

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

January 4, 2016

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

Moved by Wiley, seconded by Hertle, to approve the minutes of December 29, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint Donald Frese as the chairman of the board of supervisors for 2016. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Frese, to appoint Todd Wiley as the vice-chairman of the board of supervisors for 2016. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, that the general schedule for regular meetings of the board of supervisors will be each Tuesday throughout the year. This schedule is general in nature and may be altered at any time throughout the year, including but not limited to the lack of agenda items, courthouse closings, meeting conflicts, or for any reason. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to designate the official newspapers for Benton County for 2016 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 #16-1. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #16-1

AUTHORIZING THE BENTON COUNTY AUDITOR TO ISSUE CHECKS AND SIGN ACH AGREEMENTS FOR 2016

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 4th day of January 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd A. Wiley

ATTEST:

Brenda Sutton, Benton County Deputy Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to adopt Resolution #16-2. All members voting aye thereon. Motion carried.

Resolution #16-2 AUTHORIZING THE BENTON COUNTY TREASURER TO SIGN ACH AGREEMENTS FOR 2016

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

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 4th day of January 2016

Donald H. Frese, Chairman

Terry L. Hertle

Todd A. Wiley

Attest:

Brenda Sutton, Benton County Deputy 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

January 6, 2016

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

Moved by Wiley, seconded by Hertle, to approve the minutes of January 4, 2016. All members voting aye thereon. Motion carried.

Moved by Hertle to adopt the Construction Evaluation resolution for 2016. The board discussed the pros and cons of performing evaluations and determined that more information was needed. Hertle subsequently withdrew his motion.

Moved by Hertle, seconded by Wiley, to appoint the following members to the respective boards for 2016. 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

Supervisor Wiley, Alternate

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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

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 2016. 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 2016. 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 2016. 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

Brenda Schanbacher

Owners of City or Town Property

Darold Sindt

Jeff Kelly

Kathy Van Steenhuyse

Janice Eldred

Larry Weeda

Connie Ogier

Lloyd Benson

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

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

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

Moved by Hertle, seconded by Wiley, to appoint Brian Robinson, Ilene Kreider, and Douglas Mehlhaus to the Pioneer Cemetery Commission. All members voting aye thereon. Motion carried.

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

No action was taken on appointing members to the Benton County Solid Waste Commission.

Moved by Wiley, seconded by Hertle, to appoint Dave Fish, Kristina Kremer, Marlyn Jorgensen, Patrice Shakespeare, and Jay Herman to the Benton County Development Group Board. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, 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 David Martin to the Benton County Health Board. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Don Krug to the Benton County Civil Service Commission. All members voting aye thereon. Motion carried.

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

No action was taken on appointing members to the Integrated Vegetation Roadside Management Committee.

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 – Ronald Bossler

Keystone Benefited #2 – Tom Harty

Newhall Benefited #4 – Timothy Rathje

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

Moved by Hertle, seconded by Wiley, 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.

Moved by Wiley, seconded by Hertle, to appoint Ben Vierling as the Heartland Safety Coordinator for 2016. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint Phil Borlesky to the Benton County Historic Preservation Commission. All members voting aye thereon. Motion carried. Two vacancies remain.

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

BOARD OF DIRECTORS:

Kathleen Van Steenhuyse

Don Frese, Alternate

REGION 10 PASSENGER TRANSPORTATION ADVISORY COMMITTEE

Carol Zander

REGION 10 TRANSPORTATION TECHNICAL ADVISORY COMMITTEE

Ben Vierling

Jerry Petermeier, Alternate

REGION 10 REGIONAL TRAILS ADVISORY COMMITTEE

Mark Pingnot

Moved by Wiley, seconded by Hertle, 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 approve the request of Dan Higdon for 23 hours of vacation carry-over to be used no later than February 29, 2016 (employee requested date). All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to amend the current lease agreement between Benton County and the Cedar Valley Ranch. All members voting aye thereon. Motion carried.

BENTON COUNTY BUSINESS LEASE AGREEMENT AMENDMENT #2

WHEREAS, Benton County, Iowa ("Landlord") and Cedar Valley Ranch, Inc. ("Tenant") entered into a Business Lease Agreement on the 10th day of February 2006, and amended on April 6, 2010; and

WHEREAS, said Business Lease Agreement expires on June 30, 2016; and

WHEREAS, the Tenant has requested a year-by-year renewal on the terms of the lease; and

WHEREAS, the Landlord has requested a change in insurance limits;

WHEREAS, the parties have come to an agreement which requires an amendment to the Business Lease Agreement to be signed and executed,

NOW THEREFORE BE IT RESOLVED that the BENTON COUNTY BUSINESS LEASE AGREEMENT AMENDMENT #1 between Benton County and Cedar Valley Ranch, Inc. as set forth below is hereby approved and the chair is authorized to sign said amendment:

Section 6.1 Insurance.

Paragraph 3. General Liability Coverage with limits not less than 2,000,000 underlying and \$1,000,000 umbrella.

Section 2.1 Term of Lease.

The initial term of this Agreement shall be for a period of three (3) years, commencing on July 1, 2006, unless terminated earlier by either party in accordance with the attached Benton County Provider and Program Participation Agreement.

There shall be one (1) two (2) year extension available if agreed to by both Landlord and Tenant. Thereafter the Tenant shall be allowed to renew the lease year-by-year. In the event, Tenant desires to renew this Agreement, written notice shall be served upon the Landlord at least six and one-half months prior to the end of the lease period that is in effect at that time.

All other Sections of the Business Lease Agreement and the Provider and Program Participation Agreement shall remain unchanged.

Benton County, Landlord:

Cedar Valley Ranch, Inc., Tenant:

Board Chairman (signature)

Board Chairman (signature)

Donald H. Frese

(Typed)

(Typed)

Date: _____

Date: _____

Attest: _____

Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve the following applications for Suballocated Regional STP

Funds:

City of Urbana – Sunset Street between Ash Avenue and I380: Fund "yes"; Federal Limit "\$193,600"

City of Urbana – Hwy 150 and Hutton Drive intersection improvements: Fund "yes"; Federal Limit "\$246,400".

No other applications were received for the county's allocation of \$752,242 and therefore prioritization is given to both projects. 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 adopt Resolution #16-3. Voting aye were Free, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #16-3 SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2016 budget on March 10, 2015; 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 FY2016 county budget is hereby amended within the following service areas:

Service Area 0 - \$1.00 (one dollar) from Function 0100 (Fund 2000 Department 55) to Function 0110 (Fund 0040 Department 55)

IT IS FURTHER RESOLVED that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 6th day of January 2016.

Donald H. Frese

Terry Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to appoint Gina Edler as a global administrator of the county website. 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 December 31, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to acknowledge and accept the resignation of Brenda Sutton, effective December 31, 2016. Sutton is a deputy in the auditor's office and is retiring. The resignation is accepted with regret. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the request from Iowa One Call to waive the fees collected for GIS data. 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

January 12, 2016

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, 2016. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve payment of checks numbered 217497 through 217733, payroll checks numbered 138537 through 138561, and ACH deposits numbered 26222 through 26473. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the recorder's quarterly report for the period ending December 31, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve the general assistance quarterly report for the period ending December 31, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to exercise the option to extend the current audit agreement with EideBailly to conduct the FY17 annual audit, including single audit and financial statements. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to renew the contract with Thomson Reuters for a Westlaw subscription for a three-year term. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve and accept the 2015 Weed Commissioner's Report. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to appoint Becky Van Wey and Mark Droessler to the Integrated Vegetation Roadside Management committee. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #16-4. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #16-4

WHEREAS: Benton County Secondary Roads Department has a Maintainer Operator to fill at the Newhall Shed and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that Jeffrey Geiger be hired to fill the position as Maintainer Operator at a starting wage of \$18.33 per hour starting January 11, 2016. This is an Equipment Operator II classification with a Labor Grade IVA.

Signed this 12th day of January, 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to approve the request of Myron Parizek for 68 hours of vacation carry-over to be used no later than April 1, 2016 (employee requested date). All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to accept the resignation of Danielle Meggers, a deputy in the sheriff's department, effective at the end of the work day on January 19, 2016. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the hire of Miranda Irene Husted as a part-time communications/correctional officer, effective January 12, 2016, at a training wage of \$13.14. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to approve the treasurer's semi-annual report for the period July 1, 2015 through December 31, 2015, and the treasurer's quarterly investment report for the period ending December 31, 2015. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to adopt Resolution #16-5. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION NO. 16-5

GRANTING INITIAL VARIANCE TO SUBDIVISION ORDINANCE

WHEREAS, H & H Farms Partnership 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 NE1/4 of the NE1/4 of 32-83-9 and owned by H & H Farms Partnership:

Article IV: Sections 4.01 through 4.04 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

Article VII: Section 7.01 Other Provisions

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 12th day of January 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

No action was taken on appointing persons to the Historic Preservation Commission or the Solid Waste Commission.

Moved by Hertle, seconded by Wiley, to appoint Todd Wiley to the East Central Iowa Council of Governments Region 10 Transportation Policy Committee. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Kathy Tranel to the East Central Iowa Council of Governments Revolving Loan Fund Committee. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to appoint Don Frese to the Decategorization Committee. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #16-6. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #16-6

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 Garrison Fire Protection Agency has requested a gift of funds; and

WHEREAS, the Garrison Fire Protection Agency provides emergency services to areas in Homer, Cedar and Jackson Townships, and

WHEREAS, the Garrison Fire Protection Agency has provided a Bill of Sale totaling \$60,000 for the purchase of a fire/tanker truck; and

WHEREAS, the Garrison Fire Protection Agency 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 Garrison Fire Protection Agency in the amount of \$6,000.00 for the purchase of equipment.

Adopted this 12th day of January 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

The board received the preliminary worksheets for the FY17 budget and discussed various aspects of the documents.

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 13, 2016

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 1:40 p.m.

The board met with representatives of the Department of Human Services, maintenance, sheriff, and recorder regarding their FY17 budget requests.

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”

January 19, 2016

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 12, 2016 and January 13, 2016. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint Dave Cornell to the Vinton Airport Board of Adjustment. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to appoint Jim Shutts and Melissa Shutts to the Benton County Historical Preservation Commission. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to adopt Resolution #16-7. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION # 16-7 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, 2016 and January 31, 2017 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 19th day of January 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd A. Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Moved by Wiley, seconded by Hertle, to maintain the current limits on flood insurance for the Governor Sherman building, sheriff's garage, transportation building, and courthouse. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to contract with Patrick Riehle for services to prepare documentation for the courthouse computer system and services related to installation of equipment that is not totally specific to the courthouse computer system, i.e. copier/printers. The cost is \$50.00 per hour. All members voting aye thereon. Motion carried.

Updates were provided on the Workplace Learning Connection and a request for funding in FY17. An update was also given by the Iowa Valley Resource, Conservation and Development.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Moved by Hertle, seconded by Wiley, to adopt Resolution #16-8. Voting aye were Frese, Hertle, and Wiley.
Nays none. Motion carried.

RESOLUTION #16-8

WHEREAS, Benton County is a member county of the Mental Health/Disability Services of the East Central Region (ECR);

WHEREAS, Benton County approved the 28E Agreement for Mental Health/Disability Services of the East Central Region pursuant to Resolution No. 13-83, passed on October 1, 2013;

WHEREAS, section 5.1(g) of that 28E agreement requires member counties to “levy the maximum amount permitted by law for MH/DS services and to contribute from the MH/DS funds so collected toward the ongoing operation of the Region as required by this Agreement as determined by the Board;”

WHEREAS, the Governing Board has now recommended that the language in section 5.1(g) of the 28E agreement be amended as follows: “To levy the maximum amount permitted by law for MH/DS services or an alternative level set by the Governing Board for each fiscal year and to contribute from the MH/DS funds so collected toward the ongoing operation of the Region as required by this Agreement as determined by the Board;”

WHEREAS, the Board of Supervisors believes that this recommended amendment is in the County's best interests;

NOW, THEREFORE, it is hereby resolved by the Board of Supervisors that Benton County approves the following amendment to section 5.1(g) of the 28E Agreement for Mental Health/Disability Services of the East Central Region recommended by the Governing Board:

“To levy the maximum amount permitted by law for MH/DS services or an alternative level set by the Governing Board for each fiscal year and to contribute from the MH/DS funds so collected toward the ongoing operation of the Region as required by this Agreement as determined by the Board.”

Dated this 19th day of January, 2016.

Benton County Board of Supervisors:

Donald H. Frese, Chairperson

ATTEST:

Jill Marlow, Benton County Auditor

The board met with various departments regarding their FY17 budget requests.
The board was given a review of the annual renewal of the ISAC health insurance plan.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Moved by Wiley, seconded by Hertle, to adopt Resolution #16-9 and enter into a 28E Joint County Project Agreement with Linn County for a roadway culvert east of Atkins on the Benton-Linn Road in Section 24 of Fremont Township. The estimated cost to Benton County is \$10,840.09. Voting aye were Frese, Hertle, and Wiley. Nays none. Motion carried.

RESOLUTION #16-9 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 Linn County plan, design and let for bidding a construction project to replace culvert #2194 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 culvert replacement project and, said cooperative actions include the following:

- 1) SCOPE OF WORK - Design, let and replace culvert #2194 as per plans and specifications produced by the Linn County Engineer.
- 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 – Linn 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, or workmen in any respect whatsoever.
- 6) Linn County and Benton County agree to indemnify and hold each other, their employees and agents, 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, servants or employees in the course of any work done in connection with any of the matters set forth in this agreement.
- 7) FINANCING – Linn County shall initially finance the cost of the project. Benton County shall reimburse Linn County for 50% of the actual cost of construction plus 3% for Linn County survey design, and inspection services. Linn County shall submit an invoice after construction is complete. 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 paragraph 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 paragraph 7 thereof.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Executed in triplicate, each of which shall constitute as original, by Benton County on the 19th day of January, 2016

LINN COUNTY, IOWA
BOARD OF SUPERVISORS

BENTON COUNTY, IOWA
BOARD OF SUPERVISORS

ATTEST: _____
BENTON COUNTY AUDITOR

ATTEST: _____
LINN COUNTY AUDITOR

Moved by Wiley, seconded by Hertle, to adopt Resolution #16-10. Voting aye were Frese, Hertle and Wiley.
Nays none. Motion carried.

RESOLUTION #16-10

WHEREAS, the Benton County Treasurer has reported that three mobile homes have been deemed to have no value by the court pursuant to Iowa Code 562B.27 and Chapters 555B and 648; and

WHEREAS, there are currently tax liens filed against the properties and the 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 these parcels,

IT IS THEREFORE RESOLVED that the delinquent tax, penalty, interest and costs assessed on the below listed parcels and unpaid through the 2014 assessment year, are hereby abated in full pursuant to Iowa Code 445.16. The treasurer is directed to strike the amount due from the county system.

370M12250CKRT71651 - \$98.00 in tax and \$3.00 penalty
37046979 - \$291.00 tax, \$21.00 penalty, and \$4.00 interest
3704777242453 - \$1,036.00, \$352.00 penalty, \$422.00 interest, and \$24.00 costs

Dated this 19th day of January 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Dana Burmeister spoke to the board about filling a position in her department through promotion of current employees. Burmeister advised that she would not be filling the position(s) until the end of February and the Board advised that a new handbook governing promotions and hiring may be in place at that time.

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

The board reconvened at 1:15 p.m. with all members present.

The board continued working on the FY17 budget and meeting with various departments regarding their budget requests.

Moved by Wiley, seconded by Hertle, to authorize the auditor to process the invoice from Von Bokern Associates for work done on the employee handbook. All members voting aye thereon. Motion carried.

Gary Bierschenk spoke to the board about a bridge that he believes needs to be replaced.

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"

January 22, 2016

The Benton County Board of Supervisors met in regular 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 enter into closed session pursuant to Iowa Code 21.5(1)c. All members voting aye thereon. Motion carried at 8:50 a.m.

Moved by Hertle, seconded by Wiley, to return to open session. Motion carried at 9:25 a.m. No action was taken.

The board met with representatives of the conservation board and department to discuss their FY17 budget request.

County Attorney David Thompson requested approval to hire a temporary employee due to a scheduled leave of one of his employees. Thompson and the board agreed that if the expenses exceeded the amount in his budget for part-time employees the additional funds would come from the money allocated to his office from the collection services. Moved by Wiley, seconded by Hertle, to approve the hire of a temporary employee in the county attorney's office for a period not to exceed sixteen weeks. Thompson advised that he may return and request a permanent part-time position in the future.

The board discussed FY17 wages and benefits as well as the FY17 budget.

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 25, 2016

The Benton County Board of Supervisors met in special session at 7:30 p.m. at the Emergency Management Agency office in the Benton County Law Enforcement Center. Supervisor Frese called the meeting to order with all members present.

The purpose of the meeting was to be present during the public hearing on the FY17 Emergency Management Agency budget. The budget hearing was opened with Scott Hansen, agency coordinator, providing detailed information concerning the budget. After hearing all comments, the hearing was closed and adopted by the Emergency Management Commission.

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

Attest:

Jill Marlow, Benton Co. Auditor

Donald H. Frese, Chairman

January 26, 2016

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 19, 2016, January 22, 2016, and January 25, 2016. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley, to approve checks numbered 217873 through 217880, payroll checks numbered 138562 through 138575, and ACH deposits numbered 26474 through 26599. All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to enter into the agreement with the Iowa State Association of Counties to participate in the 2017 Wellness program. All members voting aye thereon. Motion carried.

Casey Cooper with the East Central Iowa Housing Trust Fund updated the board on their activities and made a request of \$1,972.00 for funding in FY17.

Moved by Hertle, seconded by Wiley, to establish the rates for the county employees' share of the health insurance premium for FY17 as follows:

Union employees:

Secondary Roads (per labor contract):

Single Plan: 35.00 per month Family Plan: \$215 per month

Sheriff's Department (per labor contract):

Single Plan: \$36.47 per month Family Plan: \$244.71 per month

Non-union employees:

Single Plan: \$25.00 per month

Family Plan: \$190.03 per month

Retiree:

Single Plan: \$729.37

Family Plan: \$1,631.39

All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Moved by Wiley, seconded by Hertle, to grant a 2.25% 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 listed employees are granted the increase stated:

Sarah Wagner - \$17.00 per hour

Bethany Wheaton - \$17.50 per hour

Toni Parizek - move to full time position at \$41,000

Deb Fleming – \$36,525.17 (amount over 2.25% increase of current salary is to be paid from the county attorney's share of collections money)

All members voting aye thereon. Motion carried.

Moved by Wiley, seconded by Hertle, to set the FY17 full-time salary of Toni Parizek at \$40,518 (as stated in the budget request) and not at \$41,000 as earlier acted upon. All members voting aye thereon. Motion carried.

The board continued working on the FY17 budget.

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

February 2, 2016

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 26, 2016. All members voting aye thereon. Motion carried.

Moved by Hertle, seconded by Wiley to approve 22.5 hours of vacation carry-over requested by Lori Siela to be used on her maternity leave. All members voting aye thereon. Motion carried.

Board did not appoint member to IRVM Committee as Ben Bonar cancelled to meet with the board.

Board briefly discussed the employee handbook. Supervisor Wiley asked to have the employee handbook put back on the agenda for next week with a time to get more employee participation.

Several members of the Trailblazers ATV Club met with the board to discuss the ATV/UTV Ordinance. The club explained that they travel to Buchanan County and Wisconsin and they would like to keep the money that they are spending other places in Benton County. A copy of the Buchanan County ordinance was presented as a reference. The Board explained to the club that they were waiting to talk to David Downey with the Iowa DNR to see if he could help with the ordinance to keep it somewhat uniform across the state. Supervisor Wiley asked the club if they had any ideas on how to prevent homemade go-carts from being traveled on the gravel roads with this ordinance. The club explained that in order to register an ATV/UTV you have to have a title. You do not receive a title when you purchase go-carts nor would you if you made it yourself. Another option is having the Sheriff's office issue permits. They would have to inspect the machines in order to issue the permit and you could have specifications in there that would not allow them. The club told the Board that they volunteer to put their own signs up in Buchanan County to help distinguish trails and they would be able to do that in Benton County as well. The club also helps enforce laws for the ATV/UTV ordinance. The Board stated that they would take under consideration the information and comments presented and thanked everyone for their time and input.

The Board continued working on the FY17 budget.

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

February 9, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Hertle moved/Wiley seconded: Approve minutes of February 2, 2016. Motion Carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 217881 (reissue) and 217882 through 218071, payroll checks numbered 138576 through 138598, and ACH deposits numbered 26600 through 26728. Motion carried.

Wiley moved/Hertle seconded: Appoint Becky Johnson to Integrated Roadside Vegetation Management Committee. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: To adopt Resolution #16-11. Ayes: Frese, Hertle, and Wiley. Resolution adopted.

RESOLUTION #16-11

WHEREAS, the City of Atkins acquired property and was given the appropriate notice of the taxes due; and

WHEREAS, the City of Atkins failed to pay said tax; and

WHEREAS, Iowa Code 445.63 provides that the board of supervisors shall abate the tax if the governing body fails to immediately pay the tax,

IT IS THEREFORE RESOLVED that the 2014 tax assessed against parcels #010-06980 and 020-30500 are hereby abated in full pursuant to Iowa Code 445.63. The treasurer is directed to strike the amount due from the county system.

Dated this 9TH day of February 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

Hertle moved/Wiley seconded: Approve Class C Liquor License for Tara Hills Country Club. Motion carried.

Hertle moved/Wiley seconded: Approve the hire of temporary election workers for election preparation at a wage up to \$12.00 per hour. Motion carried.

Wiley moved/Hertle seconded: Approve purchase of new Caterpillar 140M3 motor grader at a total cost of \$255,940.00. Motion carried.

Hertle moved/Wiley seconded: Set March 22, 2016 at 10:00 a.m. as time and date for public hearing on changing road classification from Level B to Level C on 14th Ave. Dr. in Iowa Township. Motion carried.

Discussion: Engineer updated board on status of grievance with PPME regarding the employment of relatives. If county changes policy then grievance will probably be withdrawn.

Discussion: Board discussed revisions to the Benton County Employee Handbook.

Wiley moved/Hertle seconded: To adopt Resolution #16-12. Ayes: Frese, Hertle, Wiley. Resolution adopted.

RESOLUTION #16-12

RESCINDING RESOLUTION

#16-8

WHEREAS, the Benton County Board of Supervisors adopted Resolution #16-8 on January 19th, 2016, approving an amendment to section 5.1(g) of the 28E Agreement for Mental Health/Disability Services of the East Central Region (ECR MH/DS); and

WHEREAS, upon further legal review by the Johnson County Attorney it has been determined that the language in the amendment does not fully reflect the intent of the ECR MH/DS governing board; and

WHEREAS, new language has been proposed for consideration and adoption regarding section 5.1(g) of said 28E Agreement; and

WHEREAS, the Board of Supervisors desires to adopt the newly drafted language in place of the language contained in Resolution #16-8,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #16-8, adopted on January 19, 2016, approving an amendment to section 5.1(g) of the 28E Agreement for Mental Health/Disability Services of the East Central Region is **HEREBY RESCINDED** in its entirety.

Dated this 9th day of February 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To adopt Resolution #16-13. Ayes: Frese, Hertle, Wiley. Resolution adopted.

RESOLUTION #16-13

AMENDING SECTION 5.1(G) OF THE 28E AGREEMENT FOR MENTAL HEALTH/DISABILITY SERVICE OF THE EAST CENTRAL REGION

WHEREAS, Benton County is a member county of the Mental Health/Disability Services of the East Central Region (ECR);

WHEREAS, Benton County approved the 28E Agreement for Mental Health/Disability Services of the East Central Region pursuant to Resolution No. 13-83, passed on October 1, 2013;

WHEREAS, section 5.1(g) of that 28E agreement requires member counties to "levy the maximum amount permitted by law for MH/DS services and to contribute from the MH/DS funds so collected toward the ongoing operation of the Region as required by this Agreement as determined by the Board;"

WHEREAS, the Governing Board has now recommended that the language in section 5.1(g) of the 28E agreement be amended as follows: "To provide necessary funding, as determined by the Governing Board on a per capita basis, for the ongoing operation of the Region. Said funding may be provided, at the member county's discretion, from any lawful source or combination thereof, including but not limited to the levy permitted by law for MH/DS services, reserves or property taxes."

WHEREAS, the Board of Supervisors believes that this recommended amendment is in the County's best interests;

NOW, THEREFORE, it is hereby resolved by the Board of Supervisors that Benton County approves the following amendment to section 5.1(g) of the 28E Agreement for Mental Health/Disability Services of the East Central Region recommended by the Governing Board:

"To provide necessary funding, as determined by the Governing Board on a per capita basis, for the ongoing operation of the Region. Said funding may be provided, at the member county's discretion, from any lawful source or combination thereof, including but not limited to the levy permitted by law for MH/DS services, reserves or property taxes."

Dated this 9th day of February, 2016.

Benton County Board of Supervisors:

Donald H. Frese, Chairperson

ATTEST: _____
Jill Marlow, Auditor

Wiley moved/Hertle seconded: Approve hire of JoAnne Morenz as a temporary part-time secretary in the county attorney's office for a period of approximately sixteen weeks, at a wage of \$17.00 per hour. Motion carried.

Hertle moved/Wiley seconded: To adopt Resolution #16-14. Ayes: Frese, Hertle, Wiley. Resolution adopted.

RESOLUTION #16-14

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 Urbana Fire Department has requested a gift of funds; and

WHEREAS, the Urbana Fire Department provides emergency services to areas in Polk Township, and mutual aid to other townships; and

WHEREAS, the Urbana Fire Department will provide an executed purchase order for a rescue/pumper truck at a cost of \$480,000 and requests the county's funding at that time to allow for a pre-payment discount; and

WHEREAS, the Urbana 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 Urbana Fire Department in the amount of \$48,000.00 for the purchase of equipment upon the filing of an executed purchase order. Said payment is subject to the county's budget authority.

Adopted this 9th day of February 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST: _____
Jill Marlow, Benton County Auditor

Wiley moved/Hertle seconded: Approve hire of temporary election workers to assist with election preparation duties at a wage not to exceed \$12.00 per hour. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Board worked on FY17 budget.

Hertle moved/Wiley seconded: Recess until 1:15 p.m. Motion carried at 12:05 p.m.

Frese called meeting back to order at 1:15 p.m.

Board continued FY17 budget work.

Wiley moved/Hertle seconded: Set March 8, 2016, at 9:30 a.m. for public hearing on FY17 budget. Motion carried.

Wiley moved/Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

February 11, 2016

The Benton County Board of Supervisors met in special session with Supervisors Hertle and Wiley present. The meeting was called to order at 6:00 p.m. at the Farm Bureau Office Building in Vinton.

Discussion held on the FY17 county budget, roads, watershed management, sanitary landfill, and other issues.

Hertle moved/Wiley seconded: Adjourn.

Todd A. Wiley, Vice-Chair

ATTEST:

Jill Marlow, Benton County Auditor

February 16, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/Hertle seconded: Approve minutes of February 9, 2016 and February 11, 2016. Motion Carried.

Hertle moved/Wiley seconded: Approve Benton County Fair Board Financial Report for 2015. Motion carried.

Hertle moved/Wiley seconded: Appoint Nancy Jensen to Solid Waste Commission. Motion carried.

Wiley moved/Hertle seconded: Approve Benton County being lead county of Middle Cedar WMA. Motion carried.

Deputy Auditor Gina Edler clarified to the Board that the Auditor's office is hoping to use current election workers to test equipment for the upcoming elections. If they don't get much interest they will hire outside help.

Mindy Druschel met with the board to discuss internet service and office cleaning for the new DHS office space. Druschel stated they currently have their internet thru ICN. They have received a quote of \$63,000 for a one time hook up cost or \$15,000/year for internet thru ICN. The \$15,000/year is a slow connection and they would have to have a secondary internet provider. The board questioned if there was a monthly charge with the \$63,000 cost. There would be an additional \$300-\$400 monthly fee. The hook up cost could be less if the office space has an internet hook up already. ICN will not come out and look at the space until DHS commits to the service. ICN needs 60-90 days' notice for disconnect/reconnect internet service. Board questioned who currently pays the monthly fee and how much the fee is, they want to have those answers before they make a formal decision.

Druschel also reported that Elwicks can provide office cleaning for \$20/hour and will provide all cleaning supplies. Currently they pay a county employee \$11.59/hour at 32 hours/month to clean the office. She estimates with the new office space it would take 18 hours/month to clean. Board questioned confidentiality training; they would have the people sign a confidentiality agreement. Board stated they are leaning towards Elwicks cleaning the new office space for DHS.

Druschel stated she received 2 bids for wiring at the new building for data jacks and phone lines. 1st bid Marco: \$11,625 they are currently who does work with their phone lines. 2nd bid SCI: \$11,438.58 plus tax. Wiley moved/Hertle seconded to approve Marco to do wiring for data and phone jacks for DHS/Elwick building at a cost of \$11,625. Motion carried.

Druschel asked the board who was going to move her office. She has received 1 quote from Kurt Kerman for \$5,200.00. The Board asked Druschel to receive additional quotes.

David Downey with Iowa Department of Natural Resources met with the Board via telephone, due to icy roads, to discuss ATV/UTV Ordinance. Downing stating the State is not looking to do a uniform ordinance. The Iowa DNR is working on a model ordinance similar to Buchanan County's ordinance. The board questioned Downey on several issues regarding, signage on county roads, handmade ATV's, liability, insurance, and registering ATV/UTV's. Downing told the Board he can then send good examples of ordinances if they would like one. He also said there have been about 3 counties that has tried out resolutions first before passing ordinances for ATV/UTV's.

The Board selected two pieces of artwork created by Kim Fischels to be displayed on the first floor of the courthouse.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: Approve hire of Tim Niner as part-time driver for transportation effective March 1, 2016, at \$12.99 per hour. Motion carried.

Wiley moved/Hertle seconded: Approve and sign the plan sheet for the HMA (hot mix asphalt) resurfacing project on E2W: Urbana southeast to Co line, Project FM-CO06(104)—55-06. Motion carried.

Hertle moved/Wiley seconded: Approve and sign the plan sheet for the HMA (hot mix asphalt) resurfacing project on W26: Urbana south 2.5 miles, Project FM-CO06(105)—55-06. Motion carried.

Wiley moved/Hertle seconded: Approve and sign the plan sheet for the HMA (hot mix asphalt) resurfacing project on 58th St Dr.: W26 to Big Timber, Project L-HMA-13—73-06. Motion carried.

Hertle moved/Wiley seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Gina Edler, Benton County Deputy Auditor

February 23, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Hertle moved/Wiley seconded: Approve minutes of February 16, 2016. Motion Carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 218072 through 218205 payroll checks numbered 138599 through 138630, and ACH deposits numbered 26729 through 26855, vendor checks numbered 218206 through 218211. Motion carried.

Hertle moved/Wiley seconded: Appoint Denise Schwab as a member to the Solid Waste Commission. Motion carried.

Hertle moved/Wiley seconded: Approve out-of-state training for medical examiner investigations. Motion carried.

Mindy Druschel followed up with the board regarding the internet service hook up and monthly fees for moving the DHS office. Benton County will not have to pay the monthly fees after the initial hook up costs. The state will pay that monthly fee and will reimburse the county a portion of that over a 10 year time period.

Wiley moved/Hertle seconded: To give notice and approve ICN's quote of up to \$63,000 for a one time hook up cost for DHS office internet. Motion carried.

The engineer stated that there were six bids received for a new 1-ton Cab Chassis/Dual Wheel truck to replace the current Mechanics truck bought in 2001. The engineer recommended that the board award the bid to the lowest bidder.

The bids were as follows:

Grovert Motor Company	2016 Chevy Silverado 3500	\$27,157
Ervin Motor Company	2016 GMC Sierra 3500	\$25,245
Thys Motor Company-Belle Plaine	2016 Dodge Ram 3500	\$25,964
Thys Motor Company-Blairstown	2016 Chevy Silverado 3500	\$27,172
Junge Center Point	2016 Dodge Ram 3500	\$27,111
Junge Center Point	2016 Ford F350	\$27,040

Wiley moved/Hertle seconded: Award the bid to Ervin Motor Company for a new 2016 GMS Sierra 3500 for \$25,245. Motion carried.

Hertle moved/Wiley seconded: Approve a 60 day extension beginning March 1, 2016 to the county's nepotism policy. Motion carried.

Wiley moved/Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

March 1, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/Hertle seconded: Approve minutes of February 23, 2016. Motion Carried.

Hertle moved/Wiley seconded: Approve part time Reserve Officer, Paul McIntire at \$21.01 an hour and part time Food Service/Custodial Denise Follman at \$11.49 an hour effective March 1, 2016. Motion carried.

Engineer discussed vacating a street/ alley in Watkins per a residents request. It is a 30 foot wide strip from the west edge of the pavement of Watkins to the east of vacated Turner Street, approximately 360 feet in total length. The alley is 16 feet running north and south between the Block. No action was taken.

Supervisor Wiley had to leave the meeting at 9:30 a.m.

Steve Meyer presented the board with a hard copy of the finalized Hazardous Mitigation Plan that FEMA approved on 2/16/16.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

The Sheriff Fry Memorial Committee presented the Board with their ideas to Honor the late Sheriff Leland A. Fry who was shot and killed while in office due to his brave and selfless act of protecting the citizens of Benton County. Unfortunately, decades have gone by without a public acknowledgement of this. With the guidance of Sheriff Fry's descendants and a group of county residents, members of the Peace Officers Association and the Historical Preservation Committee together formed the Sheriff Fry Memorial Committee. The goal is to help raise funds for a bronze bust of Sheriff Fry and an accompanied display telling the story of what happened that day in 1938. Members of the committee present were: Dave Thompson, Brian Parr, Jeff Rains (grandson of Sheriff Fry), Judy Brahm, Peggy Schott, Russ Glime and Gary Benson. Thompson described this as being a 3 prong project. 1. There will be the bronze bust and stone pedestal. 2. Scrapbook made by Hazel Fry documenting the story of Leland Fry. The committee is hoping to make copies of this to sell for part of the fundraising. 3. Museum quality display case to be placed on the first floor of the courthouse with pictures, texts and artifacts to help tell the story. Parr described the process of how the bronze bust is made and assured them it will last for years to come.

Hertle moved/Frese seconded: To approve of the Sheriff Fry Memorial Project and give permission for the committee to use the Courthouse for such displays. Motion carried.

Hertle moved/Frese seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

March 8, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Hertle moved/Wiley seconded: Approve minutes of March 1, 2016. Motion Carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 218212 through 218366 payroll checks numbered 138631 through 138649, and ACH deposits numbered 26856 through 26983, vendor checks numbered 218367 through 218372. Motion carried.

Hertle moved/Wiley seconded: Appoint Gary Benson to Eminent Domain for owner of city property for 2016. Motion carried.

Wiley moved/Hertle seconded: Approve Class C Liquor License for Tara Hills Country Club. Motion carried.

Hertle moved/Wiley seconded: to set Tuesday April 5, 2016 at 9:15 a.m., as the time and date for a land use hearing on a land use change requested by Robert and Denise Cue in the NE ¼ of the NW ¼ of Sec 5-86-10. Motion carried.

Wiley moved/Hertle seconded: to set Tuesday April 5, 2016 at 9:30 a.m., as the time and date for a land use hearing on a land use change requested by Jason Karr in part of the NE ¼ of the SE ¼ of Sec 2-85-9. Motion carried.

Hertle moved/Wiley seconded: To give official Notice to have ICN start the installation process for DHS office internet. Motion carried.

Wiley moved/Hertle seconded: to authorize Chairman to sign Heartland Insurance Renewal Questionnaire. Motion carried.

Wiley moved/Hertle seconded to Approve Resolution #16-15 AMENDING RESOLUTION #16-14. Motion carried.

RESOLUTION #16-15
AMENDING
RESOLUTION #16-14

WHEREAS, the Benton County Board of Supervisors adopted Resolution #16-14 on February 9, 2016, gifting \$48,000.00 of Local Option Sales and Services funds to the Urbana Fire Department; and

WHEREAS, the Urbana Fire Department has submitted a purchase order totaling \$482,540.00; 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 #16-14, by striking the amount of \$48,000.00 and inserting in lieu thereof \$48,254.00.

