033.09. The county currently provides reimbursement of up to 10% of the cost of equipment for emergency services from the local option sales and services tax fund. Metz requested that the fire department be reimbursed for \$6,903.31. Moved by Hertle, seconded by Wiley, to adopt Resolution #15-78. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-78

WHEREAS, the Benton County Board of Supervisors has established a program for gifting funds to emergency service providers who provide services within the unincorporated area of Benton County; and

WHEREAS, the Blairstown Fire Department has requested a gift of funds; and

WHEREAS, the Blairstown Fire Department provides emergency services to areas in Leroy Township and others, and

WHEREAS, the Blairstown Fire Department has provided invoices totaling \$69,033.09 for the purchase of a rescue truck; and

WHEREAS, the Blairstown Fire Department agrees that the equipment obtained with the proceeds of this gift shall be used when necessary for rural fire protection and/or life support operations, consistent with the intended use of the money from the Local Option Sales and Services Fund,

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors approves an Emergency Services Equipment Gift to the Blairstown Fire Department in the amount of \$6,903.31 for the purchase of equipment.

Adopted this 3rd day of November 2015

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

The board reviewed various parts of the Benton County Employee Handbook in preparation for their meeting with a consultant later in the day.

The chair declared the board in recessed at 11:35 a.m.

The chair reconvened the board meeting at 1:00 p.m. in the boardroom of the Benton County Courthouse with all members present.

The board met with Renee VonBokern to discuss the development of a new Benton County Employee Handbook. VonBokern and the board discussed various policies and potential changes to the handbook for benefit purposes and for legal compliance purposes. This handbook is still in the development and review process and therefore no action was taken by the board.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

November 10, 2015

The Benton County Board of Supervisors met in regular 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 3, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve vendor checks numbered 216771 through 216971, payroll checks numbered 138440 through 138452, and ACH payments numbered 25704 through 25835, for payment. All members voting aye thereon. Motion carried.

The Board proceeded with the canvass of the November 3, 2015, Regular City Election.

The time of 9:05 a.m. having arrived, the board proceeded with canvassing the November 3, 2015, regular City Election. Having reviewed all results, it was moved by Wiley, seconded by Hertle, to approve the canvass of the November 3, 2015, City Election, and declare the winners so elected. Moved by Hertle, seconded by Wiley that write-ins for Stephen Beck and Steven Beck are to be counted as Steve Beck. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Moved by Wiley, seconded by Hertle that write-ins for Jeffery Whitson, Jeff Whitson and Jeff Witson are to be counted as Jeffrey Whitson. All members voting aye thereon. Motion carried. Moved by Hertle, seconded by Wiley that write-ins for Richard Franklin are to be counted as Rich Franklin. All members voting aye thereon. Motion carried. Moved by Wiley, seconded by Hertle that write-ins for Nancy Thorgildso, Nancy Torkelson, Nancy Thorkildso, Nancy Thorlidson, Nancy Thorklosen, Nancy Thoroldson, Nancy Thorkilson, Nancy Torlkleson, Nancy Thordkilon, Nancy Thorkild, Nancy Torkelnsen, Nancy Thorkason, Nancy Torkilson, Nancy Thorkinson, and Nancy Thorkeldson are to be counted as Nancy Thorkildson. All members voting aye thereon. Motion carried. Moved by Wiley, seconded by Hertle that write-ins for Donald D. Swanson and Donald Swanson are to be counted as Don Swanson. All members voting aye thereon. Motion carried.

City of Atkins: Council: Rodney Haerther and Tim Harbach Council-Vacancy: Nathan Shepard

City of Belle Plaine: Mayor: David Fish Council at Large: Mary T. Pech District 2: Steve Beck Park Commissioner: Rich Franklin

City of Blairstown: Mayor: Rodney C. Kubichek Council: Scott A. Metz and Nick Mokas

City of Garrison: Mayor: Allan Lindsey Council: Doug Kearns and Marvin Trimble Jr.

City of Keystone: Mayor: Michael Seeck Council: Michael L. Kaiser and Richard Loy

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: Jeffrey Whitson Council: Justin Hendryx, Marty Kramer, Michelle Oldfather, Dean Vrba and Michelle Docherty

City of Newhall: Mayor: Jan Mattson Council: Doug Boddicker, Bill Much, Ruby Carolan, Gerald Gessner and Douglas Charles Rinderknecht

City of Norway: Mayor: Martin Schulte Council: Jay S. Hahn and Loras Schulte

City of Shellsburg: Mayor: Danny Roehr Council: Tim Peters and Nancy Thorkildson

City of Urbana: Mayor: E. Duane Eldred Council: Jamie Duart, Mike Smith and Richard Wendel

City of Van Horne: Mayor: Martin J. Junge Council: Connie Donald and Henry R. Hoopes

City of Vinton: Mayor: John R. Watson Council at Large: Tamara S. Stark Council at Large-Vacancy: Brian Parr District 2: F. Ronald Elwick District 3-Vacancy: Zachary Ryan Parmater District 4: Nathan Hesson

Vinton Public Measure A: Shall the City of Vinton, in the County of Benton, State of Iowa, be authorized to establish a Municipally-Owned cable communications or television system (including video, voice, telephone, data and all other forms of telecommunications and cable communications) Utility?: Passed

Vinton Public Measure B: Shall the management and control of the Municipally-Owned cable communications or television system, telephone or telecommunications system (including video, voice, telephone, data and all other forms of communications and cable communications) be placed in the Board of Trustees of the Vinton Municipal Utilities consisting of trustees who serve as the Board of Trustees for the municipal electric utility?: Passed

City of Walford: Mayor: Randy Bauer Council: Michael D. Huber, Jeff Kane and Jesse Bergmeier

County Conservation Executive Director Matt Purdy met with the board to provide an update on the status of the projects his department has been working on. The Federal Recreation Trails grant for \$180,000.00 the Department of Transportation has approved, the local letting will be the end of December; Purdy hopes to get the trails done in spring. Purdy is looking at the addendum with the employee handbook for the Conservation Department making sure it is up to date with the new employee handbook; he is going to try sending a draft to the Auditor's office this week. The department is looking at online cabin reservations. Purdy stated that it will have more accountability. The employees won't have access to the credit card information that is entered online. Yurt construction is underway, 1 is completed. The department will have some land donated to them. It is about an 8 acre buffer strip adjoining Tara Hills. Supervisor Hertle questioned if they will allow hunting on the land since it is so close to the golf course. Purdy stated the Conservation Board will decide on that.

Mike Benson, Kari & Josh Burkhart, Jeff Bahr, Mark Merchant, Myron Parizek and Mike Scarrow met with the Board to discuss the current nepotism policy. Mike Benson started by stating that Josh Burkhart and his daughter, Kari, got married on October 3, 2015. Under the current nepotism policy Josh and Mike, would not be able to work in the same department even though they don't directly work together, they don't see each other all the time and they report to 2 different supervisors. He questioned why this would even be a problem. He doesn't believe this falls in the nepotism category because he didn't hire Josh or set his wages, he doesn't work for Josh and vice versa. Mike has worked for the county for about 35 years, he is planning on retiring in a few years, if they would have known that it would be a possibility for Josh to lose his job, Josh and Kari would have waited to get married until after Mike retired. Supervisor Wiley stated that it is nepotism because the current county handbook states it is nepotism. Mike stated he has never seen or been given a handbook. Parizek stated that in 1998 Mike Benson signed a piece of paper with the Auditor's Office stating he received a county handbook. Wiley said the county's policy on nepotism is more restrictive than the State, he doesn't like it. Mike asked who would have the authority to allow Josh to keep his job. Parizek was told by the County Attorney, Dave Thompson that the Board could make exceptions to this policy. Mike Scarrow Union Representative, spoke with the Attorney for the Union and he stated that nepotism policies are put into place to stop someone with power given opportunities and stop favoritism. Scarrow stated that Mike Benson has no authority over Josh Burkhart. The Union has started the grievance termination process and is ready to follow through with arbitration of grievance termination. Scarrow made a formal request to receive a copy of the current employee handbook. Josh and Kari were dating at the start of Josh's employment and Parizek had knowledge of the relationship. Supervisor Hertle stated this is the first he knew about this issue, he questioned Josh if he knew there was a possibility he could lose his job if they got married, Josh replied Yes/No. The policy states that after 60 days of the marriage the employee with less seniority in the county will be terminated. Hertle told them that he wishes they would have come in sooner. Parizek gave Josh Burkhart a letter on November 4, 2015 telling him of the 60 day notice and the deadline being December 3, 2015, so this was the earliest they

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

could get on the board's agenda. Board wants to seek legal counsel from the County Attorney before moving forward with this matter. Supervisor Hertle is to speak with the County Attorney and this matter is to be put back on the Board's agenda for November 17, 2015.

Moved by Wiley, seconded by Hertle, to allow the use of the courthouse lawn by Vinton Unlimited for the holiday tree lighting on November 19, 2015, and to display 2 10-14 feet tall trees, from Kacena Tree Farm. There are to be no lights placed in the trees, no lights placed on the courthouse, no interference with courthouse snow removal, and the decorations are to be removed promptly dependent upon weather. Further, the board gives approval to use the first floor of the courthouse the evening of November 19, 2015, for activities by Vinton Unlimited. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve a utility permit requested by ECI REC to place utility lines in the county's right-of-way in Benton Township Section 25. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-79. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-79

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from November 10, 2015, through the completion of the project.

From 54th Street thence south 1.0 mile to 55th Street (Hwy 150) along 29th Avenue in Polk Township.

Signed this 10th day of November 2015.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____

Auditor

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-80. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-80

WHEREAS, the structure at this location has been replaced by a new structure and

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

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

STC-5034 0.4 mile south of the NW corner of section 24-82N-10W (St. Clair Township) on 27th Avenue

Signed this 10th day of November 2015.

Chair, Board of Supervisors

ATTEST: _____

Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

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

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Benton County Deputy Auditor

November 17, 2015

The Benton County Board of Supervisors met in regular 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 10, 2015, with the change of near Tara Hill to adjoining Tara Hills. Both members voting aye thereon. Motion carried.

The time of 9:15 .m. having arrived, the board opened the public hearing on a land use change requested by Deborah and Dennis Nielsen. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 5 acres located in the SW ¼ of the NW ¼ of 10-83-10. The request is to create a new non-agriculture use, to build a building to house a honey business. A new septic has been installed and will be using the existing well for the property. Hearing no further comment, it was moved by Hertle, seconded by Frese, to approve the request for a land use change from agricultural to non-agricultural on approximately 5 acres for non-agriculture use purpose on a parcel generally described as being located in the SW ¼ of the NW ¼ of Sec. 10-83-10. Voting aye were Frese, Hertle. Nays none. Motion carried.