Adopted this 8th day of March 2016.

Donald H. Frese, Chairman

Todd A. Wiley

Terry L. Hertle

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Hertle Moved/Wiley seconded: to Approve Resolution #16-16 SERVICE AREA BUDGET AMENDMENT. Motion carried.

RESOLUTION #16-16
SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2016 budget on March 10, 2015; 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 FY2016 county budget is hereby amended within the following service areas:

Service Area 1 - \$3,165.00 from Function 1220 (Fund 0001 Department 99) to Function 1220 (Fund 0040 Department 99)

IT IS FURTHER RESOLVED that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 8th day of March 2016.

Donald H. Frese

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The time of 9:30 a.m. having arrived and this being the time and date for a public hearing on the county's FY17 budget, the chair opened the public hearing for comment. There were no members of the public present. Two members of the media were present, along with other employees of the county. 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 at 9:35 a.m.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To approve Resolution #16-17 ELECTED OFFICIALS' SALARIES. Motion carried.

RESOLUTION #16-17 ELECTED OFFICIALS' SALARIES

WHEREAS, the Benton County Compensation Board met on January 13, 2016, and recommended increases in the salaries of the elected officials pursuant to Iowa Code Sections 331.905 and 331.907; and

WHEREAS, said recommended increases are as follows:

<u>Official</u>	<u>FY 2016 (current)</u>	<u>FY 2017 (proposed)</u>	<u>Increase</u>
Attorney	\$95,234.59	\$97,139.28	\$1,904.69
Sheriff	\$79,061.72	\$80,642.95	\$1,581.23
Auditor	\$69,351.65	\$70,045.17	\$ 693.52
Treasurer	\$64,943.55	\$66,242.42	\$1,298.87
Recorder	\$64,943.55	\$66,242.42	\$1,298.87
Supervisors	\$38,614.14	\$39,000.28	\$ 386.14

NOW THEREFORE BE IT RESOLVED that the Benton County Board of Supervisors adopts the salary recommendations for elected officials for the fiscal year beginning July 1, 2016, as recommended by the Benton County Compensation Board.

Dated this 8th day of March 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded to adopt Resolution #16-18 ADOPTION OF THE FY17 COUNTY BUDGET. Motion Carried.

RESOLUTION #16-18 ADOPTION OF THE FY17 COUNTY BUDGET

BE IT REMEMBERED that on this, the 8th day of March 2016, 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 2016-17 as filed with the Board. There was present a quorum as required by law. The notice and place of hearing had, according to law and as directed by the Board, been published in the Star Press Union, Cedar Valley Times, and Vinton Eagle, the official newspapers published in Benton County.

The budget was then taken up and considered. The public was provided an opportunity to speak.

The County Compensation Board recommendation for FY17 salaries for elected officials and as set forth and adopted in Resolution #16-17 is included in the FY17 budget.

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 - \$532,500 – Vehicle Replacement, infrastructure upgrades/repair, IT upgrades
General Other - \$2,085 – Historic Preservation
General Supplemental - \$50,000.00 – Emergency Response and \$100,000 election equipment replacement (included in Restricted Balance)
Rural Services - \$16,000 Vehicle Replacement (included in Restricted Balance)
Other - EMS \$119,457; LOSST \$298,000 – Technology upgrades and GIS reflight (included in Restricted

Balance)

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 2016-17 (without gas and electric):

General Basic	\$4,628,546
General Supplemental	\$1,045,575
Mental Health Services	\$ 834,447
Rural Services Basic	\$2,522,182
Debt Service	\$ 134,359

IT IS THEREFORE RESOLVED, by the Benton County Board of Supervisors that the FY17 budget is hereby adopted.

Dated this 8th day of March 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Breanna Shea, Iowa Flood Center Outreach Coordinator along with Larry Webber, the University of Iowa, Jennifer Fencil and Gary Hughes with ECICOG presented and explained to the board the HUD Award update and the proposal for the Iowa Watersheds Project. More specifically creating the Middle Cedar Watershed.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: to Approve Resolution #16-19 RESOLUTION APPROVING THE ARTICLES OF AGREEMENT CREATING THE MIDDLE CEDAR WATERSHED MANAGEMENT AUTHORITY. Motion carried.
RESOLUTION #16-19

RESOLUTION APPROVING THE ARTICLES OF AGREEMENT CREATING THE MIDDLE CEDAR WATERSHED MANAGEMENT AUTHORITY

WHEREAS, In 2010, Iowa lawmakers passed legislation authorizing the creation of Watershed Management Authorities.

WHEREAS, A Watershed Management Authority (WMA) is a mechanism for cities, counties, Soil and Water Conservation Districts (SWCDs) and stakeholders to cooperatively engage in watershed planning and management.

WHEREAS, the County of Benton desires to enter into an Agreement that would establish a Watershed Management Authority within the Middle Cedar Watershed (Hydrologic Unit Code #07080205) to enable cooperation in watershed planning and improvements pursuant to Iowa Code Chapter 466B.23 and;

WHEREAS, Chapter 28E of the Code of Iowa provides the authority for public agencies to enter into agreements for their mutual advantage and;

WHEREAS, this Agreement is made and entered into by the eligible political subdivisions within the Middle Cedar Watershed that adopt these Articles of Agreement, including but not limited to the Cities of Cedar Falls, Cedar Rapids, Evansdale, Hudson, La Porte City, and Vinton; Benton, Black Hawk, Tama, and Linn Counties; and Black Hawk and Tama Soil and Water Conservation Districts;

NOW BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA that Supervisor Todd A. Wiley or the Board's designee is hereby authorized to sign and execute the Articles of Agreement for the Middle Cedar Watershed Management Authority, a copy of which is attached hereto and incorporated herein by this reference; and

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF BENTON, IOWA that said Agreement is hereby approved as to form and content and is found to be in the best interest of the County of Benton, Iowa and the eligible political subdivisions that adopt these Articles of Agreement, including but not limited to the Cities of Cedar Falls, Cedar Rapids, Evansdale, Hudson, La Porte City, and Vinton; Benton, Black Hawk, Tama, and Linn Counties; and Black Hawk and Tama Soil and Water Conservation Districts; and

BE IT FURTHER RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY that the Auditor is hereby authorized to file a copy of this Resolution and Agreement with the Secretary of State, as required by Chapter 28E, Iowa Code.

It was moved by _____ and seconded by _____ that the Resolution be adopted.

PASSED and APPROVED this _____ day of _____, 2016.

Donald H. Frese, Chairman
Benton County Board of Supervisors
Benton County, Iowa

ATTEST: _____
Hayley Rippel, Deputy Auditor
Benton County, Iowa

Middle Cedar Watershed Management Authority Agreement
Between Benton County and your entity/governmental body

THIS AGREEMENT is entered into pursuant to Iowa Code chapter 28E by and between Benton County, Iowa, and _____ other parties including counties, cities, soil and water conservation districts _____ to wit:

WHEREAS, Iowa Code section 466B.22 authorizes two (2) or more political subdivisions, defined as including cities, counties, and soil and water conservation districts, all of which must be located within the same United States Geological Survey Hydrologic Unit Code 8 Watershed, to enter into agreement under Iowa Code Chapter 28E to establish a watershed management authority to enable cooperation in supporting watershed planning and improvements for the mutual advantage of the political subdivisions involved; and

WHEREAS, pursuant to Iowa Code Section 466B.23, a watershed management authority may perform all of the following duties:

1. Assess the flood risks in the watershed.
2. Assess the water quality in the watershed.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

3. Assess options for reducing flood risk and improving water quality in the watershed.
4. Monitor federal flood risk planning and activities.
5. Educate residents of the watershed area regarding water quality and flood risks.
6. Allocate moneys made available to the authority for purposes of water quality and flood mitigation.
7. Make and enter into contracts and agreements and execute all instruments necessary or incidental to the performance of the duties of the authority. A watershed management authority shall not acquire property by eminent domain; and

WHEREAS, the Counties of _____; and the Cities of _____; and the Soil and Water Conservation Districts of _____ deem establishment of the Middle Cedar Watershed Management Authority (the “Authority”), a watershed management authority encompassing all of the Iowa portion of the Middle Cedar Watershed (also the “Watershed”), a Hydrologic Unit Code 8 (HUC 8 ID #07080205) Watershed, to be of mutual advantage; and

WHEREAS, it is mutually desired to enter into this Agreement pursuant to Iowa Code Chapter 28E for the purpose of establishing the Middle Cedar Watershed Management Authority to carry out watershed planning and improvements in the Middle Cedar Watershed; and

NOW, THEREFORE, it is agreed by and between the parties as follows:

SECTION 1. IDENTITY OF THE PARTIES.

- 1.1 The Counties of _____ are each a political subdivision of the State of Iowa, organized and operating pursuant to Iowa Code Chapter 331. Their respective addresses are:
- 1.2 The Cities of _____ are each a municipality of the State of Iowa, organized and operating pursuant to Iowa Code chapter 364. Their respective addresses are:
- 1.3 The Soil and Water Conservation Districts of _____ are each a governmental subdivision of the State of Iowa as defined in Iowa Code Section 161A3(6) and a soil and water conservation district established pursuant to Iowa Code Section 161A5(1). Their respective addresses are:

SECTION 2. PURPOSE.

2.1 The purpose of this Agreement is to provide for the manner in which the parties shall cooperate with one another to successfully plan for and implement watershed improvements within the Middle Cedar Watershed, including but not limited to the following activities authorized pursuant to Iowa Code section 466B.22:

1. Assess the flood risks in the watershed.
2. Assess the water quality in the watershed.
3. Assess options for reducing flood risk and improving water quality in the watershed.
4. Monitor federal flood risk planning and activities.
5. Educate residents of the watershed area regarding water quality and flood risks.
6. Seek and allocate moneys made available to the authority for purposes of water quality and flood mitigation.
7. Make and enter into contracts and agreements and execute all instruments necessary or incidental to the performance of the duties of the authority. A watershed management authority shall not acquire property by eminent domain.

SECTION 3. CREATION OF THE AUTHORITY.

3.1 Upon the effective date stated in this Agreement there is hereby created a public agency to be known as the “MIDDLE CEDAR WATERSHED MANAGEMENT AUTHORITY” (the “Authority”). The Authority shall be a political subdivision of the State of Iowa and a legal entity separate and distinct from the corporate existence of any participating parties to this

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Agreement, and shall be subject to the control and supervision of any party to this Agreement or their officers and directors, only to the extent provided for herein.

3.2 A joint board of the participating political subdivisions known as the Middle Cedar Watershed Management Authority Board (the “Board”) shall be responsible for fulfilling the purpose of the Authority. The Board shall be comprised of one appointee from each county, city and district participating in this Agreement. The Board shall adopt Bylaws governing the administration, development, operation and management of the Authority.

3.3 Each participating political subdivision shall be known as a Member. Each Member shall appoint a Director to the Board of the Authority.

SECTION 4. DURATION. This Agreement shall be in effect perpetually until terminated pursuant to Section 10.

SECTION 5. POWERS AND DUTIES.

5.1 The Members shall retain all powers and duties conferred by law and shall assist each other in the exercise of such powers and the performance of such duties as are provided for in this Agreement. Each Member shall be jointly responsible for focusing attention on:

- a. Assessing the flood risks in the watershed.
- b. Assessing the water quality in the watershed.
- c. Assessing options for reducing flood risk and improving water quality in the watershed.
- d. Monitoring federal flood risk planning and activities.
- e. Educating residents of the watershed area regarding water quality and flood risks.
- f. Allocating moneys made available to the authority for purposes of water quality and flood mitigation.
- g. Making and entering into contracts and agreements and executing all instruments necessary or incidental to the performance of the duties of the authority. A watershed management authority shall not acquire property by eminent domain.

5.2 A Member may, but will not be required to, accept a specific responsibility to assist in achieving the goals of the Authority. Acceptance of such responsibilities shall only be by official action of the governing body of the Member. These responsibilities include but are not limited to:

- a. identifying opportunities for funding and in-kind support for the undertaking of watershed planning and improvements within the Middle Cedar Watershed;
- b. serving as fiscal agent for the Authority when funds are received from any source;
- c. identifying opportunities for infrastructure development and planning capable of assessing and mitigating flood risks in the Watershed;
- d. identifying the most effective best management practices for improvements of water quantity and water quality improvements in the Watershed;
- e. participating in any educational/outreach programs regarding water quality and flood risks;
- f. identifying opportunities for infrastructure development and planning capable of assessing and improving water quality in the Watershed;
- g. providing support for the administration of any projects, including technical, financial and clerical, as agreed to by the parties;
- h. securing such financing, including grants, loans and the issuance of bonds or loan agreements, as determined to be necessary or desirable to achieve the objectives of the agreement;

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

- i. coordinating with local wastewater utilities;
- j. designing and bidding of projects;
- k. administering contracts; and
- l. observing construction.

SECTION 6. MANNER OF FINANCING. The Board may solicit, accept and receive donations, endowments, gifts, grants, reimbursements and other such funds as necessary to support work pursuant to this Agreement.

No action to contribute funds by a Director of the Authority is binding on the Member that he or she represents without official approval by the governing board of that Member. No Member may be required to contribute funds to the Authority, except to fulfill any obligation previously made by official action by the governing body of the Member.

All funds received for use by the Authority shall be held as a special fund by the fiscal agent designated by the Board of the Authority. When funds are provided as a grant or loan directed to a Member of the Authority for a project administered by that Member, the funds shall be retained and administered by that Member.

SECTION 7. ENTIRE AGREEMENT.

7.1 This Agreement contains the entire agreement of and integrates all of the terms and conditions contained in and incidental to such Agreement. No modifications or waiver of any provision in this Agreement shall be valid unless in writing and signed by all of the parties. If, for any reason, any provisions of this Agreement shall be inoperative, the validity and effect of the other provisions shall not be affected thereby.

7.2 If any provision of this Agreement is found to be invalid by any court, administrative agency or tribunal or competent jurisdiction, the invalidity of any such provision shall not affect the validity of the remaining provisions hereof.

SECTION 8. GOVERNING LAW. This Agreement shall be governed by and interpreted under the laws of the State of Iowa and shall meet all the necessary legal requirements and publications as outlined in Iowa Code Chapter 28E and other applicable Iowa laws.

SECTION 9. AMENDMENTS. This Agreement may be amended at any time by approval from all of the governing boards of the Members of the Authority. All amendments shall be in writing, executed by the authorized representative of each governing board of the Members, and filed in an electronic format with the Iowa Secretary of State as required by Iowa Code Section 28E.8.

SECTION 10. TERMINATION. This Agreement shall terminate upon the majority vote or mutual agreement of the governing bodies of all Members of the Authority. Upon termination, all property and money then owned by the Authority shall be distributed according to the Member's contribution levels among the Members after payment of all debts. Any funds donated under a stipulation limiting their use shall be disbursed consistent with the donor's direction.

SECTION 11. EFFECTIVE DATE. This Agreement shall take effect upon execution by the parties as required by law and upon filing with the Secretary of State in an electronic format as required by Iowa Code Section 28E.8.

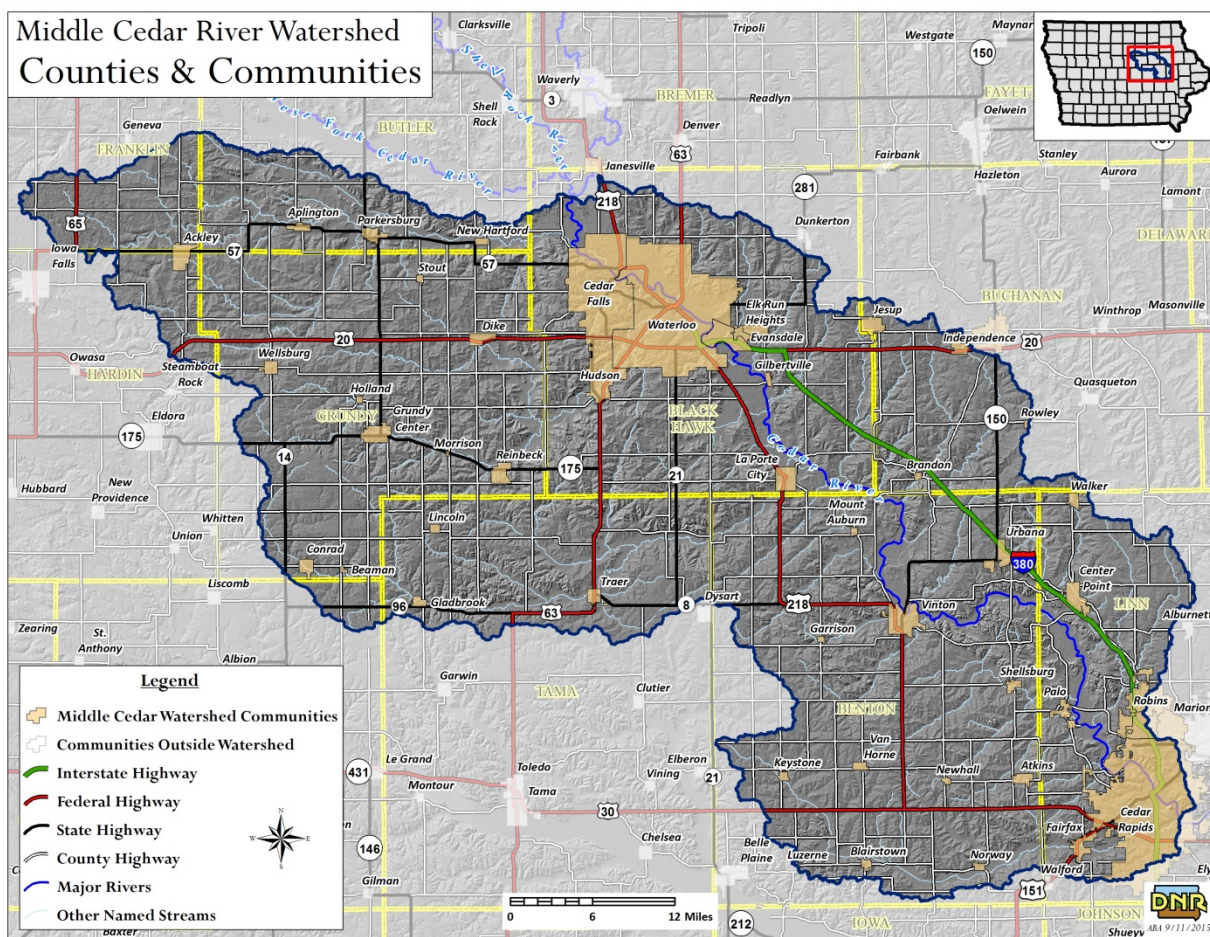
SECTION 12. WITHDRAWAL FROM MEMBERSHIP. Any Member may withdraw from the Authority by the action of its governing board, unless the Authority then has unpaid debts or legal obligations, in which case the consent of the governing boards of the remaining Members to the withdrawal is required. Such withdrawal will forfeit any right to a distribution in conjunction with a subsequent termination of this Agreement.

SECTION 13. WATERSHED BOUNDARY. The geographical area to which this agreement applies shall be known as the Middle Cedar Watershed. The Middle Cedar is a United States Geological Survey Hydrologic Unit Code (HUC 8 ID #07080205) Watershed. The boundary of the Watershed is graphically displayed in Attachment I, which is hereby incorporated into this Agreement.

SECTION 14. INDEMNIFICATION. The Authority shall indemnify, defend, keep, save, and hold harmless the Members and their officers and employees from and against any and all losses, claims, damages, liability, costs, expenses, or deficiencies (including without limitation reasonable attorneys' fees and other costs and expenses reasonably incident to proceedings or investigations or the defense or settlement of any claim or claims) arising out of the Authority's activities, including without limitation challenges to the organization, creation or status of the Authority, whether based on tort, antitrust, non-competition, wage and hour violations, or any other claim of illegality, and whether based upon state, federal, local, or common law.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

ATTACHMENT I



Dated this 8th day of March, 2016.

BENTON COUNTY, IOWA

BY: _____
Board of Supervisors Chair

ATTEST: _____
County Auditor
_____, Iowa

BY: _____
Mayor

ATTEST: _____
City Clerk
SWCD _____, Iowa

BY: _____
Chair

Hertle moved/Wiley seconded: To approve the part-time hire of Denise Westerhoff at \$14/ hour and Joni Fowler at \$11/hour in the Treasurer's office effective March 9, 2016. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

March 15, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/Hertle seconded: Approve minutes of March 8, 2016. Motion Carried.

Wiley moved/Hertle seconded: to set Tuesday April 12, 2016 at 9:15 a.m., as the time and date for a land use hearing on a land use change requested by Coots Materials Company on the S ½ NW ¼ of Sec 28-86-10. Motion carried.

Hertle moved/Wiley seconded: to set Tuesday April 19, 2016 at 9:15 a.m., as the time and date for a land use hearing on a land use change requested by Brett and Dawnette Richards in part of Parcel B in SW ¼ NE ¼ and NW ¼ SE ¼ of Sec 22-85-10. Motion carried.

Wiley moved/Hertle seconded: to approve Veterans Affairs Quarterly Report. Motion carried.

Wiley moved/Hertle seconded: to approve fireworks permit applications for Charles Yedlik on April 9, May 28 & 29th, and October 29, 2016. Motion carried.

Wiley moved/Hertle seconded to Approve Resolution #16-20 Authorizing the filing of Manure Management Plans and Updates electronically. Motion carried.

RESOLUTION #16-20

AUTHORIZING THE FILING OF MANURE MANAGEMENT PLANS AND UPDATES ELECTRONICALLY

WHEREAS, Iowa Department of Natural Resources requires that Manure Management Plans ("MMPs") and annual Plan Updates ("Updates") be filed with the county; and

WHEREAS, there is no requirement set forth that said MMPs and Updates be in paper format or electronic format; and

WHEREAS, the filing of MMPs and Updates electronically will aid in the storage and retrieval of the same; and

WHEREAS, the electronic filing of MMPs and Updates will aid in the reduction of paper stored at county facilities,

IT IS THEREFORE RESOLVED by the Benton County Board of Supervisors that the required filing of MMPs and Updates with Benton County may be done in electronic format or in paper format at the discretion of the confinement feeding operation.

IT IS FURTHER RESOLVED that the Verification of County Receipt for MMPs and Updates filed electronically will be returned electronically. The county shall not incur any expense in mailing Verifications of County Receipt.

IT IS FURTHER RESOLVED that public records request for MMPs and Updates that have been filed electronically shall be provided free-of-charge by e-mail to the requestor. The production of paper copies from an electronic record will be charged at the current rate for copies charged by the respective office.

Dated this 15th day of March 2016.

Donald H. Frese, Chairman

Todd A. Wiley

Terry L. Hertle

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Jacki Michael, Trent Kamer and Duane Eldred representing the City of Urbana, came to discuss their concern about the county maintainer shed in Urbana. The traffic from the heavy equipment are causing damage to the seal coating. They are wanting to find a more permanent solution. Ben Vierling, Assistant County Engineer was also present and is going to do some research and look into more options and report back to the board next week.

Hertle Moved/Wiley seconded: To approve Resolution #16-21 Abatement of Tax . Motion carried.

RESOLUTION #16-21 ABATEMENT OF TAX

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that all tax and penalty in the amount of \$9,557.00 owing on parcel #240-43400 and \$4,771.00 on parcel # 240-64850 is hereby abated in full pursuant to order of the court under Iowa Code 657A.10A.

Dated this 15th day of March, 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: To approve Resolution #16-22 Abatement of Tax. Motion carried.

RESOLUTION #16-22 ABATEMENT ON TAX

WHEREAS, the Benton County Treasurer has reported that a mobile home have been deemed to have no value by the court pursuant to Iowa Code 562B.27 and Chapters 555B and 648; and

WHEREAS, there are currently tax liens filed against the properties and 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 this parcel

IT IS THEREFORE RESOLVED that the delinquent tax, penalty, interest and costs assessed on parcel # 370-208681 for the amount of \$680.00 is 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 March 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Budget Amendment Discussion was heard from various departments.

Wiley moved/Hertle seconded: To set April 5, 2016 at 9:30 a.m. as the Public Hearing for Budget Amendments for FY16. Motion carried.

Wiley moved/Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

March 22, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Hertle moved/Wiley seconded: Approve minutes of March 15, 2016. Motion Carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 218373 through 218530 payroll checks numbered 138650 through 138681, and ACH deposits numbered 26984 through 27113, vendor checks numbered 218531 through 218536. Motion carried.

Hertle moved/Wiley seconded: Approve/Deny Family Farm Credit Applications. Motion carried.

Wiley Moved/Hertle seconded: To approve Resolution #16-23 Abatement of Tax. Motion carried.

RESOLUTION #16-23

WHEREAS, the Benton County Treasurer has reported that a mobile home have been deemed to have no value by the court pursuant to Iowa Code 562B.27 and Chapters 555B and 648; and

WHEREAS, there are currently tax liens filed against the properties and 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 this parcel

IT IS THEREFORE RESOLVED that the delinquent tax, penalty, interest and costs assessed on parcel # 370-G2719 for the amount of \$592.00 is hereby abated pursuant to Iowa Code 445.16. The treasurer is directed to strike the amount due from the county system.

Dated this 22nd day of March 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: To change time for public hearing on Amending the FY16 county budget on April 5, 2016 from previously set 9:30 a.m. to 9:45 a.m. Motion carried.

Hertle moved/Wiley seconded: to Approve Resolution #16-24 Rules for use of the Benton County courthouse Grounds Policy. Motion moved.

RESOLUTION #16-24 RULES FOR USE OF BENTON COUNTY COURTHOUSE GROUNDS

1. The courthouse grounds will be available for use by civic organizations, schools, or government organizations for specific events as set forth in the Application for Use. Separate uses must be submitted on separate applications.
2. The courthouse grounds is defined as any part of the county's property commonly known as the courthouse square, including but not limited to the building, lawn and sidewalk.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

3. Use of the courthouse grounds requires approval of the Board of Supervisors. The courthouse building will generally not be included in any approval of use unless specifically requested and approved by the Board of Supervisors.
4. A representative of the applicant shall meet with the Benton County Board of Supervisors to discuss the event and obtain prior approval.
5. The County is not responsible for any equipment, supplies, materials or other items owned or used by a civic organization, school, and/or governmental organization for the event. Equipment, supplies, materials, or other items must be removed within 24 hours of the conclusion of the event.
6. The County will provide electricity for pre-approved activities at no cost to the organization. The County reserves the right to charge for electricity and water if at any time the Board of Supervisors, at their sole discretion, determines that the usage is excessive.
7. The courthouse restrooms are available to the public only during normal business hours.
8. An application form shall be signed by the responsible party acknowledging responsibility for the payment of any damages that might occur to the County building/grounds during the designated event.
9. The courthouse grounds shall not be used for any unlawful purpose.
10. The use of the courthouse grounds shall not interfere with normal county government operations or with normal public access to the courthouse during business hours (Monday through Friday 8:00 am until 4:30 pm and 6:00 pm on Thursdays).
11. No more than 50% of the courthouse grounds shall be used for the designated event.
12. No animals (except service animals) or vehicles, including but not limited to motorized vehicles, golf carts, and trailers, are allowed on the courthouse grounds. Vehicles may be on the courthouse grounds for the set-up and tear-down of the activity, but must be removed immediately upon completion of set-up and tear-down. Damages caused by vehicles on the courthouse grounds shall be repaired by the county and invoiced to the applicant.
13. No alcoholic beverages are allowed on the courthouse grounds.
14. No weapons are allowed on the courthouse grounds.
15. No smoking is allowed on the courthouse grounds.
16. Loud noise, music, or other activities conducted on county grounds that disrupts county business or adversely affects surrounding areas are prohibited.
17. Nothing shall be placed on the courthouse grounds that could be harmful to grass, vegetation, or trees.
18. Signs, emblems, banners, pennants, etc. may not be affixed to trees, landscaping, signage, furniture, or to the building inside or outside.
19. All entrances and exits shall not be altered and/or blocked in any way during courthouse business hours.
20. The courthouse grounds shall be cleaned by the applicant and returned to their pre-event condition within 24 hours after the designated event or arrangements shall be made to pay the County for the cost of cleaning.
21. An application form shall be signed by the responsible party acknowledging responsibility for the payment of any damages that might occur to the courthouse grounds during the designated event.
22. Any group using the courthouse grounds shall provide the County with proof of an insurance liability policy naming the County as an additional insured in an amount of at least \$1 million.
23. Any applicant using the courthouse grounds and causing damages shall be required to reimburse the County for the cost of said damages. For purposes of this paragraph the applicant is defined as the applicant (civic organization, school, or government organizations) and includes, but is not limited to, event participants, attendees and spectators.
24. The Board of Supervisors reserves the right to refuse use of the courthouse grounds for any event that may compromise the security of the courthouse or the safety of either courthouse employees or the general public.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

25. Violation of any of these rules or failure to promptly pay for costs incurred by the county for repairing damage or clean-up may be cause for the County to deny an applicant's future use of the Courthouse grounds.
26. Holiday Displays: In addition to the foregoing, winter holiday displays shall be approved prior to placement as to type of display, form, size, and location. Such holiday displays may be displayed from November 15th of one year to January 10th of the following year, at which time, all displays must be removed. It is noted that electrical service is limited and will be on a first come/first served basis. However, in the event that the County places a holiday display or lighting on the courthouse grounds, the County's use of electricity supersedes all other displays and is primary. Holiday displays shall not be allowed at any other time of the year.
27. The Board of Supervisors in the exercise of its discretion may grant variances from these rules and requirements for cause shown on a case-by-case basis.

APPLICATION FOR USE OF COURTHOUSE GROUNDS

Date: _____

Full Name of Organization: _____

Type of Function: _____

Date Being Requested: _____

Time of Activity/Event: _____ a.m. /p.m. to _____ a.m. /p.m.

Name of Contact: _____
(Please Print)

Mailing Address: _____
(Street)

(City/State) (Zip) ()
(Phone #)

E-mail Address: _____

Describe special requests below: i.e. if requesting use of courthouse building proper

Completed applications and must be submitted two weeks in advance of the requested date to:

Benton County Board of Supervisors
P.O. Box 549
Vinton, Iowa 52349

Section below to be completed by the Board of Supervisors

Application: ☐ Approved Date: _____ ☐ Denied Date: _____

Approval/Denial Notification Sent to Requestor: ☐ Yes ☐ No

Date Sent to Requestor: _____

Notification Sent to Building Maintenance Manager: ☐ Yes ☐ No

Date Sent to Building Maintenance Manager: _____

Benton County Board of Supervisors

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

HOLD HARMLESS CLAUSE

HOLD HARMLESS CLAUSE: _____ (applicant), successors and assigns, "agrees" to save and hold harmless Benton County, any of its departments, agents or employees, all of whom while working within their respective authority, from all cost, and damage incurred by the applicant(s) caused by an activity, condition or event arising out of the performance, preparation for performance or nonperformance of any provision of this agreement by Benton County, its departments, agents or employees.

I acknowledge that I have read and received the County's policy governing the usage of the County's courthouse grounds and agree that _____ (organization name) will abide by the policy.

I affirm that _____ (organization name) is one of the following: non-profit and/or civic organization, school, governmental organization and that I am an authorized and/or legal representative of the organization.

I understand that the requested use and time is not approved until my application is approved and confirmed by the Benton County Board of Supervisors.

I also understand that failure to follow the provisions of this policy may result in the suspension of the privilege of using the courthouse grounds.

Signature: _____ Date: _____
Contact/Legal Representative

Wiley moved/Hertle seconded: Enter into contract with Tyler Technologies for 4-year maintenance agreement on financial software system. Motion carried.

Wiley moved/Hertle seconded: Resolution #16-25. Motion carried.

RESOLUTION #16-25

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 Cedar Mt. Auburn Fire Department has requested a gift of funds; and

WHEREAS, the Cedar Mt. Auburn Fire Department provides emergency services to areas in Cedar Township and the City of Mt. Auburn, and mutual aid to other townships; and

WHEREAS, the Cedar Mt Auburn Fire Department provided a Bill of Sale for a 2006 Ford 550 Fire Truck at a cost of \$55,000 and requests the county's funding at that time; and

WHEREAS, the Cedar Mt Auburn 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 Cedar Mt Auburn Fire Department in the amount of \$5,500.00 for the purchase of equipment. Adopted this 22nd day of March 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

ATV/UTV discussion was had with the board from a few interested citizens. The Board is in favor of this, and will get a resolution or ordinance in place to adopt in the near future. They will need volunteers to help post signs on the roads that the recreational vehicles will be prohibited from. State law will always supersede the county's level of regulations.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The time of 10:00 a.m. having arrived, the board opened the public hearing on changing classification from Level B to Level C on 14th Ave. Dr. The following persons were present: Benton County Engineer Myron Parizek presented the details on the road with a map. All adjoining parties were notified. Those present were Charlotte Lohf, Bonnie and Keith Kroneman who were all in favor of the class change. Hearing no further comment, the public hearing was closed. Hertle moved/Wiley seconded: To approve Resolution #16-26. Motion carried.

RESOLUTION # 16-26

WHEREAS: Benton County desires to classify certain roads on the area service system in the County to provide for a minimal level of maintenance and access by means of a gate or barrier, and

WHEREAS: The County, after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Service "C" roads, pursuant to Iowa Code section 309.57, and

WHEREAS: The County is requesting that the following road be classified as an Area Service "C" road:

<i>All of the road (14th Avenue Dr) commencing at a point approximately 400 feet south of the N ¼</i>
<i>corner of Sec. 14, T82N, R12W of the Public Roadway (76th Street); thence south to a point 40</i>
<i>feet north of the S ¼ corner of Sec. 14, T82N, R12W of the Public Roadway (77th Street).</i>
<i>Total road length of approximately 0.9 miles. and</i>
<i>All of the road (14th Avenue Dr) commencing at a point 35 feet south of the N¼ corner of Sec. 23,</i>
<i>T82N, R12W of the Public Roadway (77th Street); thence south to a point approximately 250 feet</i>
<i>north of the center of Sec. 23, T82N, R12W.</i>
<i>Total road length of approximately 0.5 miles.</i>

WHEREAS: The maintenance on all Area Service "C" roads will be as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal. Snow and ice removal will not be performed on a regular basis. Sanding and salting will not be performed.
3. Bridges. Bridges on Area Service "C" roads may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations.
4. Weeds, Brush and Trees. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained as on a regular road.
5. Structures. Bridges and culverts may not be maintained on a regular basis to carry legal loads. Upon failure or loss, the replacement structure will be for the traffic thereon.
6. Road Surfacing. There will be no surfacing materials applied to Area Service "C" roads.
7. Shoulders. Shoulders will not be maintained.
8. Crown. A crown will not be maintained.
9. Repairs. There will be no road repairs on a regular basis.
10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
11. Inspections. Regular inspection will not be conducted.
12. The gate shall be purchased and installed by the County and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.

WHEREAS: The only persons who will have access right to the road shall be:

1. The Owner, lessee, or person in lawful possession of any adjoining land.
2. The agent or employee of the owner, lessee or person in lawful possession of any adjoining land.
3. Any peace officer.
4. Any magistrate.
5. Any public employee whose duty it is to supervise the use or perform maintenance of the road.
6. Any agent or employee of any utility located upon the road.

THEREFORE BE IT RESOLVED By The Board of Supervisors of Benton County that this County does hereby establish the road described above as an Area Service "C" road, with restricted access and a minimal level of maintenance.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Signed this 22nd day of March 2016.

Chairman, Board of Supervisors

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

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. The current grant money this year was mostly focused on equipment purchases. County Engineer reported back after further researching options for the Urbana county maintainer shed. State Right of way options vs Benton County owned land. Currently waiting for response from the DOT. Trent Kramer and Tracy Wilson, City of Urbana were also in on the discussion so they could report back to Urbana City Council. Evaluating all the future needs for both the City of Urbana and Benton County.

Loras Schulte, representing City of Norway discussed with the Board about a cost sharing project for a portion of Florence Street between Evergreen and Railroad Street that is shared by the county and city. Total cost for the project is \$12,773. Wiley moved/Hertle seconded: To approve the cost of \$6,386.00 for FY17 to repair that portion of Florence Street shared between the Benton County and the City of Norway. Motion carried.

Moved Hertle/ Wiley seconded: to approve a request for a utility permit requested by Windstream to place utility lines in the county's right-of-way in Iowa Township section 28 under 78th Street Trail. Motion carried.

Wiley Moved/ Hertle seconded: to approve the Iowa Department of Transportation Bridge Replacement Project BROS-C006(101)-5F-06 in Florence Township along 76th Street between 32nd and 33rd Ave. Motion carried.

Hertle moved/Wiley seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____
Hayley Rippel, Benton County Deputy Auditor

March 29, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/Hertle seconded: Approve minutes of March 22, 2016. Motion Carried.

Hertle moved/Wiley seconded: Approve Chairman to sign Wellmark's health insurance renewal documents for FY 17. Motion carried.

Wiley Moved/ Hertle seconded: Enter into agreement with Mail Services, LLC to process tax statements. Motion carried.

The time of 9:15 a.m. having arrived, and this being the time and date for a hearing: Carol Offerman appeal of the sheriff's order to remove a vicious animal under Benton County Ordinance #37, the Board took up the matter for consideration. Present for the hearing: Carol Offerman and her son and his girlfriend accompanied her, Deputy Sheriff John Lindaman, and Public Health Assistant Barbara Greenlee. The board heard comments as follows:

Offerman states that her dog has already been relocated to a friend in Cedar Rapids. She has had the dog since 4 weeks of age, it is now 7 months old. Given to her by her deceased boyfriend and states it is not a vicious animal. She owns a trailer in the Timber Ridge Trailer Court and a neighbor called in the complaint. She has a medical note stating she needs the dog for medical purposes. Deputy Lindaman said there was not a report of an attack, just a report of a pit bull at the Offerman residence. Offerman feels the neighbors are unhappy with her children in and out of her residence, and is possibly getting served with eviction papers. She has been living in Cedar Rapids since the dog was removed. Wiley feels she has a reasonably good case medically to appeal the ordinance but the way the Benton County ordinance states, her American Staffordshire Terrier, is considered a vicious animal. Hertle has mixed emotions, reminding Offerman that she gets to see her dog every day the way it stands since she travels to work in Cedar Rapids.

Hertle moved, Wiley seconded: to deny the appeal of Carol Offerman and affirm the order of the Benton County Sheriff's Department to have the animal removed from Benton County pursuant to Benton County Ordinance #37, as the animal meets the definition of vicious under subsection 37.02(5)(d). Wiley added even if he's in favor of denying this appeal, this is an ordinance he doesn't typically agree 100% with. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The 2016 Grand Jury met with the board to discuss the current condition of county facilities and other matters.
 Brad Miller, Access Systems met with the board to discuss 3rd party IT management options for Benton County.
 Scott Hansen, Emergency Management Coordinator invited the Board to the EOC rehearsal drill on Tuesday April 5, 2016 at the Benton County EOC.

Moved Hertle/ Wiley seconded: to approve a request for a utility permit requested by Windstream to place copper utility lines in the county's right-of-way in Iowa Township sections 21 and 28. Motion carried.

Hertle Moved/ Wiley seconded: to approve the Iowa Department of Transportation Bridge Replacement Project BROS-C006(100)-8J-06 in Leroy Township. Motion carried.

Wiley moved/ Hertle seconded: to accept resignation of Secondary Roads employee Daniel Higdon, effective May 27, 2016. Motion carried.

Hertle moved/Wiley seconded: To adjourn. Motion carried.

 Donald H. Frese, Chairman

ATTEST:

 Hayley Rippel, Benton County Deputy Auditor

April 5, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/Hertle seconded: Approve minutes of March 29, 2016. Motion Carried.

Hertle moved/Wiley seconded: to approve handwritten check for medical examiner training. Motion carried.

Wiley moved/Hertle seconded: to approve Auditor's Quarterly Report for January - March 2016.

Hertle moved/Wiley seconded: to Approve Resolution #16-27 Variance to the Benton County Subdivision Ordinance. Motion Carried.

RESOLUTION #16-27

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 NE¹/₄ of the NE¹/₄ of 27-82-10, due to hardship,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #61 are hereby varied in its entirety for one additional division of real property located in the NE ¹/₄ of the NE ¹/₄ of 27-82-10.

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

1. The additional lot being created is a part of the yard for the existing house, and is currently being maintained by the Stramer's. No further land is being taken out of production and no new residence are allowed.
- 2.

Adopted this 5th day of April 2016.

 Donald H. Frese, Chairman

 Todd Wiley

 Terry L. Hertle

ATTEST:

 Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: Sign order affirming removal of a dangerous animal from Carol Offerman's residence. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

The time of 9:15 a .m. having arrived, the board opened the public hearing on a land use change requested by Robert and Denise Cue. One media was present along with both Robert and Denise Cue. 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 the NE1/4 of 27-82-10. The request is to change the classification to a single residential use. 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 NE1/4 of the NE1/4 of Sec. 27-82-10. All members voting aye thereon. Motion carried.

The time of 9:30 a.m. having arrived, and this being the time and date for a land use hearing for Jason Karr in part of the NE SE of 2-85-9. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Karr would like to place a manufactured home on parcel owned by his grandmother Lorena Karr's residence. Needs new septic, but can connect to the same well. Will use the existing driveway and met all other requirements. Hertle moved/Wiley seconded: To approve land use change for Jason Karr to place a manufactured home on an existing residence in part of the NE SE of 2-85-9. Motion carried.

Motion Wiley/Hertle seconded: Sign certification letter for Benton County's \$300.24 in-kind match for Multi-Jurisdictional Hazard Mitigation Plan Update grant. Motion Carried.

Hertle moved/Wiley seconded: Approve \$16,500 Disbursement of economic development loan to Frontier Natural Products. Motion Carried.

Jill Marlow, County Auditor explained to the board how the current Resolution #15-65 reads and what she would like clarified and added so that it will include other pertinent documentation to be destroyed.

Hertle moved/Wiley seconded: To approve disposal of records for Benton Commerce Village water/sewer construction project, and also the 2008 flood (FEMA) documentation. Motion carried.

Wiley moved/Hertle seconded: Adopt Resolution #16-28 Amending Resolution #15-65. Motion carried.

RESOLUTION #16-28 AMENDING RESOLUTION #15-65 RECORD RETENTION POLICY FOR COUNTY AUDITOR'S OFFICE

WHEREAS, the Benton County Board of Supervisors adopted Resolution #15-65 on August 11, 2015, and subsequently amended it with Resolution #15-86, on December 1, 2015; and

WHEREAS, the Auditor has requested that said Resolution be amended to allow for the destruction of grant-related documents with no specified retention period as well as the destruction of cigarette permits,

NOW THEREFORE BE IT RESOLVED that Resolution #15-65, as amended by Resolution #15-86, is hereby amended as follows:

Cigarette Permits & Related Documents – Retain for 5 years and then destroy

Grant-related Records – Documents are to be retained for the required period set forth in the grant contract or for the standard period of time established by the granting agency, i.e. FEMA (3 years from close-out), DHS (3 years from close-out), CDBG (5 years from close-out). If no retention requirement is known then retain records for 7 years after grant close-out. Destruction of any grant-related records may only be done if there is no pending litigation, claims, audit, negotiation, or other action involving the records.

The remaining resolution, as amended, remains in full force and effect.

Signed this 5th day of April, 2016

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: Approve disposal of records for Benton Commerce Village water/sewer construction project from the 2008 flood (FEMA). Motion carried.

Hertle moved/Wiley seconded: Sign notice of intent not to renew Managed office agreement between Benton County and Erb's Technology Solutions. Motion carried.

No action taken on the ATV ordinance. Concerned citizen, Bob Ohlen felt the proposed ordinance was too limiting in by eliminating Level B and Level C roads. In his particular situation he'd be land locked. Hertle states that Benton is using the Buchanan county ordinance as a model. Wiley felt that those who live on roads that are excluded from the ordinance should be allowed to ride on that road until the closest available unrestricted road. Supervisor Frese added that each individual town will have to designate their own routes, so we will have to wait and see what they do. For now Hertle said Level C roads should stay off limits. County Engineer Myron Parizek explained the difference between Level B and C roads, with Level C having gates to restrict access. Frese apologized for how long this is taken, but trying to do it the correct way. Wiley pointed out the difficulties in amending an ordinance once it is in place, therefore we need to get it right the first time. The ordinance will need to serve our county's residents first. The Boards intends is to have these changes in place and adopt the Ordinance in next week's meeting.

The time of 9:45 a.m. having arrived, and this being the time and date for a land use hearing for Amending FY16 County Budget. The Board took up the matter for consideration. County Auditor, Jill Marlow went over the details. Having no further comments, It was moved by Hertle, seconded by Wiley to close the hearing and adopt Resolution # 16-29 Amending FY 16 Budget. Motion carried.

RESOLUTION #16-29 Amending FY 16 Budget

BE IT REMEMBERED on this, the 5th day of April 2016, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of hearing on an amendment to the current operating budget adopted on March 10, 2015. There was a quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published. Thereafter, and on said date the amendment was taken up and considered. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<u>Expenditures</u>	<u>Amendment</u>
Public Safety	\$ +6,500
Physical Health & Social Services	\$+39,805
Mental Health	\$ 0
County Environment & Education	\$+160,793
Roads & Transportation	\$+250,000
Government Services to Residents	\$ 0
Administration	\$ 0
Debt Service	\$ 0
Capital Projects	\$+50,000
Operating Transfers Out	\$ 0

<u>REVENUES</u>	<u>Amount</u>
Intergovernmental	\$+782,000
Licenses & Permits	\$ 0
Charges for Services	\$-555,000
Use of Money & Property	\$+130,000
Miscellaneous	\$+287,000
General Long Term Debt Proceeds	\$ 0
Operating Transfers – In	\$ 0
Proceeds of Fixed Assets	\$ 0
General Long Term Debt Proceeds	\$ 0

Dated this 5th of April 2016..

Donald H. Frese, Chairman

Terry L. Hertle

Todd A. Wiley

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The engineer discussed the 2016 summer dust control program provided by secondary roads. It is less than last year. 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 Hertle, seconded by Wiley, to approve the cost of MC-70 dust control applied by Benton County Secondary Roads for the summer of 2016 at \$1,000.00 for two applications of 400 feet each. The cost per additional foot is set at \$1.70 per foot for two applications. Dust control permits are to be submitted no later than May 6, 2016. All members voting aye thereon. Motion carried.

Wiley Moved/ Hertle seconded: to approve and sign purchase agreement(s) for temporary and permanent easements for the Iowa Department of Transportation Bridge Replacement Project BROS-C006(100)-8J-06 in Leroy Township. Motion carried.

Wiley moved/Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

April 12, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Hertle moved/Wiley seconded: Approve minutes of April 5, 2016. Motion Carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 218544 through 218782 payroll checks numbered 138682 through 138694, and ACH deposits numbered 27114 through 27242, vendor checks numbered 218537 through 218543. Motion carried.

Wiley moved/Hertle seconded: To approve the costs involved with having ICIT's IT/GIS committee to come on site and give Benton County an unbiased full Network Technical Assessment. Motion carried.

The board recessed at 9:10 a.m.

The board reconvened at 9:20 a.m. in the 3rd floor Courthouse Courtroom to accommodate the large amount of people in attendance. The board opened the public hearing on a land use change requested by Coots Materials Company. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for 80 acres located in the S 1/2 of the NW1/4 of 28-86-10. The request is to change the classification to non ag use excavation/sand and gravel dredging. As the discussion begins, Dave Coots, owner of Coots Materials discussed the history of his company leading back to 1958 that now currently employs approximately 40 people with addition of several part-timers. Stating the importance of aggregates in everyday use, on average each person uses 10 tons of aggregates a year. It also has many environmental uses including drinking water purification. He explained his proposal and had photos of the current sand pit to explain how dredging works, and how they've never had any problems. Coots has proof of all the state and federal records to prove they do things right. Tyneal Herger, co-owner of Coots Material explained how they didn't just pick this site, they studied a geological map and wanted a permanent solution to a long term problem. This site could possibly provide 75-80 years' worth of material. A letter submitted by Benton Development Group's President Marilyn Jorgensen, was in support of the change. One of the purposes of BDG is to attract new business, industry, and population to Benton County. Materials provided by companies such as Coots Materials provide goods and services that are vital to our county. Providing material for Twin Mix Quickrete and Mannatt's Ready Mix, who also are local business who also employ local residents. In opposition, Jennifer Zahradnik, attorney spoke on behalf of a group of neighbors living near the new proposed land use site. She provided a list of concerned owners along with other material for the Board to review. Zahradnik pointed out the safety concerns relating to "structurally deficient" bridges by Iowa DOT standards. Also quoting traffic survey statistics and how that corner, has been the site of many collisions. After hearing comments both in favor and against such change, the public hearing was closed. Hearing no further comment, it was moved by Hertle, seconded by Wiley, to table the public hearing until Tuesday April 26, 2016 at 9:15 a.m. All voting aye. Motion carried.

The board recessed.

The board reconvened at 11:20 a.m. back in their office on the 2nd floor of the courthouse.

Hertle moved/ Wiley seconded: To approve Sheriff's Quarterly Report. Motion carried.

Wiley moved/ Hertle seconded : To approve Veteran's Affairs Quarterly Report. Motion carried.

Hertle moved/Wiley seconded: To approve Relief's Quarterly Report. Motion carried.

Hertle moved/Wiley seconded: To approve Treasurer's Quarterly Investment Report. Motion carried.

Wiley moved/Hertle seconded: To set Tuesday April 26, 2016 at 11:00 a.m. for the first consideration, Tuesday May 3, 2016 at 11:00 a.m. for the second, and Tuesday May 10, 2016 at 11:00 a.m. for the third and final consideration of the ATV Ordinance. Motion carried.

Mitch Long, and Vinton Mayor, John Watson discussed their concern with drainage on the east edge of Vinton on the County Home Road. There hasn't been any maintenance done in 11 years and this area has been flooded numerous times. The city doesn't have the proper equipment and was hoping for the county's help. County Engineer explained they would need DNR approval before they could do any work in the crick, but he would look into this matter.

Wiley moved/ Hertle seconded: To approve IDOT FY 17 Secondary Road Budget and to approve IDOT FY 17-21 Secondary Road's 5-Year Construction Program. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved / Wiley seconded: to approve a request for a utility permit requested by Coon Creek Telephone to place fiber optic utility lines in the county's right-of-way in Leroy Township between section 23 and 26. Motion carried.
 Hertle moved/Wiley seconded: To adjourn. Motion carried.

 Donald H. Frese, Chairman

ATTEST:

 Hayley Rippel, Benton County Deputy Auditor

April 19, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Hertle moved/ Wiley seconded: Approve minutes of April 12, 2016. Motion Carried.

Wiley moved/Hertle seconded: To set Tuesday, May 17, 2016 at 9:15 a.m., as the time and date for a land use hearing on a land use change requested by George Saul in the SW ¼ of the SW ¼ of Sec 36-86-9. Motion carried.

Hertle moved/ Wiley seconded: To approve fireworks permit for Chris Herr on July 9, 2016. Motion carried.

Wiley moved/ Hertle seconded: To approve Resolution #16-30 TRANSFER OF FUNDS. Motion carried.

RESOLUTION #16-30 TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that the following interfund funds are ordered:

From Tax Increment Fund (TIF) to Secondary Roads- \$2,783.00

From Tax Increment Fund (TIF) to General Basic -\$5,201.67

The auditor is authorized to make the necessary adjustments to the FY16 budget.

Dated this 19th day of April 2016.

 Donald H. Frese, Chairman

 Todd Wiley

 Terry L. Hertle

ATTEST:

 Hayley Rippel, Benton County Deputy Auditor

Wiley moved/ Hertle seconded: To approve Amended Sheriff's Quarterly Report. Motion carried.

Hertle moved/ Wiley seconded: With regret to accept resignation of Charles James from Veterans Affairs Commission. Motion carried.

Wiley moved/Hertle seconded: Elimination of janitorial/maintenance position at DHS Building effective May 31, 2016. Motion carried.

Wiley moved/ Hertle seconded: To send letter of termination of employment to Beverly Baldwin due to said position elimination effective May 31, 2016. Motion carried.

Hertle moved/Wiley seconded: To renew the contract for FY17 with Employee Benefit Systems (EBS) for third-party administration services for the county's co-payment/deductible on health insurance and flexible spending plan. Motion carried.

Wiley moved/ Hertle seconded: To approve Recorder's Quarterly Report. Motion carried.

Wiley moved/Hertle seconded: To approve and sign Cyber Security Insurance Renewal with Arthur J. Gallagher RMS Inc. Motion carried.

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by Brett and Dawnette Richards. Brett Richards was present. 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 Parcel B in SW ¼ NE ¼ and NW ¼ SE ¼ of 22-85-10. The request is to change the classification to a single residential use. Richards plans to put a shed on the property now and possibly build a new residence in the future. 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 on Parcel B within the SW ¼ NE ¼ and NW ¼ SE ¼ of Sec. 22-85-10. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Dr. Troup, Veterinarian, met with the board to discuss possibly purchasing the incinerator from the old Animal Shelter. Rick Bramow, County Maintenance Supervisor accompanied him on site to look the equipment over.

Wiley moved / Hertle seconded: to approve a request for a utility permit requested by Windstream Communication to place fiber optic utility lines in the county's right-of-way in Iowa Township in sections 12 and 13. Motion carried.

Wiley moved/ Hertle seconded: To sign title sheet for Bridge Replacement project BROS-C006(102)—8J-06. Motion carried.

Hertle moved/ Wiley seconded: To approve advertisement for secondary roads to hire a shop foreman. Motion carried.

Hertle moved/Wiley seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

April 26, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/ Hertle seconded: Approve minutes of April 19, 2016. Motion Carried.

Hertle moved/ Wiley seconded: Approve payment of checks numbered 218789 through 218910, payroll checks numbered 138695 through 138712, and ACH deposits numbered 27243 through 27375, vendor checks numbered 218783 through 218788. Motion carried.

Doug Elliott, Executive Director of East Central Iowa Council of Governments, presented the 2015 (calendar year) annual report to the supervisors. Elliott also discussed some of the specific programs provided to Benton County by ECICOG during 2015. The purpose of the meeting was educational and to seek input from the supervisors as to effectiveness of the programs provided.

The Board recessed at 9:10 a.m.

The Board reconvened in the 3rd floor courtroom.

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by Coots Materials Company that was tabled from April 12, 2016. Marc Greenlee addressed concerns from the previous meeting. Greenlee also read a letter from Steve Powell, President of Crawford Quarry in Cedar Rapids. The Cedar Rapids business expanded several years ago and there hasn't been any noise or property value concerns and he saw no reason why it would be different for Benton County. The concern about the bridges and culverts were addressed and County Engineer found nothing to indicate any issues. Rick Langel, University of Iowa Geologist talked with the crowd about various water concerns but not limited to local wells in the area. Concerns of water chemistry changes after sand dredging in the area if this would cause arsenic and cobalt pollution. Cobalt is very rare according to Langel but arsenic is already present in many places throughout the state. There was a debate for the need for detailed study. Attorney Jennifer Zahradnik asked about the watering and dewatering that is used in the sand operation and where the water comes from. Dave Coots told the audience that one rainfall replaces more water than he removes in a year of hauling sand. Langel said he was not aware of any water quality problems in the state caused by sandpit operations. Greenlee pointed out that permits have to be approved by the DNR. Wiley pointed out the sandy ground has helped in allowing several land use changes in the area. It has low corn suitability rating (csr). The same things that make it suitable for residences and the fact of the matter is this ground is also a good location for a sandpit regardless if its Coots or another quarry. Zahradnik also presented photographs of the Jeff Geiger property, the Rocky Fisher property and of the current sand pit along with more signatures of people who were opposed to the sand pit. Rocky Fisher said after looking at the existing pit, he felt it was comparing apples to oranges due to the number of residences near the proposed sandpit and much more trees surrounding the current sandpit. Marlyn Jorgensen of Benton Development Group spoke of the importance of maintaining jobs in Benton County. BDG works to bring business, industry, people and houses into the county. Rick Erickson, street superintendent for Vinton pointed out the convenience of having a sandpit and quarry nearby, which is a plus to taxpayers. A neighbor said people who live in the area and the impact this will have on them is just as important, Frese responded, "we have a tough decision, everyone is important, we are just trying to do the right thing by hearing both sides and giving everyone a fair hearing. After much discussion with area residents who were both opposed and in favor of the change, supervisors and Dave Coots, the owner of Coots Materials Company, a Motion was made by Wiley, to approve the land use change request by Coots Materials Company to change 80 acres into a non ag use for excavating sand and gravel dredging on a parcel located in the S1/2 NW1/4 of Section 28-86-10. With the motion on the table, Supervisor Hertle pointed out where most land use changes are routine, when there is opposition, they go back to the rule book. Which is the Benton County Comprehensive Plan, which states that non-agricultural uses such as quarries, landfills, bulk agriculture and chemical storage areas are not generally compatible in incorporated areas. They will seek rural locations. They are site specific, and most of the industrial use is in the form of sand, gravel and quarries. Maybe a comprehensive update for this policy is needed in the future, but for now it is what it is. This would affect people's lives no matter what was decided and after studying as much of the information as he could, Hertle seconded the motion. All members voting aye. Motion carried.

The board recessed at 10:55 a.m.

The board reconvened at 11:00 a.m. back in the boardroom.

The time of 11:00 a.m. having arrived and this being the time and date for a public hearing on the first consideration of Ordinance #71, An Ordinance Regulating The Operation of all-terrain vehicles and off-road vehicles in Benton County,

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Iowa. The board took up the matter for discussion. Chairman Frese opened the public hearings with one media member present and one member from the public. The Board briefly discussed the ordinance and changed the road name in section 3 to allow crossing over the river along D65. Hearing no further comment, the Chair declared the public hearing closed. Moved by Hertle, seconded by Wiley to approve the first consideration of Ordinance #71, An Ordinance Regulating The Operation of all-terrain vehicles and off-road vehicles in Benton County, Iowa as presented with the road name change being made. Voting aye were Wiley, Frese and Hertle. Nays none. Motion carried.

Wiley moved/Hertle seconded: Approve Resolution #16-31 FY16 Business Property Tax Credit. Motion carried.

RESOLUTION #16-31**APPROVAL AND DISAPPROVAL OF BUSINESS PROPERTY TAX CREDITS FOR THE 2015 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,

IT IS FURTHER RESOLVED that the fifteen (15) new applications for the 2015 assessment year Business Property Tax Credit filed with the assessor on or before March 15, 2016 are allowed.

IT IS FURTHER RESOLVED that the thirty-six (36) applications for the 2015 assessment year Business Property Tax Credit that were re-filed with the assessor on or before March 15, 2016, due to changes in ownership or other matters, are allowed.

IT IS FURTHER RESOLVED that the removal of ten (10) 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 26th day of April 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

Hertle Moved/Wiley seconded: Approve and sign the 2014 and 2015 Iowa Certified Local Government Annual Reports. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: To approve Resolution #16-32 Economic Development Week. Motion carried.

Resolution#16-32

Recognizing May 8th-14th, 2016 as **Economic Development Week**.

WHEREAS, the following Benton Development Group, Vinton Unlimited, Belle Plaine Community Development Corporation and the Corridor Business Alliance lead economic development in Benton County and the Creative Corridor; and

WHEREAS, the state organizations promote economic well-being and quality of life for their communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth and provide a stable tax base; and

WHEREAS, the stated organizations stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the Benton County economy; and

WHEREAS, economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions; and

WHEREAS, the stated organizations attract and retain high-quality jobs, develop vibrant communities, and improve the quality of life in their regions; and

WHEREAS, stated organizations works in the County of Benton within the State of Iowa; and

NOW, THEREFORE, BE IT RESOLVED that the Auditor and Commission of the County of Benton do hereby—

- 1) commend the work of economic development organizations throughout Benton County and Iowa's Creative Corridor, and their officers, staff, and members;
- 2) recognize May 8th-May14th, 2016 as Economic Development Week in the County of Benton and remind individuals of the importance of this profession in advancing career opportunities and improving quality of life.

BE IT FURTHER RESOLVED that the County Commission is authorized and directed to transmit an appropriate copy of this resolution to Benton Development Group, Vinton Unlimited and BellePlaine Community Development Corporation.

IN TESTIMONY WHEREOF the Administrator and the Chairman of the Commission of the County of Benton have hereunto subscribed their names and have caused the Official Seal of the County of Benton to be hereunto affixed in on this 26th day of April, 2016.

County Auditor

Chairman of
the County Commission

Wiley moved/Hertle seconded: Extend nepotism policy deadline for Secondary Roads to June 27, 2016.

Wiley moved/ Hertle seconded: Approve advertisement for secondary roads to hire seasonal truck drivers at a rate of \$13/hour. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

May 3, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/ Hertle seconded: Approve minutes of April 26, 2016. Motion Carried.

Wiley moved/ Hertle seconded: Approve workflow to have a review and assessment of Benton County's IT program.

Hertle moved/ Wiley seconded: Approve Class B Liquor License for Bloomsbury Farm. Motion carried.

Wiley moved/Hertle seconded: Appoint Alberta Reifensahl as an alternate to the Benton County Historical Preservation Committee. Motion carried.

Wiley moved/Hertle seconded: Approve and sign Benton County Wellness Letters. Motion carried.

Hertle moved/Wiley seconded: Set land use hearing date of Tuesday May 31, 2016, at 9:15 a.m. for Trevor Jenkins in part of the SE ¼ SW ¼ 24-85-9. Motion carried.

Wiley moved/Hertle seconded: Set land use hearing date of Tuesday May 31, 2016, at 9:30 a.m. for Lee and Marci Deeg in part of the SW ¼ SE ¼ 27-83-10. Motion carried.

Hertle moved/Wiley seconded: Adopt Resolution #16- 33 Variance to the Benton County Subdivision Ordinance. Motion carried.

RESOLUTION #16-33

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 the requirements in its entirety of the ordinance to allow one additional division on a parcel located in th SE SE of 20-82-9, due to hardship,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #61 are hereby varied in its entirety for one additional division of real property located in the SE SE 20-82-9.

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

- Septic system for Loran and Mary Recker property extends over the lot line to the south.
- Reckers would need to move or alter their existing functioning septic system.
- Tomas would need to provide an easement.

Adopted this 3rd day of May 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: Approve of changing Tony Parizek, Veterans Affairs Director's position from a part-time to full-time effective July 1, 2016. Motion carried.

Dick Meyer, Glenn Werning, and Dale Seeck, Benton County Fair Board met with the supervisors requesting LOSST funds to be used for updates at the Fairground. The Board was presented with an estimated cost sheet for such projects.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The main cost will be for tearing down 3 existing barns and replacing it with one new steel framed 72X125 open sided barn. Frese asked about spreading out the costs over a 2 year time span.

County Auditor Jill Marlow, wanted clarification of when these funds were needed as far as spending authority in the budget and making necessary budget amendments if necessary. Wiley had concerns if they have set up any fundraising for tax deductible donations, he likes the project but feels if the county fully funds this, there will be no incentive for contributions. The Fair Board plans to apply for a 501-C-3 through the State Fair Board. Hertle was in favor of the needed upgrades, stating this investment is for the future of our kids, and we should help them out.

Wiley moved/Hertle seconded: To commit t \$123,000 of (LOSST) Local Option Sales and Services Tax Funds to the Benton County Fair Board for Improvements in FY 2017. Motion carried.

The time of 11:00 a.m. having arrived and this being the time and date for a public hearing on the second consideration of Ordinance #71, An Ordinance Regulating The Operation of all-terrain vehicles and off-road vehicles in Benton County, Iowa. The board took up the matter for discussion. Chairman Frese opened the public hearings with one media member present and two members from the public along with County Engineer. The discussion for a resolution to prepare for the excluded roads was had. Hearing no further comment, the Chair declared the public hearing closed. Moved by Wiley, seconded by Hertle to approve the second consideration of Ordinance #71, An Ordinance Regulating The Operation of all-terrain vehicles and off-road vehicles in Benton County, Iowa as presented with the road name change being made. Voting aye were Wiley, Frese and Hertle. Nays none. Motion carried.

Elaine Harrington spoke to the Board about her safety concerns **along** 26th Ave., 1 mile south of Watkins. It has dangerous potholes and numerous washout areas. There are red flags currently marking these problem areas, but there hasn't been anything done to fix them. Supervisors advised the Engineer to investigate into this and make sure something is done to repair this road.

Hertle moved/ Wiley seconded: to approve and sign title sheet for the Iowa Department of Transportation Bridge Replacement Project FM-C006(62)--56-06 on 32nd Avenue in Polk Township. Motion carried.

Wiley moved/ Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

May 10, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Hertle moved/Wiley seconded: Approve minutes of May 3, 2016. Motion Carried.

Wiley moved/ seconded: Approve payment of checks numbered 218917 through 219097, payroll checks numbered 138713 through 138728, and ACH deposits numbered 27376 through 27508, vendor checks numbered 218911 through 218916. Motion carried.

Hertle moved/ Wiley seconded: Approve Class B Liquor License for Watkins Community Athletic Association. Motion carried.

Jessica Levy discussed possibly putting up two business signs on 58th Street. The board wanted to discuss this with the Engineer and look at the locations themselves.

Carol Zander, Director of Benton County Social Services reported to the Board about an upcoming mental health study to be done on regional care facilities (RCF). Supervisor Frese is on the committee and said it started because of money shortage, some regions have taken money away from their care facilities, but we aren't in that position. The committee will look into which RCF's to keep, but the recommendation won't go into effect until 2018.

Benton County Auditor, Jill Marlow discussed the county's Health Insurance Portability and Accountability Act (HIPPA) policy. It was adopted in 20013 and there are new policies that need to be modified and readopted. If not in compliance, the fines are expensive. Policies have been updated by (ISAC) Iowa State Association of Counties. Benton County would also need a new privacy officer to take over January 1, 2017. Moved by Wiley, seconded by Hertle, To appoint Carol Zander as Benton County's Privacy Officer, effective January 1, 2017. Motion carried.

Steve Bateman of Erbs Technology Solutions discussed the County's current IT Services and monthly payments. Benton County currently has two separate contracts. While the county is in the process of finding another vendor for the Managed services contract, they will continue to work with Erbs on a monthly basis as long as they are needed. The county will continue with the managed print contract as it stands now. Bateman said they will be more than willing to help work with our 3rd party Vendor to help make the transitional phase go smooth.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: Approve Resolution #16-36 Service Area Budget Amendment. Motion carried.

RESOLUTION #16-36 SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2016 budget on March 10, 2015; 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 FY2016 county budget is hereby amended within the following service areas:

Service Area 1 - \$10,000 from Function 1220 (Fund 0001 Department 99) to Function 1110 (Fund 0001 Department 28)

IT IS FURTHER RESOLVED that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 10th day of May 2016.

Donald H. Frese

Terry Hertle

Todd Wiley

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Discussion was held on the old DHS Building and possibly wanting to sell it and how the Board wants to go about doing this. Will do more research on this matter before making any decisions.

Wiley Moved, Hertle seconded: Certify suspended tax list to Department of Human Services. Motion carried.

Hertle moved/ Wiley seconded: Accept resignation of Valerie Brown, part time transportation driver effective May 4, 2016. Motion carried.

Wiley moved/ Hertle seconded: Approve and Sign Understanding of Services with EideBailly for FY16 Audit.

Hertle moved/Wiley seconded: Approve and Certify FY 15 Cost Allocation Plan. Motion carried.

Scott Bahmann and Karen Phelps with the Benton County Conservation Department and Randy Scheel, Conservation Board Member discussed a current Grant project along the Old Creamery Nature Trail, With the June 10th deadline fast approaching, and the funding was to be spent in the FY 16 Budget. They are finding it hard to meet the deadline with increased costs within the tight time frame. Wyatt Miller with Coots Materials, and Brenna Fall, Snyder and Associates Engineers and Planners were both present to help answer questions regarding the said project.

Wiley moved / Hertle seconded: to approve a request for utility permit(s) requested by Windstream Communication to place fiber optic utility lines in the county's right-of-way in Harrison Township in sections. Motion carried.

Hertle moved/ Wiley seconded: To sign purchase agreements with Darwin and Sharon Rieck - \$1,430.00, Edward and Joni Thoman-\$1,920.00 and Asa Daga-\$1,000 for permanent and temporary easements for bridge projects in Leroy Township. Motion carried.

The time of 11:00 a.m. having arrived and this being the time and date for a public hearing on the third and final consideration of Ordinance #71, An Ordinance Regulating The Operation of all-terrain vehicles and off-road vehicles in Benton County, Iowa. The board took up the matter for discussion. Chairman Frese opened the public hearings with one media member present and three members from the public along with County Engineer. The discussion for a resolution to prepare for the excluded roads was had, and also changing the wording in the ordinance Section 3 to read gravel or dirt county roads. Hearing no further comment, the Chair declared the public hearing closed.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: Adopt Resolution #16-35, Adopting Ordinance #71. Motion carried.

RESOLUTION #16-35

ADOPTING ORDINANCE #71, ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES IN BENTON COUNTY, IOWA.

WHEREAS, the Board of Supervisors desires to adopt Ordinance #71, All-Terrain Vehicles and Off-Road Vehicles; and

WHEREAS, notice of the considerations of said ordinance were published in the official newspapers of Benton County; and

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

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #71, An Ordinance Regulating the Operation of All-Terrain Vehicles and Off-Road Vehicles is fully adopted. The Benton County Auditor is directed to publish Ordinance #71 in its entirety in the official newspapers of Benton County.

ORDINANCE NO. 71

ORDINANCE REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES IN BENTON COUNTY, IOWA.

SECTION 1 PURPOSE. This ordinance shall identify regulations regarding all-terrain vehicles and/or off-road utility vehicles operation on the portion of county roadways as designated by the Benton County Board of Supervisors.

SECTION 2 DEFINITIONS. The definitions of terms used in this ordinance are:

- 1) All-terrain Vehicle as defined by Iowa Code section 321I.1 means a motorized vehicle with not less than three and not more than six non-highway tires that is limited in engine displacement to less than one thousand two hundred cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
- 2) Off-road Utility Vehicle as defined by Iowa Code section 321I.1 means a motorized vehicle with not less than four and not more than eight non-highway tires or rubberized tracks that have a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. "Off-road Utility Vehicle" includes the following vehicles:
 - a) "Off-road Utility vehicle – Type 1" means an Off-road Utility Vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
 - b) "Off-road Utility vehicle – Type 2" means an Off-road Utility Vehicle, other than a Type 1 Off-road Utility Vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
 - c) "Off-road Utility vehicle – Type 3" means an Off-road Utility Vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.
- 3) Highway means the entire width of the right of way between the property lines.
- 4) Roadway as defined by Iowa Code section 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
- 5) Restricted roadways are any paved, concrete, sealcoat, or otherwise hard surfaced county roadway and those gravel roadways designated by the Benton County Board of Supervisors with posted signs prohibiting use of ATV/UTV's.
- 6) Unrestricted roadways include gravel or dirt roadways that do not have signs prohibiting ATV/UTV use.

SECTION 3. OPERATION ON ROADWAYS. A registered All-terrain Vehicle or Off-road Utility Vehicle may be operated on gravel or dirt county roadways in Benton County pursuant to the restrictions in this ordinance and those restrictions imposed by the Code of Iowa 321I and 321.234A. A person shall not operate an All-terrain Vehicle or Off-road Utility vehicle on gravel or dirt roadways in Benton County unless the operator has a valid driver's license and is at least 16 years of age. A person under 18 years of age shall be required to take and pass an Iowa Department of Natural Resources approved ATV Education Course and must carry a valid safety certificate on board as proof that the Iowa Department of Natural Resources approved ATV Education Course was successfully completed. Operation of an All-terrain Vehicle and/or Off-road Utility Vehicle is only permitted on the roadway and is restricted from operations in the highway. Residents who reside on a restricted roadway are permitted to operate on that restricted roadway only to reach the nearest unrestricted roadway. Operation is permitted on W26/32nd Ave. and D65/Benton-Buchanan Road for the sole

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

purpose of crossing the Cedar River and only to reach the nearest unrestricted road. Operation may begin at sunrise and must cease at sunset.