The time of 9:30 .m. having arrived, the board opened the public hearing on a land use change requested by Justin Schrader. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 2.32 acres located in Parcel A of the NW ¼ of the NE ¼ of 32-83-9. The request is to change from agriculture to non-agriculture use, to construct a building to store field tiling equipment for his Tiling and Excavating business. An existing shed is on the property. Schrader will wait to see how much he will use the shed to see if he will update the shed or demolish it. The existing driveway was viewed by DOT since it is off of Highway 30. It meets all criteria. Driveway is also shared with Doug McDonald. McDonald had no issues with the presented land use change. Greenlee did receive a letter opposing the land use change from Ervin and Cynthia Root; Greenlee presented the letter, and addressed the Root's concerns. 1. Storing tile outside, Schrader intends to store the spool in the new building or the shed that is currently on the property. 2. Driveway visibility, and having slow moving construction and excavating equipment entering and leaving the driveway. DOT approved the driveway visibility and site distance requirements. 3. If Schrader would sell the property there would be no way to control what type of commercial business went in there. This land use change is specific; no other business could be moved into this area without a new land use change. 4. The property should be required to install a proper sanitation system and potable water supply. The site will have well and will have a compliant septic system. Hearing no further comment, it was moved by Hertle, seconded by Frese, to approve the request for a land use change from agricultural to non-agricultural on approximately 2.32 acres for non-agriculture use purpose on a parcel generally described as being located in the NW ¼ of the Ne ¼ of Sec. 32-83-9. Voting aye were Frese, Hertle. Nays none. Motion carried.

Mike Benson, Kari & Josh Burkhart, Jeff Bahr, Myron Parizek, Benton County Engineer, Mike Scarrow, Union Representative, Emily Nydle, Benton County Assistant Attorney and Dave Thompson, Benton County Attorney met with the Board to discuss the current nepotism policy. Mike Scarrow read the 2nd paragraph of the counties nepotism policy: "Individuals who are qualified relatives are permitted to work in the same department provided no direct reporting or supervisory/management relationship exists, and provided that one qualified relative's work responsibilities, salary, or advancement cannot be influenced by another qualified relative." Supervisor Hertle responded but they are a relative not qualified relative, he read the policy further; "Relative" is a spouse, parent, child, sibling, grandparent, great grandparent, grandchild, great grandchild, or corresponding in-law or step-relative. "Qualified Relative" is any other person related by consanguinity or affinity within the third or fourth degree." Supervisor Frese stated we have to abide by the handbook. Thompson stated the policy is legal; they don't have to like it. The Board does have the authority to tweak the policy. Frese commented that he regrets it comes to this. Hertle stated his family went through the same thing. He is not interested in changing the policy, not going to second guess previous board's decisions. Frese stated we have a handbook for a reason, if we are not going to follow it then we shouldn't have one. Thompson questioned if they should wait to make a decision for Supervisor Wiley to be present. Frese responded they could table the decision to get all 3 supervisors' decision on record. Mike Scarrow presented the board formal documentation of the grievance form from the PPME Local 2003. No action was taken, item was placed on November 24, 2015 agenda.

Dean Brown met with the board to discuss his land use change on approximately 1 acre located in the NW ¼ of the NE ¼ of 32-86-10. Brown presented letters from 2 surrounding neighbors supporting him in the land use change for his auto repair shop, one letter from a real estate agent evaluating the market impact and a list of signatures of individuals supporting his request for rezoning and opening an auto repair shop. The realtor's letter stated it may have a positive effect on property values and only if he would collect junk and let the property go downhill would it affect negatively on property values. Brown stated that the current car count is about 10-16 vehicles on average per day. Jill Marlow commented if they approve this land use change there will be an increase of traffic count, they spend money for dust control and it won't hold up. It is not compatible with the overall use in the area. Other counties would not and have not allowed this land use change on gravel roads. If the county approves this land use change then the county should pay to seal coat the road. Brown responded that up the road Jeff Geiger has been zoned commercial for the last 20 years. Hertle stated that he believes that someone should not have economic gain over another person's loss. There are a lot of unknown's here, he has three concerns: 1. Comprehensive plan issue, it has a low compatibility for the area, 2. Possible

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

economic loss and 3. Quality of life with the nature of the business. He wants to keep peace and tranquility in the area. Frese stated he sees points on both sides of this. Brown stated that there is commercial zoning in the area with the airport. Hertle stated the airport is off of a paved road. He can't support the land use change. Thompson questioned if the standard of approving land use changes was that it needed to be on a paved road. Brown would limit the traffic, it would be more daytime traffic, and it would limit the night and weekend traffic which is what he has to do now. Greenlee responded that when he was doing it at night and weekends he is non-compliant, he was not supposed to be doing that. Brown stated he is not set up as a business yet. Frese stated the comprehensive plan is what we got. Thompson responded that the board has the power to change the plan, he believes this will have low negative impact on the area and he doesn't want to see enforcement issues with this if they reject it. Moved by Hertle, seconded by Frese to deny the land use change for Dean and Taraca Brown. The proposed use is not compatible with the overall land use pattern of the surrounding area as discussed within the Benton County Comprehensive Land Preservation and Use Plan. Both members voting aye thereon. Motion carried.

Board discussed the bill for the Benton County's website from Spinutech. Ben Bonar told the board that Spinutech said they had 10 additional hours to help the county with the website; no one was made aware when those 10 hours expired. There is a bill of \$897.50 for additional charges that they are asking for an itemized billing to see what the additional charges are exactly for. The bill they received is fairly vague at describing the charges. Marlow stated she needs someone to approve the additional charges. Thompson asked if we can ask them for itemization on the billing. Moved by Hertle, seconded by Frese to table decision on paying Spinutech bill after County Attorney speaks with them. Both members voting aye thereon. Motion carried.

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

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Benton County Deputy Auditor

November 24, 2015

The Benton County Board of Supervisors met in regular 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 17, 2015, with the correction of changing "would" to "may". All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 216972 through 217169, payroll checks numbered 138453 through 138511, and ACH deposits numbered 25836 through 25962, for payment. All members voting aye thereon. Motion carried.

Discussed a county law enforcement contract for Shellsburg.

Opened bids for sheriff's patrol vehicles:

Stivers Ford – Waukee, IA – State bid:

2016 Ford Police Sedan FWD — \$25,400

2016 Ford Police Interceptor Utility AWD – \$27,880

Junge – Center Point, IA:

2016 Ford Police Sedan FWD –\$24,142.00, includes Bluetooth & wheel covers – extra dome light not available

2016 Ford Police Interceptor Utility – 4WD/ AWD – \$26,962.00

Karl Chevrolet – Ankeny, IA – State bid:

Bluetooth and full wheel covers – not available

2016 Chevy Impala - \$20,213.99

2-WD Police Pursuit Tahoe - \$34,153.52

4-WD Police Pursuit Tahoe - \$37,116.32

It is noted that no local bids were received although invited.

Moved by Wiley, seconded by Hertle, to purchase two Chevrolet Impalas from Karl Chevrolet and one Ford Police Interceptor utility vehicle from Junge Ford. All members voting aye thereon. Motion carried.

Discussed renewal of lease agreement with Cedar Valley Ranch for a one-year period. The Cedar Valley Ranch is to increase insurance coverage limits as a condition of renewal.

Moved by Wiley, seconded by Hertle, to grant a 90-day extension beginning December 2, 2015, to the county's nepotism policy regarding Michael Benson and Josh Burkhart. All members voting aye thereon. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-81. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

**RESOLUTION #15-81
ABATEMENT OF TAX**

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that all tax in the amount of \$725.00 owing on parcel #260-04300 is hereby abated in full pursuant to order of the court under Iowa Code 657A.10A.

Dated this 24th day of November 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to approve the request of Jo Kuennen for 37.5 hours of vacation carry-over to be used no later than February 1, 2016, and the request of Deb Fleming for 75 hours of vacation carry-over to be used no later than June 30, 2016. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve payment of invoice to Spinutech in the amount of \$897.50. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the renovation of the weed commission/integrated roadside vegetation management building at a total estimated cost of \$65,631 less \$15,000 in grant funds, and to adopt Resolution #15-82. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

R E S O L U T I O N # 1 5 - 8 2

WHEREAS, the Benton County Secondary Roads Department has applied for Fiscal Year (FY) 2016 Living Roadway Trust Funds for equipment and storage facility renovation, and

WHEREAS, this equipment and storage facility renovation will make the local IRVM program more effective, and

WHEREAS, the IDOT has approved for funding up \$16,220.78 for the three (3) applications submitted, and

WHEREAS, the IDOT has prepared three (3) project development agreements,

BE IT THEREFORE RESOLVED by the Benton County Board of Supervisors that these three (3) project development agreements be approved, and

BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that County Engineer, Myron Parizek be authorized to sign and execute these three (3) project development agreements.

Signed this 24th day of November, 2015.

Chairman, Board of Supervisors

ATTEST: _____
Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-83. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-83

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:

- CE-0940 **24** ton
0.9 mile east of the NW corner of section 30-86-11 (Cedar Township) on 54th Street.
- CE-0047 **19/32/35** ton
0.7 mile south of the NW corner of section 30-86-11 (Cedar Township) on 16th Avenue.

Signed this 24th day of November 2015.

Chair, Board of Supervisors

ATTEST: _____
Auditor

RESOLUTION #15-84

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:

- CA-0011 **15** ton
0.1 mile south of the NW corner of section 7-84-9 (Monroe Township) on 28th Avenue.
- FL-4820 **10** ton
0.2 mile west of the NE corner of section 14-82-9 (Florence Township) on 76th Street.
- CE-3915 **6** ton
0.9 mile east of the W ¼ corner of section 10-86-11 (Cedar Township) on 50th Street Drive.
- PO-5037 **8** ton
0.3 mile north of the SE corner of section 23-86-9 (Polk Township) on 33rd Avenue.

Signed this 24th day of November 2015.

Chair, Board of Supervisors

ATTEST: _____
Auditor

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

Don Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

December 1, 2015

The Benton County Board of Supervisors met in regular 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 24, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the request of Carol Zander for 44 hours of vacation carry-over to be used no later than March 1, 2016. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the request of Marc Greenlee for 9 days of vacation carry-over to be used no later than March 1, 2016. All members voting aye thereon. Motion carried.

Received an update from Above the Influence on substance abuse issues in Benton County.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-85. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-85

WHEREAS, the Benton County Board of Supervisors has established a program for gifting funds to emergency service providers who provide services within the unincorporated area of Benton County; and

WHEREAS, the Florence Township Trustees have requested a gift of funds for a Norway fire truck; and

WHEREAS, the Norway Fire Department provides emergency services to areas in Florence Township and others, and

WHEREAS, the Norway Fire Department has provided estimates totaling \$69,033.09 for the purchase of a grass-fighting truck; and

WHEREAS, the Norway Fire Department agrees that the equipment obtained with the proceeds of this gift shall be used when necessary for rural fire protection and/or life support operations, consistent with the intended use of the money from the Local Option Sales and Services Fund,

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors approves an Emergency Services Equipment Gift to the Norway Fire Department in the amount of \$6,903.31 for the purchase of equipment.