SECTION 4 UNLAWFUL OPERATIONS. A person shall not operate an All-terrain Vehicle and/or Off-road Utility Vehicle under any of the following conditions:

- 1) At a rate of speed greater than thirty five (35) miles per hour or greater than reasonable and/or proper under existing circumstances.
- 2) In a careless, reckless, or negligent manner so as to:
 - a) Endanger any person;
 - b) Cause injury or damage to person or property; or,
 - c) Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
- 3) Without a lighted headlight and taillight and operable brakes and muffling device.
- 4) While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
- 5) In any tree nursery or planting in a manner which damages or destroys growing stock.
- 6) On public land, ice or snow in violation of official signs prohibiting such operation.
- 7) In any park, wildlife area, preserve, refuge or game management area unless permitted by the local governing authority and only then in designated areas.
- 8) Any portion of a meandered stream or the bed of a non-meandered stream which has been identified as a navigable stream or river by the Iowa Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas, designated riding trails, construction vehicles engaged in lawful activity and/or the operation of all-terrain vehicles on ice.
- 9) Upon an operating railroad right-of-way. An All-terrain Vehicle may be driven directly across a railroad right-of-way only at established crossings and only after yielding to oncoming traffic.
- 10) With more persons on the vehicle than it was designed to carry.
- 11) On any riding area or trail unless the trail is designated by signs as open to All-terrain and Off-road Utility Vehicle operation.
- 12) Under the age of 16.
- 13) Without a valid driver's license.
- 14) Being less than 18 years of age without a valid safety certificate on board as proof of successful completion of an Iowa Department of Natural Resources approved ATV Education Course.
- 15) On a county Level C roadway.
- 16) On a restricted roadway except for those operators who reside on a restricted road as outlined in Section 3.
- 17) On a state or federal designated roadway.

SECTION 5 REGISTRATION REQUIREMENT AND OTHER CONDITIONS. Individuals who operate on county roadways in Benton County must annually register the All-terrain Vehicle or Off-road Utility Vehicle with the Iowa Department of Natural Resources through a County Recorder. The following conditions apply:

1. The owner of each All-terrain Vehicle or Off-road Utility Vehicle shall be required to provide proof of ownership including, but not limited to, a bill of sale, Iowa Department of Natural Resources registration or registration from the appropriate out-of-state authority, and Proof of Liability Insurance.
2. All-terrain Vehicles or Off-road Utility Vehicles registered in Iowa are required to display their current registration decal and carry their certificate on board.
3. All-terrain Vehicles or Off-road Utility Vehicles registered in another state are required to also display a valid Iowa Department of Natural Resources User Permit in addition to displaying their current registration decal and carrying their certificate on board.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

SECTION 6 EXEMPT VEHICLES. Registration shall not be required for All-terrain Vehicles and/or Off-Road Utility Vehicles used exclusively as farm implements in a farming operation as defined by the Code of Iowa 352.2. However, proof of insurance under Iowa Code 320.20B is required for farm exempt vehicles. Additionally, farm exempt vehicles that are used in a manner not consistent with the farm exemption, Iowa Code 352.2 and 321.234A, are subject to the requirements of this ordinance including registration requirements.

SECTION 7 PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine of \$65.00 to \$625.00 plus the applicable court surcharge and costs and/or up to thirty (30) days in jail as set forth in Iowa Code Section 903.1(1(A); any amendments to the Simple Misdemeanor penalties of Iowa Code Section 903.1(1(a) shall be automatically incorporated into this section without need of amending this ordinance.

SECTION 8 SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be judged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 9 EFFECTIVE DATE. This ordinance shall become effective upon being officially recorded.

Passed and adopted by the Benton County Board of Supervisors on this 10th day of May, 2016.

BENTON COUNTY BOARD OF SUPERVISORS

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST: _____
Hayley Rippel, Deputy Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/ Hertle seconded: Adopt Resolution #16- 34 Restricted Roadways for ATV/UTV Ordinance #71. Motion carried.

RESOLUTION #16-34 RESTRICTED ROADWAYS FOR ATV/UTV USE

WHEREAS: Iowa Code §321I.10 allows the Benton County Board of Supervisors to designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated, and

WHEREAS: Benton County Ordinance #71 has defined restricted roadways in Benton County as any paved, concrete, sealcoat or otherwise hard surfaced county roadway as well as Level C roadways, and

WHEREAS: Benton County has identified the following gravel roadways with traffic condition concerns

11th Ave Dr from 76th St to 77 St
 17th Ave from 50th St to 51st St
 22nd Ave from 55th St to 56th St
 24th Ave Dr from 54th St to 55th St
 27th Ave Dr from 55th St to 55th St Dr
 55th St Dr from 27th Ave Dr to 26th Ave Dr
 59th St from 22nd Ave to Vinton city limits
 61st St Dr from 24th Ave west to Dead End
 31st Ave from 55th St to 56th St Tr
 56th St Tr from 31st Ave to 32nd Ave
 54th St Tr from 32nd Ave to 33rd Ave
 56th St Tr from 57th St Ln to Linn County Line
 29th Ave Dr from 58th St to 60th St
 59th St Tr from 31st Ave to Linn County Line
 61st St Lane from 32nd Ave/W26 to 33rd Ave Dr
 33rd Ave Dr from 61st St Ln to 59th St Tr
 30th Ave Dr from 61st St Ln to 64th St
 Benton Linn Rd from McVay Rd to Yates Rd
 Benton Linn Rd from 72nd St to 75th St Dr
 32nd Ave from 73rd St to 75th St
 78th St Tr from Belle Plaine city limits to 13th Ave
 75th St Dr from 33rd Ave Dr to Benton Linn Rd
 Benton Iowa Rd from 20th Ave to Iowa County line
 28th Ave Dr from 61st St Ln to 60th St

BE IT THEREFORE RESOLVED that these listed gravel roadways be identified as restricted roadways and be restricted from all-terrain vehicle or off-road utility vehicle use.

Signed this 10th day of May, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

May 17, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/Hertle seconded: Approve minutes of May 10, 2016. Motion Carried.

Discussion was held on the old DHS Building and discussion with the County Attorney David Thompson how to proceed with intent to sell it.

Wiley moved/Hertle seconded: To have the County Attorney prepare a proposal for Realtors to list the old DHS property for sale. Motion carried.

Wiley Moved/Hertle seconded: To approve Resolution #16-37, amending Resolution #16-31 FY 16 Business Property Tax Credit. Motion carried.

RESOLUTION #16-37

AMENDING RESOLUTION #16-31

APPROVAL AND DISAPPROVAL OF FY16 Business Property Tax Credit

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

WHEREAS, the Board adopted Resolution #16-31 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

IT IS FURTHER RESOLVED that Resolution #16-31, Approval and Disapproval of (BPTC) Business Property Tax Credit, adopted on April 26, 2016, for the 2015 assessment year is hereby amended to reflect the following:

20011150 —Disallowed

20003050 —Disallowed

24024150—Allowed

01018260—Allowed

The remainders of Resolutions #16-31, as amended, continue in full force and effect.

Signed this 17th day of May 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Hertle moved/Wiley seconded: To approve Class B Liquor License for Blairstown Sauerkraut Days beer tent. Motion carried.

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by George Saul. Saul was present. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1.44 acres on a parcel located in the SE ¼ of the SW ¼ SW ¼ of 36-86-9. The request is to change the classification to a single residential use. Saul plans to put a shed on the property now and possibly build a new residence in the future. 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 1.44 acres for a residential purpose on a parcel generally described as being located in the SE ¼ of the SW ¼ SW ¼ of 36-86-9. All members voting aye thereon. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Hertle moved/Wiley seconded: To approve Resolution #16-38 Abatement of Taxes. Motion carried.

RESOLUTION #16-38

WHEREAS, the Benton County Treasurer has reported that these mobile homes and buildings on leased land have been deemed to have no value by the court pursuant to Iowa Code 562B.27 and Chapters 555B and 648; and

WHEREAS, there are currently tax liens filed against the properties and 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 these parcels,

IT IS THEREFORE RESOLVED that the delinquent tax, penalty, interest and costs assessed on the below listed parcels are unpaid, are hereby abated pursuant to Iowa Code 445.16. The treasurer is directed to strike the amount due from the county system.

3030AP9185 - \$740.00 in tax, \$458.00 penalty and \$20.00 in costs
030G3462 - \$531.00 in tax, \$299.00 in penalty and \$20.00 in costs
03004561378H - \$444.00 in tax, \$174.00 in penalty and \$12.00 in costs
09071134 - \$378.00 in tax, \$254.00 in penalty and \$12.00 in costs
20030300355E - \$840.00 in tax, \$495.00 in penalty and \$20.00 in costs
22028H7419 - \$336.00 in tax, \$36.00 in penalty and \$8.00 in costs
240KSDH08A24D41371A - \$201.00 in tax, \$24.00 in penalty and \$8.00 in costs
27012101 - \$1240.00 in tax, \$2,224.00 in penalty and \$48.00 in costs
27008851 - \$372.00 in tax, \$462.00 in penalty and \$8.00 in costs
27007921 - \$702.00 in tax, \$865.00 in penalty and \$32.00 in costs

Dated this 17th day of May 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: To approve Resolution #16-39 Destruction of Noxious Weeds. Motion carried.

Resolution #16-39 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, 2016 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 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 17th day of May 2016.

Donald H. Frese, Chairman

Todd A. Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

Wiley moved/Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

May 24, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Hertle moved/ Wiley seconded: Approve minutes of May 17, 2016. Motion Carried.

Wiley moved/ Hertle seconded: Approve payment of checks numbered 219098 through 219270, payroll checks numbered 138729 through 138756, and ACH deposits numbered 27509 through 27643, vendor checks numbered 219099 through 219103. Motion carried.

Dana Burmeister, Benton County Transportation Director discussed hiring a full time driver for FY17 and also the ECICOG FY17 Contract.

Hertle moved/Wiley seconded: Approve East Central Iowa Council of Government (ECICOG) FY17 Purchase of service contract. Motion carried.

Wiley moved/Hertle seconded: Authorize Chairman to sign the Indemnification and Hold Harmless Agreement for the ICIT team to do their Technology review of Benton County's network. Motion carried.

Hertle moved/Wiley seconded: Approve use of the Courthouse Lawn by the Vinton Park and Rec Department on Thursday, June 23, 2016 and also on Saturday, October 29, 2016. Motion carried.

Wiley moved/Hertle seconded: Approve proposal letter for mailing to Benton County Realtors for the sale of the DHS building. Motion carried.

Wiley moved/Hertle seconded: Accept Central Iowa Juvenile Detention Center FY 15 Audit. Motion carried.

Judy Funk of Heartland Insurance Risk Pool met with the board to discuss the county's insurance renewal. Funk explained how the premiums for FY17 were calculated as well as the county's current insurance coverage. Funk gave an overview of the Heartland Insurance Risk Pool and its governance. Moved by Hertle, seconded by Frese, to enter into and authorize the chair to sign the Client Authorization to Bind Coverage and the Client Confirmation of Schedules and Exposures with Heartland Insurance Risk Pool for insurance coverage for July 1, 2016 through June 30, 2017. All members voting aye thereon. Motion carried.

Justin Birker, Courthouse Maintenance discussed work that needs to be done on the dome and also some stone repair of the courthouse. The bids received were as follows:

Renaissance Roofing-\$184,866.00

Janssen Waterproofing, Inc. -\$22,100

Wiley Moved/Hertle seconded: Accept bid from Janssen Waterproofing, Inc. for dome and stone repair in the amount of \$22,100 to be done on the courthouse before the end of the calendar year. Motion carried.

The Engineer discussed an alley in Watkins, but no action was taken.

Bids were received for HMA resurfacing south of Urbana as follows:

Pelling, L.L. Co, Inc.-\$1,719,668.60

Mathy Construction Company-\$1,828,396.41

Hertle moved/Wiley seconded: Accept bid with Pelling, L.L. Co, Inc. for \$1,719,668. 60 for HMA resurfacing for Project #06-C006-105. Motion carried.

The ICIT Team made up of volunteering technology professionals from other Iowa Counties, introduced themselves to the Board. They gave a brief overview of the work they would be doing while in our courthouse and also answered questions. The team consisted of: Eric Guth, Micah Van Maanen, Michelle Fields, Derek Olson and Joel Rohne.

Hertle moved/ Wiley seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

May 31, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/ Hertle seconded: Approve minutes of May 24, 2016. Motion Carried.

Wiley moved/Hertle seconded: Approve application for use of the Courthouse Grounds by Vinton Kiwanis Club for Saturday August 27, 2016. Motion carried.

Hertle moved/ Wiley seconded: Approve Farm exemption application for Darlus Bader in the SW ¼ SW ¼ of 19-86-12. Motion carried.

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by Trevor Jenkins. No media was present. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 3.5 acres located in the SE ¼ of the SW ¼ of 24-85-9. The request is to change the classification to a single residential use. It meets all the county's criteria. Land is not in production with a CSR of 58 and numerous residences nearby. 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 3.5 acres for a residential purpose on a parcel generally described as being located in the SE1/4 of the SW1/4 of Sec. 24-85-9. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

The time of 9:30 a.m. having arrived, and this being the time and date for a land use hearing for Lee and Marci Deeg in part of the SW ¼ SE ¼ of 27-83-10. Lee and Marci Deeg were present, Ryan Costello and Carolyn Becker adjoining owners were also present along with one media member. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Deeg was served papers on April 22, 2016 that he was improperly doing commercial business off his property. So Deeg is now applying for a new non-ag use to be able to sell Portable Storage sheds and miscellaneous lawn ornaments from his property. As it currently stands, Deeg owns the driveway but adjoining neighbor Costello has an easement to also use said existing drive. Greenlee received a phone call from a concerned citizen about parking along the HWY to get access to these items. Both neighbors Becker and Costello also had safety concerns with the parking issues this causes. Costello questioned snow drifting from the buildings come wintertime. Deeg said he didn't have to keep buildings there in the winter. Land use changes are not seasonal said Wiley. Wiley moved/Hertle seconded: To deny land use change for Lee and Marci Deeg on their residence in part of the SW ¼ SE ¼ of 27-83-10. Discussion continued about the driveway concerns and what other options there were. DOT regulations need to be met. A motion to table the denial of the request was made by Wiley, seconded by Hertle, until further research can be done for said driveway issue. Motion carried.

John Elwick and Mike Elwick, Benton County land owners, and Russ Glime and Karen Phelps speaking on behalf of the County Conservation came to discuss the old Vinton Animal Shelter Site. Elwick's would like to see it put back into taxation, and Phelps would like to see it go back to wild life refuge ground. It is thought to be stated in old deeds, that when it is no longer used for an animal shelter it should go back to previous owner, or put back into a wildlife refuge. The Supervisors agreed that they need more information and documentation of such an agreement and get copies of prior deeds and report back. If legal interpretation is needed, they can consult with the County Attorney. No action was taken. Wiley moved/Hertle seconded: To approve Utility permit for East Central Iowa REC to place utility lines in the county's right of way between sections 29 and 32 of Benton Township, pending proper verification of new residence in that location. Motion carried.

Hertle moved/Wiley seconded: To approve Resolution #16-40, Hiring of Shop Foreman. Motion carried.

Resolution #16-40 Hiring of Shop Foreman

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

WHEREAS: Applications were received for the position and

WHEREAS: These applications have been narrowed to two and these two applicants have been interviewed by the County Engineer and the County Engineer is recommending the following person for the position

THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Douglas J. Kearns be hired to work in the office of the Secondary Roads Department as the Shop Foreman at an hourly base wage of \$21.89 per hour. Effective date will be May 31, 2016.

Signed this 31st day of May 2016.

Donald H. Frese, Chairman

Todd A. Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

Hertle moved/Wiley seconded: To approve renewal of part-time paralegal Joanne Morenz in the County Attorney's Office, with wages to continue to be paid from the collections fund. Motion carried.

Wiley Moved/Hertle seconded: Approve and sign agreement to participate in the ISAC HIPPA Program for FY17. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

June 7, 2016

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

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/ Hertle seconded: Approve minutes of May 31, 2016. Motion Carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 219277 through 219452, payroll checks numbered 138757 through 138778, and ACH deposits numbered 27644 through 27774, vendor checks numbered 219271 through 219276. Motion carried.

Hertle moved/Wiley seconded: Approve application for use of the Courthouse Grounds by Vinton Cruise Committee for Saturday July 23, 2016. Motion carried.

Hertle moved/ Wiley seconded: Approve cigarette permit for Kimm's Mini-Mart in Blairstown. Motion carried.

Wiley moved/ Hertle seconded: To approve Resolution #16-41, Hiring in Sheriff's Department. Motion carried.

RESOLUTION #16-41

APPROVING HIRE IN SHERIFF'S DEPARTMENT

IT IS HEREBY RESOLVED that Kyle Lynch is approved as a Full-time Deputy Officer, replacing Deputy Danielle Meggers, who resigned earlier this year. The position will be effective June 20, 2016.

IT IS FURTHER RESOLVED that the starting wage of Kyle Lynch is as follows:

Deputy Sheriff - \$21.01 per hour per union contract.

Date this 7th day of June, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Hertle moved/Wiley seconded: To appoint Mike Silhanek to Veterans Affairs Commission to fill vacancy. Motion carried.
Wiley moved/ Hertle seconded: To enter into and sign service agreement with Nyhart Company for GASB 45 Actuarial update for FY 16. Motion carried.

Wiley moved/ Hertle seconded: To enter into listed contracts:

Decategorization Program Administration between the Benton County Board of Supervisors and Benton/Iowa County Decat and Heidi Schminke and Erin Monaghan for decategorization services.

The Second Amendment to the Decat Program Administration Contract between the Iowa Department of Human Services and the Benton County Board of Supervisors.

Community Partnership for Protecting Children Coordination of Services between the Iowa Department of Human Services and Benton County.

Motion carried.

Said contracts are for the period beginning July 1, 2016 and ending June 30, 2017 motion carried.

Steve Runyan, Chairman of the Board of Adjustment met with the Board to discuss request for compensation of \$20 an hour and mileage for their time. No action was taken.

Marc Greenlee, Sanitarian and Ben Vierling, Assistant Engineer discussed action on a septic system affected by the Oak Grove Church project. The existing discharge outlet on this particular property discussed is prohibited.

Ben Bonar, Benton County Weed Commissioner, discussed various weed complaints and ways to resolve such issues. The Supervisors were in support of how current situations and have been handled and would like Bonar to continue with his preparedness for future situations.

Engineer discussed re advertisement for seasonal truck drivers at \$15 an hour instead of \$13 an hour and hopefully get more interested candidates to apply.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

June 14, 2016

The Benton County Board of Supervisors met in regular session. Terry Hertle was absent. The chair called the meeting to order at 9:00 a.m.

Unless otherwise noted, all actions were approved unanimously.

The time of 9:00 a.m. having arrived, the Board proceeded with the canvass of the Primary Election held on June 7, 2016. The results were reviewed and verified by the Board. Wiley/Frese seconded: Approve the canvass of the June 7, 2016, Primary Election and to declare the results official and declare the following candidates as winners of said election. Motion carried.

Democrat:

US Senate – Patty Judge

US Representative District 1 – Monica Vernon

State Senate District 38– Vacant (Wiley/Frese seconded: Accept various spellings for Dennis R. Mathahs for scatterings. Motion carried)

State Representative District 75– Paula G. Denison

County Supervisor II – Terry Hertle

County Supervisor III – Joan Flecksing

County Auditor– Vicky Schwenker

County Sheriff – Vacant (Wiley/Frese seconded: Accept various spellings for Vince Snyder for scatterings. Motion carried)
(Wiley/Frese seconded: Accept various spellings for Ron Tippet for scatterings. Motion carried)

Republican:

US Senate – Charles E. Grassley

US Representative District 1 – Rod Blum

State Senate District 38– Tim Kapucian

State Representative District 75– Dawn Pettengill

County Supervisor II – Richard A. Primmer

County Supervisor III – Gary Bierschenk

County Auditor– Hayley Rippel

County Sheriff – Ronald J. Tippet

Wiley moved/ Frese seconded: Approve minutes of June 7, 2016. Motion Carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/ Frese seconded: To Approve Resolution #16-42, Amending Resolution #15-44. Motion carried.

RESOLUTION #16-42 AMENDING RESOLUTION # 15-44 APPROPRIATIONS

WHEREAS, the Benton County Board of Supervisors adopted Resolution #15-44, Appropriations on June 23, 2015; and

WHEREAS, the Board of Supervisors desires to amend said resolution to clarify the date appropriations lapse,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BENTON COUNTY, IOWA, as follows:

Resolution #15-44 adopted on June 23, 2015 should and is hereby amended as follows:

Section 8. Departmental appropriations remain in full force and effect through June 30, 2016, for payroll expenses occurring after the date stated in Section 7, for the final processing of expenses submitted on or before June 15, 2016, and for any expenses approved by the Board of Supervisors subsequent to June 15, 2016. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2016.

The remainder of Resolution #15-44 remains in full force and effect.

Dated this 14th day of June 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/ Frese seconded: To approve and sign quote for excess flood insurance for the Benton County Law Enforcement Center. Motion carried.

Wiley moved/Frese seconded: To set Tuesday July 12, 2016 at 9:15 a.m., as the time and date for a land use hearing on a land use change requested by Steven Venenga in part of the NE ¼ NE ¼ of 26-85-9. Motion carried.

Carol Zander, Director of Benton County Social Services and Jill Marlow, Benton County Auditor, discussed HIPPA privacy and security policies.

Mindy Druschel, Department of Human Services discussed the ICN Bill, she has only received an estimated amount and not expecting the finalized bill until FY17.

Wiley moved/ Frese seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

June 21, 2016

The Benton County Board of Supervisors met in regular session. All members present. The chair called the meeting to order at 9:00 a.m.

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/ Hertle seconded: Approve minutes of June 14, 2016. Motion Carried.

Hertle moved/ Wiley seconded: Approve payment of checks numbered 219453, and 219459 through 219725, payroll checks numbered 138779 through 138859, and ACH deposits numbered 27775 through 27907, vendor checks numbered 219454 through 219458. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: Approve Resolution #16-43 Amend Budget Within Service Area. Motion carried.

RESOLUTION #16-43 SERVICE AREA BUDGET AMENDMENT

WHEREAS, the Benton County Board of Supervisors adopted the FY2016 budget on March 10, 2015; 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 FY2016 county budget is hereby amended within the following service areas:

Service Area 1 - \$1,000 from Function 1220 (Fund 0001 Department 99) to Function 1110 (Fund 0001 Department 28)

Service Area 9 - \$1,500 from Function 90100 (Fund 001 Department 02) to Function 9000 (Fund 0001 Department 01)

IT IS FURTHER RESOLVED that said funds are hereby appropriated.

The auditor is directed to make the necessary changes.

Signed this 21st day of June 2016.

Donald H. Frese

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The time of 9:05 a.m. having arrived, the board opened the public hearing on a land use change requested by Lee and Marci Deeg that was tabled from May 31, 2016. The Deeg's were both present along with Marc Greenlee who addressed a recent letter submitted by the Deeg's. They were to do research about adding another driveway to take care of the traffic issues, but this probably won't be possible because of the locations of their septic field. However, they felt there was plenty of room with the current driveway to make parking spots. Hertle had no objections while Wiley had one reservation still about people stopping along HWY 30 and with this being a residential rural location, it should be in a commercial setting. Hertle said the county might need a comprehensive update of its land use policy. He hates taking businesses away but county does have a land use policy. Frese felt there was plenty of room at the property for the business and parking. There was already a motion on the floor from previous meeting to deny the land use change. A vote was taken, Wiley in favor and Hertle and Frese opposed. Motion denied. A new motion made by Hertle to grant the land use change requested by Lee and Marci Deeg on a parcel of land in the SW ¼ SE ¼ of 27-83-10. Voting aye were Hertle and Frese. Wiley voting Nay. Motion carried.

Discussion continued from a previous meeting about The Board of Adjustment asking for compensation of \$20 an hour and mileage pay that would be retroactive to the start of the year. County Attorney David Thompson said it was indeed legal to pay a board member that is appointed by the Supervisors. Polk County for an example currently does this. Hertle didn't have a problem compensating them, but a matter of how they would, if it were by an hourly rate or per diem amount. Marc Greenlee asked where the funding would come from as it was not in his current land use budget. Frese had no problem paying mileage to them for their meetings. Wiley felt it would be impossible to police the amount of work they do from home in preparation for meetings. The county policy states employees are not allowed to work from home. Thompson stressed that they have a lot to read, and that they aren't called on that often, but when they are, it is quite a workload. The County Auditor later advised that the money would need to come from the land use budget and in order to compensate members, it would need to be in the form of an ordinance. No official decisions were made.

Hertle moved/Wiley seconded: Approve hiring of Jacob Daniel Reineke as a part-time Communication's Specialist/Correctional Officer in the Sheriff's Office. Starting wage of \$14.14 an hour, effective June 25, 2016. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To approve Resolution #16-44 Bank Depositories. Motion carried.

Resolution #16-44
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 2017.

US Bank	
Vinton	\$ 500,000
Farmers Savings Bank & Trust	
Vinton/Traer	\$ 20,000,000
Midwest One Bank & Trust	
Belle Plaine	\$ 5,000,000
Wells Fargo Bank Iowa, N.A.	
Des Moines/Newhall	\$ 5,000,000
Wells Fargo Bank Iowa, N.A.	
Des Moines/Urbana	\$ 5,000,000
Regions Bank	
Waterloo/Vinton	\$ 5,000,000
Chelsea Savings Bank	
Belle Plaine	\$ 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 21st day of June 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Hertle moved/Wiley seconded: To Approve Resolution #16-45 Certification of Deputy Salaries for FY 17. Motion carried.

RESOLUTION #16-45 CERTIFICATION OF DEPUTY SALARIES FOR FY17

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 – 72% of the principal officer

Treasurer's Office:

Michele Sauer – 80% of the principal officer
Melinda Schoettmer – 70% of the principal officer
Rose Sackett – 60% of the principal officer

Recorder's Office:

Melissa Boisen – 80 % of the principal officer

Sheriff's Department:

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

FURTHER BE IT KNOWN that the county attorney has set the salaries for the assistants in his office as follows:

Emily Nydle – 90% of the principal officer
Brett Schilling - \$66,300

Dated this 21st day of June 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The Board discussed and reviewed the only proposal received by Iowa Land Management for the sale listing of the DHS building. County Attorney advised there has to be a notice for a hearing on a this before official action can be taken. 9:50 a.m. Supervisor Frese had to leave meeting, Vice-Chair Wiley took over.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Hertle moved/Wiley seconded: To approve Resolution #16-46 Committing Fund Balances. Motion carried.

RESOLUTION #16-46**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, 2016:

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, 2016, are hereby uncommitted as of June 30, 2016, 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 21st day of June 2016.

Todd Wiley, Vice-Chairman

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Handbook discussion

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Hertle moved/Wiley seconded: To approve Resolution #16-47 Interfund Transfers FY 17. Motion carried.

RESOLUTION #16-47 **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 2016-2017 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, 2016, 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	\$ 173,040.00
General Basic	General Supplemental	\$ 1,200,000.00
General Basic	Debt Service	\$ -
General Basic	Land Acquisition	\$ 25,000.00
Rural Services Basic	Secondary Road	\$ 2,311,472.00

Section 2. The auditor shall order a transfer each quarter of fiscal year 2016-2017. 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 21st, 2016.

Todd Wiley, Vice-Chairman

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Hertle moved/Wiley seconded: To approve Resolution #16-48 Official Banks for FY 17. Motion carried.

RESOLUTION #16-48
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 2017:

Lexa Speidel, Recorder US Bank	\$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 21st day of June, 2016

Todd Wiley, Vice-Chairman

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To approve Resolution#16-49 Department Appropriations FY 17. Motion carried.

RESOLUTION # 16-49 APPROPRIATIONS

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 2016, 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, 2016 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, 2016.

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 2016-2017 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 2016-2017 budget year.

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 21, 2017, 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. Departmental appropriations remain in full force and effect through June 30, 2017, for payroll expenses occurring after the date stated in Section 7, for the final processing of expenses submitted on or before June 21, 2017, and for any expenses approved by the Board of Supervisors subsequent to June 21, 2017. All appropriations will lapse at the close of business June 30, 2017.

The Board of Supervisors of Benton County, Iowa, adopted the above and foregoing resolution on June 21st, 2016.

Todd Wiley, Vice-Chairman

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The fifth version of a proposed new employee handbook was reviewed with department heads. Questions regarding promotions within offices, union and non-union donations, drug and alcohol testing and other matters such as defining who "the County" refers to in numerous areas of the handbook. Wiley requested that any further suggested changes be made and emailed to him by Friday, June 25, 2016.

Hertle moved/Wiley seconded: To re-appoint Mary Summy to the Veterans Affairs Commission. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Hertle moved/Wiley seconded: To approve hiring of Scott Hepker, as seasonal truck driver for secondary roads at \$15.00 an hour effective June 23, 2016. Motion carried.

Hertle moved/Wiley seconded: To approve contract and bond with L.L. Pelling Co. Inc. for HMA resurfacing of W26, E2W and 58th St. Dr. Project Nos. FM--CO06(104-55-06, FM-CO06(105)—55-06 & L-HMA-13—73-06. Motion carried.

Hertle moved/ Wiley seconded: To approve a request for a utility permit requested by Century Link to place utility lines in the county's right-of-way in section 36 of Cedar Township. Motion carried.

Budget discussion was had in preparation for the upcoming amendment that will need to be made.

Hertle moved/Wiley seconded: To approve Resolution #16-50, Transfer of Funds. Motion carried.

RESOLUTION #16-50 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 - \$254,502.00

Local Option Sales & Services (LOSST) to Rural Services - \$254,502.00

Local Option Sales & Services (LOSST) to General Basic - \$65,634

The auditor is authorized to make the necessary adjustments to the FY16 budget.

Dated this 21st day of June 2016.

Todd Wiley, Vice-Chairman

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Hertle moved/ Wiley seconded: To adjourn. Motion carried.

Todd Wiley, Vice-Chairman

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

June 28, 2016

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.

Unless otherwise noted, all actions were approved unanimously.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved; Hertle seconded: Adopt Resolution #16-51. Voting aye were Frese, Wiley, and Hertle. Nays none. Motion carried.

RESOLUTION #16-51 ADOPTION OF BENTON COUNTY POLICIES AND PROCEDURES FOR COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 “HIPAA”

WHEREAS, the federal government enacted the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”); and

WHEREAS, Benton County is a hybrid-entity under the regulations of HIPAA; and

WHEREAS, Benton County adopted HIPAA policies and procedures on April 1, 2003; and

WHEREAS, the federal government has amended the HIPAA regulations since its original enactment; and

WHEREAS, Benton County must adopt policies and procedures that comply with the HIPAA privacy and security regulations as amended,

NOW THEREFORE BE IT RESOLVED that Benton County hereby adopts the updated Benton County HIPAA Privacy and Security Policies and Procedures filed in the office of the county auditor, effective this date.

IT IS FURTHER RESOLVED that the Benton County HIPAA Privacy Policies and Procedures and the Benton County HIPAA Security Policies and Procedures adopted prior to this date are repealed.

PASSED and APPROVED this 28th day of June 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Wayne Siela voiced concern on the lack of brush and noxious weed control in county ditches.

Hertle moved; Wiley seconded: To accept and direct chair to sign a grant in the amount of \$2,500 from the Community Foundation for the Edward Fry Memorial.

The grant proceeds will be passed through to the Edward Fry Memorial Committee upon receipt of a written agreement that the committee will comply with the grant requirements on behalf of the county.

Wiley moved; Hertle seconded: To enter into and direct the chair to sign the Agency/Policy Disclosure and Acknowledgement, Commercial/Non-Residential Exclusive Listing Agreement and the Dual Agency Potential/Consent Agreement between Benton County and Iowa Land Management and Real Estate Co. to sell the county-owned building located at 114 East 4th Street, Vinton, Iowa.

Hertle moved; Wiley seconded: to designate and authorize Supervisor Todd Wiley to negotiate matters relative to the sale of the building at 114 E. 4th Street, Vinton.

Gloria Orcutt presented various artwork for the board's approval to display.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Hertle moved; Wiley seconded: Adopt Resolution #16-52. Voting aye were Frese, Wiley and Hertle. Nays none.

RESOLUTION #16-52

RESOLUTION TO ENTER INTO 28E AGREEMENT WITH BREMER COUNTY REGARDING DELINQUENT COURT DEBT COLLECTIONS

WHEREAS, Benton County and Bremer County have elected to participate in the collection of delinquent court obligations on the county level; and

WHEREAS, according to the 2015 Census, the population of Benton County is 25,658 and the population of Bremer County is 24,722; and

WHEREAS, under a 28E Agreement, an annual delinquent collection threshold of fifty thousand dollars (\$50,000.00) would apply to the collection efforts of both counties, pursuant to Iowa Code sections 602.8107(4)(c)(2)(e) and 602.8107(4)(e)(2); and

WHEREAS, by combining their efforts under a 28E Agreement, Benton County and Bremer County will return unpaid debt to the State, Benton and Bremer Counties, and will return unpaid victim restitution to the victims of crime in both counties; and

WHEREAS, the Benton County Attorney and Bremer County Attorney have discussed entering into a 28E Agreement with each other regarding delinquent court debt collections and have determined that it would be in the best interest of both counties to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE BENTON COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

The proposal to enter into a 28E Agreement with Bremer County for the collection of delinquent court debt is hereby approved and the Chairman of the Board of Supervisors for Benton County is hereby authorized to execute said 28E Agreement on behalf of Benton County.

PASSED AND ADOPTED THIS 28th DAY OF JUNE, 2016.