Adopted this 1st day of December 2015

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

The board continued discussion on a possible ATV/UTV ordinance. There were six members or the public present. A petition was presented containing sixty-three signatures of Benton County residents supporting the ordinance. Supervisor Wiley is to invite David Downing with the Iowa Department of Natural Resources to a future board meeting to discuss the issue.

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-86. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-86 AMENDING RESOLUTION #15-65 AUDITOR RETENTION OF RECORDS

BE IT RESOLVED THAT RESOLUTION #15-65, adopted on August 11, 2015, is hereby amended to include the following:

Proof of Publications – publications of public hearings, notices, election related financial reports, board of supervisor minutes, etc. - retain for 3 years after issuance of audit report, then destroy.

Dated this 1st day of December 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST: _____
Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-87. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION NO. #15-87

Approving and Authorizing Execution of Development Agreement and Approving Property Valuation Exemption for Frontier Natural Products Co-op Related to State of Iowa High Quality Jobs Program

WHEREAS, Frontier Natural Products Co-op (the “Company”) has proposed to construct a facility (the “Project”) on certain property (the “Property”) located within Benton County, Iowa (the “County”); and

WHEREAS, the Iowa Economic Development Authority (“IEDA”) has approved an application from the Company for financial assistance pursuant to the State’s High Quality Jobs Program; and

WHEREAS, the County, the Company and the IEDA have entered into an Economic Development Financial Assistance Contract (the “State Agreement”), pursuant to which the County has agreed to adopt a resolution, in accordance with Section 15.332 of the Code of Iowa, that will exempt the Property and the Project from property taxes levied on a percentage of the actual value added by improvements to the Property for a period of five years (the “Property Valuation Exemption”); and

WHEREAS, in connection with the Project, the County has also determined to enter into a development agreement with the Company in the form set out as Exhibit A to this Resolution (the “Development Agreement”), pursuant to which the Company agrees to construct the Project and the County agrees to approve the Property Valuation Exemption and to make a no-interest loan to the Company;

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

Section 1. The Development Agreement is hereby approved, and the Chairperson of the Board of Supervisors and County Auditor are hereby authorized to execute the Development Agreement on behalf of the County.

Section 2. Pursuant to authority provided to the County in Section 15.332 of the Code of Iowa, the Board of Supervisors hereby approves the property valuation exemption schedule that is set out in the Development Agreement, which authorizes and exempts from taxation a percentage of the actual value added by improvements constructed by the Company on the Property, as defined in the Development Agreement, for a period of five years, subject to the Company’s continued compliance with the State Agreement and the Development Agreement.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved the 1st day of December, 2015.

Chairperson

Attest:

County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

EXHIBIT A

DEVELOPMENT AGREEMENT

This Agreement is entered into between Benton County, Iowa (the "County") and Frontier Natural Products Co-op (the "Company") as of the ___ day of December, 2015.

WHEREAS, the Company has proposed to construct a facility (the "Project") on certain property located in the County for use in the expansion of its business operations; and

WHEREAS, the Company anticipates that business demands in connection with the completed Project will require the creation of a certain number of new full-time equivalent jobs; and

WHEREAS, the Company has entered into an agreement with the Iowa Economic Development Authority under the State of Iowa's High Quality Jobs Program (the "State Agreement") concerning the ongoing operations and employment levels in relation to the Project; and

WHEREAS, Section 15.332 of the Code of Iowa authorizes counties to provide an exemption from property taxation for the actual value added by improvements to real property made by a company that has entered into an agreement with the State of Iowa under the High Quality Jobs Program;

NOW THEREFORE, the parties hereto agree as follows:

A. Company's Covenants

1. **Project Construction.** The Company agrees to invest a minimum of \$8,433,500 in capital improvement for the Project. If the Company satisfies its requirements under the State Agreement and this Agreement, the full amount of actual valuation added by improvements to the Property, as determined by the Benton County Assessor, shall be eligible for the Property Valuation Exemptions, as defined below.

2. **Compliance with State Agreement Employment Levels.** The Company agrees to establish and maintain an employment level of a minimum of 23 full-time employees, (the "Minimum Jobs Requirement") in connection with the Project in accordance with the terms and conditions set forth in the State Agreement. This Minimum Jobs Requirement satisfies the job creation requirements of the Iowa High Quality Jobs Program in order for the Company to qualify for the Property Valuation Exemptions set forth in Section B. The terms and conditions of the State Agreement are incorporated herein by this reference. The Company agrees to submit documentation to the satisfaction of the County by no later than July 31 of each year during the life of this Agreement, demonstrating its compliance with the State Agreement and the Minimum Jobs Requirement, such submission to include the total number of full-time equivalent employees, as defined by Section 261-173.2 of the Iowa Administrative Code, then employed in connection with the Company's operations on the Property, as of June 30 of each year that this Agreement is in effect. The Company hereby acknowledges that failure to meet the Minimum Jobs Requirement will give the County cause and right to rescind or amend the Property Valuation Exemptions as hereinafter set forth in Section B.

3. **Remedy.** The Company hereby acknowledges that failure to comply with the requirements of this Section A will result in the County having the right to withhold approval of or rescind approval of the Property Valuation Exemptions under Section B of this Agreement at its reasonable discretion. The percentage of the Property Valuation Exemptions to be withheld by the County pursuant to this paragraph shall not exceed the greater of the following two percentages:

- the percentage shortfall between the amount actually invested by the Company in improvements and the minimum investment by the Company set out in paragraph 1 of this Agreement; or
- the percentage shortfall between the number of jobs actually created by the Company and the 23 new jobs pledged by the Company in this Agreement.