Donald H. Frese, Chair

Todd Wiley

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

28E Agreement for Benton and Bremer County Collection Of Delinquent Court Obligations

WHEREAS Benton County and Bremer County have elected to participate in the collection of delinquent court obligations on the county level, including collections under the county Attorney payment plan for driver's license reinstatement, under Iowa Code § 321.210B; and

WHEREAS each county has filed with the Clerk of Court for their respective county the required annual notice of full commitment to collect delinquent court debt for all cases assigned to that county for collection by the court, in accordance with Iowa Code § 602.8107(4); and

WHEREAS, according to the 2015 Census, the population of Benton County is 25,699 and the population of Bremer County is 24,722; and

WHEREAS, pursuant to Iowa Code §§ 602.8107(4)(c)(2)(e) and 602.8107(4)(e)(2), an annual delinquent debt collection threshold of \$50, 000.00 will apply to Benton and Bremer County under this 28E Agreement; and

WHEREAS Benton County and Bremer County will each devote the appropriate administrative resources to comply with their obligations to collect delinquent court debt, pursuant to Iowa Code § 602.8107 and Chapter 28E; and

WHEREAS the Board of Supervisors for each County has passed a Resolution approving this Agreement and authorizing their respective Chairpersons to execute this Agreement.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

IT IS THEREFORE AGREED by and between Benton County and Bremer County as follows:

1. Benton County and Bremer County shall share and consolidate their delinquent court debt obligation collections, pursuant to Iowa Code § 602.8107(4)(e) and Iowa Code Chapter 28E.
2. Each County shall devote the necessary time of their County Attorney and the County Attorney's staff to collect delinquent court obligations, pursuant to Iowa Code § 602.8107(4), but Benton County will provide training and assistance to Bremer County in collecting monies owed in Bremer County cases. This includes the use of Benton County Collection staff for preparation of documents and filings. The Bremer County Attorney's Office shall make all necessary court appearances in Bremer County.
3. Benton County shall remain responsible for its entire collection participation for monies owed in Benton County and will retain one hundred percent (100%) of income received in conjunction with money collected in Benton County cases and other counties excluding Bremer County.
4. Each County shall provide the necessary resources, including, but not limited to, computer equipment, computer software, postage, paper, envelopes, and other office supplies to collect delinquent court obligations.
5. For the fiscal year beginning July 1, 2016, the monies distributed to Bremer County pursuant to Iowa Code Section 602.8107 shall be distributed fifty percent (50%) to Benton County and fifty percent (50%) to Bremer County. This distribution percentage shall remain the same for each and every year this agreement is in effect, and can only be modified as described in this agreement. The delinquent court obligations owed and collected in each respective county shall be accounted for separately so that said monies received from the State as a result of said collection efforts can be attributed to the appropriate respective county. Disbursements of said monies to Benton County from Bremer County shall be made on a monthly basis and within ten (10) days of their receipt.
6. In the event that the Counties determine that it would be mutually beneficial to share the use of any personal property, with said property to be utilized by the County Attorneys in their collection efforts, then said purchase must be approved by the Board of Supervisors for both Counties, if the total purchase price of the item, or multiple items obtained through a combines purchase, exceeds \$800.00. Each county will provide one-half of the funds for the purchase of said personal property. If said personal property is later sold, then each county shall receive one-half of the net sale proceeds from the sale of said property.
7. The County Attorneys and their respective staff member shall share information and resources which will facilitate the collection of delinquent financial obligations in the counties.
8. This Agreement shall become effective upon all parties hereto signing, and shall be effective through June 30, 2020.
9. This agreement shall automatically renew for a period of one year under the same terms and conditions, unless either County to this Agreement gives the other County written notice of termination of this Agreement no later than May 1 of the respective fiscal year.
10. If any County elects to terminate this Agreement pursuant to Paragraph 9 above, then said County shall provide the other County and that county's County Attorney with written notice of said election to terminate this Agreement. Written notices shall be sent by certified mail to the following respective addresses:

Benton County Board of Supervisors
Benton County Courthouse
111 East 4th Street
Vinton, IA 52349

Benton County Attorney
Benton County Courthouse
111 East 4th Street
Vinton, IA 52349

Bremer County Board of Supervisors
Bremer County Courthouse
415 E. Bremer Avenue
Waverly, IA 50677

Bremer County Attorney
Bremer County Courthouse
415 E. Bremer Avenue
Waverly, IA 50677

11. If any terms or provisions of this Agreement shall be held to be invalid or unenforceable for any reason, then the remaining terms and provisions shall continue to remain in full force and effect. If a court finds that any term or provision of this Agreement is invalid or unenforceable, but that such term or provision could be limited and thereby be considered valid and enforceable, then such term or provision shall be deemed to be written, construed, and enforced in accordance with said limitation.
12. This Agreement is the complete agreement between the parties. Any amendment to this Agreement must be made in writing and must be approved by the Board of Supervisors for each County before going into effect. Any amendment made shall also require the approval of the County attorney for each County.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Entered into on this _____ day of _____, 2016

Donald H. Frese, Chairman
Benton County Board of Supervisors

STATE OF IOWA, COUNTY OF BENTON, SS:

Be it remembered that on this _____ day of _____, 2016, before me, a notary public in and for Benton County, Iowa, personally Appeared Donald H. Frese, Chairman of the Board of Supervisors of Benton County, Iowa, to me known to be the person named in and who executed the foregoing instrument and acknowledge that he executed the same as his voluntary act and deed and on behalf of Benton County, Iowa.

Notary Public in and for the State of Iowa
_____, Chairman
Bremer County Board of Supervisors

STATE OF IOWA, COUNTY OF BREMER, SS:

Be it remembered that on this _____ day of _____, 2016, before me, a notary public in and for Bremer County, Iowa, personally appeared _____, Chairman of the Board of Supervisors of Bremer County, Iowa, to me known to be the person named in and who executed the foregoing instrument and acknowledge that he executed the same as his voluntary act and deed and on behalf of Bremer County, Iowa.

Notary Public in and for the State of Iowa
Wiley moved; Hertle seconded: To approve the request to use the courthouse lawn submitted by Norma Frost, for the period June 30, 2016, at 8:00 a.m. through July 3, 2016 at 4:00 p.m., upon the condition that the application is signed and that the insurance requirements required by the county's policy on using the courthouse grounds are met by the close of business on June 29, 2016.

Hertle moved; Wiley seconded: To adopt Resolution #16-53. Voting aye were Frese, Wiley, and Hertle. Nays none. Motion carried.

RESOLUTION #16-53

WHEREAS, the City of Belle Plaine and the County of Benton acquired property and was given the appropriate notice of the taxes due; and

WHEREAS, the City of Belle Plaine and the County of Benton have failed to pay said tax; and

WHEREAS, Iowa Code 445.63 provides that the board of supervisors shall abate the tax if the governing body fails to immediately pay the tax,

IT IS THEREFORE RESOLVED that the 2014 tax, penalty and costs assessed against parcel #030-48500 in the total amount of \$228.00 and against parcel 790-05800 in the total amount of \$920.00 are hereby abated in full pursuant to Iowa Code 445.63. The treasurer is directed to strike the amount due from the county system.

Dated this 28th day of June 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Wiley moved; Hertle seconded: Approve the hire of Rick Voss as a seasonal truck driver, effective this date, at a wage of \$15.00 per hour.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved; Hertle seconded: To accept the resignation of Craig Streeter from the sheriff's department, effective October 6, 2016, due to retirement.

Hertle moved; Wiley seconded: To approve the fireworks permit requested by Chuck Yedlik for an event on July 9, 2016 at 5901 28th Avenue Dr., Vinton.

Darris Pickering did not submit an application for fireworks permit for consideration.

Hertle moved; Wiley seconded: To approve the minutes of June 21, 2016, with the following corrections: Supervisor Hertle was present; Supervisor Wiley served as Vice –Chair (not co-chair), and Supervisor Hertle stated that a comprehensive update of the land use policies may be needed.

Hertle moved; Wiley seconded: To enter into and direct chair to sign the Janitorial Contract between Mike and Cindy Elwick, Landlords, of 811 D Avenue, Suite 32, Vinton, Iowa and Benton County, Iowa, for use by the Iowa Department of Human Services at 811 D Avenue, Suite 20, Vinton, Iowa. The contract provides for 4 hours of cleaning per week at \$20.00 per hour.

Wiley moved; Hertle seconded: To approve law enforcement agreements for FY17 with the cities of Norway for 520 hours per year at \$12,220.00; Atkins for 936 hours per year at \$21,996.00 and Blairstown for 780 hours per year at \$18,330.00.

Wiley moved; Hertle seconded: To adjourn.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

July 5, 2016

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.

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/ Hertle seconded: To approve the minutes of June 28, 2016. Motion carried.

Wiley moved/Hertle seconded: To approve Auditor's Quarterly Report ending June 30, 2016. Motion carried.

Hertle moved/ Wiley seconded: To enter into Law Enforcement Contracts with the City of Shellsburg for fiscal year 2017, providing 260 hours of coverage at an annual cost of \$6,110.00. City of Newhall for fiscal year 2017, providing for 780 hours of coverage at an annual cost of \$18,330.00. City of Walford for fiscal year 2017, providing for 520 hours of coverage at an annual cost of \$12,220.00, all three of which will be paid quarterly. Motion carried.

Wiley moved/Hertle seconded: Approve the hiring of Sherry V. Tyler part-time communications specialist /correctional officer effective July 5, 2016 with a starting wage of \$13.56 per hour.

Hertle Moved/Wiley seconded: To set land use hearing date of Tuesday August 2, 2016 at 9:15 A.M. for Craig Kerkman Trust in part of the NE ¼ NE ¼ of 36-83-12. Motion carried.

Hertle moved/Wiley seconded: Approve farm exemption application for John and Shirale Hanson in part of the NE ¼ of 22-85-11. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: Adopt Resolution #16-55 Variance to Sub Division Ordinance. Motion carried.

RESOLUTION NO.16-55 GRANTING INITIAL VARIANCE TO SUBDIVISION ORDINANCE

WHEREAS, Trevor Jenkins has 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 SE 1/4 of the SW 1/4 of 24-85-9 and owned by Jeffrey and Deborah Ralston:

Article IV: Sections 4.01 through 4.04 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

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

1. The division is not for a multi-residential subdivision.
2. A change in land use on this parcel was previously granted on May 31, 2016.

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 5th day of July 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: Adopt Resolution #16-54 Equalize the funding basis for Mental Health. Motion carried.

Resolution #16-54

RESOLUTION CALLING FOR THE STATE LEGISLATURE AND GOVERNOR TO ENACT LEGISLATION TO EQUALIZE THE FUNDING BASIS FOR MENTAL HEALTH STATEWIDE

WHEREAS, mental health regions were created with the passage in 2012 of Senate File 2315 (SF 2315) with the primary purpose of equalizing mental health services and expenses throughout the State of Iowa; and

WHEREAS, Benton County joined the counties of Bremer, Buchanan, Delaware, Dubuque, Iowa, Johnson, Jones and Linn to create the Mental Health/Disability Services of the East Central Region (ECR); and

WHEREAS, SF 2315 added an additional cap on the funding basis for counties by instituting a statewide per capita expenditure targeted amount of up to \$47.28 in addition to the previous limitation placed on counties by the previous covering legislation (SF 69) the county base; and

WHEREAS, SF 2315 established that counties with population expenditure targeted amounts that exceed the county base year expenditures shall receive equalization payments for this difference from the property tax relief fund; and

WHEREAS, the legislature has decided that the equalization payments are no longer being funded; and

WHEREAS, the differing methods of determining the levy rates has created inequities between the per capita rates of the counties within the ECR instead of equalizing; and

WHEREAS, this inequity is not only unfair to the tax payers within the ECR that have the ability to levy at the higher per capita rate it also jeopardizes the long term survival of the regional concept.

NOW THEREFORE BE IT RESOLVED, the ECR has proposed a solution to address these inequities in the per capita rates to the State Legislature and Governor, by removing the base year expenditure cap, thereby allowing each county to contribute equitably. This will enable the ECR to generate the necessary revenue assuring the capability to deliver services at a fair and equal rate throughout the ECR; and

BE IT FURTHER RESOLVED, it is the intent of the Benton County Board of Supervisors to lower the current per capita rate to provide equity for their constituents consistent with the lowest per capita rate charged within the nine county region, and is recommending all counties within the ECR act accordingly and while we understand that this action will create equity for Benton County taxpayers, it will result in funding challenges for the region. Understanding this, we believe that the legislature, through its inaction, has left us no choice; and

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

BE IT FURTHER RESOLVED, the Benton County Board of Supervisors recommends the Governance Board of the ECR develop a public announcement that explains to the citizens of Benton County and the citizens of the ECR as a whole that the failure of the legislature to take appropriate action on levy rate caps places an unfair burden of funding on the citizens of some counties within the region and throughout the state as regions are forced to utilize an unfair taxing method; and BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Iowa Governor Terry Branstad, to Senate President Pam Jochum, to Majority Leader Michael Gronstal, to Republican Leader Bill Dix, to House of Representatives Speaker Linda L. Upmeyer, to Majority Leader Chris Hagenow, to Minority Leader Mark D. Smith, to our Benton County representatives in the General Assembly, Tim Kapucian, Senator and Dawn Pettengill, Representative and to the Iowa State Association of Counties.

So passed and adopted this 5th day of July 2016

Don Frese, Chairman
Benton County Board of Supervisors

Date

Todd Wiley
Benton County Board of Supervisors

Date

Terry Hertle
Benton County Board of Supervisors

Date

Attest:

Hayley Rippel, Deputy Auditor

Wiley moved/Hertle seconded: Accept resignation of Clyde Renn in the Transportation department effective July 22, 2016. Motion carried.

Wiley moved/Hertle seconded: Adopt Resolution #16-56 Change status of Part-time Employees to Full-Time Employees. Motion carried.

RESOLUTION #16-56

CHANGING EMPLOYMENT STATUS OF TERRI ANDORF AND SUSAN MEYER FROM PART-TIME EMPLOYEES TO FULL-TIME EMPLOYEES

WHEREAS, the Benton County Transportation's Department has posted positions for a full-time bus operator and a transit assistant; and

WHEREAS, No applicants have applied for said positions; and

WHEREAS, Andorf has been employed by Benton County as part-time since November 2012, Meyer has been employed by Benton County as part-time since December 2015; and

WHEREAS, Andorf and Meyer have been currently performing the duties of the above mentioned positions; and

WHEREAS, the Transportation Director recommended that both Andorf and Meyer have their employment status be changed from part-time to full-time,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Terri Andorf be changed to full-time transit assistant in the Transportation Department, effective July 5, 2016 at \$16.00 an hour. And also that Susan Meyer be changed to full-time bus operator in the Transportation Department, effective July 18, 2016 at \$14.00 an hour.

Dated this 5th day of July 2016.

Don Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: To approve advertising for two part-time drivers for Transportation Department. Motion carried.

Wiley moved/Hertle seconded: Approve Agreement 2016-C-220 for paved fillets at HWY 150 Intersections North of I-380. Motion carried.

Hertle moved/Wiley seconded: To approve Utility permit for East Central Iowa REC to place utility lines in the county's right of way in sections 24 of Benton Township. Motion carried.

Wiley moved/Hertle seconded: To Adopt Resolution #16-57, hiring of part-time/seasonal driver. Motion carried.

RESOLUTION #16-57 HIRE OF PART-TIME/SEASONAL TRUCK DRIVERS

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

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

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the following persons are approved for hire effective July 12, 2016:

Josh Svoboda

IT IS FURTHER RESOLVED that the hourly wage is set at \$15.00 per hour.

Dated this 5th day of July 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

Hertle moved/Wiley seconded: To sign title sheet for Bridge Replacement project STP-S-C006(103)—5E-06 on E44 in Kane Township. Motion carried.

Hertle moved/Wiley seconded: Set Tuesday August 2nd, 2016 at 9:30 a.m. as time and date for public hearing on vacating street/alley in Luzerne. Motion carried.

Wiley moved/Hertle seconded: To extend the nepotism policy deadline for Secondary Roads from June 27, 2016 through September 1, 2016. Motion carried.

Discussion was had regarding disposal of county-owned property in Luzerne. The Auditor's office received a phone call from an adjacent property owner interested in purchasing. Jill Marlow presented the information on the parcel that she researched. No action was taken.

Jill Marlow, County Auditor wanted clarification on the upcoming FY17 Budget Amendment so she can make the necessary changes and be prepared.

The Supervisors left the Board room and went across the street to look at the furniture and equipment that was left in the old DHS office space.

Hertle moved/Wiley seconded: To adjourn.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

July 12, 2016

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.

Unless otherwise noted, all actions were approved unanimously.

Wiley moved/ Hertle seconded: To approve the minutes of July 5, 2016. Motion carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 219732 through 219969, payroll checks numbered 138860 through 138877, and ACH deposits numbered 27908 through 28037, vendor checks numbered 219726 through 219730. Motion carried.

Hertle moved/Wiley seconded: To enter into Law Enforcement Contracts with the City of Urbana for fiscal year 2017, providing 130 hours of coverage at an annual cost of \$3055.00. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To set land use hearing date of Tuesday August 9, 2016 at 9:15 a.m. for Rob and Lisa Elwick in part of Parcel B in the SW ¼ SE ¼ of 3-85-10. Motion carried.

Wiley moved/Hertle seconded: To adopt Resolution #16-58 Notice to Accept Sealed Bids and Notice of Public Hearing. Motion carried.

**NOTICE TO ACCEPT SEALED BIDS AND
NOTICE OF PUBLIC HEARING ON PROPOSAL TO DISPOSE OF AN INTEREST IN REAL PROPERTY
RESOLUTION #16-58**

WHEREAS, Benton County, Iowa owns certain real estate described as:

Luzerne Lot 1 Block 3

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

WHEREAS, the Board of Supervisors proposes to accept sealed bids on said property, and following a public hearing, sell and convey said real estate by Quit Claim deed,

NOW, THEREFORE BE IT RESOLVED that sealed bids will be accepted on said property until 9:00 A.M. on the 30th day of August, 2016, in the office of the County Auditor as evidenced by the auditor's file stamp.

BE IT FURTHER RESOLVED that the Benton County Board of Supervisors shall open sealed bids at 9:15 A.M. on August 30, 2016, at which time the top three bidders will have the opportunity to increase their bid.

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

BE IT FURTHER RESOLVED, that in accordance with Section 331.361(2), Iowa Code, a public hearing on said proposed sale of real estate is hereby fixed for the 30th day of August, 2016, at 9:30 A.M. in the Boardroom, Second Floor, Benton County Courthouse, Vinton, Iowa, for the purpose of selling said real estate. Said hearing shall be immediately following the opening and review of said bids.

BE IT FURTHER RESOLVED that the notice of this hearing be published pursuant to Iowa Code Section 331.305.

Dated this 12th day of July 2016.

Benton County Board of Supervisors

Donald H. Frese, Chairman

Todd A. Wiley

Terry L. Hertle

ATTEST: _____
Hayley Rippel, Deputy Auditor

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by Steven Venenga. Steven Venenga was present. No media present. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The ground is currently not in production and only has a 30 CSR and mainly a wooded area. The change in use is for approximately 1 acre located on a parcel in part of the NE ¼ NW ¼ of 26-85-9. The request is to change the classification to a single residential use. Venenga questioned about the septic work. In order to do the work himself, he would need to be a certified installer. That would require taking a class and being tested for said certification. There were no further comments.

Wiley moved/Hertle seconded: 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 on a parcel in the NE ¼ of NW ¼ Sec. 26-85-9. Motion carried.

Wiley moved/Hertle seconded: To enter into closed session pursuant to Iowa Code 21.5(1)c. Motion carried at 9:30 a.m.

Wiley Moved/ Hertle seconded: To return to open session at 10:17 a.m. Motion carried. No action was taken.

Wiley moved/Hertle seconded: To approve unpaid leave of absence for Toni Parizek for July 23, 2016 through August 8, 2016 pending her written notice. Motion carried.

Clarification on Use of Courthouse Grounds Policy was made regarding wording in section 12 of the policy. Trailers are not allowed, therefore no changes will be made to the policy.

Wiley moved/Hertle seconded: To approve a request for a utility permit requested by Alliant Energy to place utility lines in the county's right-of-way in section 5 of Harrison Township. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To adopt Resolution #16-59 Wage Classification change for Jeffrey Geiger. Motion carried.

RESOLUTION #16-59

WHEREAS: Benton County Secondary Roads Department has a Maintainer Operator that has been employed by Benton County for six months, and

WHEREAS: Upon the completion of the probationary period the base wage will be increased from the starting wage

THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that the hourly wage for Jeffrey Geiger be set at \$19.61 per hour effective July 11, 2016. This position carries a Labor Grade IVB classification.

Signed this 12th day of July, 2016.

Benton County Board of Supervisors

Donald H. Frese, Chairman

Todd A. Wiley

Terry L. Hertle

ATTEST: _____
Hayley Rippel, Deputy Auditor

Wiley moved/Hertle seconded: To approve a request for a utility permit requested by Interstate Power and Light Company to place underground utility lines in the county's right-of-way in section 23 of Fremont Township. Motion carried. The Engineer stated that there were five bids received for bridge replacement project BROS-C006(101)-5F-06, and he recommended that the board award the bid to the lowest bidder. The bids were as follows:

Iowa Bridge and Culvert, L.C.	\$341,208.90
Taylor Construction, Inc.	\$359,509.75
Peterson Contractors, Inc.	\$366,832.79
Muscataine Bridge Co., Inc.	\$414,634.00
Minnowa Construction, Inc.	\$487,709.20

Hertle moved/Wiley seconded: To award the bid to Iowa Bridge and Culvert, L.C. for the amount of \$341,208.90 for bridge replacement project BROS-C006(101)—5F-06. Motion carried.

Wiley moved/Hertle seconded: Accept resignation of part-time communication specialist Miranda Husted effective July 3, 2016. Motion carried.

Hertle Moved/ Wiley seconded: Approve Sheriff's Quarterly Report for period ending June 30, 2016. Motion carried.

Wiley moved/ Hertle seconded: To adjourn.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

July 19, 2016

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle and Wiley present. The meeting was called to order at 8:30 a.m. *Unless otherwise noted, all actions were approved unanimously.*

The Board conducted employee evaluations. Marc Greenlee requested that the board go into closed session to perform his evaluation. Hertle moved/Wiley seconded: To enter into closed session pursuant to Iowa Code 21.5(1)(i). Motion carried at 8:30 a.m.

Hertle moved/Wiley seconded: To return to open session. Motion carried at 9:00 a.m.

The Board continued employee evaluations. Rick Bramow requested that the board go into closed session to perform his evaluation. Wiley moved/Hertle seconded: To enter into closed session pursuant to Iowa Code 21.5(1)(i). Motion carried at 9:04 a.m.

Wiley moved/Hertle seconded: To return to open session. Motion carried at 9:20 a.m.

Representatives of East Central Iowa Council of Governments met with the board regarding administrative services and fiscal agent services relative to the Community Development Block Grant for the Middle Cedar River Watershed Management Authority (WMA). After discussing the services available, Wiley moved/Hertle seconded: That it is the intent of Benton County as lead agency and as such the CDBG recipient to contract with the East Central Iowa Council of Governments for administrative and fiscal agent services for said grant. Contract language is to be drafted and discussed at a future meeting of the supervisors. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Hertle moved/Wiley seconded: To approve the Benton County Conservation Annual Report for fiscal year 2016. Motion carried.

Veterans Affairs Director Parizek spoke to the board about providing an office on a weekly basis for outreach services to veterans. Wiley moved/Hertle seconded: To approve the use of an office in the Governor Sherman building by a Veterans Affairs Outreach Counselor every Monday from 1 p.m. to 3 p.m. Motion carried.

Auditor Jill Marlow spoke with Veterans Affairs Director Parizek and the Board of Supervisors regarding the use of an intern in the Veterans Affairs office. Marlow questioned what the expectations were of the intern and whether it was actually an educational position or if the intern was more of a part-time employee. Marlow voiced concern that if the intern was actually doing work similar to a part-time employee, then he/she should be compensated or it may potentially be noncompliance with labor laws.

Wiley moved/Hertle seconded: To approve the minutes of July 12, 2016 with one correction made to fix transposed words. Motion carried.

Wiley moved/Hertle seconded: To approve General Assistance Quarterly Report. Motion carried.

Hertle moved/Wiley seconded: To approve Treasurer's semi-annual report for period ending June 30, 2016. Motion carried.

Hertle moved/Wiley seconded: To accept the resignation of Courtnei Siela, Passport Agent from the Recorder's office, effective July 29, 2016. Motion carried. Lexa Speidel, Benton County Recorder has posted this part time position opening on line to be filled.

Engineer presented the Board a detour agreement for the Iowa DOT for a pavement project along HWY 21, from HWY 30 south to Belle Plaine going east on E66. Wiley questioned who would be doing the assessment of the surfaces of the area being used. The Engineer said he could have a secondary roads representative be present with the DOT when these evaluations are done both before and after the project or at a separate time. Wiley moved/Hertle seconded: To approve Iowa DOT project detour agreement. Motion carried.

The Board conducted employee evaluations. Myron Parizek requested that the board go into closed session to perform his evaluation. Hertle moved/Wiley seconded: To enter into closed session pursuant to Iowa Code 21.5(1)(i). Motion carried at 10:48 a.m.

Wiley moved/Hertle seconded: to return to open session. Motion carried at 12:22 p.m.

Wiley moved/Hertle Seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

July 26, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Hertle moved/Wiley seconded: To approve the minutes of Tuesday, July 19, 2016. Motion carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 219977 through 220134, payroll checks numbered 138878 through 138913, and ACH deposits numbered 28038 through 28307, vendor checks numbered 219970 through 219976 and 220135 through 220140. Motion carried.

Hertle moved/Wiley seconded: To approve the Recorder's Quarterly report ending June 30, 2016. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To approve resolution #16-60 Approving the final plat for Jenkins Addition to Benton County, Iowa. Motion carried.

RESOLUTION NO. 16-60

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

WHEREAS, a Plat of Jenkins Addition to Benton County, Iowa, containing one (1) lot has been presented to the Benton County Board of Supervisors consisting of the following described real estate:

Commencing at the South Quarter Corner of Section 24, Township 85 North, Range 9 West of the Fifth Principal Meridian; thence N0°10'04"W along the east line of the Southwest Quarter, 663.96 feet; thence S86°54'39"W along the north line of the South Half of the Southeast Quarter of said Southwest Quarter, 396.25 feet to the point of beginning; thence continuing S86°54'39"W along said north line, 352.29 feet; thence S6°44'10"E, 441.28 feet; thence N86°54'39"E, 352.29 feet to the westerly right of way of 33rd Avenue Drive; thence N6°44'10"W along said right of way, 441.28 feet to the point of beginning.

Said parcel contains 3.56 acres, subject to easements and restrictions of record.

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

WHEREAS, the owners have executed and filed an Owner's Certificate containing consent and dedication for said Plat, and

WHEREAS, the Benton County Board of Supervisors find that the plat would be advantageous to Benton County, Iowa,

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

1. Any new driveways will be built to comply with Benton County's driveway resolution dated October 17, 1975 and amended September 4, 1981, and April 17, 2008.
2. Any new water supply will be constructed with the approval of the Benton County Department of Health.
3. Any new sewage treatment system will be constructed with the approval of the Benton County Department of Health.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Benton County Board of Supervisors that said board, on July 5, 2016, at the request of Trevor Jenkins and Jeff and Deborah Ralson, did grant a variance waiving the following items regarding the submission of "Jenkins 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 directed to certify this Resolution Approving Plat and affix the same to said Plat as provided by law.

This resolution passed and approved on the 26th day of July, 2016.

Benton County Board of Supervisors

Donald H. Frese, Chairman

Terry L. Hertle

Hayley Rippel, Deputy Benton Co. Auditor

Todd Wiley

Wiley moved/Hertle seconded: To enter into Law Enforcement Contracts for fiscal year 2017. City of Mt. Auburn providing 26 hours of coverage at an annual cost of \$611.00. City of Keystone with 260 hours of coverage at an annual cost of \$6,110.00. City of Luzerne, 26 hours of coverage at an annual cost of \$611.00. City of Garrison, providing 156 hours of coverage at an annual cost of \$3,666.00. Motion carried

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: Approve Resolution #16-61 Hiring in Auditor's office. Motion carried.

RESOLUTION #16-61 APPROVE HIRE OF PAYROLL ADMINISTRATOR

WHEREAS, the Benton County Auditor requested and was granted approval to hire a payroll administrator/accountant in anticipation of the retirement of the current person performing those duties; and

WHEREAS, the auditor has advertised and conducted interviews for said position, including all veterans who applied; and

WHEREAS, after careful consideration, the auditor has recommended that Nancy Jorgenson be hired to fill the position, said hire being done through a transfer as Jorgensen is a current employee of Benton County;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the hire/transfer of Nancy Jorgensen as Payroll Administrator/Accountant in the auditor's office, at an annual salary of \$45,000.00, effective August 8, 2016, is hereby approved.

Dated this 26th day of July 2016.

Don Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Hertle moved/Wiley seconded: To approve Resolution #16-62 Changing employment status in Sheriff's office. Motion carried.

RESOLUTION #16-62

CHANGING EMPLOYMENT STATUS OF JACOB DANIEL REINEKE PART-TIME EMPLOYEE TO FULL-TIME EMPLOYEE

WHEREAS, the Benton County Sheriff's Department has posted positions for a full-time communications/corrections officer; and

WHEREAS, Reineke has been employed part-time by Benton County since June, 2015 and has the required state certifications and training; and

WHEREAS, the Sheriff recommended that Reineke have his employment status be changed from part-time to full-time,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Jacob Daniel Reineke be changed to full-time communications specialist/correctional officer in the Sheriff's Department, effective August 1, 2016 with a continuing wage at \$14.56 an hour.

Dated this 26th day of July 2016.

Don Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: To approve hiring of part time employee Caleb John Stewart as correctional officer in the Sheriff's office, starting training wage of \$13.56 an hour effective July 26, 2016, 2016. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Sheriff Forsyth discussed with the board how he currently serves as the E-911 Coordinator for Benton County. He has done the rural addressing and MSAG reports along with some GIS help from Deputy Auditor Hayley Rippel. They need to think about who will fill this role after his retirement.

Discussion was had on the intent of the future of County IT Services. After the overall consensus of all department heads and employees present, they were in favor of having an in-house IT/GIS department head.

Wiley moved/Hertle seconded: To proceed with having the ICIT committee help Benton County in the hiring process of a full-time IT/GIS employee with the intent of the salary and benefits to be partially paid by the Auditor's Budget after January 1, 2017. Motion carried.

Hertle moved/Wiley seconded: To enter into closed session pursuant to Iowa Code 21.5(1)(i). Motion carried at 10:10 a.m.

Hertle moved/Wiley seconded: To return to open session. Motion carried at 10:50 a.m. Motion carried.

The Engineer stated that there were five bids received for two separate bridge replacement projects. He recommended that the board award the bid to the lowest bidder.

BROS-C006(100)-8J-06 bids were as follows:

Taylor Construction, Inc.	\$643,657.60
Iowa Bridge and Culvert, L.C.	\$670,405.09
Peterson Contractors, Inc.	\$684,614.78
Muscatine Bridge Co., Inc.	\$756,412.30
Minnowa Construction, Inc.	\$931,672.50

Project BROS-C006(102)—8J-06 were as follows:

Taylor Construction, Inc.	\$459,243.50
Iowa Bridge and Culvert, L.C.	\$549,561.20
Peterson Contractors, Inc.	\$577,589.08
Muscatine Bridge Co., Inc.	\$653,382.50
Minnowa Construction, Inc.	\$711,702.50

Hertle moved/Wiley seconded: To award the bids to Taylor Construction, Inc. for the amount of \$643,657.50 for bridge replacement project BROS-C006(100)—8J-05, and \$459,243.50 for Project BROS-C006(102)—8J-06. Motion carried.

Hertle moved/ Wiley seconded: To sign purchase agreements with William and Teresa Selken - \$2,084.00, Duane and Darlus Selken-\$160.00 for permanent and temporary easements for bridge projects in Kane Township. Motion carried.

The Board conducted employee evaluations. Carol Zander requested that the board go into closed session to perform her evaluation. Hertle moved/Wiley seconded: To enter into closed session pursuant to Iowa Code 21.5(1)(i). Motion carried at 11:15 a.m.

Wiley moved/Hertle seconded: To return to open session. Motion carried at 11:47 a.m.

Dana Burmeister requested that the board go into closed session to perform her evaluation. Wiley moved/Hertle seconded: To enter into closed session pursuant to Iowa Code 21.5(1)(i). Motion carried at 11:47 a.m.

Wiley Moved/Hertle seconded: To return into open session. Motion carried at 12:10 p.m.

Hertle moved/Wiley Seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

August 2, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/ Hertle seconded: To approve the minutes of Tuesday, July 26, 2016. Motion carried.

Hertle moved/Wiley seconded: To approve and sign FY16 Equitable Sharing Agreement and Certification. Motion carried.

Justin Birker, County Maintenance reported that everyone who wanted office equipment left in the old DHS office building has taken out what they needed. So whatever is left can be scrapped or taken to the landfill.

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by Craig Kerkman Trust. Craig Kerkman was present, along with one media member. Marc Greenlee presented the technical information in accordance with the Benton County Agricultural Land Use Preservation Ordinance. The change in use is for approximately 1.25 acres located in part of the NE¼ NE¼ of 36-83-12. The request is to change the classification to a commercial use. Plans for food concessions and equipment consignment to take place on the already existing concrete foundation. This will not be a long term thing since the HWY 30 expansion project will eventually take over this area. Wiley asked about residue from the previous gas station use years ago. The site had been monitored for some time and is now closed out. Greenlee feels Kerkman has improved this site dramatically. 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 use on approximately 1.25 acres for a commercial purpose on a parcel generally described as being located in part of the NE ¼ NE ¼ of 36-83-12. All members voting aye thereon. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The time of 9:30 a.m. having arrived and this being the time and date for a public hearing on vacating street/alley in Watkins, the chair opened the public hearing for comment. One member of the media was present, County Engineer along with 6 members of the public. The area being discussed is a 30 foot wide strip from the west edge of the pavement of Watkins to the east of vacated Turner Street, approximately 360 feet in total length. The alley is 16 feet running north and south between Block 1 of C G Turner's Addition to Watkins. There were no comments heard in opposition and all comments made were in favor for the vacating. Hearing nothing further, the chair declared the public hearing closed at 9:45 a.m.

Hertle moved/Wiley seconded: To vacate the portion of the 16' alley running north and south in the middle of Block 1 of C G Turner's Addition to Watkins from the south line of Lot 2 and down and the west 360' in length of pavement lying south of Block 1 that is approximately 30' deep. Motion carried. The Engineer is to prepare the necessary quit claim deed's and present it for the board's signature.

Ben Bonar, Benton County Weed Commissioner wanted to discuss a weed complaint on a residence SE of Garrison in section 3 of Big Grove Township. They resident has received notification by mail to take care of the weeds and it still hasn't been done. Bonar has found a willing person to go in and mow for a price, but will serve the resident another notice for last chance to have it cared for. If not done within the time frame allowed, the county will handle this and it will become a special assessment on this owners taxes.

Wiley moved/ Hertle seconded: Approve Resolution #16-63 Homestead, Military and Disabled Veterans Credits for FY 2016. Motion carried.

RESOLUTION #16-63

APPROVAL AND DISAPPROVAL OF HOMESTEAD TAX CREDITS, MILITARY TAX CREDITS, AND DISABLED VETERAN'S HOMESTEAD TAX CREDITS FOR 2016 ASSESSMENT

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 application for Disabled Veteran's Homestead Credit submitted to the assessor on or before July 1, 2016, is hereby disallowed based on the assessor's recommendation:

Parcel # 240-78200-- Disabled Veteran's 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, 2016, for the 2016 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.

Signed this 2nd day of August, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/ Hertle seconded: To approve contract and bond with Iowa Bridge and Culvert, LC. for a bridge replacement on 76th Street over Br Prairie Creek, Project No. BROS-CO06(101)—5F-06. Motion carried.

Wiley moved/ Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

August 9, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/ Hertle seconded: To approve the minutes of Tuesday, August 2, 2016. Motion carried.

Hertle moved/Wiley seconded: Approve payment of checks numbered 220141 through 220312, payroll checks numbered 138914 through 138930, and ACH deposits numbered 28308 through 28438, vendor checks numbered 220313 through 220318. Motion carried.

Wiley moved/ Hertle seconded: Approve and sign the Administrator System Access Agreement with the U.S. postal Service for USPS online customer registration and appoint the County Auditor as Administrator. Motion carried.

Wiley moved/Hertle seconded: Accept resignation of Elizabeth Jensen, part-time Sheriff's office records clerk effective September 30, 2016. Motion carried.

Hertle moved/Wiley seconded: To agree to the reduction in payment from Cedar Valley Ranch by \$3,000.00 in accordance to their audit report of the county being overpaid by that amount in 2014. Motion carried.

The time of 9:15 a.m. having arrived, the board opened the public hearing on a land use change requested by Rob and Lisa Elwick. Rob Elwick and Mikel-Jon Elwick were present. 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 part of Parcel B in the SW¼ SE¼ of section 3-85-10. The request is to change the classification to a residential use. The land is not in production and is surrounded by family owned ground. It would need a new well and septic. Driveway meets all requirements. After no further discussion, it was moved by Wiley, seconded by Hertle, to approve the request for a land use change from agricultural to non-agricultural use on approximately 1 acre for a residential purpose on a parcel generally described as being located in part of Parcel B in the SW¼ SE¼ of section 3-85-10. All members voting aye thereon. Motion carried.

Jacki Michael, Trent Kamer and Duane Eldred representing the City of Urbana, came back to discuss the status of the county maintainer shed area in Urbana. They were here in March, hoping to come up with a solution for the road condition or relocating the maintainer shed. Thoughts about splitting the cost of the total project of making this a concrete road with curb and gutter to meet the design standards of the City of Urbana has an estimated cost of \$57,000. The Engineer is going to research what the county did with the City of Vinton in the past.

Jennifer Zahradnik, landfill commissioner, and Eric Weaver, landfill manager, met with the Board to give an update how things have been going since the commission took over. They have bought their own excavator, hired their landfill manager, changed engineering firms and have saved a lot of money by doing so. Construction of the new cell was done in 2015. A new building will be built soon for employees to be able to work on their own equipment. Money has been set aside for closure and post-closure fund. Zahradnik said the plan is to hopefully reduce per-capita costs in FY18. Stressing the importance of recycling, those who throw everything away and don't recycle will have to pay for it. The supervisors thanked everyone involved and for doing such a good job.

Chuck Smith, sales representative with Family Heritage gave an informal explanation of what his company has to offer for supplemental benefits. It is similar to Aflac, but different because all the premiums paid out that aren't used get refunded back to the owner of the plan. Employees pay their own premiums.

Hertle moved/Wiley seconded: To approve resolution #16-64, Abatement of Tax. Motion carried.

RESOLUTION #16-64

WHEREAS, the Benton County Conservation acquired property and was given the appropriate notice of the taxes due; and

WHEREAS, the Benton County Conservation department failed to pay said tax; and

WHEREAS, Iowa Code 445.63 provides that the board of supervisors shall abate the tax if the governing body fails to immediately pay the tax,

IT IS THEREFORE RESOLVED that the 2015 tax against parcel #890-20810 in the total amount of \$292.00 are hereby abated in full pursuant to Iowa Code 445.63. The treasurer is directed to strike the amount due from the county system.

Dated this 9th day of August 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: To approve Resolution #16-65, Vacate county property by deed in Watkins.
Motion carried.

RESOLUTION #16-65 RESOLUTION TO VACATE COUNTY PROPERTY BY DEED PURSUANT TO SECTION 354.23, IOWA CODE

WHEREAS Section 354.23, Iowa Code, allows the County to vacate part of an official plat that has been conveyed to the County or dedicated to the public which is deemed by the Supervisors to be of no benefit to the public; and

WHEREAS, the Supervisors have received as a part of the original platting of the town of Watkins, the following described property, to-wit:

The portion of street that is adjacent to the South End of Lots Six (6) and Seven (7), Block One (1) in C. G. Turner's Addition to the town of Watkins (including the portion of street south of alley and Turner Street(vacated)) and the portion of alley that is between Lots One (1) thru Six (6) and Seven (7) thru Twelve (12), Block One (1) in C. G. Turner's Addition to the town of Watkins. All of the foregoing described right-of-way being part of the Northwest Quarter (NW¼) of Section Twenty-six (26), Township Eighty-two (82) North, Range Ten (10) West of the 5th P.M. The area of the above portion of vacated right-of-way is 0.361 acres; and

WHEREAS the Board of Supervisors of Benton County, Iowa, have determined that said property is of no further benefit to the public and should be vacated; and

WHEREAS, a proper notice of the date, time and place of hearing on this issue has been published and a hearing has been held and following said hearing, the Supervisors have determined that, in fact, the property is of no benefit to the public and should be vacated.

NOW THEREFORE, be it resolved that the following described property, to-wit:

The portion of street that is adjacent to the South End of Lots Six (6) and Seven (7), Block One (1) in C. G. Turner's Addition to the town of Watkins (including the portion of street south of alley and Turner Street(vacated)) and the portion of alley that is between Lots One (1) thru Six (6) and Seven (7) thru Twelve (12), Block One (1) in C. G. Turner's Addition to the town of Watkins. All of the foregoing described right-of-way being part of the Northwest Quarter (NW¼) of Section Twenty-six (26), Township Eighty-two (82) North, Range Ten (10) West of the 5th P.M. The area of the above portion of vacated right-of-way is 0.361 acres, should be and the same is hereby vacated.

IT IS FURTHER RESOLVED that the Chairperson of the Supervisors shall execute and deliver a Quit Claim Deed conveying said property as follows:

TO: William Ballard and Lori Ballard, husband and wife:

The portion of street that is adjacent to Lots Six (6) and Seven (7), Block One (1) in C. G. Turner's Addition to the town of Watkins, described as follows to wit: Beginning at the Southwest Corner of Lot Six (6), Block One (1), C. G. Turner's Addition to the town of Watkins, thence East 300 feet along south line of Lots Six (6) and Seven (7) to the Southeast Corner of Lot Seven (7) of said Block One (1), thence South 30 feet, thence West 300 feet, thence North 30 feet to place of beginning. The area of the above portion of vacated right-of-way is 0.207 acres.

Watkins Community Athletic Association:

The portion of street that is adjacent to 60-foot vacated right-of-way (formerly known as Turner Street) located between Block One (1) and Two (2), in C. G. Turner's Addition to the town of Watkins, described as follows to wit: Beginning at the Southeast Corner of Lot Seven (7), Block One (1), C. G. Turner's Addition to the town of Watkins, thence East 60 feet along south line of the 60-foot vacated right-of-way to the Southwest Corner of Lot Seven (7), Block Two (2), C. G. Turner's Addition to the town of Watkins, thence South 30 feet, thence west 60 feet, thence North 30 feet to place of beginning. The area of the above portion of vacated right-of-way is 0.041 acres.

The portion of alley that is adjacent to Lots Three (3) thru Six (6), Block One (1), C. G. Turner's Addition to the town of Watkins, described as follows to wit: Beginning at the Southeast Corner of Lot Six (6), Block One (1), C. G. Turner's Addition to the town of Watkins, thence North 200 feet along the east line of Lots One (1) thru Six (6) to the Northeast Corner of Lot Three (3) of said Block One (1), thence East 16 feet, thence South 200 feet along the west line of Lots Seven (7) thru Twelve (12), thence West 16 feet to place of beginning. The area of the above portion of vacated right-of-way is 0.074 acres.

Jimmy James LLC., an Iowa Limited Liability Company:

The portion of alley that is adjacent to Lots One (1) and Two (2), Block One (1), C. G. Turner's Addition to the town of Watkins, described as follows to wit: Beginning at the Southeast Corner of Lot Two (2), Block One (1), C. G. Turner's Addition to the town of Watkins, thence North 105 feet along the east line of Lots One (1) thru Six (6) to the Northeast Corner of Lot One (1) of said Block One (1) and the South line of railroad right-of-way, 200 feet distant from the centerline of Main line tracks at right angles, thence 16.07 feet Northeasterly along said

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

right-of-way line to the Northwest Corner of Lot Twelve (12) of said Block One (1), thence South 106.5 feet along the west line of Lots Seven (7) thru Twelve (12), thence West 16 feet to place of beginning. The area of the above portion of vacated right-of-way is 0.039 acres.

Signed this 9th day of August, 2016.

Chairman, Board of Supervisors

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Hertle moved/ Wiley seconded: To approve contracts and bonds with Taylor Construction, Inc., for bridge replacements on 76th Street over Br Prairie Creek, Project No. BROS-CO06(100)—8J-06 and one on 30th Ave. over Bear Creek, Project No. BROS-CO06(102)—8J-06. Motion carried.

Wiley moved/ Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

August 16, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Hertle moved/ Wiley seconded: To approve the minutes of Tuesday, August 9, 2016. Motion carried.

The auditor discussed amending the fiscal year 2017 budget. Hertle moved/Wiley seconded to set September 6, 2016 at 9:30 a.m. as the time and date for a public hearing on amending the FY17 budget. Motion carried.

Hertle moved/Wiley seconded: The adoption of Resolution #16-66. Voting aye were Frese, Wiley, and Hertle. Motion carried.

RESOLUTION #16-66

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 North Benton Ambulance Service has requested a gift of funds; and

WHEREAS, the North Benton Ambulance Service provides emergency services to areas in numerous townships; and

WHEREAS, the North Benton Ambulance Service has provided a Quotation totaling \$73,430 for the purchase and equipping of a new ambulance; and

WHEREAS, the North Benton Ambulance Service 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 North Benton Ambulance service in an amount up to \$7,343.00 for the purchase of equipment upon the county's receipt of a final invoice or purchase order.

Adopted this 16th day of August 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Jared Vogeler advised that the North Benton Ambulance Service would be returning in approximately six months to request additional funding for equipment for the second ambulance.

Wiley moved/Hertle seconded: The adoption of Resolution #16-67. Voting aye were Frese, Wiley, and Hertle. Motion carried.

RESOLUTION #16-67

WHEREAS, the City of Vinton acquired property and was given the appropriate notice of the taxes due; and

WHEREAS, the City of Vinton has failed to pay said tax; and

WHEREAS, the City of Vinton has requested that the tax be abated;

WHEREAS, Iowa Code 445.63 provides that the board of supervisors shall abate the tax if the governing body fails to immediately pay the tax,

IT IS THEREFORE RESOLVED that the 2015 tax against parcels 240-64850 and 240-43400 in the total amount of \$2,818.00 are hereby abated in full pursuant to Iowa Code 445.63. The treasurer is directed to strike the amount due from the county system.

Dated this 16th day of August 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Jill Marlow, Benton County Auditor

Wiley moved/Hertle seconded: The approval of a Class B Liquor License for Blairstown Sauerkraut Days Beer Tent. Motion carried.

Wiley moved/Hertle seconded: Approval of the Veterans Affairs quarterly reports for the periods ending March 31, 2016 and June 30, 2016. Motion carried.

Wiley moved/Hertle seconded: To authorize the destruction of records in the auditor's office containing personal health information (PHI) after six years. Motion carried. Records include, but are not limited to, mental health, substance abuse, and insurance.

The auditor advised that the 2014 General Election materials would be destroyed pursuant to Iowa law and Resolution #15-65.

Hertle moved/Wiley seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Jill Marlow, Benton County Auditor

August 23, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Hertle moved/ Wiley seconded: To approve the minutes of Tuesday, August 16, 2016. Motion carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 220319 through 220458, payroll checks numbered 138931 through 138952, and ACH deposits numbered 28439 through 28572, vendor checks numbered 220459 through 220464. Motion carried.

Hertle moved/Wiley seconded: Approval of the IT/GIS job description. Motion carried.

Wiley moved/Hertle seconded: To approve advertising to hire for the IT/GIS Director. Motion carried.

Wiley moved/Hertle seconded: To approve hiring of part-time correctional officer Rita Devenney in the Sheriff's office at \$13.56 an hour effective August 23, 2016. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: To approve Resolution #16-68, abatement of taxes. Motion carried.

RESOLUTION #16-68

WHEREAS, the City of Walford acquired property and was given the appropriate notice of the taxes due; and

WHEREAS, the City of Walford has failed to pay said tax; and

WHEREAS, the City of Walford has requested that the tax be abated;

WHEREAS, Iowa Code 445.63 provides that the board of supervisors shall abate the tax if the governing body fails to immediately pay the tax,

IT IS THEREFORE RESOLVED that the 2015 tax against parcel # 260-04300 in the total amount of \$1,400.00 are hereby abated in full pursuant to Iowa Code 445.63. The treasurer is directed to strike the amount due from the county system.

Dated this 23rd day of August 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: To approve use of the courthouse lawn for Boomfest on August 27, 2016.

Waiving the 2 week requirement notice that is stated on the application. Motion carried.

More discussion was had regarding the county maintenance shed within Urbana city limits. Mayor Duane Eldred, Jackie Michael and Trent Kremer were present along with the Engineer. They shared a proposal for concrete reconstruction prepared by Hall and Hall Engineering a few years ago. Supervisors were not against paying their fair share of the assessment.

Wiley moved/Hertle seconded: To Allocate 34% of the new estimated bid for 129 ½ feet of Benton County's property frontage in Urbana not to exceed \$22,000. Motion carried.

Hertle Moved/Wiley seconded: To Approve utility permit for East Central Iowa REC in section 14 of Harrison Township. Motion carried.

Bids were accepted as follows for bridge replacement /box culvert project FM-CO06(62)—55-06:

Iowa Bridge & Culvert, L.C.	\$176,659.85
K Construction, Inc.	\$207,979.57
Ricklefs Excavating, LTD.	\$211,984.80
Taylor Construction Co., Inc.	\$225,838.65
Gus Construction Co., Inc.	\$243,776.90
McCulley Culvert, Inc.	\$265,943.44
Tschiggfrie Excavating Co.	\$364,798.95

Wiley moved/Hertle seconded to award the bid to Iowa Bridge and Culvert, L.C. in the amount of \$176,659.85 for bridge replacement and box culvert project FM-CO06(62)—55-06. Motion carried.

Hertle moved/Wiley seconded: To Approve agreement No. 6-16-HBPS-17 for bridge replacement on 62nd Street over Br Opossum Creek. Motion carried.

Hertle moved/Wiley seconded: To approve Chair to sign final Iowa DOT contract construction progress voucher with L.L. Pelling Co. Inc., for Project FM-CO06(99)—55-06. Motion carried.

Hertle moved/Wiley seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

August 30, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/Hertle seconded: To set Tuesday land use hearing date for Tuesday September 27, 2016 at 9:15 a.m. for Steve Schutterle in part of the NW ¼ NW ¼ Section 26-85-11. Motion carried.

Hertle moved/ Wiley seconded: To approve the minutes of Tuesday, August 23, 2016. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: To approve fireworks permit for Chris Herr on Saturday September 10, 2016. Motion carried.

Hertle moved/Wiley seconded: To hire Joni Fowler as part-time passport clerk in the Recorder's office effective August 24, 2016 at \$12 an hour. Fowler currently works part time in the Treasurer's office as well. But will do passports on Monday and Wednesdays for the Recorder. Motion carried.

Gina Edler, Deputy Auditor proposed to the Board to have township trustees be appointed by the Board of Supervisors instead of elected on a ballot. She handed out the Iowa Code Section referring to Township officers, and described the cost savings this would bring by reducing the amount of ballot styles and also save time it takes to test all the different ballot styles. They could put this question on the upcoming General Election Ballot.

Wiley moved/Hertle seconded: To approve Resolution #16-69, Ballot Proposition. Motion carried.

RESOLUTION #16-69 BALLOT PROPOSITION AUTHORIZING THE APPOINTMENT OF TRUSTEE AND CLERK WITHIN A TOWNSHIP

WHEREAS, Chapter 39.22 of the Code of Iowa, sets forth that, “the county board of supervisors may pass a resolution in favor of filling the offices of trustee and clerk within a township by appointment by the board, and may direct the county commissioner of elections to submit the question to the registered voters of the township at the next general election. In a township which does not include a city, the voters of the entire township are eligible to vote on the question. In a township which includes a city, only those voters who reside outside the corporate limits of a city are eligible to vote on the question. The resolution shall apply to all townships which have not approved a proposition to fill township offices by appointment. If the proposition to fill the township offices by appointment is approved by a majority of those voting on the question, the board shall fill the offices by appointment as the terms of office of the incumbent township officers expire”; and

WHEREAS, cost savings could be realized through ballot style reductions where township offices have no candidates and appointing township officials may provide for a better mechanism for fulfilling township offices and,

WHEREAS, the board believes that the township voters in Benton County should be given the opportunity to decide whether township trustees and clerks are appointed,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the County Commissioner of Elections is directed to submit to the registered township voters in Benton County a proposition authorizing that the offices of trustee and clerk within a township be filled by appointment by the board of supervisors.

BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that said ballot proposition be worded as follows:

“Shall the offices of trustee and clerk within the township be filled by appointment by the board of supervisors?”

Dated this 30th day of August 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The Board only received one bid for the disposal of county owned property in Luzerne. The bid was from Jeff Pierce for a total of \$275.00.

Hertle moved/Wiley seconded to accept the bid from Jeff Pierce for \$275.00 for the county owned property legally described as Luzerne Lot 1, Block 3. Motion carried.

The time of 9:30 a.m. having arrived and this being the time and date for a public hearing on disposal of county owned property in Luzerne, the chair opened the public hearing for comment. Jeff Pierce was the only one present. There were no comments voiced in opposition or support of the recommendations. Hearing nothing further, the chair declared the public hearing closed at 9:35 a.m.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To Adopt Resolution #16-70, To Sell and Convey Property in Benton County. Motion carried.

RESOLUTION #16-70

WHEREAS, by the authority of the Board of Supervisors, public bids were received on August 30, 2016, on a parcel of real estate described as

Luzerne Lot 1 Block 3

located in Benton County, Iowa; and

WHEREAS, Jeff Pierce has submitted the only bid of \$275.00; and

WHEREAS, a public hearing was conducted on August 30, 2016, on whether to sell said property to the high bidder and no objections were heard; and

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

WHEREAS, Benton County holds a tax deed to said real property,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that it is in the best interest of the County to sell and convey the following described real estate and that the bid of \$275.00 submitted by Jeff Pierce for said property be accepted

Luzerne Lot 1 Block 3

and

BE IT FURTHER RESOLVED that the Chair is authorized and directed to execute a Quit Claim deed for the real property set forth above. The grantees of such deed having been stated by the above-listed bidder as Jeff Pierce.

Dated this 30th day of August 2016.

BENTON COUNTY BOARD OF SUPERVISORS

Donald H. Frese, Chairman

Todd A. Wiley

Terry L. Hertle

ATTEST: _____
Hayley Rippel, Deputy Auditor

Wiley moved/Hertle seconded: To authorize the Chair to sign and approve the FY16 Annual Tax Increment Finance Report. Motion carried.

The board discussed renewal of the Watchguard firewall program verses going with a bid from Erb's. Cost wise is basically a wash. After further discussion they decided to go with Erb's.

Nikki Goldsmith of Cottingham and Butler, met with the board to discuss the ability to review the employee health plans and benefits and give an analysis. Goldsmith gave projections on premiums, claims and risks and talked of possible savings through their plan. They also look for human resources efficiencies. To analyze the County, she'd need claims information and the analysis is at no cost. Jill Marlow, Auditor said she was willing to pull the information needed as long as the Board was willing to participate.

Wiley moved / Hertle seconded: 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 section 24 of Benton Township. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/ Frese seconded : To approve Resolution #16-71, Change speed limit south of Urbana. Voting aye were Hertle and Frese. Wiley Nay. Motion carried.

RESOLUTION #16-71

WHEREAS: The Board of Supervisors is empowered under authority of the Iowa Code Sections 321.255 and 321.285 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 requested and 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 location described as follows:

County route W26 (32nd Avenue) from SCL of Urbana, south approximately 1500 feet to the south property line of the Cedar Valley Nature Trail (old abandoned Waterloo Railroad), 40 MPH.

Resolution adopted this 30th day of August, 2016.

Chairman, Board of Supervisors

ATTEST: _____
County Auditor

Toni Parizek requested that the board go into closed session to perform her employee evaluation. Wiley moved/Hertle seconded: To enter into closed session pursuant to Iowa Code 21.5(1)(i). Motion carried at 11:22 a.m.

Hertle moved/Wiley seconded: To return into open session. Motion carried at 11:50 a.m.

Wiley moved/ Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

September 6, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/ Hertle seconded: To approve the minutes of Tuesday, August 30, 2016. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: To approve Resolution #16-72, Amending Resolution #16-69. Motion carried.

RESOLUTION #16-72

AMENDING

RESOLUTION #16-69

BALLOT PROPOSITION

AUTHORIZING THE APPOINTMENT OF TRUSTEE AND CLERK WITHIN A TOWNSHIP

WHEREAS, Benton County Board of Supervisors desires to amend Resolution #16-69 adopted on August 30, 2016 authorizing the ballot proposition to appoint the trustee and clerk within a township; and

WHEREAS, said resolution set forth the ballot language; and

WHEREAS, the ballot language should include each individual township name,

NOW THEREFORE BE IT RESOLVED, that resolution #16-69 BALLOT PROPOSITION AUTHORIZING THE APPOINTMENT OF TRUSTEE AND CLERK WITHIN A TOWNSHIP is hereby amended as follows;

STRIKE:

"BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that said ballot proposition be worded as follows:

"Shall the offices of trustee and clerk within the township be filled by appointment by the board of supervisors?"

AND insert in lieu thereof:

BE IT FURTHER RESOLVED by the Benton County Board of Supervisors that said ballot proposition be worded as follows:

"Shall the offices of trustee and clerk within the township of (name of township) be filled by appointment by the board of supervisors?"

Dated this 6th day of September 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: To enter into closed session pursuant to Iowa Code 21.5(1)c. Motion carried at 9:10 a.m.

Wiley moved/ Hertle seconded: To return to open session at 9:30 a.m. Motion carried.

Hertle moved/Wiley seconded: To Authorize David Thompson, County Attorney to take action as discussed in closed session. Motion carried.

The time of 9:30 a.m. having arrived and this being the time and date for a public hearing on the adoption of the county's FY17 budget amendment, the chair opened the public hearing for comment. There were no members of the public present. One member of the media was present, along with the County Attorney. There were no comments heard in opposition to the FY16 budget amendment. Hearing nothing further, the chair declared the public hearing closed at 9:35 a.m.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: To adopt Resolution #16-73 FY 17 Budget Amendment. Motion carried.

RESOLUTION #16-73

BE IT REMEMBERED on this, the 6th day of September 2016, the Board of Supervisors of Benton County, Iowa, met in session for the purpose of hearing on an amendment to the current operating budget adopted on March 8, 2016. There was a quorum present as required by law. Thereupon, the Board found that the notice of time and place of the hearing had been published. Thereafter, and on said date the amendment was taken up and considered. Thereafter, the Board took up the amendment to the budget for final consideration and determined that said budget be amended as follows:

<u>Expenditures</u>	<u>Amendment</u>
Public Safety	\$ +20,000
Physical Health & Social Services	\$+10,000
Mental Health	\$ 0
County Environment & Education	\$+760,000
Roads & Transportation	\$ 0
Government Services to Residents	\$+17,300
Administration	\$+90,000
Non-Program	\$+10,000
Debt Service	\$ 0
Capital Projects	\$+176,187
Operating Transfers Out	\$ 0

<u>REVENUES</u>	<u>Amount</u>
Intergovernmental	\$+778,435
Licenses & Permits	\$ 0
Charges for Services	\$ 0
Use of Money & Property	\$ 0
Miscellaneous	\$ 0
General Long Term Debt Proceeds	\$ 0
Operating Transfers – In	\$ 0
Proceeds of Fixed Assets	\$ 0
General Long Term Debt Proceeds	\$ 0

Said amendment is hereby appropriated to the respective departments, except for the amended amounts in Public Safety and Physical Health & Social Services. Those amended amounts in those activities will be appropriated, if needed, at a later date.

Dated this 5th of April 2016..

Donald H. Frese, Chairman

Todd A. Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The Board discussed paying mileage to the Board of Adjustment, but no action was taken.

Hertle moved/Wiley seconded: To sign the Quit Claim Deed to Jeff and Vicki Pierce. Motion carried.

Hertle moved/Wiley seconded: To approve handwritten check for Mental Health/Disability Services of the East Central Region. Motion carried.

Hertle moved/Wiley seconded: To amend action of May 10, 2016 and change effective date of Privacy Officer designation of Carol Zander from Dec 1, 2016 to January 1, 2017. Motion carried.

Wiley moved/Hertle seconded: To increase the FY 17 salaries of Carol Zander, Karen Uthoff and Dana Burmeister to \$47,480 annually to comply with the new FLSA regulations effective December 1, 2016. Motion carried.

Hertle moved/Wiley seconded: To accept resignation of secondary Roads employee Chris Wion, effective September 12, 2016. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: To approve Resolution #16-74, approving LRTF funding for Secondary Roads Department. Motion carried.

RESOLUTION #16-74

WHEREAS, the Benton County Secondary Roads Department has applied for Fiscal Year (FY) 2017 Living Roadway Trust Funds for fire, storage and application equipment, and

WHEREAS, this equipment will make the local IRVM program more effective, and

WHEREAS, the IDOT has approved for funding up to \$8,067.12 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 6th day of September, 2016.

Chairman, Board of Supervisors

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

Hertle moved/Wiley seconded: To sign Quit Claim Deed for the vacated right of way used for a bridge in section 4 of Fremont Township to Newhall Grain and Feed Inc. Motion carried.

Wiley moved/ Hertle seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

September 13, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/ Hertle seconded: To approve the minutes of Tuesday, September 6, 2016 after fixing a typo in Resolution #16-73. Motion carried.

Hertle moved/Wiley seconded: Approve payment of checks numbered 220472 through 220674, handwritten number 220465, payroll checks numbered 138953 through 138971, and ACH deposits numbered 28573 through 28703, vendor checks numbered 220466 through 220471. Motion carried.

Wiley moved/Hertle seconded: To accept resignation of Sherry Tyler, dispatcher in the Sheriff's office, effective August 27, 2016. Motion carried.

Connie Graveman came to the board to discuss a mobile home she wants to sell that is sitting on her property. The DOT must have misunderstood the situation and the Treasurer is going to get it taken care of. She thanked the board for their time.

Wiley moved/Hertle seconded: To enter into law enforcement contract with City of Van Horne for fiscal year 2017, providing 780 hours of coverage at an annual cost of \$18,330 which will be paid quarterly. Motion carried.

Hertle moved/Wiley seconded: To approve a request for a utility permit requested by East Central Iowa REC to place utility lines in the county's right-of-way in Taylor Township section 3. Motion carried.

Wiley moved/ Hertle seconded: To approve contracts and bonds with Iowa Bridge and Culvert, LC., for bridge replacement on 32nd Avenue over Blue Creek, Project No. FM-CO06(62)—55-06 for the amount of \$176,659.85. Motion carried.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: to approve agreement 2016-C-225 for paved fillets at HWY 21 intersections North of Belle Plaine. Motion carried.

Wiley moved/Hertle seconded: To approve Resolution's #16-75 and #16-76 Temporary Road Closure's. Motion carried.

RESOLUTION #16-75

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from September 14, 2016, through the completion of the project.

From the NW ¼ corner of Section 17-T82N-R11W thence easterly 2.5 miles to the E ¼ corner of Section 9-T82N-R11W along 76th Street between 17th Avenue & 19th Avenue in Leroy Township.

Signed this 13th day of September, 2016.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____
Hayley Rippel, Deputy Auditor

RESOLUTION #16-76

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from September 26, 2016, through the completion of the project.

From the S ¼ corner of Section 11-T82N-R9W thence easterly 1.5 miles to the center of Section 12-T82N-R9W along 76th Street between 32nd Avenue Drive & 33rd Avenue Drive in Florence Township.

Signed this 13th day of September, 2016.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____
Hayley Rippel, Deputy Auditor

Wiley moved/Hertle seconded: Extend nepotism policy deadline for Secondary Roads to November 1, 2016. The Board went over changes being made in the Employee handbook. Department Heads present were Kelly Geater and Dana Burmeister.

Hertle moved/ Wiley seconded: To adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

September 27, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Hertle moved/ Wiley seconded: To approve the minutes of Tuesday, September 20, 2016 and Friday September 23, 2016. Motion carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 220681 through 220831, payroll checks numbered 138972 through 138997, and ACH deposits numbered 28704 through 28837, vendor checks numbered 220675 through 220680. Motion carried.

The Pictometry aerial flight of the flooded area could not be flown Monday. The wind was a factor for the airplanes, and with the crest already over, the supervisors felt this wouldn't benefit the county to have it done a day or two after the fact. No action was taken.

Hertle moved/Wiley seconded: to approve Resolution #16-77, changing employment status of Payton Bartling. Motion carried.

RESOLUTION #16-77

CHANGING EMPLOYMENT STATUS OF Payton Bartling PART-TIME EMPLOYEE TO FULL-TIME EMPLOYEE

WHEREAS, the Benton County Sheriff's Department has posted positions for a full-time communications/corrections officer; and

WHEREAS, Bartling has been employed part-time by Benton County since October 2015 and has the required state certifications and training; and

WHEREAS, the Sheriff recommended that Bartling have his employment status be changed from part-time to full-time,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Payton Bartling be changed to full-time correctional officer in the Sheriff's Department, effective October, 2016 with a continuing wage at \$15.56 an hour.

Dated this 27th day of September 2016.

Don Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: To approve changing the status of part-time employee Michelle Thoma from communications specialist to secretarial staff effective October 10, 2016 with wage staying the same. Motion carried. The time of 9:15 a.m. having arrived, and this being the time and date for a land use hearing for Steve Schutterle in part of the NW NW of 26-85-11. Marc Greenlee presented the technical information with the Benton County Agricultural Land Use Preservation Ordinance. Schutterle would like to place a manufactured home on parcel owned by Levi & Justin Schutterle. Residence needs new septic, but can connect to the same well. This will also need to have the existing driveway moved after some trees are cleared. It did meet all other requirements. **Hertle moved/Wiley seconded:** To approve land use change for Steve Schutterle to place a manufactured home on part of the NW NW of 26-85-11. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: To approve Resolution # 16-78, Variance to Subdivision Ordinance. Motion carried.

RESOLUTION #16-78 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 SE/4 of the NW1/4 of 3-85-9, due to hardship,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #61 are hereby varied in its entirety for one additional division of real property located in the SE ¼ of the NW ¼ of 3-85-9.

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

1. The additional lot being created already has an existing house.
2. No further land is being taken out of production and no new public improvements are proposed.

Adopted this 27th day of September 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Art work from Elaine Conrad was brought in for the board to choose what to display on the first floor.

Recommendations for the IT/GIS candidates were discussed.

Supervisor Wiley is still waiting on Jon Swanson for his opinion on the changes they want to make to the handbook. The supervisors all agreed that they will do an addendum to the handbook for an IT policy after the new IT person is hired. The new employee can help with that policy.

Hertle moved/Wiley seconded: To approve a request for a utility permit requested by Century Link to place utility lines in the county's right-of-way in section 36 of Jackson Township. Motion carried.

Wiley moved/Hertle seconded: To approve 19 hours of vacation carry over for Douglas Kearns to be used by December 1, 2016. Motion carried.

Scott Hansen, EMA Coordinator updated the Board on the flood recovery and clean-up and also explained how the FEMA Individual Assistance Program works. Vinton crested Monday morning about 3 feet less than the flood in 2008. The Disaster Recovery Coalition has already helped 6 families affected by the flooding. Saturday October 8, 2016 is the date set where volunteers will be needed to assist in the clean-up removing the sandbags and other debris leftover.

Hertle moved/Wiley seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

October 4, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Hertle moved/ Wiley seconded: To approve the minutes of Tuesday, September 27, 2016 and Wednesday September 28, 2016. Motion carried.

Marc Greenlee presented the current language of Article VII to the Benton County Ordinance #61. He explained the draft proposal of the amendment to section 7.02 (variances) and new definitions of what a major and minor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

subdivision consist of. Trying to relieve having proof of a hardship and making this ordinance more user friendly is the goal. The Board wanted time to look this over, so no action was taken.

Wiley moved/Hertle seconded: To approve Resolution # 16-79, Variance to Subdivision Ordinance. Motion carried.

RESOLUTION #16-79 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 the requirements of the ordinance to allow one additional division on a parcel located in the N ½ of the NE ¼ of 7-85-10, due to hardship,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that the requirements of Ordinance #61 are hereby varied in its entirety for one additional division of real property located in the N1/2 of the NE ¼ of 7-85-10.

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

1. The property is in the flood plain and would not be considered a buildable parcel.
2. No new public improvements are proposed.

Adopted this 4th day of October, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: To approve and sign Flexible Savings Account Renewal with Employee Benefit Systems for 2017. Motion carried.

Handbook changes were discussed and agreed upon. A copy of the latest proposal was distributed to the department heads and elected officials. The final approval and discussion will take place during the October 18th meeting.

Hertle moved/Wiley seconded: To approve Auditor's Quarterly Report ending September 30, 2016. Motion carried.

Jerry Petermeier discussed the Cedar Valley Ranch's need for window repairs. At this time there are at least 4 in desperate need and they might want to think about the future of the others.

Wiley moved/Hertle seconded: To Authorize Jerry Petermeier to oversee the repairs and hiring the work done to repair the four windows discussed at the Cedar Valley Ranch. Motion carried.

Hertle moved/Wiley seconded: To approve employment contract with Denise Westerhoff, to change from a part-time employee in the Treasurer's office to a permanent part-time position with an average of 30 hours per week. The effective date will be retroactive to October 1, 2016 with health insurance beginning November 1, 2016. Motion carried.

Dana Burmeister discussed a quote she received for flood damage repairs in the transportation building. The board didn't want to act on only one bid so she will try and get two more. Other flood damage to county buildings and infrastructure was also discussed. The Sheriff, Engineer, Auditor along with Burmeister were all present. The Governor Sherman building, sheriff's garage, maintenance garage along with the transportation building, lawn repairs and other areas were affected by the flood. Jill Marlow asked if she needed to file a "notice of interest" for the flood buyout program, she needed guidance as to what they wanted to do. At this time, they don't think they want to participate in the buy-out program but still have time to think about this. The county has reached an excess of the \$5,000 deductible for their flood insurance policy of \$10,000. The Board of Supervisors will need to work with FEMA and Hayley Rippel, Deputy Auditor will be their future contact person for this since the current Auditor is retiring. The Engineer said that all the sandbags had been removed from all the county buildings.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

October 11, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Hertle moved/ Wiley seconded: To approve the minutes of Tuesday, October 4, 2016. Motion carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 220839 through 221018, handwritten check #220832, payroll checks numbered 138998 through 139044, and ACH deposits numbered 28838 through 28968, vendor checks numbered 220833 through 220838. Motion carried.

Dana Burmeister, Benton County Transportation Director, presented quotes for flood damage repairs that need to be made to the transportation building along with some carpet replacement quotes.

Quotes received for materials and labor was as follows:

Ted Jessen Construction-\$2,387.28

B & B Drywall, Inc.-\$3,175.00

Riffey Drywall-\$3,525.00

Jensen Wall Systems Construction-\$3,480.00

Hertle moved/Wiley seconded: To approve quote from Ted Jessen Construction for \$2,387.28 for the materials and repair of the flood damage to the transportation building. Motion carried.

Quotes for carpet replacement:

Country Floors-\$2,105.27

Michael & Dowd-\$2,791.50

Wiley moved/Hertle seconded: To accept the carpet quote from Country Floors for \$2,105.27. Motion carried.

The Board discussed the recommendation to amend Ordinance #61, the Benton County Subdivision Ordinance.

Wiley moved/Hertle seconded: To Accept the recommendation to amend Article VII: other provisions, Section 7.02 Variances. Motion carried.

Karen Phelps, Conservation Director spoke about the preliminary handbook regarding the deadline employees have to use up comp time. It currently says March 1, but there was a previous amendment that said April 1. The board was going to make note of this change and be sure it gets done before the final approval.

Hertle moved/Wiley seconded: To approve General Assistance Quarterly Report. Motion carried.

Wiley moved/Hertle seconded: To approve Treasurer's Quarterly Report. Motion carried.

Hertle moved/Wiley seconded: To approve Recorder's Quarterly Report. Motion carried.

Hertle moved/Wiley seconded: To approve Veteran's Affairs Quarterly Report. Motion carried.

Wiley moved/Hertle seconded: To accept resignation of Paul McIntire, part-time Reserve officer at the Sherriff's office effective October 1, 2016. Motion carried.

Wiley moved/Hertle seconded: To approve a request for a utility permit requested by Windstream to place utility lines in county's right of way in section 16 of Eldorado Township. Motion carried.

Hertle moved/Wiley seconded: To approve a request for a utility permit requested by Windstream to place utility lines in the county's right-of-way in section 29 of Iowa Township. Motion carried.

Hertle moved/Wiley seconded: To approve a request for a utility permit requested by Windstream to place utility lines in the county's right-of-way in Harrison Township. Motion carried.

Wiley moved/Hertle seconded: Approve Resolution #16-80 temporary road closure. Motion carried.

RESOLUTION #16-80

BE IT RESOLVED by the Benton County Board of Supervisors that the following described Secondary Road be closed for CONSTRUCTION effective from October 18, 2016, through the completion of the project.

From 53rd Street Trail thence south approximately 1.5 miles to 54th Street Trail along 32nd Avenue in Polk Township.

Signed this 11th day of October 2016.

BENTON COUNTY BOARD OF SUPERVISOR'S

Chairperson

ATTEST: _____

Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Dan Isbell, who resides at 2596 58th Street Lane- Vinton, read a statement regarding his interest in the flood buy-out program if the county decides to participate. His home was affected again from the recent flood. He chose to rebuild after the 2008 flood damage, but has decided not to this time.