The County will notify the Company whenever the County becomes aware that the Company has failed to comply with the requirements of this Section A. The County will provide the Company with 90 business days from receipt of written notice to cure any deficiency that has resulted in the failure to comply with requirements of this Section A.

4. **Property Tax Payments.** The Company agrees to make timely payment of all property taxes as they come due with respect to the Property during the term of this Agreement.

B. County's Obligations

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

1. **Property Valuation Exemptions** The County agrees to adopt a resolution approving exemption from property taxation equal to a percentage of the value added by Company's capital improvements, as follows:

Year One	75%
Year Two	60%
Year Three	45%
Year Four	30%
Year Five	15%

2. **Loan from County.** The County agrees to enter into a loan agreement with the Company (the "Loan Agreement") and to make a no-interest loan to the Company in the amount of \$16,500, to be repaid by the Company over a period of three years, as more specifically set out in the Loan Agreement.

C. **Administrative Provisions**

1. **Amendment and Assignment.** This Agreement may not be amended or assigned by either party without the written consent of the other party.

2. **Successors.** This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

3. **Term.** This Agreement shall become effective on the dated date hereof and shall end on the date on which the Company's eligibility for the Property Valuation Exemptions expires.

4. **Choice of Law.** This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.

The County and the Company have caused this Agreement to be signed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

BENTON COUNTY, IOWA

By: _____
Chairperson, Board of Supervisors

Attest:

County Auditor

FRONTIER NATURAL PRODUCTS CO-OP

By: _____

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-88. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-88

WHEREAS, the Benton County Treasurer has determined that it is impractical to pursue collection of the total amount of tax due through the tax sale and the personal judgment remedies and has recommended that the board of supervisors abate the tax on parcel 270-12931,

IT IS THEREFORE RESOLVED that the delinquent tax in the amount of \$3,360.00, penalty in the amount of \$1,047.00, and costs in the amount of \$16.00, assessed on parcel 270-12931 for the 2014 assessment year and prior years, is hereby abated pursuant to Iowa Code 445.16. The treasurer is directed to strike the amount due from the county system. Dated this 1st day of December 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley, to purchase an IP based video recorder with 4 TB hard drive storage, Pelco encoder, and Pelco controller card from RCSysystems to replace the current recorder system in the courthouse at a cost of \$6,310.00. All members voting aye thereon. Motion carried.

The chair declared the board recessed at 11:30 a.m.

The chair reconvened the board at 1:00 p.m. with all members present.

The board discussed the third draft of the Benton County handbook. Changes were noted and the auditor is directed to forward the changes to Renee Von Bokern for drafting.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

December 8, 2015

The Benton County Board of Supervisors met in regular 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 1, 2015. All members voting aye thereon. Motion carried.

The Board discussed payment of the invoice from Smith's Bell and Clock. The invoice represents final payment. The board requested that the clock committee approve the invoice for payment.

Moved by Wiley, seconded by Hertle, to approve checks numbered 217171 through 217334 (check number 217170 was a re-issued check), payroll checks numbered 138512 through 138523, and ACH deposits numbered 25963 through 26089, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the request of Justin Birker for 47 hours of vacation carry-over to be used no later than May 1, 2016. All members voting aye thereon. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to authorize the chair to sign the Loan Agreement between Benton County and Frontier Natural Products Co-op for an economic development loan. All members voting aye thereon. Motion carried.

LOAN AGREEMENT

This Loan Agreement is entered into as of December 8, 2015, by and between Benton County, Iowa (the "County"), and Frontier Natural Products Co-op, Norway, Iowa (the "Co-op"). The parties agree as follows:

1. The County shall loan to the Co-op the sum of \$16,500, without interest, and the Co-op agrees to repay the County \$5,500 on June 1 in each of the years 2017, 2018 and 2019.

2. The County adopted a resolution on December 1, 2015 (the "Resolution") authorizing and approving a Development Agreement (the "Development Agreement") between the County and the Co-op dated as of December 1, 2015, pursuant to which the County agreed to enter into this Loan Agreement. The Resolution and the Development Agreement are incorporated herein by reference, and the parties agree to abide by the terms and provisions of the Resolution and the Development Agreement.

3. This Loan Agreement is executed pursuant to the provisions of Chapter 15A of the Code of Iowa and shall be read and construed as conforming to all provisions and requirements of the statute.

IN WITNESS WHEREOF, we have hereunto affixed our signatures all as of the date first above written.

BENTON COUNTY, IOWA

By _____

Chairperson, Board of Supervisors

Attest:

County Auditor

FRONTIER NATURAL PRODUCTS CO-OP

By _____

(Signature)

(Print Name and Title)

The board received an update on the Benton County Volunteer Program. The organization is requesting \$25,000 in funding from the county in FY17.

The board discussed the rates for law enforcement contracts between the county and various cities within the county. Moved by Wiley, seconded by Hertle, to set the rate for law enforcement contracts at \$23.50 per hour. All members voting aye thereon. Motion carried. It is noted that a committee is to be formed to review the rates for law enforcement services and dispatching services, with recommendations made to the Board of Supervisors during the fall of 2016.

Moved by Hertle, seconded by Wiley, to accept the resignation of Cindy Truax-Garwood from Benton County Transportation, effective December 7, 2015. All members voting aye thereon. Motion carried.

The county attorney reviewed a draft of a lease agreement between Benton County and Michael G. Elwick and Cynthia S. Elwick for office space at 811 D Avenue, Vinton, Iowa. The office space would be utilized by the Department of Human Services. The agreement is the first draft for review by the board of supervisors. No action was taken.