Wiley moved/Hertle seconded: To Adjourn at 9:40 a.m. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

October 18, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/ Hertle seconded: To approve the minutes of Tuesday, October 11, 2016. Motion carried.

Hertle moved/Wiley seconded: To set public hearing dates of November 8, 2016 at 9:15 a.m., November 15, 2016 at 9:05 a.m. and November 22, 2016 at 9:15 a.m. for Amendment to Article VII; other provisions, Section 7.02 variances to Benton County Subdivision Ordinance #61. Motion carried.

Wiley moved/Hertle seconded: To approve Sheriff's Quarterly Report. Motion carried.

Wiley moved/Hertle seconded: Approve Resolution #16-81. Motion carried.

RESOLUTION #16-81

CREATION OF A

COUNTY ATTORNEY COLLECTIONS INCENTIVE FUND

WHEREAS, the Benton County Attorney is participating in the collection of delinquent district court fees pursuant to Iowa Code 602.8107; and

WHEREAS, Iowa Code provides that a county attorney collect an incentive for the collections of said delinquent fines; and

WHEREAS, the Code of Iowa is silent as to how the funds are accounted through the county's financial system; and

WHEREAS, the Iowa Department of Management suggests that a special revenue fund be created for the financial accounting of said incentive funds;

NOW THEREFORE BE IT RESOLVED BY the Benton County Board of Supervisors that a special revenue fund be created for the purposes of receipting and expending the incentive funds collected by the Benton County Attorney pursuant to Iowa Code 602.8107.

IT IS FURTHER RESOLVED that the fund is titled COUNTY ATTORNEY COLLECTIONS INCENTIVE FUND (0095) and is established as a special revenue fund as set forth in the Uniform Chart of Accounts for Iowa County Governments.

IT IS FURTHER RESOLVED that the revenue and expense budgeted for FY17 in the general fund for said incentive fund activities be transferred to said special revenue fund.

PASSED and APPROVED this 18th day of October, 2016.

Donald H. Frese, Chairman

Terry L. Hertle

Todd Wiley

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: Approve Resolution #16-82. Motion carried.

RESOLUTION #16-82
CREATING A FUND FOR WATERSHED MANAGEMENT AUTHORITY

WHEREAS, Benton County entered into an 28E Agreement that established a Watershed Management Authority (WMA) within the Middle Cedar Watershed; and

WHEREAS, Benton County has been awarded a Community Development Block Grant for carrying out planning, projects, and administrative activities within the Middle Cedar Watershed on behalf of the WMA; and

WHEREAS, Creation of a special revenue fund for purposes of accounting of the financial activity for the WMA would provide clear oversight of said funds; and

WHEREAS, the Board of Supervisors agrees that a fund should be created for said purpose; and

WHEREAS, the receipts are not allocated by law, regulation, or contractual agreement to some other fund,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that a special revenue fund be created for the purposes of accounting for accepting and receiving donations, endowments, gifts, grants, reimbursements and other such funds as necessary to support work within the Middle Cedar Watershed.

FURTHER, the fund is titled WATERSHED MANAGEMENT AUTHORITY FUND (0021) and is established as a special revenue fund.

Dated this 18th day of October, 2016

Donald H Frese, Chairman

Terry Hertle

Todd Wiley

Attest:

Hayley Rippel, Deputy Benton County Auditor

Hertle moved/Wiley seconded: To approve Resolution #16-83 Transfer of Funds. All voting aye. Motion carried.

RESOLUTION #16-83
TRANSFER OF FUNDS

BE IT RESOLVED by the Benton County Board of Supervisors that the following interfund funds are ordered:

General Basic (0001) to County Attorney Incentive Fund (0095) - \$43,603.49

The Auditor is authorized to make the necessary adjustments to the FY17 budget.

Dated this 18th day of September, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To approve hiring of Kirk Authier, part-time drive examiner in the Treasurer's office effective October 22, 2016 at \$16.50 an hour. Motion carried.

Wiley moved/Hertle seconded: To approve 13 hours vacation carryover for Randy Sherwood to be used by December 31, 2016. Motion carried.

Hertle moved/Wiley seconded: To approve a request for a utility permit by East Central Iowa REC to place utility lines in county's right of way in section 25 of Benton Township for a new house. Motion carried.

Wiley moved/Hertle seconded: To appoint Emily Upah as county representative to ECICOG RLF Committee. Motion carried.

Scott Hansen, Benton County EMA gave supervisors an update on the flood buyout situation. The money is awarded based on criteria rather than "first come, first served". FEMA likes to have the Notifications of Interest submitted so they have a preliminary estimate and they could cease accepting notifications at any time. Federal Emergency Management Agency disaster assessment teams were in Benton County last week to begin their preliminary assessment.

Wiley moved/Hertle seconded: To file notice of interest with Iowa Homeland Security for the county's interest to qualify for funding through a Hazard Mitigation Plan Grant for flood relocation. Motion carried.

Hertle moved/Wiley seconded: To file a project application with Iowa Homeland Security for purchasing Hesco barriers for future flood preparedness. Motion carried.

Shirley and Demar Enget, along with some adjoining neighbors who live along the Benton-Linn road along the county line asked about getting some permanent seal coating. They have concerns with HWY 80 construction; it is causing extra traffic and dust. The Engineer was going to prepare some figures at what the cost would be, and to possibly get those property owners interested in doing a special assessment and sharing the costs. No action was taken at this time.

The Supervisors along with some Department heads attended a Safety Communications Essentials Training with Chuck Goodman from Arther J. Gallger & Co.

Hertle moved/Wiley seconded: To enter into closed session pursuant to Iowa Code 21.5(1)(i). Motion carried at 12:18 p.m.

Wiley moved/Hertle seconded: To return to open session. Motion carried at 12:22 p.m.

Hertle moved/Wiley seconded: To take action that was discussed in closed session. Motion carried.

Hertle moved/Wiley seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

October 25, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/ Hertle seconded: To approve the minutes of Tuesday, October 18, 2016. Motion carried.

Wiley moved/Hertle seconded: Approve payment of checks numbered 221019 through 221180, payroll checks numbered 139045 through 139068, and ACH deposits numbered 28969 through 29099, vendor checks numbered 221020 through 221025. Motion carried.

Brad Geater concerned family member and also a licensed Engineer with Mclure Engineering met with the board to discuss safety concerns on the gravel road 1 mile east of Minnestoma. (The intersection of 52nd Street Dr/ 25th Ave) A recent car accident to a family member brought up the need for his proposal. He would like to offer his help in getting some changes made to make it a better, more visible corner, mainly coming from the south. Supervisor Frese will pass on the proposal to the Engineer and have him get back to Geater, and see what can be done.

Scott Hansen, Benton County EMA gave supervisors an update on the FEMA relocation grant, the NOI was submitted last week and was approved for submitting the application process next. In order to finish with the application process, the county will need to know for sure in writing who is interested in being considered for the program. Hansen would also like to have an official from the state visit with the board on how the program works.

Wiley moved/Hertle seconded: To approve publishing a public notice in the local newspapers to inform those interested in the flood buyout to submit an official letter to the Board of Supervisors. Motion carried.

Handbook discussion was continued from previous meetings making notes of the changes requested. The FMLA section 4.7 was removed. Elected officials are exempt from FMLA leave. Pg15 -Overtime Pay and Compensatory Time section: comp time earned was clarified. Vacation 4.2: (New employees may be granted additional paid vacation days upon hiring, at the discretion of the department head and with the approval of the Board of Supervisors, in order to secure their employment.) This will allow the need for flexibility. The County Attorney's office also spoke of the need to draft a transitional maternity/paternity policy to accommodate new hires. Further review is also needed on the use of workplace technology. No action was taken.

Discussion on the hiring of the IT/GIS position was had and the offer that is to take place.

Wiley moved/Hertle seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

November 1, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Hertle moved/ Wiley seconded: To approve the minutes of Tuesday, October 25, 2016. Motion carried.

Wiley moved/Hertle seconded: To approve Resolution #16-84, hiring of Ben Turnis. Motion carried.

RESOLUTION #16-84

WHEREAS: Benton County Supervisors has created a new Information Technologies full-time position to fill and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that Ben Turnis be hired to fill the position as Director of Information Technologies at a starting salary of \$62,500 with 15 days paid vacation effective November 21, 2016.

Signed this 1st day of November, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Hertle moved/ Wiley seconded: To accept resignation of Tim Niner, part-time driver for Transportation effective October 21, 2016. Motion carried.

Handbook clarifications were made regarding section 5.1, insurance eligibility and other language.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: To approve Resolution #16-85, Amending Resolution #13-21. Motion carried.

RESOLUTION #16-85
AMENDING RESOLUTION #13-21
WAGES AND BENEFITS FOR PART-TIME EMPLOYEES IN THE BENTON COUNTY SHERIFF'S OFFICE

WHEREAS, the Benton County Board of Supervisors adopted Resolution #13-21 on March 12, 2013,

WHEREAS, the Sheriff has requested that said Resolution be amended to allow for amending Section 6 Step Raises: (3.) and (4.)

NOW THEREFORE BE IT RESOLVED that Resolution #13-21, as amended by Resolution #16-85, is hereby amended as follows:

6. Step Raises:
 1. An employee must work a minimum of one year and 1,000 hours before being eligible for step raise comparable to that of a full-time employee after one year.
 2. An employee must work a minimum of two years and 2,000 hours before being eligible for a step raise comparable to that of a full-time employee after two years.
 3. **An employee must work a minimum of seven years and 7,000 hours before being eligible for a step raise comparable to that of a full-time employee after ten years.**
 4. **An employee must work a minimum of fifteen years and 15,000 hours before being eligible for a step raise comparable to that of a full-time employee after twenty years.**
 5. These step raises will not be automatic but will be based on job performance, attendance, and willingness to work requested hours. Any part-time person who fails to actively work within any consecutive six-month period shall lose their accumulated hours towards reaching the 1000 hour requirement set forth above.

The remaining resolution, as amended remains in full force and effect.

Signed this 1st day of November, 2016

 Donald H. Frese, Chairman

 Todd Wiley

 Terry L. Hertle

ATTEST:

 Hayley Rippel, Deputy Benton County Auditor

Sheriff Forsyth presented a hand out prepared by Schoonover Tuckpointing, Co, Inc. from a recent inspection done after the flood. Waterproofing will need to be done to the building to keep future repairs to a minimum. No action was taken at this time but the Board will need to plan for such expenses in the Budget.

Hertle moved/Wiley seconded: To acknowledge the retirement notice of Denny Hummel in the Benton County Sheriff's Department effective January 18, 2017. Motion carried.

Wiley moved/Hertle seconded: To accept resignation of Jo Kuennen in the County Attorney's office, waiving the notice requirement effective October 31, 2016. Motion carried.

Supervisor Wiley gave a quick update on the HUD money for the Iowa Economic Development Authority. Wiley would like to discuss more with Gary Hughes. Deadline is November 15th, so will be put back on next week's agenda.

John Ferring with Timber Ridge Investments, LLC and Kelly Geater discussed a mobile home with unpaid taxes as far back as 1995. Ferring offered to pay the 5 years back taxes without penalty and plans to rehab the mobile home and put back into taxation.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Hertle seconded: To approve Resolution #16-86, Abatement of Taxes. Motion carried.

RESOLUTION #16-86 ABATE TAX

WHEREAS, the Benton County Treasurer has reported that there are currently unpaid taxes and penalties on this parcel going as far back to tax year 2002. Tax liens filed against the property and 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 and penalties on this parcel for ten years and compromised to collect \$730.00 in taxes and waive the penalty on interest on the past five years.

IT IS THEREFORE RESOLVED that the delinquent tax, penalty, interest and costs assessed on the below listed parcel and unpaid from 2002 through the 2012 assessment year, are hereby abated pursuant to Iowa Code 445.16. The Treasurer is directed to strike the amount due from the county system.

370S2174 – \$2,190.00 in taxes are abated and the penalties, interest and associated costs are waived.

Dated this 1st day of November, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

The County attorney's office presented a proposed policy for paid parental leave they wanted to see added to the handbook. Wiley is not comfortable asking tax payers to fund a policy such as this that isn't a standard practice of benefits. Hertle had mixed emotions, times have changed, today there are more women in the workforce but he didn't call around and check into this. Frese, would like to get the Handbook settled, maybe this could be added at a later time. County Attorney feels this policy is proposed to attract better employees. FMLA qualifies an employee to have 12 weeks off, this policy would give up to 3 weeks paid leave time if the employee has not accumulated sufficient other leave to allow for at least six weeks of paid time off. Supervisors all agreed it is time to get the handbook approved and allow more time for such a proposal to be discussed at a later time.

Wiley moved/Hertle seconded: To adopt Resolution #16-87, Adopting Benton County Employee Handbook. Motion carried.

RESOLUTION #16-87

ADOPTING BENTON COUNTY EMPLOYEE HANDBOOK

WHEREAS, the Board of Supervisors desires to adopt a new revised and improved county employee handbook; and

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Resolution #16-87, replaces any current employee handbook(s) prior to this newly adopted version. The Auditor is directed to provide employees copies of the new handbook and have a signed employee acknowledgement form back to have on record.

Signed this 2nd day of November, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: To adopt Resolution #16-88, county designated medical clinic. Motion carried.
RESOLUTION #16-88

COUNTY-DESIGNATED MEDICAL CLINIC

BE IT RESOLVED by the Benton County Board of Supervisors that we do hereby designate the following named clinic and Hospital to be the designated care facilities for Benton County Employees needing "initial medical consultation" for workers' compensation claims.

Vinton Family Medical Clinic
 Virginia Gay Hospital-Vinton, Iowa

Dated this 1st day of November, 2016.

 Donald H. Frese, Chairman

 Todd Wiley

 Terry L. Hertle

ATTEST:

 Hayley Rippel, Deputy Benton County Auditor

The Engineer presented the bids received for the bridge replacement project STP-S-C006(103)--5E-06 , they were as follows:

Taylor Construction, Inc. -\$443,463.35
 Iowa Bridge & Culvert, L.C. -\$452,008.35
 Peterson Contractors Inc.-\$485,429.29

Hertle moved/Wiley seconded: To award bid to Taylor Construction, Inc. for \$443,463.35 for bridge replacement project STP-S-C006(103)--5E-06 in Kane Township

Hertle moved/Wiley seconded: To approve Resolution #16-89 Temporary Road Closure. Motion carried.

RESOLUTION #16-89

BE IT RESOLVED by the Benton County Board of Supervisor's that the following described Secondary Road be closed for CONSTRUCTION effective from October 31, 2016, through the completion of the project.

From the NW corner of Section 7-T82N-R12W thence east 1 mile to the NE corner of Section 7-T82N-R12W along 75th Street between Ia Hwy 21 & 11th Avenue in Iowa Township.

Signed this 1st day of November, 2016.

BENTON COUNTY BOARD OF SUPERVISOR'S

 Chairperson

ATTEST: _____
 Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Supervisor Wiley updated about the Middle Cedar WMA meetings he has recently attended. Scott Hansen, Emergency Management Coordinator has received official notification that the Public Assistance Disaster Declaration has been approved by the State of Iowa. The official case number is FEMA-4289-DR.

Hertle moved/Wiley seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

November 8, 2016

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. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/ Hertle seconded: To approve the minutes of Tuesday, November 1, 2016. Motion carried.

Hertle moved/Wiley seconded: Approve payment of checks numbered 221181 through 221363, payroll checks numbered 139069 through 139083, and ACH deposits numbered 29100 through 29221, vendor checks numbered 221188 through 221363. Motion carried.

Wiley moved/Hertle seconded: To Authorize Chair to sign contract with Iowa Economic Development Authority Community Development Block Grant. Motion carried.

The time of 9:15 a.m. having arrived and this being the time and date for a public hearing on the first consideration for Amendment to Article VII, Other provisions, Section 7.02 Variances to Benton County Subdivision Ordinance #61. The Board took up the matter for discussion. Chairman Frese opened the public hearing with one member from the public present. Marc Greenlee explained the draft proposal to amend Article VII. It will be Ordinance #71, amending Ordinance #61. Everything is in order and all procedures have been followed and the summary was published. After no further comments, the public hearing was declared closed at 9:20 a.m.

Wiley moved/Hertle seconded: To approve the 1st Consideration for Amendment to Article VII, Other provisions, Section 7.02 Variances to Benton County Subdivision Ordinance #61. All members voting aye, motion carried.

Dusty Pogones, Lead Mitigation Project Officer with Iowa Homeland Security and Emergency Management Department called in for a conference call. Pogones gave a brief overview of the program and how the project should be managed locally and allowed for questions. Participation is all voluntary, and in order to qualify, the structure has to be located within the 100-year flood plain.

Hertle moved/ Wiley seconded: To approve contract and contractors bond with Taylor Construction, Inc. for bridge replacement on E44 over Prairie Creek: Project No. STP-S-CO06(103)—5E-06. Motion carried.

Wiley moved/Hertle seconded: to authorize Chair to sign final IDOT contract construction voucher with Gus Construction Co., Inc. for Project BRS-CO06(96)—60-06 for \$7,730.94. Motion carried.

Hertle moved/ Wiley seconded: To approve Resolution #16- Bridge Embargo removal. Motion carried.

RESOLUTION #16-90

WHEREAS, the bridge 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 bridge be removed. The structure is located as follows:

IA-0110

0.1 mile east of the NW corner of section 07-82N-12W (Iowa Township) on 75th Street

Signed this 8th day of November 2016.

Chair, Board of Supervisor

ATTEST:

Auditor

Hertle moved/ Wiley seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

November 15, 2016

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Hertle present. Wiley was absent. The meeting was called to order at 9:00 a.m. *Unless otherwise noted, all actions were approved unanimously.*

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Hertle moved/ Frese seconded: To approve the minutes of Tuesday, November 8, 2016. Motion carried.

The time of 9:05 a.m. having arrived and this being the time and date for a public hearing on the second consideration for Amendment to Article VII, Other provisions, Section 7.02 Variances to Benton County Subdivision Ordinance #61. The Board took up the matter for discussion. Chairman Frese opened the public hearing with one member of the press present and one member from the public. Barb Greenlee reviewed said proposal to amend Article VII. It will be Ordinance #72, amending Ordinance #61. After no further comments, the public hearing was declared closed at 9:07 a.m.

Hertle moved/Frese seconded: To approve the 2nd Consideration for Amendment to Article VII, Other provisions, Section 7.02 Variances to Benton County Subdivision Ordinance #61. Both members voting aye, motion carried.

Hertle moved/Frese seconded: To declare the canvass of the election to be complete and the votes cast to be official. The official results are to be recorded in the office of the County Auditor. Motion carried.

The results of the General Election held on November 8, 2016, for local candidates as canvassed and approved by the Benton County Board of Supervisors are as follows:

County Supervisor District II – Richard A. Primmer
County Supervisor District III – Gary Bierschenk
County Auditor – Hayley Rippel
County Sheriff – Ronald J. Tippet

The following **township trustees** were elected:

Benton – Steve Cronk and Vernon McClintock
Big Grove – Craig Selk and John Ritscher
Bruce – Kenneth Lassen and Steven Vaughn
Canton – Scott DeKlotz and Kirk Tumilty
Cedar – Steve Runyan and Paul A. Zander
Eden – Everett Heitshusen and Dwight Sanders
Eldorado – Tracy Lee Seeman and Scott Thompson
Florence – James Hemesath Roy L. Schulze
Fremont – Carl Gerhold and Tim Busch (**Moved by Hertle/seconded by Frese:** To accept Tim Busch and Tim J. Busch to be all the same person, motion carried.) (**Moved by Hertle/seconded by Frese:** To accept Andrew Jones and Andy Jones as the same person, motion carried) (**Moved by Hertle/seconded by Frese:** To accept William Haether and William Hearther as the same person, motion carried) (**Moved by Hertle/seconded by Frese:** To accept Clint Sandburg and Clinton Sandburg as the same person, motion carried)
Harrison – Walter Bauer and Bryon Geater
Homer – Dale Seeck and Dan Busik
Iowa – Dean Jensen and Gene Upah
Jackson – John Buhr and James A. Fleming
Kane – Todd Hennings and Wayne Ritscher
Kane to fill vacancy – William Selken
Leroy – Helen T. Grunewald and Barry Werning
Monroe – Mark Koutouc and Michael Knupp (**Moved by Hertle/seconded by Frese:** To accept Mark Koutouc and Mark Koutoue to be all the same person, motion carried.) (**Moved by Hertle, seconded by Frese:** To accept Michael Knupp and Mike Knupp to be all the same person, motion carried.)
Polk – Scott Hepker and Bill Kester
St. Clair – Bryce Brecht and Dennis L. Frese
Taylor – Kirk Appleby and Charles Yedlik
Union – Jeff Kromminga and Neal Denison

The following persons were elected to the **Benton County Agricultural Extension:**

Greg Svoboda, Duane M. Fisher, Barb Schanbacher and Jean Schmidt

The following persons were elected to the **Soil and Water Conservation:**

Mark Happel, Robert Ritscher and Mark Pingnot. (**Moved by Hertle/Frese seconded:** Accept various spellings for Mark Pingnot for scatterings, motion carried)

The following person was elected to the **Soil and Water Conservation Vacancy:**

Jeremy Sills

The following **township clerks** were elected:

Fremont to fill vacancy – Andrew Jones
Homer to fill vacancy – Kary J. Moore
Polk to fill vacancy – Jim Bruce
Union to fill vacancy – Dean A. Werner

Benton township public measure A – Yes – 174 and No – 250

Canton township public measure B – Yes – 173 and No – 199

Big Grove township public measure C – Yes – 46 and No – 51

Union township public measure D – Yes – 68 and No – 57

Bruce township public measure E – Yes – 71 and No – 75

Cedar township public measure F – Yes – 102 and No – 92

Eden township public measure G – Yes – 54 and No – 93

Harrison township public measure H – Yes – 70 and No – 113

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Taylor township public measure I – Yes – 170 and No – 197
Eldorado township public measure J – Yes – 50 and No – 82
Florence township public measure K – Yes – 117 and No – 134
St Clair township public measure L – Yes – 69 and No – 107
Fremont township public measure M – Yes – 197 and No – 145
Homer township public measure N – Yes – 59 and No – 38
Monroe township public measure O – Yes – 47 and No – 46
Jackson township public measure P – Yes – 60 and No – 71
Iowa township public measure Q – Yes – 69 and No – 104
Leroy township public measure R – Yes – 71 and No – 89
Kane township public measure S – Yes – 62 and No – 58
Polk township public measure T – Yes – 159 and No – 196

Hertle moved/Frese seconded: To approve Resolution #16-91. Motion carried.

RESOLUTION #16-91 HIRE OF PART-TIME CORRECTIONAL OFFICER/COMMUNICATIONS SPECIALIST

WHEREAS, the Benton County Sheriff has requested approval to hire part-time correctional officer/communications specialist within his department; and

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

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that David Wildeboer be approved for hire effective November 15, 2016 at the hourly wage set at \$13.56 per hour.

Dated this 15th day of November, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

Hertle moved/Frese seconded: To authorize the chair to sign final IDOT contract construction progress voucher with Gus Construction Co, Inc. for Project BRS-CO06(95)—60-06. Motion carried.

Hertle moved/ Frese seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

November 22, 2016

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Wiley present. Hertle was absent. The meeting was called to order at 9:00 a.m. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/ Frese seconded: To approve the minutes of Tuesday, November 15, 2016. Motion carried.

Wiley moved/Frese seconded: Approve payment of checks numbered 221370 through 221586, payroll checks numbered 139084 through 139208, and ACH deposits numbered 29222 through 29348, vendor checks numbered 221364 through 221369. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Wiley moved/Frese seconded: To approve Resolution # 16-92, Hiring in Treasurer's office. Motion carried.

R E S O L U T I O N #16-92

WHEREAS: Benton County Treasurer has a full-time position to fill and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that Jodi Bonar be hired to fill the position as clerk in the Treasurer's office at a starting wage of \$14.25 an hour effective December 5, 2016.

Signed this 22 day of November, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Discussion about parcel #240-07700, owned by Benton County that is land locked. The current adjacent land owner was interested in purchasing this particular vacant lot located within Vinton's city limits.

Wiley moved/Frese seconded: To change FLSA exempt status of the Veterans Affairs director to non-exempt, effective December 1, 2016. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The time of 9:15 a.m. having arrived and this being the time and date for a public hearing on the third and final consideration for Amendment to Article VII, Other provisions, Section 7.02 Variances to Benton County Subdivision Ordinance #61. The Board took up the matter for discussion. Chairman Frese opened the public hearing with one member of the public present. Marc Greenlee was also present to answer any questions on said proposal to amend Article VII. It will be Ordinance #72, amending Ordinance #61. After no further comments, the public hearing was declared closed at 9:18 a.m.

Wiley moved/Frese seconded: To approve the 3rd and Final Consideration for Amendment to Article VII, Other provisions, Section 7.02 Variances to Benton County Subdivision Ordinance #61. Both members voting aye, motion carried.

Wiley moved/Frese seconded: To approve Resolution #16-93, Adopting Ordinance #72. Motion carried.

RESOLUTION #16-93

ADOPTING ORDINANCE #72, ORDINANCE AMENDING ORDINANCE #61

WHEREAS, the Board of Supervisors desires to adopt Ordinance #72, Amending Benton County Ordinance #61; and

WHEREAS, notice of the considerations of said ordinance were published in the official newspapers of Benton County; and

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

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ordinance #72, An Ordinance amending Article VII, Other provisions, Section 7.02 variances of Ordinances #61. The Benton County Auditor is directed to publish Ordinance #72 in its entirety in the official newspapers of Benton County.

ORDINANCE NO. 72

AMENDING BENTON COUNTY ORDINANCE NO. 61, BENTON COUNTY, IOWA SUB DIVISION ORDINANCE, BENTON COUNTY CODE OF ORDINANCES, CHAPTER 4, SECTION 4.2

SECTION 1 PURPOSE. The purpose of this ordinance is to amend Article VII, 7.02 variances of Ordinance No. 61, Benton County, Iowa Subdivision Ordinance. It is also the purpose of this ordinance to amend Ordinance #63, the Benton County Code of Ordinances, to include Ordinance #72 in Chapter 4, Section 4.2.

SECTION 2 DEFINITIONS. Ordinance Number 61, Article VII, Other Provisions, **Section 7.02 Variances:** is amended by the following language:

7.02 The Board of Supervisors, upon appeal in specific cases, may vary, modify or waive the requirements of this ordinance in part or in whole, if in the view of the Board the variance will not have the effect of nullifying the intent of the ordinance or the Benton County Agricultural Land Preservation and Use Ordinance. In so granting a variance, the Board may impose such additional conditions as are necessary to substantially secure the objectives of the requirements so varied, modified or waived. If a request for a variance is denied by the Board, an appeal may be made in conformance with Section 3.09 of this Ordinance.

SECTION 3 Ordinance #63, BENTON COUNTY CODE OF ORDINANCES, Chapter 4, Section 4.2, is amended to include Ordinance #72.

This ordinance shall become effective upon being officially recorded.

Passed and adopted by the Benton County Board of Supervisors on this 22th day of November, 2016.

BENTON COUNTY BOARD OF SUPERVISORS

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST: _____
Hayley Rippel, Deputy Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Nikki Goldsmith and Tyler Lange, Cottingham & Butler, presented to the Board the proprietary analysis they prepared after a previous discussion in a meeting with the Board back in August. They discussed how the current plan is running compared to benchmark, and what areas there is room for improvement. Cottingham & Butler would act as Benton County's Benefits Consulting Partner if approved. No action was taken.

Wiley moved/ Frese seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

November 29, 2016

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Wiley and Hertle present. The meeting was called to order at 9:00 a.m. *Unless otherwise noted, all actions were approved unanimously.*
Hertle moved/ Wiley seconded: To set public hearing date of December 13, 2016 at 10:00 a.m. to accept bids for parcel #240-07700. Motion carried.

Hertle moved/Wiley seconded: Accept resignation of Kathy Janss from the Benton County Board of Health. Motion carried.

Joan Lindberg rescinded her resignation from the Board of Adjustment.

Wiley moved/ Hertle seconded: To approve the minutes of Tuesday, November 22, 2016. Motion carried.
Charmaine Wickwire and Loel Fink met with the board regarding the Benton County Volunteer Program (BCVP). Wickwire explained to the board the services provided by the BCVP and gave out some handouts which reviewed the organizations administrative structure and financial budget. They currently have 6 employees and 59 volunteers. BCVP requested that the county fund the organization in the amount of \$25,000 in FY17, which would be a \$10,000 increase from last FY.

Wiley moved/Frese seconded: To accept with regret the resignation of Emily Nydle in the County Attorney's Office effective December 2, 2016. Motion carried.

Hertle moved/ Wiley seconded: Approve 2 hours vacation carryover for Ben Bonar to be used by February 1, 2017. Motion carried.

Hertle moved/ Wiley seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

December 6, 2016

The Benton County Board of Supervisors met in regular session with Supervisors Frese and Wiley present. Hertle was absent. The meeting was called to order at 9:00 a.m. *Unless otherwise noted, all actions were approved unanimously.*

Ben Turnis, IT Director came to discuss the progress on his new phone line and how it will need to be a Shellsburg pre-fix for the number.

Wiley moved/ Frese seconded: To approve the minutes of Tuesday, November 29, 2016. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Frese seconded: To approve Resolution #16-94, Part-time Transportation employees. Motion carried.

RESOLUTION #16-94

PART-TIME TRANSPORTATION EMPLOYEES

WHEREAS, the Benton County Transportation's Department has posted positions for part -time bus operators and

WHEREAS, applications have been accepted; and the Transportation Director recommended the three qualified for hire;

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Ray Lee Davies, Jeffrey Lynn Ealy and James Randall Peterson be approved for hire effective December 6, 2016 at \$13.28 an hour.

Dated this 6th of December 2016.

Don Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Frese seconded: Approve 4 days of vacation carry over for Marc Greenlee to be used by February 15, 2016. Motion carried.

Wiley moved/Frese seconded: Approve 42 hours of vacation carry over for Carol Zander to be used by February 15, 2016. Motion carried.

Supervisor Hertle joined the meeting at 9:10 a.m.

Wiley moved/Hertle seconded: Accept resignation for Rita Devaney, part-time correctional officer at Benton County Sheriff's office effective November 30, 2016. Motion carried.

Wiley moved/Hertle seconded: To approve Resolution #16-95 hiring two part-time employees in sheriff's office. Motion carried.

RESOLUTION #16-95

HIRE OF PART-TIME CORRECTIONAL OFFICER/COMMUNICATIONS SPECIALIST

WHEREAS, the Benton County Sheriff has requested approval to hire two part-time correctional officers/communications specialists within his department; and

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

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Michael S Harris and Chantel Elizabeth McDowell be approved for hire effective December 6, 2016 at the hourly wage set at \$13.56 per hour.

Dated this 6th day of December, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Hertle moved/Wiley seconded: To approve Resolution #16-96, changing part-time employee to full-time. Motion carried.

RESOLUTION #16-96

CHANGING EMPLOYMENT STATUS OF DAVID WILDEBOER PART-TIME EEMPLOYEE TO FULL-TIME EMPLOYEE

WHEREAS, the Benton County Sheriff's Department has posted positions for a full-time corrections officer; and

WHEREAS, Wildeboer has been employed part-time by Benton County since November 2016 and has the required state certifications and training; and

WHEREAS, the Sheriff recommended that Wildeboer have his employment status be changed from part-time to full-time,

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that David Wildeboer is changed to full-time correctional officer in the Sheriff's Department, effective December 10, 2016 with a continuing wage at \$13.56 an hour.

Dated this 6th day of December 2016.

Don Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Hertle seconded: To appoint Ben Turnis as a global administrator to Benton County's website, to remove Randy Forsyth January 1, 2017 and keep Gina Edler, Ben Bonar and Danelle Fowler on with administrator rights as well. Motion carried.

Robert Spangler from the Historical Preservation Commission came to discuss donating funds from the Historical Preservation Commission to the Sheriff Fry Committee. The Board wants to do more research on this before taking any action.

Brian Bierschenk came to discuss a bridge and culvert concern on the driveway to their property in section 2 of Leroy Township.

Supervisor Wiley informed the Board about an offer received on the DHS Building. Not willing to entertaining the offer at this time.

Hertle moved/ Wiley seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

December 13, 2016

The Benton County Board of Supervisors met in regular session with Supervisors Frese, Wiley and Hertle present. meeting was called to order at 9:00 a.m. *Unless otherwise noted, all actions were approved unanimously.*

Hertle moved/Wiley seconded: Rescind action accepting resignation of Kathy Janss from Benton County Health Board, she will fulfill serving her term until December 31, 2016, but is not seeking re-appointment. Motion carried.

Wiley moved/ Hertle seconded: To approve the minutes of Tuesday, December 6, 2016. Motion carried.

Hertle moved/Wiley seconded: Approve payment of checks numbered 221593 through 221769, payroll checks numbered 139209 through 139239, and ACH deposits numbered 29349 through 29600, vendor checks numbered 221587 through 221592 and vendor checks numbered 22170 through 221774. Motion carried.

Wiley moved/Hertle seconded: To approve farm exemption application for Paul Kennedy in part of the NE ¼ of Section 11-83-9. Motion carried.

Robert Spangler from the Historical Preservation Commission and Russell Glime from the Sherriff Fry Committee came back to further discuss donating funds from the Historical Preservation Commission to the Sheriff Fry Committee. After double checking at the state level, it was decided this was acceptable.

Emily Upah and Marlyn Jorgensen with Benton Development Group made a presentation to the board on their year in review along with their FY18 funding request.

Tracey Achenbach with the East Central Iowa Housing Trust Fund updated the board on their activities and made a request of \$1,972.00 for funding in FY18.

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

The time of 10:00 a.m. having arrived and this being the time and date for a public hearing on disposing of parcel number 240-07700, Buffums Addition to West Vinton, Lot 9, Block 1. The chair opened the public hearing for comment. One member of the media was present along with 5 members of the public present. The parcel for discussion was received on tax sale to Benton County in 1939. Right now the parcel appears to be landlocked and not utilized for anything. There were no comments heard in opposition. Nearing nothing further, the chair declared the public hearing closed at 10:08 a.m. Motion carried.

Wiley moved/Hertle seconded: To Adopt Resolution #16-97, To sell and convey property in Benton County. Motion carried.

RESOLUTION #16-97

WHEREAS, by the authority of the Board of Supervisors, public bids were received on December 13, 2016, on a parcel of real estate described as

Buffum's Addition to West Vinton, Lot 9, Block 1 (Parcel #240-07700)

located in Benton County, Iowa; and

WHEREAS, Jerry L. Smith has submitted the only bid of \$50.00; and

WHEREAS, a public hearing was conducted on December 13, 2016, on whether to sell said property to the high bidder and no objections were heard; and

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

WHEREAS, Benton County holds a tax deed to said real property,

NOW, THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that it is in the best interest of the County to sell and convey the following described real estate and that the bid of \$50.00 submitted by Jerry L. Smith for said property be accepted

Buffum's Addition to West Vinton, Lot 9, Block 1

and

BE IT FURTHER RESOLVED that the Chair is authorized and directed to execute a Quit Claim deed for the real property set forth above. The grantees of such deed having been stated by the above-listed bidder as Jerry L. Smith.

Dated this 13th day of December 2016.

BENTON COUNTY BOARD OF SUPERVISORS

Donald H. Frese, Chairman

Todd A. Wiley

Terry L. Hertle

ATTEST: _____
Hayley Rippel, Deputy Auditor

The ground where the dog pound sits was up for discussion. Karen Phelps, Conservation Director presented the board with documentation that went back to 1867. There is still a legal description discrepancy. Mike Elwick and John Elwick also present voiced their interest in putting the ground back into taxation and into farming operation. Without an agreement, the County Attorney took the documentation presented and will express his opinion and get back to the Board.

Wiley moved/Hertle seconded: To Adopt Resolution #16-98, Adoption/Readoption of Policies. Motion carried

RESOLUTION #16-98

ADOPTION AND/OR READOPTION OF POLICIES FOR CODE OF CONDUCT, EQUAL OPPORTUNITY POLICY STATEMENT, PROHIBITION OF THE USE OF EXCESSIVE FORCE, AFFIRMATIVE FAIR HOUSING, AND PROCUREMENT POLICY

WHEREAS, the Benton County Board of Supervisors has previously adopted a Code of Conduct policy, Equal Opportunity Policy, Prohibition of the Use of Excessive Force, Affirmative Fair Housing Policy and a Procurement Policy with said adoptions being at various times; and

WHEREAS, the Benton County Board of Supervisors desires to either adopt new policies and/or re-adopt the existing policies; and

WHEREAS, the Benton County Board of Supervisors needs to repeal the current policies to eliminate any potential conflicts between those policies currently in place and those being adopted on this date,

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

NOW THEREFORE BE IT RESOLVED that all policies for Code of Conduct, Equal Opportunity Policy Statement, Prohibition of the Use Of Excessive Force, Affirmative Fair Housing, and Procurement Policy ARE HEREBY REPEALED effective this date.

IT IS FUTHER RESOLVED by the Benton County Board of Supervisors that the following policies are hereby adopted effective this date:

BENTON COUNTY, IOWA CODE OF CONDUCT

PURPOSE

The purpose of this Code of Conduct for Benton County is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 2 CFR; Part 200.318 and other applicable federal and state standards, regulations, and laws.

APPLICATION

This Code of Conduct applies to all officers, employees, or agents of Benton County engaged in the award or administration of contracts supported by federal grant funds.

REQUIREMENTS

No officer, employee, or agent of Benton County shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization that employs, or is about to employ any of the above;

has a financial or other interest in the firm selected for award.

Benton County's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, subcontractors or others involved in the contract, *beyond that allowed by applicable federal and state laws.*

FRAUD, WASTE AND ABUSE

Benton County has zero tolerance for the commission or concealment of acts of fraud, waste or abuse. All officers, employees, or agents shall notify Benton County of suspected actions. Allegations of such acts will be investigated and pursued to their logical conclusion, including legal action where warranted. Concerns may be reported to the Chairman of the Benton County Board of Supervisors, 111 E. 4th St., Vinton, Iowa, 52349 or telephone 319-472-4869.

REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against Benton County's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

BENTON COUNTY, IOWA EQUAL OPPORTUNITY POLICY STATEMENT

It is the policy of Benton County to provide equal opportunity to all employees, applicants and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship, sexual orientation, gender identity, genetic information, or any other characteristic protected by local, state, or federal law, except where a bonafide occupation qualification exists.

The Chairperson of the Board of Supervisors has ultimate responsibility for the overall administration of the affirmative action/equal opportunity program. The total integration of equal opportunity into all parts of personnel and program management is the Chairperson's responsibility. The Chairperson will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes.

The right of appeal and recourse is guaranteed by the County. Any person who feels that he or she has been denied employment, participation, representation, or services in any program administered by the County because of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship, sexual orientation, gender identity, genetic information, or any other characteristic protected by local, state, or federal law, has

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the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by the County, which may be contacted at 319-472-4869.

The Equal Opportunity Policy of Benton County shall be posted in conspicuous places within the facility, distributed to all employees, contractors, and to the persons of all advisory boards and policy-making groups.

POLICY ON THE PROHIBITION OF THE USE OF EXCESSIVE FORCE

WHEREAS, the County of Benton has received federal funding through the Community Development Block Grant (CDBG) program; and

WHEREAS, Section 519 of the Department of Veteran Affairs and U.S. Department of Housing and Urban Development, and Independent Agencies Appropriations Act of 1990 requires that all CDBG recipients adopt and enforce a policy to prohibit the use of excessive force by law enforcement agencies within the recipient's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, all recipients of CDBG funds are further required to follow a policy of enforcing applicable state and local laws against physically barring entrances or exits to a facility that is the subject of a nonviolent protest demonstration; and

WHEREAS, the County endorses a policy prohibiting the use of excessive force and will inform all law enforcement agencies within its jurisdiction of this policy,

NOW, THEREFORE, BE IT RESOLVED, that Benton County hereby prohibits any law enforcement agency operating within its jurisdiction from using excessive force against any individuals engaged in nonviolent civil rights demonstrations. In addition, the County agrees to enforce any applicable state or local laws against physically barring entrances or exits from a facility or location that is the subject of a non-violent protest demonstration. Benton County further pledges enforcement of this policy within its jurisdiction and encourages any individual or group who feels that the County has not complied with this policy to file a complaint.

Information and assistance relative to excessive force complaints shall be provided by Benton County, which may be contacted at 319-472-4869.

PUBLIC NOTICE AFFIRMATIVE FAIR HOUSING POLICY BENTON COUNTY, IOWA

This notice is published pursuant to the requirements of Executive Order 11063 on equal opportunity in housing and nondiscrimination in the sale or rental of housing built with federal assistance, and with Title VIII of the Civil Rights Act of 1968, as amended, which prohibits discrimination in the provision of housing because of race, color, creed, religion, sex, national origin, disability or familial status.

Benton County advises the public that it will administer its assisted programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing and the provision of brokerage services.

Benton County shall assist individuals who believe they have been subject to discrimination in housing through the resources of the Iowa Civil Rights Commission or the U.S. Department of Housing and Urban Development.

Benton County has designated the following office as the contact to coordinate efforts to comply with this policy. Inquiries should be directed to:

OFFICE: County Auditor

ADDRESS: 111 E. Fourth Street

COUNTY/STATE/ZIP CODE: Benton County, Iowa 52349

PHONE NUMBER: 319-472-2365

HOURS: 8:00 a.m. to 4:30 p.m., Monday through Friday

PROCUREMENT POLICY FOR BENTON COUNTY, IOWA

PURPOSE

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, construction, and services are obtained efficiently and economically and in

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

compliance with applicable federal law and executive orders and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition.

APPLICATION

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

POLICY

METHODS OF PROCUREMENT

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

- A. Small purchase procedures are relatively simple and informal procurement methods that are sound and appropriate for the procurement of services, supplies, or other property, costing in aggregate not more than \$100,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from an adequate number of qualified sources.
- B. In sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction.
 1. In order for formal advertising to be feasible, appropriate conditions must be present, including, at a minimum, the following:
 - (a) A complete, adequate and realistic specification or purchase description is available.
 - (b) Two or more responsible bidders are willing and able to compete effectively for the County's business; and
 - (c) The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.
 2. When sealed bids are used for a procurement under a grant, the following requirements apply:
 - (a) A sufficient time prior to the date set for opening of bids, bids shall be solicited (publicly advertised) from an adequate number of known suppliers.
 - (b) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation for bids.
 - (c) All bids shall be opened publicly at the time and place stated in the invitation for bids.
 - (d) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the County indicates that such discounts are generally taken.
 - (e) Any or all bids may be rejected if there are sound documented business reasons in the best interest of the program.
- C. Procurement by competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive proposals are generally used when conditions are not appropriate for the use of sealed bids. If the competitive proposals method is used for a procurement under a grant, the following requirements apply:
 1. Requests for Proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical.
 2. Requests for Proposals shall be solicited from an adequate number of qualified sources.
 3. The County shall have a method for conducting evaluations of the proposals received and for selecting awardees.

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

4. Awards may be made to the responsible offeror whose proposal will be most advantageous to the procuring party, with price (other than architectural/engineering) and other factors considered. Unsuccessful offerors will be promptly notified in writing.
 5. The County may use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It cannot be used to procure other types of services (e.g., administration professional services) even though A/E firms are a potential source to perform the proposed effort.
- D. Noncompetitive proposals are procurement through solicitation of a proposal from only one source, or after solicitation from a number of sources, competition is determined inadequate. Noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposals. Circumstances under which a contract may be awarded by noncompetitive proposals are limited to the following:
1. The item is available from only a single source;
 2. After solicitation of a number of sources, competition is determined inadequate;
 3. A public exigency or emergency exists when the urgency for the requirement will not permit a delay incident to competitive solicitation; and
 4. Sole source procurement for supplies, equipment, construction, and services valued at \$25,000 or more must have prior approval of the responsible federal or state-administering agency.
- E. The County will provide, to the greatest extent possible, that contracts be awarded to qualified small and minority firms, women business enterprises, and labor surplus area firms whenever they are potential sources.
- F. Any other method of procurement must have prior approval of the responsible federal or state-administering agency.

CONTRACT PRICING

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

EMERGENCY SITUATIONS

If there is an imminent threat and/or the existence of a public exigency or emergency where a delay caused by adherence to this policy will impact the immediate protection of human health and welfare and/or county property, then the requirements of this Procurement Policy may be waived. This waiver may also include the immediate measures taken to mitigate any additional damage when necessary.

PROCUREMENT RECORDS

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

Dated this 13th day of December 2016.

BENTON COUNTY BOARD OF SUPERVISORS

Donald H. Frese, Chairman

Todd A. Wiley

Terry L. Hertle

ATTEST: _____
Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Hertle seconded: To Enter into Administrative Agreement with East Central Iowa Council of Government (ECICOG) for the Resiliency Watershed Grant (CDBG 13-NDRI-002). Motion carried.

**SUBRICIPIENT AGREEMENT
BY AND BETWEEN BENTON COUNTY, IOWA
AND THE EAST CENTRAL IOWA COUNCIL OF GOVERNMENTS (ECICOG)
FOR THE PROVISION OF ADMINISTRATIVE SERVICES TO IMPLEMENT
AN IOWA WATERSHED APPROACH PROJECT, AS FUNDED THROUGH COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) PROGRAM ALLOCATION FROM THE CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) #
14.27**

Contract Title: **Contract for Community Development Block Grant Services (the "Contract")**

Contractor: **East Central Iowa Council of Governments**

(payments to) 700 16th Street NE, Suite 301
Cedar Rapids, IA 52402

Contract Number: **13-NRDI-002, the "CDBG Contract"**

Local Government: **Benton County, Iowa**

Contract Amount: **NOT TO EXCEED \$213,109**

Effective Date: **October 11, 2016, 2016** / Expiration Date: **September 30, 2021**

Pursuant to the CDBG Contract, Local Government shall obtain the written consent of Iowa Economic Development Authority ("IEDA") prior to directly or indirectly assigning its rights and responsibilities under the CDBG Contract. By executing this Contract, Local Government represents that it is in compliance with CDBG Contract obligations. The Contractor agrees to perform all services set forth in the attached Special Conditions, for the consideration stated herein. The rights and obligations of the parties to this Contract (collectively, the "Parties"; individually, a "Party") shall be subject to and governed by the Special Conditions and the General Conditions. Any work performed by the Contractor beyond this Contract's scope will conform to fees shown in Appendix "A". The Parties agree that the Contractor's performance of this Contract is for the sole benefit of the Local Government and not for the benefit of any third parties, including any and all other sub-recipients of CDBG Contract funding. This Contract does not confer any rights to or benefits on any third parties, including any and all other sub-recipients of CDBG Contract funding.

To the extent of any inconsistency between the Special Conditions or the General Conditions, and any specifications or other conditions which are made a part of this Contract, by reference or otherwise, the Special Conditions and the General Conditions shall control. To the extent of any inconsistency between the Special Conditions and the General Conditions, the Special Conditions shall control.

IN WITNESS THEREOF, the Parties hereto have executed this Contract on the day and year last specified below.

Local Government:

Contractor:

Official
Local Government

Director, East Central Iowa

Chief Elected
Council of Governments

Date

Date

SPECIAL CONDITIONS

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

Article 1.1.0 Identification of Parties

This Contract is entered into by and between the East Central Iowa Council of Governments (hereafter referred to as “Contractor”) and Benton County, Iowa (hereafter referred to as the “Local Government”).

Article 1.2.0 Statement of Purpose

WHEREAS, as Grantee through the receipt of “pass-through” funding assistance from the Federal Community Development Block Grant (CDBG) Program of the Iowa Economic Development Authority (IEDA), and serving as lead entity in association with the Middle Cedar Watershed Management Authority, the Local Government has been awarded the CDBG Contract to develop improvements through a Watershed Approach Project funded with allocation from the Catalog of Federal Domestic Assistance (CFDA) # 14.272, this agreement is to stipulate terms and conditions for the Contractor to assist with administration and implementation as Sub-recipient of the Grantee; and

WHEREAS, the Contractor has the necessary ability to develop and carry out a planning, administrative and implementation program for the CDBG Contract,

THEREFORE, the Parties hereto do agree as follows:

Article 1.3.0 Area Covered

The Contractor shall perform all the work and services required under this Contract in connection with and respecting the jurisdiction and authority of the Local Government.

Article 1.4.0 Statement of Work and Services

The Parties agree that the Contractor’s performance of this Contract is for the sole benefit of the Local Government and not for the benefit of any third parties, including any and all other sub-recipients of CDBG Contract funding. This Contract does not confer any rights to or benefits on any third parties, including any and all other sub-recipients of CDBG Contract funding.

In accordance with the following State of Iowa allocation categories, the Sub-recipient will qualify and administer the implementation of eligible CDBG Program activities for watershed improvement assistance within the County of Benton.

- 1.4.1 Provision of technical assistance in the financial management and auditing standards of the Project.
- 1.4.2 Administration, oversight and coordination of Project documentation, records and reports in accordance with CDBG record keeping.
- 1.4.3 Provide technical assistance with regard to labor and equal opportunity standards.

Article 1.5.0 Reports and Products

The Contractor shall prepare and submit the following reports and products to the Local Government, with copies as required:

- 1.5.1 Environmental Review Record.
- 1.5.2 Records as necessary for project completion.
- 1.5.3 Code of Conduct, Procurement Policy and other reports and policies.
- 1.5.4 Status of and Request for Payment forms,

Article 1.6.0 Designation of Officials

1.6.1 Contractor: The Executive Director of the Contractor is the Contractor authorized to negotiate and execute any changes in the terms, conditions or amounts specified in this Contract.

1.6.2 Local Government: The Chief Elected Official of the Local Government is the official authorized to execute any changes in the terms, conditions or amounts specified in this Contract and is designated to negotiate on behalf of the Local Government any changes to this Contract.

Article 1.7.0 Time of Performance

The services of the Contractor are to commence on the “Effective Date” shown on Page 1 of this document, and shall be undertaken in such sequence as to assure their expeditious completion. All of the services required hereunder shall be completed on or before the “Expiration Date” shown on Page 1 of this document. Allowable costs incurred against the Project prior to formal grant award by the IEDA shall be allowed only in the event the grant is awarded.

Article 1.8.0 Additional Special Conditions

1.8.1 Local Government Obligations: The Local Government shall provide in support of this Contract the amount shown on Page 1 of this document less any costs incurred directly by the Local Government for administration of the grant, including but not limited to costs to comply with audit requirements, publications, or any other cost deemed by the Local Government, in consultation with the Contractor, to be an administrative expense specific to the grant. This amount shall be provided in the form of cash.

1.8.2 Audit Requirements: The Local Government shall ensure that an audit is performed in accordance with the Single Audit Act Amendment of 1996 and OMB Circular A-133, as applicable, IEDA's administrative rules for the CDBG program (261 Iowa Administrative Code Chapter 23), and the Iowa CDBG Management Guide. The records and books of the Contractor shall be made available to the Local Government for this purpose.

1.8.3 General Obligations: The Contractor shall carry out the program objectives listed in the Statement of Work and Services in a lawful, satisfactory and proper manner and in accordance with such circulars, policies, procedures and requirements as may from time to time be prescribed by the State of Iowa and the Local Government.

Article 1.9.0 Conditions of Payment

With regard to conditions of payment:

1.9.1 Maximum Payments: It is expressly understood and agreed that the maximum amounts to be paid to the Contractor by the Local Government for any item of work or service shall be the amount not exceeding the Contract Amount shown on Page 1 of this Contract, less any costs incurred directly by the Local Government as provided in Section 1.8.1 above, unless modified by written amendment of this Contract as provided in Section 2.1.0.

1.9.2 Requisition for Payment: All payments to the Contractor shall be subject to the receipt by the Local Government of requisition for payment. Payments shall be made monthly. A complete accounting of all Contract costs shall occur no later than one (1) calendar month after the expiration of this Contract.

1.9.3 Receipt of Federal/State Funds: All payments hereunder shall be subject to the receipt of Federal/State grant funds by the Local Government. The termination,

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

reduction or delay of Federal/State grant funds to the Local Government shall, at the option of the Local Government, be reflected in a corresponding modification to the conditions of this Contract.

- 1.9.4 Chargeable Expenses: Chargeable expenses for project time incurred by salaried personnel of Contractor will not exceed \$93.00 per hour. Chargeable expenses will also include reimbursement at cost for any professional services that may be necessary to be incurred for project implementation and/or administration by an agent of the Contractor.

Article 1.10.0 Project Budget

The General Administration budget for the administration of the CDBG Contract shall be the same as the amount shown on Page 1 of this document.

GENERAL CONDITIONS - HUD CDBG PROGRAM

Article 2.1.0 Amendment of this Document

The Local Government or the Contractor may, during the duration of this Contract, deem it necessary to make alterations to the provisions of this Contract. Any changes to the Special and/or General Conditions of this Contract, made by mutual agreement and in writing, shall be incorporated into this Contract. The provisions of the amendment shall be in effect as of the date of the amendment unless otherwise specified within the amendment.

Article 2.2.0 Release of Data and Findings

Any and all reports, information, data findings, etc., given to, prepared, or assembled by the Contractor under this contract shall not be made available to any individual or organization by the Contractor prior to the completion of this Contract in its entirety, without advance written approval of such prior release by the Local Government. Unless otherwise stated in the Special Conditions of this Contract, the Contractor may release reports, information, etc., upon completion of the contract without written approval by the Local Government. This Section applies to such release mechanisms as scholarly journals, professional conferences and seminars, and news media as well as the interim products of this Contract.

Article 2.3.0 Access and Maintenance of Records

- 2.3.1 The Contractor must maintain all required records for five years after final payments are made and all other pending matters are closed.
- 2.3.2 At any time during normal business hours and as frequently as is deemed necessary, the Contractor shall make available to the IEDA, the State Auditor, the General Accounting Office and the Department of Housing and Urban Development, for their examination, all of its records pertaining to all matters covered by this Contract and permit these agencies to audit, examine, make excerpts or transcripts from such records, contract, invoices, payrolls, personnel records, conditions of employment and all other matters covered by this Contract.

Article 2.4.0 Allowable Costs

- 2.4.1 Allowable costs are specified under the approved budget presented in the Special Conditions of this Contract. Allowable costs are subject to audit under the principles defined in Attachment “A” of OMB Circular A-87 where all or any part of Contract funds are obtained from the federal government.
- 2.4.2 Indirect cost rates shall be determined according to the principles defined in the Attachment “A” OMB Circular A-87.
- 2.4.3 Expenditures which exceed budget line-item amounts will not be disallowed for

payment solely because of minor deviations from the budgeted amount provided that the deviation does not exceed ten percent (10%) of the budgeted line-item amount. However, a deviation of any amount which results in total costs exceeding the total Contract amount shall be disallowed unless otherwise provided for through amendment of this Contract. Expenditures generating deviations shall be compatible with the Contract statement of work and services and of such nature as to quality as an allowable cost.

Article 2.5.0 Suspension and Termination of Contract

- 2.5.1 Suspension: If the Contractor fails to comply with the Special Conditions and/or the general terms and conditions of this Contract, the Local Government may, after written notice to the Contractor, suspend the Contract and withhold further payments or prohibit the Contractor from incurring additional obligations of contract funds, pending corrective action by the Contractor or a decision to terminate in accordance with provisions 2.5.2 or 2.5.3 hereof. The Local Government may determine to allow such necessary and proper costs which the Contractor could not reasonably avoid during the period of suspension provided such costs meet the provisions of the IEDA regulations.
- 2.5.2 Notice of Default and Termination of Contract. Each Party shall issue a written notice of breach or default of this Contract to the alleged breaching Party, setting forth the specific details of the alleged breach or default and providing therein a fifteen (15) day period in which alleged breaching Party shall have an opportunity to cure, provided that cure is possible and feasible. If, after opportunity to cure, the breach or default remains, the Party issuing the breach notice shall have the right, in addition to any other rights and remedies available to it, to terminate this Contract.
- 2.5.3 Termination for Convenience: The Local Government or Contractor may terminate the Contract in whole, or in part, when both Parties agree that the continuation of the Project would not produce beneficial results commensurate with the future expenditure of funds. The Parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Contractor shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Local Government shall allow full credit to the Contractor for the Local Government share of the non-cancelable obligations, properly incurred by the Contractor prior to termination.
- 2.5.4 Rights in Incomplete Products: In the event the Contract is terminated, all finished or unfinished documents, data, reports, or other material prepared by the Contractor under this Contract shall, at the option of the Local Government, become the Local Government's property, and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Article 2.6.0 Equal Employment Opportunity

- 2.6.1 The Contractor shall comply with Section 109 of Title I of the Housing and Community Development Act of 1974, as Amended (42 U.S.C. 5309) which states that the Contractor agrees that no person shall be excluded from participation (including employment), denied program benefits or subjected to discrimination on the basis of race, creed, color, religion, sex, national origin, disability, age, familial status, political affiliation, citizenship, or sexual orientation under any program or activity funded in whole or in part under Title I of this Act. (Further requirements are specified in 24 CFR 570.601).

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

In addition, the Contractor will comply with the Age Discrimination Act of 1975, as amended (42 U.S.C. 1601 et seq.) which states that the Contractor agrees that no person shall be excluded from participation, denied program benefits, or subjected to discrimination on the basis of age, or as required in Section 504 of the Rehabilitation Act of 1973, as amended, be discriminated against on the basis of disability; and notice of these provisions shall be posted in conspicuous places setting forth provisions of this nondiscrimination clause.

2.6.2 The Contractor provides that no person shall be discriminated against in housing and related facilities provided with federal assistance, or discriminated against in lending practices on the basis of race, color, religion, sex, national origin, age, or disability as stated in Executive Order 11063.

2.6.3 Civil Rights

The Contractor must comply with the following laws and regulations:

- Title VI of the Civil Rights Act of 1964 (P.L. 88-352).
States that no person may be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, or national origin.
- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended.
- Iowa Civil Rights Act of 1965.
Mirrors the Federal Civil Rights Act.
- Americans with Disabilities Act (P.L. 101-336, 42 U.S.C. 12101-12213)
Provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.
- Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).
Provides to the greatest extent feasible, that training and employment opportunities be made available to lower-income residents of project areas and that contracts be awarded to small businesses located within the project area or owned in substantial part by project area residents.
- Federal Executive Order 11246, as amended by Executive Order 11357.
Provides that no one be discriminated in employment.

2.6.4 “During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of the Executive Order No. 11246 of September 24, 1965, and shall

BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's non-compliance with the nondiscrimination clause of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States."

Article 2.7.0 Interest of Local Government, Contractor, Officials, & Others

2.7.1 Local Government: No officer, member, or employees of the Local Government and no members of its governing body, and no other public official of the locality who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affect his personal interest or the interest of any corporation, partnership, or association in which he/she is directly or indirectly interested or have any personal or pecuniary interest, direct or indirect in this Contract, or the proceeds thereof.

2.7.2 Contractor: The Contractor covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Contract. The Contractor further covenants that in the performance of this Contract no person having any such interest shall be employed.

2.7.3 Officials: No members of or delegate to the Congress of the United States of America, and no Resident Commissioner, shall be admitted to any share or part hereof, or to any benefit to arise herefrom.

2.7.4 Political Activity: No portion of program funds shall be used for any partisan political activity or to further the election or defeat of any candidate for public office.

Article 2.8.0 Section 3 Clause

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2.8.1 The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

2.8.2 The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

2.8.3 The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

2.8.4 The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

2.8.5 The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

2.8.6 Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

2.8.7 With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

Article 2.9.0 Assignment of Interest

Neither this Contract or any interest therein nor claim shall be assigned or transferred by any Party to any third parties.

Article 2.10.0 Personnel

2.10.1 Selection: The Contractor represents that he/she has, or will secure, all personnel required in performing the work and services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the Local Government.

2.10.2 Qualification: All of the work and services required hereunder will be performed by the Contractor or under his/her supervision and all personnel engaged in the work shall be fully qualified and shall be authorized under state and local law to perform such services.

2.10.3 Change of Key Personnel: If for any reason substitution for a specified individual becomes necessary, the Contractor shall provide immediate written notification of such to the Local Government. Any replacement shall be subject to the approval of the Local Government.

Article 2.11.0 Subcontractors

The Contractor reserves the right to subcontract for the completion of the work or services specified under Articles 1.4.0-1.5.0 upon notification of, and approval by, the Local Government.

Article 2.12.0 Contract Coverage

This Contract contains the entire agreement between the Parties and any statements, inducements or promises not contained herein shall not be binding upon said Parties. This Contract shall inure to the benefit of, and be binding upon the successors in office of the respective Parties.

If any part of this Contract or any part of any provision hereof shall be adjudicated to be invalid or unenforceable, then the remaining parts of any provision not specifically so adjudicated to be invalid or unenforceable shall be executed without reference to the part so adjudicated.

Article 2.13.0 Liability

Contractor agrees to pay the costs, including damages, attorneys' fees and/or other expenses, of any litigation incurred by the Local Government arising from the failure of the Contractor to comply with the terms, rules and regulations in this Contract or resulting from negligent acts or omissions of the Contractor. Furthermore, the Contractor shall indemnify and save harmless the Local Government from suits, actions or claims of any character brought for or on account of any injuries or damages received by any person or property resulting from the negligent acts or omissions of the Contractor or any person working under it, carrying out the terms of this Contract.

The Local Government agrees to pay the costs, including damages, attorneys' fees and/or other expenses, of any litigation incurred by the Contractor arising from the failure of the Local Government to comply with the terms, rules and regulations in this Contract or resulting from negligent acts or omissions of the Local Government. Furthermore, the Local Government shall indemnify and save harmless the Contractor from suits, actions or claims of any character brought for or on account of any injuries or damages received by any person or property resulting from the negligent acts or omissions of the Local Government or any person working under it, carrying out the terms of this Contract.

Article 2.14.0 Certification Regarding Government-Wide Restriction on Lobbying

The Local Government certifies, to the best of its knowledge and belief, that:

- i. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- ii. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee, or an employee of a Member of congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Federal Lobbying" in accordance with its instruction.
- iii. The Recipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

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This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.”

APPENDIX A

FEES FOR SERVICES RENDERED BEYOND THE SCOPE OF THIS CONTRACT

Should services beyond the scope of this Contract be provided to the Local Government by the Contractor, such fees shall be set on a not to exceed basis, under separate contract, and be billable at a rate of \$93.00 per hour.

APPENDIX B

SPECIAL CONDITIONS ADDENDUM STIPULATING THE INCURRENCE OF COST AND PROCESSING OF PAYMENTS

As sub-recipient of the Grantee Local Government, the Contractor is hereby authorized to incur project costs directly, with invoicing to likewise be directly conveyed to the Contractor for payment. When such project invoicing is received by the Contractor, the Contractor shall prepare a CDBG Program draw-down request for the eligible amount of grant funding allowed and convey same to the Local Government to execute with signature and return; thereby enabling the Contractor to process with electronic digital upload to the Iowa Grants Financial Management System. Companion to grant processing, the Contractor is also authorized to secure non-grant match funding from any other participating party, such as affected property owners. When the Local Government receives requested grant funding from the Iowa Economic Development Authority (IEDA), the Local Government shall convey same to the Contractor in the form of check. When received by the Contractor, the Contractor shall then issue payment to respective vendors, contractors, etc. which have provided respective goods and / or services for project implementation. As appropriate, such payment is to include any non-grant match funding otherwise also secured by the Contractor.

As appropriate, the Contractor shall, for the purpose of constructing the aforesaid proposed project, proceed forthwith to engage professional services (such as appraisal, architectural, engineering, etc.) to develop plans and specifications needed for award of construction contract(s) in accordance with the laws and regulations of the State of Iowa and of the United States.

The administration of the subject CDBG Contract and all transactions involving the expenditure of any of the grant funds within the scope of said contract shall be the sole prerogative of the Local Government carried out in such manner as it deems appropriate and consistent with Title I of the Housing and Community Development Act of 1974 and 261--Chapter 23 of the Iowa Administrative Code.

Neither the administration nor implementation of the subject project shall result in the ownership of real property by either the Local Government or Contractor.

It is agreed that the Local Government shall not be responsible for any excess project cost that is not covered by either grant or non-grant match funding.

Wiley moved/Hertle seconded: To authorize Hayley Rippel, Auditor Elect, and Gina Edler, Deputy Auditor for alternative signatures for the Resiliency Watershed Grant payments when the Chair of the Board isn't available. Motion carried.

Hertle moved/Wiley seconded: To approve a request for a utility permit request by Alliant Energy to place utility lines in the county's right-of-way in section 29 of Jackson Township. Motion carried.

Wiley moved/Hertle seconded: To authorize Chair to sign final IDOT contract construction voucher with Peterson Contractors Inc. for Project BRS-CO06(92)—5F-06 for \$18,574.11. Motion carried.

Hertle moved/ Wiley seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

BENTON COUNTY BOARD OF SUPERVISORS RECORD “OO”

December 20, 2016

The Benton County Board of Supervisors met in regular session with Supervisors Frese and Wiley present, Hertle was absent. The meeting was called to order at 9:00 a.m. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/ Frese seconded: To approve the minutes of Tuesday, December 13, 2016. Motion carried.

Wiley moved/Frese seconded: To declare the canvass of the election to be complete and the votes cast to be official. The official results are to be recorded in the office of the County Auditor. Motion carried.

Wiley moved/Frese seconded: To accept all spellings for write-in candidate Brian Cruise for Council. Motion carried.

The results of the Special City Election held on December 13, 2016, for local candidates as canvassed and approved by the Benton County Board of Supervisors are as follows:

Mayor – Keven E. Korsmo

Council – Frank King

The time of 9:15 a.m. having arrived, and this being the time and date set for opening bids for the rental of the farm ground located at the Cedar Valley Ranch, the board proceeded with matter. The notice had been published in the newspapers with a December 16, 2016, filing deadline. Four bids were received as follows (on a per acre basis):

Wayne Siela - \$270

Mark Happel - \$275

Green Acres Ranch - \$240

David Mc Garvey - \$251

The board provided an opportunity for the bidders to raise their bid as advertised. Gary Toyne on behalf of Green Acres Ranch raised his bid to \$290 per acre.

Wiley moved/ Frese seconded: To award the lease for approximately 38 acres of farm ground located at the Cedar Valley Ranch in the SE1/4 of Section 22 of Taylor Township, to Green Acres Ranch, as the highest per-acre bidder, at a price of \$290.00 per acre. The final lease agreement is to be drafted with the parties executing the same at a later date. Both members voting aye thereon. Motion carried.

Continued discussion on the dog pound ground was had. Karen Phelps, Conservation Director, did find the abstract. Mike Elwick and John Elwick were both also present. County Attorney entered into the discussion and without reading the abstract or having it brought up to date; he suggested a formal title opinion be done before going any further.

Robyn Jacobson, with ECICOG met with the board to help explain the process of the grant application process for the flood buy out assistance program. She started off by saying there is not a lot of money to be had. The substantially damaged properties will have the highest priority, owner occupied, flood-hazardous high risk zoned etc. There is a cost for ECICOG to do the grant writing, and if accepted, there is a recoverable cost. Scott Hansen told the board they would need to first ask the question, do we, being the County want to own these properties. These properties will need to be green spaced for the rest of the entirety under the county's care. No action was taken, and will continue this discussion at next week's board meeting.

Wiley moved/ Frese seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

December 27, 2016

The Benton County Board of Supervisors met in regular session with Supervisors Frese and Wiley present, Hertle was absent. The meeting was called to order at 9:00 a.m. *Unless otherwise noted, all actions were approved unanimously.*

Wiley moved/ Frese seconded: To approve the minutes of Tuesday, December 20, 2016. Motion carried.

Wiley moved/Frese seconded: Approve payment of checks numbered 221775 through 221925, payroll checks numbered 139240 through 139258, and ACH deposits numbered 29601 through 29727, vendor checks numbered 221926 through 221930 and vendor checks numbered 22170 through 221774. Motion carried.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Frese seconded: Approve Resolution#16-99, Hiring two part-time employee's in Sheriff's office. Motion carried.

RESOLUTION #16-99

HIRE OF PART-TIME CORRECTIONAL OFFICER/COMMUNICATIONS SPECIALIST

WHEREAS, the Benton County Sheriff has requested approval to hire two part-time employees within his department; and

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

NOW THEREFORE BE IT RESOLVED by the Benton County Board of Supervisors that Tricia Lagrange be approved for communications specialist/corrections officer and Keith Mell be approved for correctional officer for hire both effective December 27, 2016 and at the hourly wage set at \$13.56 per hour.

Dated this 27th day of December, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry Hertle

ATTEST:

Hayley Rippel, Benton County Deputy Auditor

Wiley moved/Frese seconded: To authorize the chair to sign the annual Wellness Contract agreement between the Iowa State Association of Counties and Benton County. Motion carried.

Steve Meyer and Scott Hansen wanted to say thanks to the outgoing supervisors for doing such a great job over the past four years.

Scott Hansen provided a quick update of where the meeting was left off at last week regarding the flood buy-out. Properties that were substantially damaged will be the highest in the funding's priority list. The 2016 flood was not as substantial as the 2008, therefore there isn't the amount of funding to be had. Hansen asked the Board if they wanted to own these properties, because moving forward, money will be spent on appraisals and such. There were 8 members of the public present and involved in the discussion. Those interested parties thanked the Board and Hansen for getting their questions answered with reasonable answers. Most agreed their only option will be to fix and sell or to fix and continue living in their properties.

After no further discussion, it was **moved by Wiley/seconded by Frese:** To stop the grant application from going any further for the state and federal assistance for the flood buy-outs. Motion carried.

Dale Henry discussed getting a portable garage on the county parking lot to house the Veteran's Affairs van. The building will not cost the county any money and the VA will cover maintenance and insurance on the building. Supervisor Wiley suggested something stronger than a hoop building. Henry agreed to research a more stable structure and get the city's approval and then report back to the Board.

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BENTON COUNTY BOARD OF SUPERVISORS RECORD "OO"

Wiley moved/Frese seconded: To approve Resolution #16-100, Hiring of Paralegal in County Attorney's Office. Motion

RESOLUTION #16-100

WHEREAS: Benton County Attorney's office has a full-time position to fill and

WHEREAS: Applications were accepted for the position and

WHEREAS: These applications have been narrowed to one.

WHEREAS: The County Attorney requested that it be as an employment agreement;

THEREFORE BE IT RESOLVED By the Benton County Board of Supervisors that Angela McClain be hired to fill the position as paralegal in the Attorney's office at a starting salary of \$49,000 effective December 27, 2016. She will be awarded 35 hours of sick leave and three weeks of vacation per year starting immediately. McClain's employment is governed by all other applicable parts of the Benton County Employee Handbook as well.

Signed this 27th day of December, 2016.

Donald H. Frese, Chairman

Todd Wiley

Terry L. Hertle

ATTEST:

Hayley Rippel, Deputy Benton County Auditor

Wiley moved/Frese seconded: To establish the rates for the county employees' share of the health insurance premium for FY17 as follows:

Union employees:

Secondary Roads (per labor contract):

Single Plan: 40.00 per month Family Plan: \$230.00 per month

Sheriff's Department (per labor contract):

Single Plan: \$39.89 per month Family Plan: \$267.77 per month

Non-union employees:

Single Plan: \$40.00 per month

Family Plan: \$250.00 per month

Retiree:

Single Plan: \$797.85

Family Plan: \$1,785.15

The county's monthly premium for a single plan is \$797.85 less the respective amounts above and \$1,785.15 for a family plan less the respective amounts above. Motion carried.

Supervisor Wiley thanked Supervisor Frese and Hertle for their leadership over the past three years that he's been serving on the Board with them.

Wiley moved/ Frese seconded: To Adjourn. Motion carried.

Donald H. Frese, Chairman

ATTEST:

Hayley Rippel, Deputy Benton County Auditor