Moved by Hertle, seconded by Wiley, to enter into closed session pursuant to Iowa Code 21.5(1) c to discuss pending litigation with the county attorney. All members voting aye thereon. Motion carried at 11:10 a.m.

Moved by Wiley, seconded by Hertle, to return to open session. All members voting aye thereon. Motion carried at 11:35 a.m.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to authorize the county attorney to proceed as discussed. All members voting aye thereon. Motion carried.

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

Don Frese, Chairman

ATTEST: _____
Jill Marlow, Auditor

December 15, 2015

The Benton County Board of Supervisors met in regular 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 December 8, 2015. All members voting aye thereon. Motion carried.

Veterans Affairs Director Toni Parizek requested that her position be made full-time. Parizek stated that more hours were needed to provide the needed services. Supervisor Hertle questioned if Parizek had hired someone part-time as funds were budgeted for that purpose. Parizek stated that she had not. Supervisor Wiley questioned if Parizek had found additional grants or monies to cover the increased costs. Parizek stated that she would use \$5,000 of the \$10,000 grant already being received by the county. No action was taken.

The board discussed creation of a Veterans Affairs Donation Fund. However, the Veterans Affairs Commission need to determine the various uses of the donated funds before action is taken by the supervisors.

Moved by Wiley, seconded by Hertle to adopt Resolution #15-89. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-89

WHEREAS, the Benton County Treasurer has determined that it is impractical to pursue collection of the total amount of tax due through the tax sale and the personal judgment remedies and has recommended that the board of supervisors abate the tax on parcel 270-12501,

IT IS THEREFORE RESOLVED that the delinquent tax in the amount of \$1,868.00, penalty in the amount of \$1,152.00.00, and costs in the amount of \$28.00, assessed on parcel 270-12501 unpaid through the 2014 assessment year, are hereby abated pursuant to Iowa Code 445.16. The treasurer is directed to strike the amount due from the county system.

Dated this 15TH day of December 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

The board discussed leasing property to house the Department of Human Services. The county attorney presented a draft agreement for consideration. Moved by Hertle, seconded by Frese, to proceed with entering into a lease agreement for offices at 811 D Avenue, Vinton, Iowa, subject to finalization of a lease agreement. All members voting aye thereon. Motion carried,

The board discussed adopting an Open Records Policy. A sample policy was drafted by the Iowa State Association of Counties. Discussion included the removal of names from the county's Beacon website. The county attorney is to draft a proposed policy establishing specific criteria for the removal of information from the county's real estate website.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-90. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-90
REPEALING RESOLUTION #14-67 and
ADOPTING BENTON COUNTY GENERAL ASSISTANCE
CREMATION SERVICE RATES

WHEREAS, the Benton County Board of Supervisors adopted a resolution establishing cremation service rates through the county general assistance on November 25, 2014; and

WHEREAS, the Board desires to change the rates approved for said services through the repeal of the existing resolution and the adopting of new rates in lieu thereof,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #14-67, *Benton County General Assistance Establishing Cremation Service Rates Price List Effective 11-1-14*, adopted on November 25, 2014, is HEREBY REPEALED in its entirety, effective December 1, 2015,

BE IT FURTHER RESOLVED that the following cremation service rates are HEREBY ADOPTED effective January 1, 2016.

Cremation Service

Crematory Expense	\$285.00
Cremation Tray	39.00
Medical Examiners Permit	75.00
Funeral Home Director's Fee	750.00
Optional Expenses:	
Grave Opening @ cost, not to exceed (Family must pay opening charges above \$225.00)	225.00
Minister Stipend (if used)	25.00

Signed this 15th day of December 2015.

Donald H. Frese, Chairman

Terry Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

The board received an update on activities and projects undertaken by the Benton Development Group, as well as a request for FY17 funding.

Therese Foth and Brian Parr met with the board regarding displaying art on the first floor of the courthouse. The artwork was created by Parr. The board agreed to display any of the artwork presented, but depending on space the number of pieces may be limited to two.

Brian Parr also viewed the restoration needed to the third floor murals. Parr advised that he could do the repairs and would also inspect the other murals for restoration needs.

Moved by Hertle, seconded by Wiley, to approve a utility permit requested by Windstream Communications to place utility lines in the county's right-of-way in section 29 of Iowa Township, along 11th Avenue Trail. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Hertle, seconded by Wiley, to approve the Plan Document and Summary of Plan Description prepared by Employee Benefit Services for the county's IRS Section 125 plan for calendar year 2016. All members voting aye thereon. Motion carried.

The board discussed the "Donated Leave" policy being considered for county employees as a part of the new county employee handbook. 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, Benton County Auditor

December 22, 2015

The Benton County Board of Supervisors met in regular 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 December 15, 2015. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve checks numbered 217335 through 217496, payroll checks numbered 138524 through 138536, and ACH deposits numbered 26090 through 26221, for payment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #15-92. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

BENTON COUNTY, IOWA
RESOLUTION NO. 15-92
A RESOLUTION ADOPTING THE
BENTON COUNTY MULTI-JURISDICTIONAL
LOCAL HAZARD MITIGATION PLAN

WHEREAS, Benton County recognizes the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, the U.S Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre-disaster mitigation of potential hazards;

WHEREAS, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

WHEREAS, an adopted Local Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

WHEREAS, Benton County fully participated in the hazard mitigation planning process to prepare this Multi-Jurisdictional Local Hazard Mitigation Plan; and

WHEREAS, Benton County desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Benton County .Multi-Jurisdictional Local Hazard Mitigation Plan; and

WHEREAS, adoption by the governing body for Benton County demonstrates the jurisdictions' commitment to fulfilling the mitigation goals outlined in this Multi-Jurisdictional Local Hazard Mitigation Plan; and

WHEREAS, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

NOW, THEREFORE, BE IT RESOLVED, that the Benton County Supervisors adopts the Benton County Multi-Jurisdictional Local Hazard Mitigation Plan" as an official plan; and

BE IT FURTHER RESOLVED, that Benton County will submit this Adoption Resolution to the Iowa Homeland Security and Emergency Management Division and Federal Emergency Management Agency Region VII officials to enable the plan's final approval.

Passed and approved the 22nd day of December, 2015.

Signed: _____
Benton County Supervisor

Attest: _____
Jill Marlow, Benton County Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-93. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-93
AMENDING
RESOLUTION #15-85

WHEREAS, the Benton County Board of Supervisors adopted Resolution #15-85 on December 1, 2015 gifting \$6,903.31 of Local Option Sales and Services funds to the Norway Fire Department on behalf of the Florence Township Trustees; and

WHEREAS, the auditor has notified the Board that the monies should be paid to Florence Township and not the fire department at the request of the township; and

WHEREAS, the Norway Township Trustees have submitted invoices totaling \$70,028.47; and

WHEREAS, the guidelines for gifting LOSST funds for emergency services is 10% of the cost,

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors amends Resolution #15-85, by striking the language the following:

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors approves an Emergency Services Equipment Gift to the Norway Fire Department in the amount of \$6,903.31 for the purchase of equipment.

And inserting in lieu thereof the following:

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors approves an Emergency Services Equipment Gift to Florence Township in the amount of \$7,002.85 for the purchase of equipment

Adopted this 22nd day of December 2015

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Hertle, seconded by Wiley, to enter into a five-year lease agreement with Michael G. Elwick and Cynthia S. Elwick for office space located at 811 D Avenue, Vinton, Iowa, for the Department of Human Services. Voting aye were Frese, Hertle, and Wiley. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into the Economic Development Assistance Contract by Frontier Natural Products Co-op, Benton County, and the Iowa Economic Development Authority, Contract Number 16-DF/TC-004. The contract provides for financial assistance and tax incentives. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to adopt Resolution #15-91. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #15-91
RESOLUTION ACCEPTING AND APPROVING THE "GEATER FIRST ADDITION" FINAL PLAT,
BY BENTON COUNTY, IOWA

WHEREAS, A final Plat of Geater First Addition to Benton County, Iowa, containing two (2) lots, has been submitted for approval to the Benton County Board of Supervisors consisting of the following described real estate:

Geater First Addition is a subdivision of the Northwest Quarter (NW1/4) Northeast Quarter (NE1/4) Section Thirty-Three (33), Township eighty-Six (86) North, Range Ten (10) West of the Fifth P.M., lying South and East of the Center of Highway 101 (k.n.a. Iowa Highway 150), Benton County, Iowa.

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

WHEREAS, the Benton County Board of Supervisors find that the Final Plat of Geater First Addition would be advantageous to Benton County, Iowa, and

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that said Final Plat of Geater First Addition to Benton County, Iowa, will be and the same and hereby acknowledged and approved and accepted on the part of Benton County, Iowa, subject to the following stipulations:

1. Any new private water supply system will be constructed with the approval of the Benton County Health Department.
2. Any new private on-site sewage treatment system will be constructed with the approval of Benton County Health Department.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Benton County Board of Supervisors that said board, on September 8, 2015, at the request of Roger & Mary Geater, Developers, did grant a variance waiving the following items regarding the submission of the "Geater First Addition" Final Plat:

All of Article IV:

All of Article V:

All of Article VI: EXCEPT 6.04 Final Plat and 6.05 Attachments to the Final Plat

The Benton County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Benton County, Iowa, and affix the same to said Final Plat as provided by law.

ADOPTED AND PASSED this 22nd day of December, 2015.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

Jill Marlow, Benton County Auditor

Ben Bonar met with the board regarding the membership of Integrated Roadside Vegetation Management committee. Bonar questioned if appointees to the committee were required to live within Benton County. The board responded that committee members should reside in the county, and that Bonar (who has moved outside of Benton County) could participate in the meetings due to his position as the IVRM program manager; however he will no longer be able to serve as a committee member.

Moved by Wiley, seconded by Hertle, to authorize the chair to sign the final IDOT Progress Payment Voucher for the project BROS-CO06 (91)—5F-06, payable to Taylor Construction in the amount of \$13,319.66. All members voting aye thereon. Motion carried.

The county engineer presented a draft traffic study done in accordance with Iowa Code 3211.10 for the board's consideration when determining whether to allow ATV/UTVs on county roadways.

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

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

December 29, 2015

The Benton County Board of Supervisors met in regular session with Supervisors Frese and Wiley present. Supervisor Hertle was absent. The meeting was called to order at 9:08 a.m.

Moved by Wiley, seconded by Frese, to approve the minutes of December 22, 2015. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to approve the appointment of Rose Sackett as a deputy treasurer, effective January 1, 2016. Further, to approve the following salaries in the treasurer's office effective January 1, 2016:

Michele Sauer – 1st Deputy – 80% of the elected official's wage

Melinda Schoettmer – 2nd Deputy – 70% of the elected official's wage

Rose Sackett – 3rd Deputy – 55% of the elected official's wage

Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to approve the request of Barbara Greenlee for 5 days of vacation carry-over to be used no later than March 31, 2016. Both members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Frese, to approve the request of Emily Nydle for 12 hours of vacation carry-over to be used no later than March 1, 2016. Both members voting aye thereon. Motion carried.

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

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor