

**BOARD OF SUPERVISORS MEETING  
FIRST MEETING, 1995 SESSION (1)  
JANUARY 3, 1995**

The Buena Vista County Board of Supervisors met for the first meeting of the 1995 session on Tuesday, January 3, 1994 at 9:00 A.M. in the Boardroom with Chairman Vail presiding and with the following other members present: Burnside, Gustafson, Voss, Supervisor-elect Doug Bruns, and with Auditor Karen Strawn as clerk for the meeting. Absent: Rehnstrom.

Motion by Voss, second by Burnside, to approve the minutes of the December 27, 1994 meeting as printed. Ayes--Burnside, Gustafson, Voss. Nays--none. Carried.

There being no further business to come before the Board, it was moved by Gustafson, seconded by Voss, that this meeting adjourn sine die. Ayes-- Burnside, Gustafson, Voss. Nays--none. Carried.

Upon adjournment of the meeting, the Board retired to the District Courtroom of the Courthouse for the swearing-in of newly elected officials. Taking the **oath of office** for County Office were: Richard Vail, Supervisor, District 1; Doug Bruns, Supervisor, District 4; Jim Gustafson, Supervisor, District 5; Philip E. Havens, County Attorney; Shari O'Bannon, County Recorder, and Kathy Bach, County Treasurer. Upon completion of the signing of the oaths, the Boardmembers returned to the Boardroom for an organizational meeting.

The first order of business for the 1995 session was election of a Chairperson. The Auditor called for nominations for **Chairperson of the Board of Supervisors**. Motion by Voss, second by Vail, to nominate Burnside. The Auditor asked if there were any further nominations. Motion by Voss, second by Vail, that nominations cease. Ayes--Burnside, Bruns, Gustafson, Vail, Voss. Nays--none. Carried. The vote on the nomination for Chair was: ayes-- Burnside, Bruns, Gustafson, Vail, Voss; nays--none. Carried.

Chairman Burnside called for nominations for **Vice-Chair**. Motion by Vail nominating Gustafson. Gustafson declined the nomination. Motion by Gustafson to nominate Voss as Vice-Chair, second by Bruns. The Chairman asked if there were any additional nominations. There were none, and the vote was: ayes-- Bruns, Gustafson, Vail, Voss; nays--none. Carried.

**Supervisors' Committee, Commission & Board Appointments**

Motion by Voss, second by Gustafson, to appoint the following persons as delegates and representatives to the committees, commissions and boards as noted for 1995:

Burnside-delegate, Vail-alternate, to the **Upper Des Moines Opportunity, Inc. Board**.

Voss-delegate, and Gustafson-alternate, to the **NW Iowa Planning and Development Commission**.

Vail as Buena Vista County **Equal Employment Opportunity Officer**.

Burnside to the **Disaster Services Board** (Chapter 29C.9).

Burnside-delegate to the **Buena Vista County Solid Waste Commission**.

Voss to the **Tourism Council**.

Vail-representative, and Voss-alternate to the 28E **Buena Vista County Communications Commission**.

Kathy Bach, Jon Ites, and Karen Strawn to the Buena Vista County **Deferred Compensation Board**.

Bruns-representative, Gustafson-alternate, to the **Administrative Board of Directors of the 3rd Judicial District Department of Correctional Services**.

Bruns and Voss to the **DHS Planning Council/Cluster Board** (with Crawford, Ida, and Sac Counties).

Voss-representative and Gustafson-alternate to the **Synergy** Board.

Voss-delegate, Gustafson-alternate, to the **Regional Transit Board**.

Bruns-delegate, Gustafson-alternate, for the **Job Training Partnership Act Committee.**

Voss as the Board's representative, Gustafson-alternate, for all county **labor negotiations.**

Jon Ites, Chuck Eddy, Shari O'Bannon, and Bruns, with the other boardmembers as alternates for Bruns, to the **Weather Committee.**

Jon Ites, Vail, and Karen Strawn as members of the **Personnel Committee.**

Burnside-delegate, Bruns-alternate to the **Drainage District #181 and #274 Interim Boards.**

Vail-delegate to the **Drainage District #14-42 & #150 Interim Boards.**

Voss, Bruns, and Gustafson to the **SHP/CCF Committee.**

Vail to the **Iowa Lakes RC&D Board.**

Burnside to the **Gingerbread House Board.**

Chuck Eddy, Rollie Sievers and Vail to the **Courthouse Security Committee.**

Kathy Bach, Karen Strawn and Gustafson to the **Buena Vista County Courthouse Committee.**

Burnside to the **U.S. 20 Corridor Task Force and to the Highway 71 Task Force.**

Vail-representative, Bruns-alternate, to the **Buena Vista E-911 Service Board.**

Karen Strawn-**ADA Coordinator.**

to the County **Safety Committee:** Voss, Bruns, Chuck Eddy, Tom French (as Jon Ites' designee), Karen Strawn, Brad Raveling, Norm Lund, Karole Graen, Rollin Sievers, and Rich Herrig.

to the **"Right-to-Know" Committee:** Rollie Sievers, Karole Graen, Brad Raveling, Tom French and Voss.

to the **"Drugfree Workplace" Committee:** Jon Ites, Voss, Karen Strawn, Chuck Eddy and Dewyne Stucynski.

Jon Ites, technical representative, Steve Petermeier-alternate, to the **ISTEA Board,** Vail to the **ISTEA Enhancement Committee.**

Vail to the **B.V. Co. REAP Committee.**

Voss-representative, Gustafson-alternate, to the **NW IA Juvenile Detention Center (YES).**

Merle Zillig-representative to the **Regional Housing Authority.**

Jon Ites and Burnside to the **Iowa Drainage Association.**

Burnside-representative, Voss-alternate, to the Board of Directors of the **Storm Lake Area Development Corporation.**

Bruns & Gustafson to the Governing Council, Vail to the Business Analysis Committee, Burnside to the Financial Analysis Committee, Phil Havens to the Ex- Officio Legal Advisory Committee, all being for the **Economic Development Revolving Loan Fund.**

Rachel Nesheim to the **Board of Adjustment** with her term to expire 6/21/99.

Voss-representative to the **S.H.I.E.L.D. Board.**

Burnside, Voss, Merle Zillig and Marc Bertness to the **Jt. City/County Hwy 71 Bypass Zoning Committee.**

Dawn Wiseman-Case Manager, Anita Hallquist-Supervisor, Sue Morrow-MH Community Based Services representative, Ken Hayes-MR/DD Community Based Service representative, Pat Nelson and Beulah Millard-Consumer Advocates, and Jim Gustafson-BofS representative to the **Case Management**

## Advisory Board.

Anita Hallquist to the Representative Council of NW IA Mental Health Center.

Voss to the ISAC Board: Supervisors/Engineers Design Guide Committee.

Charlene Anderson to the Citizens Advisory Board of the NW IA Mental Health Center.

The vote on this motion was: Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

## Citizens' Committee, Commission & Board Appointments

Motion Vail, second by Bruns, to appoint the following persons to the committees, commissions, and boards as noted for 1995:

Gary Meseck and Betty Silverberg to the Buena Vista County Human Services Advisory Board (Chapter 234.9).

Dr. David Crippin County Medical Examiner, Kevin Petersen and Al Lindgren, Tim Speers, EMTs, and Deputy Doug Simons, and SL Detective Mark Kirkholm as Deputy Medical Examiners (Chapter 331.801). Terms expire 12-31-95.

Rich Haldin, Virgil Jensen and Ray Kurtz to the Veterans Affairs Commission for the 1995 year, or until their terms expire (Chapter 250).

Gustafson to the ISAC MH/MR/DD Community Services Work Group.

for ISAC Human Service Issues Contact Persons: for MH/MR/DD-Gustafson, & MH Director Anita Hallquist, for Juvenile & Family Assistance-Burnside and Linda Mattson, for Public Health & Education-Vail and Nurse Administrator Karole Graen.

to the Buena Vista County Eminent Domain Compensation Commission (Chapter 472.4): Farmers-Melvin Grundmeier, Willard Kracht, Merlin Bertness, Gene McLaughlin, Dale Bodholdt, Raymond Mueller, Dean Worthan, Realtors-Ron Frederick, J.D. Lehr, Sue Kleymann, James Eaton, John Lullman, Darwin Johnson, Eggert Thomsen, for Cities: Bill Fulcher, Edward Groth, Nola Jensen, J.H. Spooner, John Gaffney, Ronald Haroldson, Donald W. Anderson, for their Occupation-Bob Magnuson, Mark Rehnstrom, Norris Olney, Tim Brown, George Schaller, John Hopkins, Cornelius Wabeke.

Yvonne Bertness, Gustafson and Bruns, with Vail as alternate to the Northwest Iowa Mental Health Center Board of Directors and the Northwest Iowa Alcohol and Drug Treatment Unit Board.

Stan Sievers (and a second person to be appointed later), to the Local Board of Health for 3-year terms expiring 12-31-97.

Arnie Hicks to the Buena Vista County Conservation Board for a 5-year term expiring 12/31/2000.

Norm Lund, Weed Commissioner and Roger Sievers, Assistant Weed Commissioner (Chapter 317.3).

Buena Vista County Safety Coordinator (appointment open until position filled by S.H.I.E.L.D.).

Merle Zillig as Buena Vista County Zoning Administrator.

The vote on this motion was: Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

## Mileage Rate and Meal Reimbursement

Motion by Voss, second by Gustafson, to pay mileage to employees at the rate of 25 cents per mile for each mile traveled by private vehicle (not for county owned vehicles) for county business for 1995. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, for 1995 to reimburse mileage for non-county employee deputy medical examiners at 25 cents per mile for both performance of medical examiner duties and for miles traveled to and from medical examiner meetings/schools. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Bruns, that the policy for meal cost reimbursement to employees, and to others serving on boards and in other appointive positions, shall be: meals eaten out of county during approved schools or meetings may be reimbursed at their actual cost to a maximum of \$9.00 for breakfast and lunch combined, and \$10.00 for dinner. No reimbursement will be made for alcoholic beverages. To receive reimbursement, receipts must be submitted. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

### **Insurance Coverage including Blanket Bond**

Motion by Vail, second by Voss, to continue the following insurance coverage from Stille Pierce & Pertzborn for the remainder of FY '95: tort liability, auto, property, E & O, umbrella, inland marine, contractor's equipment, CCF boiler, law enforcement professional, medical professional, worker's compensation, and blanket bond. Ayes--Burnside, Gustafson, Vail, Voss. Nays--none. Carried.

### **Depository Resolution-Elected Officers**

Motion by Vail, second by Gustafson, that the Depository Banks currently being used by the Treasurer, Recorder, Auditor & Sheriff continue to be used during 1995 in the amounts stated below, and, that the appropriate elected official be and is hereby authorized to deposit the designated office funds in amounts, not to exceed in the aggregate, named for said bank:

Treasurer:	Citizen's First National Bank, Storm Lake	\$5,000,000.00	
	Commercial Trust & Savings Bank, Storm Lake	\$5,000,000.00	
	Security Trust & Savings Bank, Storm Lake	\$8,500,000.00	
	First Federal Savings & Loan, Storm Lake	\$5,000,000.00	
	Albert City Savings Bank, Albert City	\$1,000,000.00	
	Citizens State Bank, Marathon	\$500,000.00	
	Heritage Bank, N.A., Alta	\$1,000,000.00	
	First National Bank, Newell	\$1,000,000.00	
	First National Bank, Rembrandt	\$1,000,000.00	First State Bank, Sioux
Rapids		\$1,000,000.00	
Recorder:			
	Security Trust & Savings Bank, Storm Lake	\$100,000.00	
Auditor:			
	Citizens First National Bank, Storm Lake	\$10,000.00	
Sheriff:			
	Commercial Trust & Savings Bank, Storm Lake	\$100,000.00	
	Citizens First National Bank, Storm Lake	\$25,000.00	

The vote on this motion was: Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

### **Depository Resolution-Payroll Deposits**

Motion by Voss, second by Vail, that the 1995 Federal Depository Bank, being designated for 2 years at a time with this being the first year, shall be First Federal Savings and Loan, Storm Lake. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

### **Resolution on Interest Rates for Drainage**

Motion by Voss, second by Vail, to establish 9% as the rate to be paid during 1995 on all stamped warrants, Improvement Certificates, and Drainage District waivers, effective this date. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

### **Resolution to Research Drainage and other Assessments**

Motion by Vail, second by Voss, that the County Attorney is hereby directed to research drainage and other assessments due and payable on parcels of Buena Vista County property prior to putting them on the list of properties for scavenger auction. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

### **Chemicals for Brush Control in Drainage Districts**

Motion by Voss, second by Bruns, that the Buena Vista County Supervisors, acting as trustees for the various drainage districts, shall continue to make available in the districts where appropriate, chemicals for brush control, and that the owner, or his representative to whom these chemicals are provided, will be required to show proper proof of license to apply such chemicals. Ayes--Bruns,

Gustafson, Vail, Voss. Nays--none. Carried.

### **Dog Licence Resolution**

Motion by Voss, second by Gustafson, to set a \$1.00 fee for dog licensing in the unincorporated areas of the county and in towns without licensing ordinances. (Chapter 331.381.14). Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

### **Resolutions of Appointment**

Motion by Vail, second by Voss, that Jon L. Ites be re-appointed Buena Vista County Engineer for 1995 (12/31/95), with his salary according to the employment contract (Chapter 309.17). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to appoint Warren Gregg to be the Professional Appraiser to be used in determining right-of-way value in accordance with Department of Transportation Instructional Memorandum #I.M.- 3.31. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

### **Resolution Regarding Farm to Market Construction Projects**

Motion by Vail, second by Voss, that Jon L. Ites, County Engineer, is hereby designated, authorized and empowered, on behalf of the Board of the Board of Supervisors of said county to execute the Certificate of Completion of Work and Final Acceptance thereof, in accordance with the plans, and specifications therefore in connection with all Farm-to-Market construction projects in this county, and to authorize all of the boardmembers to sign. (Chapter 309.17). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

### **Acquisition of Right-of-Way Assurance Statement of 1995**

Motion by Gustafson, second by Vail, that in order to comply with the provisions of the 1970 Uniform Relocation Assistance and Land Acquisition Policies Act, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, the Board of Supervisors of Buena Vista County furnishes the following assurances to the Iowa Department of Transportation: 1. It is the policy of Buena Vista County to acquire right- of-way in accord with Title III of said 1970 Act as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 and applicable state laws. 2. It is the policy of Buena Vista County to provide relocation assistance benefits in accord with Title II of said 1970 Act, as amended by Title IV, and applicable state laws. 3. The above named county will contact the Iowa Department of Transportation for assistance as needed to assure compliance with applicable laws which are summarized in the instructions entitled "Uniform Manual, Real Property Acquisition and Relocation Assistance", and to authorize the Chairman to sign. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

### **Fence Repair & Replacement Policy**

Motion by Vail, second by Bruns, that, Buena Vista County agrees to pay actual labor costs to remove any existing fence, and if requested, to blade dirt away before removal, that, if fence is rebuilt within 18 months of completion of road grading, the county will pay the actual cost of fence material that cannot be re-used and the labor to rebuild, that, the County will not participate in material costs, or added labor costs to replace a barb wire fence with a woven wire fence, and, that maximum labor payments are: \$6.50/rod to remove woven-wire and \$6.50/rod to replace woven wire fencing, and, \$4.50/rod to remove barb-wire and \$4.50/rod to replace barb-wire fencing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

### **Authority to Close Roads & Detour Traffic**

Motion by Voss, second by Gustafson, to authorize County Engineer Jon L. Ites to close any and all county roads, on which construction is proposed, in order to facilitate construction, and for the duration of the construction, and to close any county road for necessary maintenance repair, and to mark all detours as necessary, without requiring any further authorization, and furthermore, to be authorized to issue and sign special permits for the movement of vehicles of excessive size and weight upon Buena Vista County Secondary roads in accordance with Chapter 321E Code of Iowa. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

### **Holiday, Vacation, and Sick Leave Policy**

Motion by Vail, second by Gustafson, that the Buena Vista County Personnel Policy with the

effective date of December 1, 1986, as amended December 30, 1986, and September 29, 1987, along with the various Departmental Rules and Job Descriptions currently in effect, be declared the governing policy for all Buena Vista County employees under the jurisdiction of the Board of Supervisors for Buena Vista County, and that the Medical History, Physical Examination, and County Work Release forms be used in conjunction with the Personnel Policy. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

**Beaver Control Resolution for Drainage Districts**

Motion by Vail, second by Bruns, that the beaver control policy (payment of \$25 per beaver tail for beavers trapped in drainage districts), as adopted January 1, 1986, shall be in effect for 1995. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

**Resolutions on Wage Schedules**

Motion by Vail, second by Voss, that the following wage schedules, adopted as shown, shall be in effect for 1995: Courthouse Clerks 4/18/89, Part-time Courthouse Clerks 2/12/91, Sheriff's deputies 4/23/91, and Jailers-12/30/94. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to set the hourly rate of pay for matrons and for election officials at \$4.65/hour, and at \$5.15/hour for election chairpersons. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

**Official Newspapers**

Having received a request for official newspaper designation from each, motion by Vail, second by Voss, to designate the following as official newspapers for legal publications for 1995: Storm Lake Pilot-Tribune, The Times, and Buena Vista County Journal. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to direct the Auditor to publish only the actions of the Board and the list of claims paid from the minutes of the Board meetings. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

**Pre-Screening Agencies Appointed**

Motion by Gustafson, second by Bruns, to designate NW IA ADTU as the agency providing pre-screening services to persons, prior to admission to Synergy, and, to designate NW IA MHC as the agency providing pre-screening services to persons, prior to admission to Cherokee MHI. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Public Hearing on the Ag Area Petition filed on 11/18/94 by W. A. Olson, which was scheduled to be continued this date, was not so continued because the corrections have not yet been filed with the Auditor.

There being no further business, the meeting adjourned at 12:15 p.m. until Thursday, 8:00 a.m. for a special meeting.

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**BOARD OF SUPERVISORS MEETING  
SECOND MEETING, 1995 SESSION (2)  
JANUARY 5, 1995**

The Buena Vista County Board of Supervisors met in special session on Thursday, January 5, 1994 at 8:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Karen Strawn as clerk for the meeting.

County Attorney Phil Havens advised the Board that Assistant County Attorney Ted Brown has agreed to continuing to serve in that capacity, and that Dave Patton has accepted appointment as the 2nd Assistant County Attorney. Havens also discussed rent and other items to be paid to him and his Assistants. The computer purchased several years ago for that department is currently in his office. Gustafson requested that Havens, or one of the assistants, stop in for 10-15 minutes on regular Board meeting days to give the Board the opportunity to consult him if there is a need. Burnside suggested that Havens draw up a proposal regarding rent & other overhead items for the Board's consideration.

The Board withdrew to the 2nd Floor Public Meeting Room for the January Department Head meeting. Due to the full Board being present, minutes of the department head meeting are included in

those of this special board meeting.

Auditor Strawn opened the department head meeting and welcomed all of the Boardmembers to the meeting, and new faces Gary Christiansen, Norm Lund and Tom French. Others present were: Kathy Bach, Shari O'Bannon, Linda Mattson, Jon Ites, Nancy Brady, Rollie Sievers, Diane Christiansen, Marilyn Monson, Karole Graen. Absent: Eddy, Kurtz. There were also several persons included in the invitation to this group meeting who couldn't be present, and may join us at future meetings.

Strawn asked if there were any issues needing to be discussed, or announcements to be made. Graen announced that due to a federal grant used to purchase some new equipment, she has 3 desks available--2 large and 1 small. She has room and will store them at the E. Richland Annex. If there is a need, contact her. Strawn reminded D.H.'s that any equipment purchased, either totally or partially with federal dollars, must be added to a special 'equipment inventory'. Additionally, disposition of this equipment must conform to federal regulations.

Recorder Shari O'Bannon inquired about a uniform fee for receiving and sending information by fax. She will survey the departments with fax machines for current fees, and report at the next DH meeting.

There being no other dept. head issues, Strawn turned the meeting over to Burnside to chair the discussion on long range planning. Copies of the following were distributed:

- "Long Range Planning-Where do we go from Here?"
- 'Long Range & Short Term Goals' adopted 11/22/94
- "Action Planning: The Process"
- "Action Planning Worksheet"

Burnside briefly reviewed the first 2 sessions (11/22/94 & 12/22/94), and suggested that a steering committee might be useful for keeping the nuts and bolts of this group moving forward. The committee would keep all members informed about the activities of sub-groups, arrange large group meetings, assist in meeting deadlines, etc. Membership could include elected officials and appointed officials/employees, full & part-time, men and women. Because she helped get the effort off the ground and she has a vision of a productive end, Strawn nominated Burnside to chair the steering committee. Others volunteering or volunteered included: Nancy Brady, Linda Mattson, Norm Lund and Strawn.

The next discussion was on which goals to work on, and how to operate. Interest in 'alternative funding to property tax' and 'spreading the tax load evenly & not so dependent on property tax' drew the most interest. Finally, toward that combined goal, the following 4 subgroups were identified: (noted in parentheses are those persons planning to work in that subgroup, temporary chairperson is underlined)

**-Local Option Sales Tax** as a partial alternative to property tax funding of services; (Burnside, Vail, Bach, French, Lund, Strawn).

**-Legislation** to reduce the cost to property taxpayers for certain types of services, reducing mandates, etc.; (Brady, Voss, Bruns, Ites, Eddy).

**-Grant Researching and Writing** for funding equipment and programs; (Mattson, Monson, Graen, O'Bannon, Eddy).

**-Other/Innovations.** This category could encompass group purchasing, installation of efficiency measures and equipment, sharing of services with other jurisdictions, and any other cost saving/reducing/efficiency ideas. (Sievers, Diane & Gary Christiansen, Ites).

Using the techniques presented to us by Extension personnel, each committee will define its goal, follow the action planning process, set their own meetings, etc. Persons may be involved in more than one sub-group. The Steering Committee will call periodic meetings of the Buena Vista County Long Range Planning Council to keep everyone informed and to share ideas and opportunities for involvement. The consensus was to meet at the next department head meeting for that purpose.

There being no further business, the Board of Supervisors (and department head) meeting adjourned at 10:05 a.m. The next meeting of the Board of Supervisors will be Tuesday, January 10, at 9:00 a.m--a regular meeting.

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The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 10, 1994, at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Karen Strawn as clerk for the meeting.

Motion by Voss, second by Vail, to approve the minutes of the 1/3/95 meeting as amended and the 1/5/95 meeting as printed. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. As a follow-up to the 1/5/95 **long range planning** meeting, Vail has switched to the Other/Innovation group, and Gustafson joined the Grants and Local Option groups.

Motion by Vail, second by Voss, to approve the **late filing** for 1993 and 1994 Homestead credit on parcel #2133.86. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to set the date of public hearing on the **Ag Area** petition filed 1/3/95 by Douglas Rebuhn, etal. for approximately 353 acres in Sections 5 and 8 of Grant Township, for Tuesday, January 24, at 11:15 a.m. in the Boardroom. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

In response to a letter regarding the service, the Board directed the Auditor to request that the county continue to receive annually, a **certificate of insurance** for Mapco, Inc. dba as Thermogas Co.

Engineer Jon Ites recommended, and the Board of Supervisors directed, that a **Notice** to Rural Residents be published reminding the public of the hazards and liabilities of piling snow in the roadway, and the provisions of the county's snow ordinance.

**Engineer** Ites requested and received approval to attend the NACE Conference in Davenport in April.

Ites proposed a standardized **wage schedule** for the Secondary Road Department. His proposal would change the rates of 7 employees. Voss prefers to wait with the implementation until July 1st except for the employee who has had a change in job classification. Vail identified that 3 employees have been performing in job classifications for which they are not being compensated the same as others in those job classes.

Ites discussed his research on a **clothing allowance** which had been requested for consideration in discussions with Secondary Road employees. Motion by Gustafson, second by Voss, to table the discussion on the standardized wage schedule, and the clothing allowance proposal, until consideration of the Compensation Board recommendations. Ayes--Bruns, Gustafson, Voss. Nays--Vail. Carried.

Motion by Voss, second by Vail, to change the **job classification** of Tony Weber from Equipment Operator I to Equipment Operator II, effective with his 6 month anniversary on 2/15/95, with a wage rate **increase** to \$10.00/hour which reflects the class change and his 6 month increase. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to **increase** the rate of pay of Gene Mandernach, Sign Supervisor, from \$11.72/hour to \$11.93/hour, the same as other supervisors, effective 1/7/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Ites distributed a form his secretary will be using for gathering follow- up information on **worker's compensation** incident reporting.

Motion by Vail, second by Voss, to approve, and to authorize the Chairman to sign, a payment voucher in the amount of \$1,541.25 for Kuehl & Payer for **inspection services** on the C-49 PCCP project, bringing the subtotal paid to \$27,408.75 on a contract totaling \$27,900. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites provided a copy of the annual **Right-of-Way resolution** for signature by all Boardmembers, to be submitted to the State of Iowa.

Notice has been received that a **bridge** project submitted for funding from FUNDSCO, lost by only 3 points. Ites will apply again next year if FUNDSCO, which had \$2,000,000 available, has dollars again. The bridge project was for a location 1-river mile N of Sturchler's Pit.

Motion by Voss, second by Vail, to approve and to authorize the Chairman to sign, the **ISTEA** funding application for resurfacing of M-27 from Hwy 3 to the Buena Vista/Clay County line in the total amount of \$605,000 (to be split 65%-35% between ISTEA and Farm to Market funds), the application to be for the '97 ISTEA program year. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.



Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman to sign, the **ISTEA** funding application for the '98 program to replace a bridge on M-50 on the West side of Sec 15, Grant Township for a total amount of \$190,000 (80%-20% from ISTEAFarm to market funds). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Commissioners Norm Lund and Roger Sievers discussed the '96 **weed program** and budget, including possible acquisition of a vehicle from the road department. It could be outfitted with a boom for the spot-spraying program. The Board approved proceeding with the truck acquisition.

Lund and Ites will advertise for bids for weed spray chemicals. Motion by Voss, second by Vail, to accept **bids for weed chemicals** until 4:30 p.m. on February 17, with the bid opening to be on February 21 at 11:15 a.m. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board directed the Auditor to have published on March 1, the annual **weed notice** in a display ad in the official newspapers and the Sioux Rapids Bulletin-Press.

Janice Danielson and Melva Urban requested funding for the Buena Vista County Genealogical Society from the FY'96 **budget**. They rent space from the BV Co. Historical Society in the Ford building for their research library. They are in need of equipment and materials, and hope to establish regular hours for the public. They requested \$800 to be used for rent and insurance.

Motion by Vail, second by Voss, to approve **employment**, and the appointments, of Assistant County Attorney Ted Brown effective 1/3/95 at \$23,385/year and Assistant County Attorney Dave Patton effective 1/9/95 at \$26,010/year. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to **employ** Nancy Webb as secretary in the County Attorney's office, for the remainder of the fiscal year at \$14,950/year on an annual basis, effective 1/3/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Havens has investigated what type of involvement is legal for county officials and employees regarding investigation of a **local option sales tax** issue. He recommended that proposed activities be reviewed by him or one of his assistants.

**MH Director** Anita Hallquist provided FYTD expenditures for service area 4. The mental health account of 1 person was forgiven.

Motion by Gustafson, second by Voss, to approve and to authorize the chairman to sign, an admission and payment agreement for 1 person (T.M. 1/10/95) for the **Spectra Health Care Living Center** - Alta, to be reviewed in 3 months. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board declined a request for payment of **supportive employment** services at the rate of \$22/hour for one person (A.F. 1-10-95).

Marjorie Miller, past Program Coordinator, thanked the Board for past support of the annual Parade of Flags Memorial held each year in the Buena Vista County Courthouse courtyard. She asked the Board to consider the effect on the Parade of Flags to have the proposed **Veterans Memorial statue** (Sesquicentennial Committee project) directly in the midst of the flags and in the line of sight during the Parade of Flags ceremonies. She wanted to voice her objection to the placement location, but not to the statue itself.

Motion by Vail, second by Voss, to disapprove a **Jt. DD #22** claim in the amount of \$391.50 to Lawn Manicurists, Algona, due to the fact that no prior authorization for this work had been given, and that no prior notice to meet to consider authorization had been given to the Interim Committee; and further, to direct the Auditor to send a letter of explanation with the disapproved claim, to Clay County-payee for the drain, and to send a photocopy to Palo Alto County. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Auditor reviewed a response to recommendations from **auditors** Hunzelman Putzier & Co. For their information, Department heads will receive a copy of the letter and the response. The Auditor will send appropriate letters to the 2 agencies included in the recommendations.

There being no further business, the meeting adjourned to Monday, January 16, at 10:00 a.m. for a special session to canvass the 1/10/95 Special Marathon City Council Election.

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The Buena Vista County Board of Supervisors met in special session on Monday, January 16, 1995, at 10:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Upon completion of the Canvass of the January 10, 1995, Marathon Special City Election, motion by Vail, second by Voss, to declare the results as follows: Total votes cast-44.

For the unexpired term of mayor:

- Lois M. Olson-39-elected,
- Scattering (1 person)-2;

For the unexpired term of councilperson-elect 2:

- Jeffrey L. MacGregor-42-elected,
- Dana C. Snow-39-elected,
- Scattering (2 persons)-3;

and, to direct the Auditor to prepare the abstract accordingly, it being noted here that all 3 terms expire 12/31/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board discussed Compensation Board recommendations and their fiscal impact on the budget. Voss is concerned about the amount of overtime in the Sheriff's department, and the effect of 24 hour shifts on the alertness of the employees. Gustafson has surveyed other counties finding that several do not pay 'rent' for the County Attorney's office. He feels that some of the wage increases need to be paid for from reductions in other parts of the budget. Motion by Gustafson, second by Vail, to approve the recommendations of the County Compensation Board for elected officials as follows: 6% for the County Attorney and Sheriff, and 3% for the Auditor, Recorder, Treasurer and Board of Supervisors. Bruns asked if the difference in the amounts of the recommendations is due to some of the salaries not being fair in the past, or is there increased danger (in the case of the Sheriff) and duties to explain the difference in recommendations. The Chairman called for the vote by roll call: Bruns-aye, Gustafson-aye, Vail-aye, Voss-nay, Burnside-aye. Carried.

Motion by Vail, second by Voss, to approve the following reports: Dec. Sheriff's fees, and 12/8/94 Communications Commission minutes. Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried. Also reviewed were: 1st Qtr FY'94 Child Support Recovery incentives, crop year '94 soybean and corn sales, and Dec. NWIPDC minutes.

Burnside left to attend another meeting, leaving Vice-Chair Voss to conduct the remainder of the session.

Engineer Jon Ites discussed the presentation format for the Secondary Road departmental budget review with the public. The Board set January 23 at 6:30 p.m. in the 2nd Floor PMR to review the Secondary Road budget, and Jan. 25 at 6:30 p.m. in the Sioux Rapids Fire Station to review the Sheriff's and Jail budgets. The auditor will schedule other departments beginning at 8:30 a.m. on Jan. 23 until noon, and a like schedule on Wednesday morning.

Ites presented BV Co. Secondary Road claims against drainage districts for the period 7/1/94-12/31/94 for the Board's review and approval. Motion by Vail, second by Bruns, to approve and to authorize the Vice-Chairman to sign the drainage claims as presented. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Ites reported that secondary road employees will submit a letter with the raise and benefit requests, rather than schedule another meeting with the Board.

Motion by Vail, second by Gustafson, to set a Public Hearing on the Ag Area Petition filed 1/13/95 by Herbert Gutz for approximately 800 acres in Grant Township, as Tuesday, January 24 at 11:00 a.m. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve and to authorize the transfer of \$2,409.63 from the General Basic Fund to the Capital Projects Fund (030) (roof replacement). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned to Monday, January 23 at 8:30 a.m. to begin departmental budget review.

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**FIFTH MEETING, 1995 SESSION (5)  
JANUARY 23, 1995**

The Buena Vista County Board of Supervisors met in special session on Monday, January 23, 1995, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

With 5 interested persons present, the Board reviewed departmental **budgets** with the following: Treasurer Kathy Bach, Deputy Auditor Jean Chindlund-Data Processing, Clerk of Court Donna McPherrin, Kevin Peterson-Medical Examiner, County Attorney Phil Havens, and, Mental Health Director & Case Management Supervisor Anita Hallquist. The HM/HHA budget review was postponed until 1/26.

**County Attorney** Phil Havens submitted a proposal for expenses of the office for the Board's consideration. Further discussion was deferred to January 31.

The Board recessed at 1:30 p.m. until the next budget review session.

Monday, January 23, 1995, 6:30 p.m.--2nd Floor Public Meeting Room.

Engineer Jon Ites reviewed the Secondary Road budget and construction program for FY96. 12 interested persons were present. The Board recessed at 8:30 p.m. until the next budget review session.

Wednesday, January 25, 1995, 8:30 a.m.--Boardroom.

With 3 interested persons present, the Board reviewed departmental budgets with the following: Recorder Shari O'Bannon, Communications Center Supervisor Nancy Brady, Sanitarian Ray Kurtz, Public Health Nurse Karole Graen, Custodian Rollie Sievers, Conservation-Gary & Diane Christiansen, and Weed Commissioners Norm Lund and Roger Sievers. John Rodeen and Larry Phillips appeared on behalf of SLADC, one of the organizations requesting an appropriation.

The Board recessed at 12:30 p.m. until the next budget review session.

Wednesday, January 25, 1995, 6:30 p.m.--Sioux Rapids Fire Station.

With 9 interested persons present, the Board reviewed Sheriff Chuck Eddy's sheriff's and jail budgets. The Board recessed at 9:00 p.m. until the next budget review session.

Thursday, January 26, 1995, 8:30 a.m.--Boardroom.

With 4 interested persons present, the Board reviewed the following departmental budgets: DHS-Lyle Fleshner, Veteran's Affairs & General Relief- Linda Mattson, Board of Supervisors, Insurance, non-departmental. The auditor distributed study materials for a capital projects 5-year plan. The Auditor's budget review and the Capital Projects Plan will be taken up at the 1/31 meeting.

The Board thanked Doris and Thayer Patterson for their interest, questions, and attendance at all 5 budget review sessions this week.

Motion by Gustafson, second by Vail, to increase the bi-weekly pay for **Eldon Anderson** from \$10 to \$15 for cleaning the CCF lagoon trap. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to deposit \$113.19, the residual in the County's **flex benefit** account from FY'94, in the General Basic fund, and to use it towards the county's \$500 allocation to the Wellness fund. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned to Tuesday, January 31, 1995 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
SIXTH MEETING, 1995 SESSION (6)  
JANUARY 24, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 24, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Karen Strawn as clerk for the meeting.

Treasurer Kathy Bach requested confirmation of deputy **appointments** in her department. Motion

by Gustafson, second by Vail, to approve the appointment of Joan Martin as 1st Deputy Treasurer (80%), Brenda Koeppel as Motor Vehicle Deputy, Kim Briley as MV/DL Deputy, and the following **raises**: Brenda Koeppel to 74% and Kim Briley to 65%, effective Jan. 23, 1995, all in the County Treasurer's Department. Ayes--Burnside, Gustafson, Vail. Nays--Bruns, Voss. Carried.

Motion by Vail, second by Voss, to **abate** the current and delinquent taxes including all penalties and costs on the following parcels: #2754.00 and 2961.25, (uncollectible), mobile home title #11-W037283 (junked), and on a building on leased land #11003.50, (building no longer exists). Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

Engineer Jon Ites presented the **worker's compensation** accident and illness incident summary report which will be posted as required by law. Motion by Vail, second by Voss, to approve and sign a letter to Secondary Road employees regarding the report. Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

Rohlin Construction, Inc. has requested approval on additional contract days for the **C-63 project**. Ites recommended approving 2.5 days additional days during which dirt was hauled for shouldering. Motion by Voss, second by Gustafson, to approve 2.5 additional days, and deny 4 days requested by Rohlin Construction, Inc. for the C-63 project, leaving a penalty of 8.5 days. Ayes-- Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

Leroy Lind, Marathon, has requested assistance and cooperation from the Engineer and the Secondary Road Department for a **marathon** to Marathon, Iowa, during 1996 in celebration of Iowa's Sesquicentennial. Ites has consulted with the County Attorney about the county's liability.

Ken Hach, **Zond, Inc.** has reviewed the wind generator project with the Ites. Zond (private entity) will be submitting a request for access to public **right-of-way** for the project. Ites has requested review by the County Attorney.

Motion by Bruns, second by Gustafson, to approve lowering the handrail on the **bridge** on the East side of Section 6, Newell Township. Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to set a **bid letting** date of March 7, 1995, at 1:15 p.m. for the following project: L-BV-C-11-94-73-11. Ayes-- Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to set a **bid letting** date of March 21, 1995, at 1:15 p.m., for the following seal coating projects--M-54 from Highway 7 north to the Clay/Buena Vista county line; C-49 from the Storm Lake sale barn corner east for 8 miles; and in the following subdivisions: South Cove, Schaller, Stoney Point, and Casino Beach. Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

The Board resumed discussion of Ites' proposed **wage schedule** for secondary roads, and reviewed the 1-20-95 requests of the road department regarding raises and benefits. No action was taken at this time.

**Insurance** agent Tim Pierce appeared before Boardmembers to remind them that FY'95 is the last in the 3 year period for which his agency was selected to write coverage for the County. He offered to update the specifications if requested. The Board deferred action to a later time.

11:00 a.m.--The time having arrived for the **Public Hearing** on the **Ag Area** petition filed by Herbert Gutz, et al. for approximately 800 acres in Sections 23 and 26 Grant Township. The Auditor reported that the notice had been properly published, that all of the requirements of the law had been met, and that no written objections had been received. 7 interested persons were present for the hearing. Voss noted that one of the signatures was a photocopy, not an original. Also, the County Attorney has advised that the signatures of persons with remainder interests must be included, if the land is to be included in the ag area. Hearing no objections to the establishment of the ag area, motion by Vail, second by Bruns, to close the public hearing. Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried. Motion by Vail, second by Bruns, to approve the ag area petition filed January 13, 1995 by Herbert Gutz, et al., for approximately 800 acres in Sections 23 and 26 Grant Township, subject to the receipt of 4 signatures: Dennis Gutz, Melvin Gutz, Harlan Gutz, (remainder interest owners), and Donna Lee Bettis Cook (original signature required). Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

11:15 a.m.--The time having arrived for the **Public Hearing** on the **Ag Area** petition filed by Doug Rebuhn, et al. for approximately 353 acres in Sections 5 and 8 Grant Township. 2 interested persons were present. The Auditor reported that the notice had been properly published, that all of the requirements of the law had been met, and that no written objections had been received. Hearing no objections, motion by Vail, second by Gustafson, to close the public hearing. Ayes--Bruns, Gustafson, Vail and Voss.

Nays--none. Carried. Motion by Gustafson, second by Vail, to approve the ag area petition filed January 3, 1995, by Doug Rebuhn, etal. for approximately 353 acres in Sections 5 and 8, Grant Township. Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

By consensus, the Board approved the distribution of a letter with paychecks, from John Paden, NACo **deferred compensation** representative, approved Paden's conducting employee group meetings after work hours, and approved remittance of the deductions on a monthly basis.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign, the following drainage claims to Clay County Secondary Roads: **Jt.DD #14-42** for Lat 293-S \$150.00 for survey crew; for Main \$251.40 for CMP surface drain; for Lat. 277 \$334.40 for tile repair. Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairperson to sign, the following drainage claims: **Jt. DD #22** for Main Tile \$85.00 for tile repair; for Br. 252 \$505.00 for tile repair. Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to approve the minutes of the 1/10 and 1/16 meetings as printed. Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve the following **reports:** Dec. Conservation minutes, Clerk's fees, fines, 2nd Qtr FY'95 Clerk's fees, Veteran's Affairs. Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried. Also reviewed were: Dec minutes of IDDA, ASCS corn and oat base acreage & 1994 Form 1099 (Rick Anderson-tenant), 1994 Clerk's Annual Report, Sioux Central and Marathon election statements.

Motion by Vail, second by Voss, to appoint Supervisor Gustafson to the **ISAC Case Management Steering Committee.** Ayes--Bruns, Gustafson, Vail and Voss. Nays--none. Carried.

Dues to the **Iowa Drainage District Association** were discussed. By consensus, the Board agreed to pay the 1995 dues from the General Basic Fund.

Deputy Auditor Sue Kennedy reviewed the **MH/MR/DD/BI** Expenditures Report Summary for FY'94. The adjusted net expenditures were \$1,057,507.00. This amount is the FY'94 base year amount to be used in determining the state's obligation for 50% of the increase in mental health expenditures.

Case Manager Dawn Wiseman and **Case Management** Supervisor Anita Hallquist reviewed the status of the CM clients.

There being no further business, the meeting adjourned to Wednesday, January 25 at 8:30 a.m. to continue departmental budget review.

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**BOARD OF SUPERVISORS MEETING  
SEVENTH MEETING, 1995 SESSION (7)  
JANUARY 31, 1995**

The Buena Vista County Board of Supervisors met in special session on Tuesday, January 31, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Karen Strawn as clerk for the meeting.

The Board assembled in the Juvenile Judge's office for a conference call to participate in joint drainage meetings: **Jt. DD #22** and **Jt. DD #14-42.** (see minutes of those drainage districts)

9:00 a.m.--**County Attorney** Phil Havens discussed his proposed agreement for office space and overhead expenses for FY'96. Voss stated that he felt a need for a reduction from the current level of spending (\$23,500) for secretary and rent. He questioned a number of items in the proposal including clerical assistance, education and training, and investigators. He offered an example of a reasonable amount of office rent for two 15'x15' rooms at \$6/sq. foot for a total of \$2,500/year. Bruns would like to see an accounting of hours worked by a secretary, rather than paying a lump sum. Gustafson suggested \$10,000 for clerical assistance, and \$3,600 for rent for FY'96. Havens stated that a reduction by the county in the amount allowed for overhead expenses would result in a reduction in time available to spend on county business. The County Attorney can't afford to subsidize the county for clerical and overhead expense incurred in the conduct of the business of the county attorney. Vail stated that the discussion and proposal thus far has not considered the cost of utilities, equipment, etc., but only space and clerical support. Burnside felt that it was not in the best interest of the county to cause a reduction in services by

reducing the amount of overhead expense allowed. Motion by Voss, second by Gustafson to allow a total of \$1,000/mo for overhead expenses--rent and secretarial services--for all 3 attorneys in the FY'96 budget. Ayes-- Bruns, Gustafson, Voss. Nays--Vail, Burnside. Carried.

The Board returned to the Juvenile Judge's office for a conference call with **Zoning Administrator** Merle Zillig. The Board reviewed the Zoning Administrator's budget. After discussion, by consensus the Board agreed to charge a standard fee of \$100 per building permit for each windmill to be erected in the Zond windmill project. Due to illness and the potential need to reduce his hours, Zillig indicated his interest in training an assistant to assist with his duties. The Board concurred. Motion by Voss, second by Vail, to **employ** Dick Mahn to assist with the duties of the Zoning Administrator effective 1/31/95 at \$6.50/hour for the number of hours required to complete the training and keep up with the workload. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Sanitarian Ray Kurtz discussed the FY'96 increases in grant funding for **well closure** and **well testing**. He proposed an increase in fees, which the Board referred to the Board of Health for their consideration and approval.

Architect Glen Huntington met with the Board to discuss the newly completed **care facility roof**, and an outstanding bill for an exhaust pipe. At the Board's request, Huntington will evaluate the handicapped entrance to the Courthouse on the east side for modifications to comply with **ADA**.

The Board reviewed the County Auditor's proposed **budget** and the capital projects 5-year expenditure plan. No action was taken on the 5-year plan.

There being no further business, the meeting adjourned at 1:30 p.m. to Tuesday, February 7 at 9:00 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
EIGHTH MEETING, 1995 SESSION (8)  
FEBRUARY 7, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 7, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Karen Strawn as clerk for the meeting.

**County Attorney** Phil Havens thanked the Board for permitting him to re- address the budget overhead expense issue. Also present were Sioux Rapids Police Chief Larry Small Jr., Attorney Paul Havens, Sheriff Chuck Eddy, Attorney Dan Connell, Newell Police Chief Rod Watkins, Deputy Sheriff Don McClure, Assistant Co. Attorney Ted Brown, Recorder Shari O'Bannon, Storm Lake Police Chief Mark Prosser, Alta Police Chief Julian Ortiz, Captain Joe Hoyer, SL City Administrator Clarence Krepps, and SL City Clerk Patti Moore. Havens stated that with the level of funding currently approved for FY'96, the county will be allowing for only 18 hours/week for the county attorney's time, and for each assistant, only 11 hours/week, based upon the rate at which court assigned attorneys are paid--\$50/hour. He discussed the items included in overhead which were not considered during prior discussions: repairs and maintenance, interest, depreciation on equipment, advertising, mileage, subscriptions, insurance, copies, supplies, utilities, custodial services, clerk's fees, sheriff fees, etc., dues, education, miscellaneous, depositions, snow removal, mileage--all of which he would be personally subsidizing from his private practice if a larger amount of overhead is not approved. The prevailing rate for attorney's fees is about \$80/hour. At the rate of overhead currently approved, the less serious crimes will have to be cut from the list to be prosecuted in order to make the most efficient use of the attorneys' time.

Chief Prosser stated that, in effect BV Co. has 3 full time attorneys, since all 3 are called upon each day. He researched a number of surrounding counties and found that Buena Vista County far exceeds the others in the number of cases reported in uniform crime statistics.

Attorney Dan Connell stated that Buena Vista has the best deal in Northwest Iowa with our A-1 personnel. The attorneys are tough, and it is difficult to oppose them and win. The department is efficient, and if cuts have to be made, maybe the cuts should come in other departments.

Chief Ortiz would not like to see his smaller town lose the level of contact he currently has with the county attorney in deference to the City of Storm Lake and Buena Vista County.

Chief Watkins feels that if offenders get away with crimes that won't be prosecuted, it discourages officers from pursuing the investigations for that type of crime.

Attorney Paul Havens stated that regarding overhead expenses only in terms of secretary and rent, is the manner in which overhead has been considered historically, at least as far back as 1973, and was not new with either former County Attorney Corwin Ritchie, or the present Co. Attorney. He noted that the cut is about 20% to the overall attorney's budget, but the county is supporting an increase in deputies, and the city, in police officers. An increase seems more appropriate, a decrease does not.

Sheriff Chuck Eddy believes that if the Co. Attorney is unable to prosecute due to inadequate resources, there could be an effect in the jail budget - an increase.

Burnside asked Attorney Ted Brown how he uses the \$125/month he has been receiving from the county. He splits it between secretarial wage and his overhead. His juvenile caseload in the last 3 years has dramatically increased. Juvenile offenses are far more serious than they used to be. Brown's premise is that now is not the time to decrease the support to law enforcement because the problems must be dealt with to avoid worse in the future. There are those people who would take advantage of a weakness in the system.

Voss stated that his concern has been in how the prior county attorney had answered the question of what is included in the overhead costs, and later, in the lack of detail in Havens' answer to the same question. He feels that he is entitled to an answer when he asks a question.

Bruns agreed that the detail in Havens' request was lacking. He read a statement indicating that he now has new information which leads him to the conclusion that the amount previously approved is inadequate. Bruns stated that he will offer a motion at the next meeting to amend the budget for overhead for the county attorney as adopted Jan. 31, by replacing the figure \$12,000 with \$18,000.

Gustafson stated that he is responsible for the county having a second assistant county attorney. When he brought the issue of a fulltime county attorney to the Board for discussion, the outcome was a second assistant. He voted for the 6% increase in wages for law enforcement. He said that every policy change or budget cut he has offered regarding law enforcement has been appealed. He also stated that persons have the right to do so (appeal.)

Burnside encouraged better communication.

Voss commented that it is unfortunate what all has been said and reported in the media, but as a Boardmember he has to find some way to pay for the services that the citizens want. Voss also stated that it was unfortunate that Havens had made the statement concerning the cut back in service.

Burnside thanked those present for their interest and comments, and ended the discussion to proceed with the next agenda appointment.

Engineer Jon Ites reported the current status of the incorrect calculations on R.U.T. revenue. The Board will need to decide how he is to adjust the FY'96 budget for the \$55,720. His recommendation was to make some adjustments to the funding sources of some projects in the FY'96 construction program. The Board agreed.

A letter has been received from the DNR regarding the Hudson St. underground tank site. Approval has been given for a limited corrective action, which may qualify for termination after a 3 year period.

The engineer inquired about the county's past practices regarding the embargoing and posting of gravel roads. As has been the practice, the Board prefers to request an informal embargo through the cooperation of the residents and businesses, to avoid the need for Board action each time.

The engineer requested action on his proposed 5-year plan by the next meeting (2/14), so he can proceed with DOT budget and construction program.

Motion by Voss, second by Gustafson, to approve and to authorize the Chairman to sign the payment voucher in the amount of \$491.25 to Kuehl & Payer for services on project C-49. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign the payment voucher in the amount of \$955.05 to Kuehl & Payer for services on project # C-63 RS-3029(1)--61-11. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

On the subject of the development of the Luedke site, Ites discussed the possibility of putting up a patrol building before building the shop. This would free up a marketable property at the Hudson St.

site. He suggested touring the Hudson St. site, to see the needs, and a newly developed facility in the area. A decision is needed in order to proceed with tiling at the site.

**Case Management** Supervisor Anita Hallquist notified the Board of the upcoming case management site survey. Motion by Voss, second by Bruns, to approve and to authorize the Chairman and Case Management Supervisor to sign the re-application for accreditation as a case management provider. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign the admission and payment agreements for 1 person (C.W. 2/7/95) at the **Spectra Transitional Living Center**, Alta, IA, to be reviewed in 6 months. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Hallquist discussed a letter from **Northwest Iowa Mental Health Center** regarding FY'96 funding, and, several mental health accounts.

Motion by Vail, second by Bruns to set the time and date of public hearing on the Karen Nehring, etal. **ag area petition** filed 1/24/95, as 8:45 a.m. on 2/14/95 in the Boardroom, (with the note that this is a substitute filing for one previously referred to as the 11/18/94 W.A.Olson, etal. ag area petition which failed to meet all of the requirements of the law). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. It is also noted that the newly filed document nullifies the Board's intent for a continued hearing on the Olson document.

Custodian Rollie Sievers and Sheriff Chuck Eddy met with the Board to discuss courthouse building projects in the **capital expenditure** plan. To meet health standards for clothing and bedding, the Board opted for a laundry service over building changes, hot water heater and commercial laundry equipment. **Sheriff** Eddy informed the Board that he had received approval for 1 new deputy under the COPS FAST program, the grant total being \$61,164 over a 3- year period. He will change his proposed budget to reflect 1 deputy and 1 car, and will proceed with the state bid process (deadline 2/15/95) for the vehicle.

The Board recessed to view the proposed building changes in the County **Assessor's** office, and to attend the 2:00 p.m. Conference Board meeting in the 2nd Floor Public Meeting Room. At 3:45 p.m., the Board resumed their meeting.

Motion by Voss, second by Vail, to approve the **transfer** of \$1,392.83 from the General Basic Fund to the Capital Projects Fund for care facility roof expense. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Bruns, to approve the minutes of the 1/23/95 **DD #19-26 MOD** meeting as mailed by the Sac County Board of Supervisors. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

A request has been received to appoint a Buena Vista County representative to the **Iowa Lakes Regional Water Study Steering Committee**. The Board will investigate what commitment is expected prior to making an appointment.

Vail left at 4:30 p.m. to attend an E911 budget meeting.

The Board continued **budget** discussion on the capital projects plan, ending fund balance, reserves, operating funds for the 1st quarter of the FY, and the county attorney's overhead expenses. No decisions were made. The Board will meet again 2/13 and 2/14 to take action so that the budget preparation can proceed.

There being no further business, the meeting adjourned at 5:30 p.m to Monday, February 13 at 1:30 p.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
NINTH MEETING, 1995 SESSION (9)  
FEBRUARY 13, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 13, 1995 at 1:30 P.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Motion by Voss, second by Gustafson, to approve the minutes of the 1/23, 1/24, and 1/31 meetings as printed. Ayes--Bruns, Gustafson, Vail, Voss. Nays- -none. Carried.



The Board re-visited the Communications Center budget. Supervisor Nancy Brady discussed the proposed increase in the wage schedule for the operators, which is to reduce turnover. Currently, the operator wages are based on the Sheriff's salary. Bruns asked if paying a bonus after a new employee is trained, had been considered. After discussion, the Board adjusted the bottom line down by \$5,000.

The Board also re-visited the Sheriff's budget. The Sheriff explained that the FLSA caused a change in the pay schedule for the deputies. In 1986, the Board agreed to an hourly rate plus 100 additional hours/year over the 2236 regular hours of work. No changes were made to the currently proposed deputies' wages. Motion by Vail, second by Gustafson, to raise the wage of the Sheriff's secretary to 70% of the Auditor's salary effective 7/1/95, to increase to 75% effective 7/1/96, and to increase to 80% effective 7/1/97. Ayes--Gustafson, Vail, Burnside. Nays--Bruns, Voss. Carried. The Sheriff's budget was adjusted accordingly.

Voss addressed his concern about the jailers' weekend shifts. He is concerned about the liability to the county in having employees who may not be completely alert due to working too many hours over the weekend. The response was that jailers like the schedule, and keeping several part-time jailers for flexibility is costly due to the training costs, especially if they don't work a regular schedule. If they need other employment to supplement jailer's pay, there is another schedule to work around. Using a deputy in an emergency situation is also more costly due to a higher wage rate of the deputy.

The Board briefly discussed SF69 which will be the subject of a public hearing in the House of Representatives on 2/16. The consensus of the Board is to favor legislation which supports property tax reduction through increased participation by the State in the cost of providing mental health services.

The Board reviewed several questions about the County Attorney's budget.

There being no further business, the meeting adjourned to Tuesday, February 14, at 8:45 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
TENTH MEETING, 1995 SESSION (10)  
FEBRUARY 14, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 14, 1995 at 8:45 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Karen Strawn as clerk for the meeting.

Motion by Voss, second by Gustafson, to approve the minutes of the 2/7 meeting as corrected. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

8:45 a.m.--The time having arrived for the public hearing on the Ag Area petition filed 1-24-95 by Karen Nehring, etal, the Chairman opened the hearing with no interested parties present. The auditor stated that this is the petition substituted for the one filed 11/18/94 by W.A.Olson, etal. which was not acted upon due to insufficiencies. The auditor also stated that this petition meets all of the requirements of the law, (since the filing date, one parcel description has been stricken and initialled by the attorney), that notice of public hearing had been published as required, and that no written objections have been received. There being no objections, motion by Vail, second by Voss, to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to approve the Petition filed 1-24-95 by Karen Nehring, etal. to establish an Ag Area containing approximately 909 acres in Sections 30, 31, and 32 of Coon Township with a boundary description as follows: beginning at the Southeast corner (SE) of the Southeast Quarter (SE 1/4) of Section Thirty-Two (32), Township Ninety-One (91) North, Range Thirty- Five (35) West of the Fifth P.M., Buena Vista County, Iowa, thence West 1/2 mile, thence North 3/8 mile, thence West 1/4 mile, thence South 1/8 mile, thence West 1/4 mile, thence North 1/4 mile, thence West 1/4 mile, thence North 1/2 mile, thence North 440 feet, thence East 427 feet, thence South 465 feet, thence West 888.5 feet, thence South 1/2 mile, thence West 1/2 mile, thence North 1/4 mile, thence East 1/8 mile, thence North 1/4 mile, thence East 3/8 mile, thence North 1 mile, thence East 1/2 mile, thence South 1 mile, thence East 1/2 mile, thence South 1/2 mile, thence East 1/2 mile, thence South 1/2 mile to the point of beginning. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Engineer Jon Ites reported that \$30,362 in FEMA funds (a partial payment) has been received for the culvert by Truesdale. He also discussed the subdivision seal-coat agreements. A letter of notice that improvements are planned will be sent as per the agreements.

Ites has received a proposal from ERS to provide monitoring services for former location of the underground fuel storage tank at the Hudson St. site. No action was taken at this time.

The Board reviewed the quotes received by the engineer on wearing apparel (shirt and pants) for the mechanics. Motion by Gustafson, second by Vail, to purchase **uniform cleaning services** for the **secondary road** shop employees from Brooks, Fort Dodge, at the rate of \$975/year for 3 persons commencing 3/1/95 for 1 year, to be reviewed at that time. Voss suggested that the employee pay a portion, the idea being that the employee would take better care of the uniform. It was noted that under this proposal, the employee will not own the uniform, but that the county will be purchasing cleaning services. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board also reviewed the proposed **salary schedule** for Secondary Road employees. After surveying wages of some mechanics in the area, Voss felt that the county's mechanics are receiving a fair rate. He would support creating an Equipment Operator III rate at \$11.72/hr with all positions to receive a 3% increase on 7/1/95. Vail stated that our mechanics work on a different type of equipment, requiring a different type of training, from that of the local mechanics. Voss proposed \$11.65 for the Mechanic II position. Bruns proposed keeping Equipment Operator III and Mechanic II at the same level. Motion by Vail, second by Bruns, to approve the secondary road salary schedule recommendations as presented, including the trainee wage policy effective 2/18/95. Ayes--Bruns, Gustafson, Vail. Nays--Voss. Carried.

Motion by Gustafson, second by Vail, to **promote** Bob Oglesbee from Engineering Tech III to E.T.-IV effective 2/18/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to **promote** Tom Flanigan from Equipment Operator II to E.O.-III effective 2/18/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to approve **raises** in the Secondary Road Department as follows: 3% across the Board. Ites reported on the cost of across the Board vs.3% based on the Operator II wage. Roll Call vote: Bruns- aye, Gustafson-nay, Vail-nay, Voss-aye, Burnside-nay. Defeated.

Motion by Voss, second by Gustafson, to retain the **longevity** rates at the current level. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites asked about the county's policy on travel time for schooling purposes. The Board confirmed that **travel time** is not charged to the county.

**Sac County** has requested sharing the expense of replacing a pipe along the county line road in the amount of about \$1,500. The consensus of the Board was to agree.

Ites is pursuing an agreement with **Cherokee County** to share in the cost of replacement of a bridge on C-63.

On the subject of **raises** to be approved effective 7/1/95, Vail suggested waiting to take any action on an increase for the Mower Operator until it is determined who will be performing in that position.

Motion by Vail, second by Gustafson, to approve **raises** of 20 cents/hr. for each employee of the Weed Department. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to approve **raises** for Custodians of \$.39/hr. effective 7/1/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Chairman opened the discussion on overhead expenses in the County Attorney's FY'96 **budget**. Motion by Bruns, second by Vail, to rescind the previously approved amount of \$12,000 for the County Attorney's overhead expenses. Ayes--Bruns, Vail, Voss. Nay--Gustafson. Carried.

Voss has reviewed some additional information that has been provided on rent and secretary's wages and suggested \$13,200 for the County Attorney plus \$3,000 for each of the 2 assistants, recognizing that it is up to the County Attorney to determine how the funds would be split. It is his desire to be able to justify the figures.

The Chairman read Chapter 331.322 regarding the Board's responsibility to provide the County Attorney with an office including fuel, lights and office supplies, but not law books. Bruns stated that he previously suggested a figure of the minimum that he felt could be justified. After additional thought, he now suggests \$18,900, feeling that anything less is inadequate. Bruns wants an accounting for the expenditures. He proposed that the difference between his new figure of \$18,900, and the amount budgeted for Secretary, FICA, IPERs, and rent in the FY'94-95, be placed in trust (not appropriated) to be used only if able to document the expenses. Gustafson asked what the unappropriated amount Bruns suggested be used for. Response-- overhead and employing an outside attorney.

Motion by Bruns, second by Vail, to approve \$18,900 on line 407 (overhead expenses), and \$6400 on line 999 (budget amount not appropriated), all in the FY'96 budget, for a total County Attorney's budget of \$141,770.

Motion by Gustafson, second by Voss, to amend Bruns's motion by reducing line 999 from \$6,400 to \$3,400 with the difference going to line 425 for a total on line 425 of \$9,000. The \$3,000 would be available for the purpose of hiring outside counsel if needed. The roll call vote on the amendment was: Bruns-nay, Gustafson-aye, Vail-nay, Voss-nay. Defeated.

Vail stated that it is ridiculous to 'beat' on an elected official in the manner that Havens has been subjected to. The roll call vote on the original motion was Bruns--aye, Gustafson-nay, Vail-nay, Voss-aye, Burnside-aye. Carried.

Treasurer Kathy Bach and Deputy Auditor Sue Kennedy provided information on the funds required for operation in the first quarter of the fiscal year. The amounts required for long term reserve, short term emergency funds, and operating funds (all of which make up the ending fund balance) were discussed with no decision on the amounts being made.

There being no further business, the meeting adjourned to Tuesday, February 21, at 9:00 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
ELEVENTH MEETING, 1995 SESSION (11)  
FEBRUARY 21, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 21, 1995 at 8:45 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

**Engineer** Jon Ites relayed an offer to the Board for a property in Storm Lake, behind the DHS building, which could be converted into a parking lot. It would require cleanup of contamination. The consensus of the Board was to decline the offer. A complaint about the size of gravel used on M-50 has been investigated but could not be substantiated.

Gustafson inquired if we have a 'pull-over' policy which would have equipment operators pull over when traffic backs up behind them. There isn't currently a policy, but it is more a of a courtesy issue.

Ites discussed currently proposed legislation effecting road use tax funds. It could have as much as a \$250,000 impact on BV County over 5 years. He renewed his request for review and approval of the 5-year plan. Ites also recommended using consultants for wave analysis for bridges, rather than sending someone to a school and purchasing the necessary software. The Board did not disagree.

Due to a scheduling mix-up, Randy Van Dyke, Iowa Lakes Regional Water District, was not able to meet with the Board. He will re-schedule.

Motion by Vail, second by Voss, to approve the **beer permit** and Sunday sales applications of Casino Beach Marina, Storm Lake. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve the minutes of the 2/13 and 2/14 meetings as corrected. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Motion by Vail, second by Bruns, to approve the following **reports**: Nov.- Dec.-Jan. Recorder's fees, Dec. & Jan budget reports, Jan. Conservation Board minutes, Clerk's surcharges and fines. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Also reviewed were: 12/8 Communications Commission minutes, 2nd Qtr FY'95 Farm to Market Road fund, 4th Qtr '95 FloCrit financial report.

Motion by Bruns, second by Voss, to approve payment of dues of \$.0025/acre in drainage districts to the **Iowa Drainage District Association**, and separately, \$.0275 for the IDDA Mutual Protection fund, both to be paid from the General Basic fund. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

11:00 a.m.--The time having arrived for the **bid letting** on **weed chemicals**, bids were received from: Jerico Services, Inc., Indianola; Mike's Lawn Service, Storm Lake; Terra International, Merrill; Cargill Inc., Alta; Chem- Trol, West Des Moines.

Motion by Vail, second by Bruns, to not read or accept the quotes from the companies which did

not provide the required bid bond. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to accept the low quote of Cargill Inc., Alta, Iowa, in the total amount of \$10,500, for weed control chemicals for 1995. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. The auditor was directed to return the certified checks to the unsuccessful bidders.

Sue Morrow, Spectra Health Care Administrator, and Curtis Booton, UBC, met with the Board to discuss needed repairs for the care facility building. By consensus, the Board approved the ceiling repair in an approximate amount of \$1,100.

Jerry Fritsch, Director of NW IA Mental Health Center, discussed costs involved with managed care services performed by Medco, the managed care provider for the State of Iowa. Medco has determined that community support service will be a covered cost.

The Engineer notified the Board that the crack sealing project is ready to commence on N-14 south of Albert City from Hwy 3 to C-49.

The Board noted the appointment by the State Soil Conservation Committee of Barbara Bloom to the vacant Soil and Water Conservation Commissioner seat. The seat will be on the November, 1996, ballot with the term expiring 12/31/2000.

Motion by Vail, second by Bruns, to direct a transfer be made of FY'95 County Assistance funds as follows: \$42,000 from General Basic to the Rural Basic fund, and \$83,000 from the General Basic to Secondary Road fund. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

MH Director Anita Hallquist presented an employee evaluation and raise recommendation for the Community Services department. Motion by Voss, second by Gustafson, to approve a raise in hourly rate for the Community Services Secretary (position is not on the Courthouse clerk's schedule) to \$7.00/hr effective 3/4/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to raise the hourly rate for the Veterans Affairs/General Assistance Clerk to \$7.50, effective 3/4/95. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to raise the hourly rate for the MH Director to \$8.30, and the CM Supervisor to \$12.30, effective 7/1/95. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to reject the application for payment of services by Sunshine Workers for 1 person (K.M.2-21-95). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board discussed several resolutions approved by the Pottawattamie County Board of Supervisors regarding the limitation of non-mandated services paid for by the County.

John Winkelman, Director of the Howard Center, Inc., Sac City, Mary Jo Rehm, Vocational Director, and Harry Rasmussen, Chairman of the Board, introduced their program to the Board. They are already serving a couple Buena Vista County residents with their medical waiver program for residential/vocational services. They are receiving referrals from the BV County Case Manager. These services are not currently available in BV County. Storm Lake offers many more potential job sites than in Sac City, for supportive employment. HCI's costs are less due to needing just a small office, rather than a building, utilities, etc. in which sheltered work/work activity services would be provided.

Rehm discussed a supportive employment grant which they would like to offer Buena Vista County an opportunity to participate in, because HCI is serving BV clients. The grant provides funding to employ staff and to get the program started.

There being no further business, the meeting adjourned at 4:40 p.m. to Friday, February 24 at 9:00 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
TWELFTH MEETING, 1995 SESSION (12)  
FEBRUARY 24, 1995**

The Buena Vista County Board of Supervisors met in special session on Friday, February 24, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, and Voss, and with Auditor Strawn as clerk for the meeting. Absent: Vail.

Motion by Voss, second by Bruns, to approve and to authorize the Interim committee member to sign the work orders for DD #181 Jt. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve and to authorize the Chairman to sign the FY'96 Well Testing \$15,000 and Well Closure \$14,000 grant applications. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

After discussion of the levies ordered January 31, 1995, for Jt. DD #14-42 and #22, it was the consensus of the Board that the levy, which had been ordered for Lateral 293-South, was intended to raise \$2,579 (12.76% of the dollar valuation), and not 3% (of the units) which would have raised a different amount. It was also the consensus of the Board that the interest rate approved for these levies was to be 10%, rather than the 9% rate established for 'in county' drains.

Engineer Jon Ites reviewed the Farm-to-Market road fund and the 5-year D.O.T. Road Construction program. This program could be a 6-7 year plan, subject to funding.

There being no further business, the meeting adjourned to Thursday, March 2 at 9:00 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
THIRTEENTH MEETING, 1995 SESSION (13)  
MARCH 2, 1995**

The Buena Vista County Board of Supervisors met in special session on Thursday, March 2, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail and Voss.

Nurse Administrator Karole Graen discussed a grant received by her department which creates a need for a budget amendment. Graen also reviewed January and February Board of Health minutes.

Voss joined the meeting.

Dick Mahn discussed the increased funding for well testing and well closure for FY'96, his duties in assisting Zoning Administrator Merle Zillig, and a recent zoning inquiry.

Deputy Sheriff Doug Simons inquired about a consultant for the Employee Benefits Committee.

Engineer Jon Ites discussed changing the projected date for a shop building at the Luedke site due to the need for change in the use of county assistance funds.

Upon review and discussion of the proposed FY'96 budget, motion by Gustafson, second by Voss, to reduce the General Supplemental tax asking by \$125,000 to reflect state reimbursement for ICF-MR costs (as required by HF2430), and to set the date and time for public hearing on the FY'96 budget as March 8, 1995 at 10:00 a.m. in the 2nd Floor Public Meeting Room. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Motion by Bruns, second by Gustafson, to set the date and time of public hearing on a budget amendment to the FY'95 budget as March 21st at 1:45 p.m. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned to Tuesday, March 7 at 9:00 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
FOURTEENTH MEETING, 1995 SESSION (14)  
MARCH 7, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 7, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, and Voss, and with Auditor Strawn as clerk for the meeting. Delayed: Vail.

Howard Hatlelid met with the Board to discuss how to proceed with an Employee Benefit program designed to include some of the changes suggested by the Employee Benefit Committee. Hatlelid stated a concern about a conflict of interest in trying to design a program and also being interested in providing a bid. The Board decided to send a letter inviting each insurance agency to participate in preparing specifications, to ask if they are interested assisting, with a note that they will not be precluded from submitting a bid if they assist with the specs. A response deadline will be included, and

a note that if more than 3 want to assist with the specs, 3 names will be drawn from the hat. The Board will request that any agency interested in providing a quote must be willing to quote all coverages, not just individual programs.

Treasurer Kathy Bach recommended abatement of the taxes on 6 parcels. The property, formerly owned by SLADC was purchased by the I.D.O.T. for right-of-way, I.D.O.T. being exempt from taxes. The 1st half and a portion of the 2nd half have been paid. Motion by Voss, second by Gustafson, to **abate** the FY'94-95 remainder **taxes** on the following parcels: #5608.32, 5608.34, 5608.40, 5608.42, 5608.44, and 8336.00, for a total of \$43.53. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

In the plans for the **Hwy 71 bypass**, Engineer Jon Ites has identified a location (on C-49) where he recommends requesting a variance on the DOT proposed plan. At the junction of C-49 and Hwy 71, DOT proposes to use a non-compliant design in the approach. Construction is due to begin about April 1.

Vail joined the meeting.

A response has been received from the County Attorney regarding questions on the 1990 **subdivision seal coat agreements**. If a new seal coat is laid in the subdivisions, the cost will be paid by the County. The letting date for the projects is March 21.

Motion by Vail, second by Voss, to approve and to authorize Iowa Lakes Electric Cooperative's **(U.C.) application** for installation of an overhead transmission line located on the east side of Section 7 Fairfield Township. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to approve and to authorize the Chairman to sign the final payment voucher on **project STP-S-11(29)--5E-11**. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign the contract with Cargill, Inc., Alta, which was awarded the **weed control chemical contract** for 1995. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Several quotes have been received for tiling at the **Luedke site**. Motion by Gustafson, second by Vail, to accept the low quote of Paul H. Koth, Alta, pending agreement on a \$50 limit for backhoe charge, in the amount of \$8,124.25 on the base bid, for installation of drainage tile at the Luedke site. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

A quote has been received from Terra-Con to do wave equation analysis on 4 **bridges**--on the South side of Brooke Creek, on M-50, on M-54, and the BROS bridge on the Coon River in the amount of \$6,800. Ites will proceed with the project. He will also request a quote from Terra-Con for bridge soundings.

Ites recommended contracting for sewer line design services for the **Luedke site** to be done in FY'96. The Board approved requesting a proposal from Neal Kuehl.

ERS (Environmental Restoration Services) has agreed to do the 3-year monitoring at the County's **Hudson St. underground tank site** for \$500 (for sampling). With favorable test results, the County can request to be taken off monitoring status after 3 years. Ites will prepare a contract.

A request has been received to **"adopt a highway"**. Due to liability, the County has not had such a program in the past, and Ites has referred the request to the I.D.O.T. which already has a program.

**MH Director** Anita Hallquist reported receipt of a notice of admission of one person to **Opportunities Unlimited**, Sioux City, an ICF-MR provider (S.I.3-7-95). She also reported that the Case Manager's new service arrangements for one person have resulted in savings of approximately \$8,000/year, and the client (C.A. 3-7-95) is receiving more appropriate services due to the efforts of the Case Manager.

Motion by Voss, second by Bruns, to approve and to authorize the Chairman to sign a Proclamation designating the month of April, 1995, as **Child Abuse Prevention Month** in Buena Vista County. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The **mental health** account of one person was reviewed (D.K. 3-7-95). The Board approved accepting payment of one-half by April 15 to close the account. Hallquist reported the need for amendment to her administrative budget due to the additional employee in her department.

County Attorney Phil Havens discussed the pending **lawsuit** by Mr. and Mrs. Dennis Vaudt against the City of Storm Lake regarding the annexation of the Vaudt property into the city. Havens asked

for the Board's view on whether the County has an interest, and thus, whether he has a conflict of interest in representing the County. The Board indicated no interest in the lawsuit, other than to avoid any court costs.

Barb Frey, Buena Vista Work Activity Center Executive Director, and Production Manager Cindy Richardson, met with the Board to discuss their existing services and future plans for the center. Frey introduced herself, listing her previous positions with the Iowa Department of Human Services. Frey is preparing for an April 1st opening of the group homes with a cost to the County of \$34/day per client. She is applying for certification as a waiver home for those facilities. Frey asked the Board to consider placement and payment in the group home at group homes rates, prior to approval of waiver home certification, if it would avoid sending the client out of county for that period. Frey thinks that the certification process would take no longer than 2 months. She also stated that BVWAC is interested in subcontracting with the County for supportive employment services with grant funds which must be applied for by the County.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign a letter of support for the Buena Vista Work Activity Center for its application for approval to provide Home and Community Based Waiver Services in Buena Vista County. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

1:15 p.m.--The time having arrived for the bid letting on project L-BV-C- 11-95-73-11, the Engineer opened and read bids from Dixon Construction- Correctionville, Christensen Brothers-Cherokee, Graves Construction-Melvin, Herbst Construction-LeMars, Kooiker Inc.-LeMars, Godberson Smith-Ida Grove, and Midwest Contracting-Marshall, MN. Motion by Vail, second by Gustafson, to accept the low bid of Midwest Contracting, Marshall, MN. in a total amount of \$39,126.00 for project L-BV-C-11-95-73-11. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve the minutes of the 2/21, 2/24, and 3/2 meetings as printed. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Motion by Gustafson, second by Voss, to approve an increase of \$10/month in the DHS custodial agreement with Cindy Hildreth, to set the period of the agreement at 1 year, and to authorize the Chairman to sign. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve the following reports: Jan & Feb Board of Health minutes, Feb Recorder's fees, Conservation Board minutes, budget reports. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Other reports reviewed included: Feb. minutes NWIPDC & ISTEATPC.

Motion by Voss, second by Vail, to appoint Dick Mahn as Zoning Co- Administrator retroactive to 3/1/95, at \$8.00/hour. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to appoint George Schaller as the Board's representative to the Civil Service Commission for a term expiring 12/31/99. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to approve awarding to the low bidders, and to authorize the Interim Boardmember sign, the DD #181 Jt. quotes for weed control as follows: to Lawn Manicurists, Algona, in the Little Cedar Open Ditch, 18.75 miles for \$3,175.00; and to ChemTrol Inc. West Des Moines, in the Big Cedar Main Open Ditch 3.86 miles for \$4,597.62, and in Branch 976 Open Ditch 4.07 miles for \$1,121.79. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Motion by Voss, second by Gustafson, to approve the late filing for 1994 Homestead credit on parcel #11100.25 . Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve the suspension of current and future taxes on the following: parcel #4702.00, and mobile home VIN# 4881W, pursuant to Chapter 472.8 of the 1993 Code of Iowa. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned to Tuesday, March 21 at 9:00 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
FIFTEENTH MEETING, 1995 SESSION (15)  
MARCH 21, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 21, 1995, at 9:00 A.M. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

**Synergy** Executive Director Bill Wobbema discussed a request from several sources for a proposal for a detoxification program at the Synergy Center in Cherokee. He has been investigating an existing program in Dubuque.

**Engineer** Jon Ites reviewed current legislation and gave updates on several recent meetings. By consensus, the Board approved purchase of preventive maintenance software which will assist in record maintenance and reduce analysis time.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign the **underground construction** application of Cherokee Rural Water to provide service to Rolen Snyder in the SW 1/4 of Section 11, Maple Valley Township, with the installation of a 2" PVC water main road crossing at 6' below bottom of the ditch. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve and to authorize a request for a **speed study** by the D.O.T. for Radio Road from the Highway 71 intersection north to the East Milwaukee intersection. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to approve, and to authorize the Chairman to sign the **contract**, Certificate of Insurance, and the Contractor's Performance bond for project L-BV-C-11-95 in the total amount of \$39,126 with Midwest Contracting of Marshall, MN., the contract including a late start date of May 26, 1995 with a \$300/day penalty. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Bruns, to approve and to authorize the Engineer to sign acceptance of a proposal from Kuehl & Payer for design services for extension of the city sewer line to the **Luedke site**, the design services to cost \$2,500-\$2,750. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board approved installation of a new entrance for the BV Co. **Solid Waste Commission** on C-65 just west of the Highway 7 & 71 intersection, and discussed the Commission's request from S.W. Chairman Dave Wiley to purchase County equipment at the time the County upgrades its inventory.

Randy Van Dyke, Executive Director of the Clay County Rural Water System, discussed the development of the **Iowa Lakes Rural Water Study**. With a \$20,000 forgivable loan from Iowa Lakes Electric, the study to-date has developed potential district lines, district needs assessments, and costs of systems for northwest Iowa (approximately 8 counties). The next step is to develop steering committees for each of the regions identified, to determine if there is sufficient interest to pursue the projects.

Phil Redenbaugh, Bill and Mary Lanphere, Marge Clough and Kathy Treu discussed the Lanphere's 1994 request to vacate an **alley** in the **Casino Beach Subdivision**. Redenbaugh reviewed the history of the issue, from the County's interest by plat, through the Lanphere's request, and, the results of a study requested by the County from Graham Land Acquisition Associates, the results of which were for the County to obtain a written Permanent Road Easement from the propertyowners, and for the County to vacate the alley to the owners of Block 3, Casino Beach Subdivision. The Block 3 owners currently would have liability for the 16' of their properties used as part of the road. Redenbaugh renewed the request to vacate the alley. County Attorney Phil Havens will provide the Board with his findings and direction to proceed. Gustafson will speak to Mike Porter to inform him of the activity, as Porter had not previously indicated a favorable opinion on some of the proposed activity, his interest being in property titled in Hubert Porter's name.

Marilyn Monson, BV Co. **Sesquicentennial Committee** Member, described the activities of the committee to date. The Committee hopes to host a video history workshop at the Allee Mansion in Newell, which is designed to put knowledge and tools in the hands of local people for the purpose of recording local history. Monson requested consideration by the Board of underwriting the \$205 local cost, if the committee is successful in finding the required number of participants and sponsoring organizations.

Motion by Voss, second by Vail, to approve an expenditure of \$205 for co-sponsorship of a video history workshop, if the BV Co. Sesquicentennial Committee successfully arranges for the workshop. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

1:15 p.m.--The time having arrived for the **bid opening** for 1995 seal coat projects, the Engineer read bids from BlackTop Services, Humboldt, Rohlin Construction, Estherville, Manatt's Inc., Brooklyn, and Sta-Bilt Construction, Harlan. Following review of the bids, motion by Gustafson, second by Vail, to accept the low bid of Sta-Bilt Construction, Harlan, IA, for 1995 Seal Coat Maintenance Projects 1-4 in the total amount of \$128,894.29. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Don Bringle, **New York Life**, presented a payroll deduction, whole life insurance program.



Premiums would be entirely the responsibility of the employee. The Board took no action on the program at this time.

**Custodian** Rollie Sievers discussed repairs needed to courthouse sidewalks. With a boardmember and a contractor, he will survey the locations needing to be done. Sievers has also located a person who will design a safety harness to be used by the custodians when washing courthouse windows. Sievers will photograph the courthouse and windows to facilitate designing a custom product.

**DD #46** ends at the Buena Vista/Sac County line. A claim for beaver control has been received. Upon investigation, the beaver were found to have been trapped in Sac County, but not in a drainage district. There is no provision for payment under these circumstances. The Board directed that the County Attorney draft a letter of explanation of denial of the claim to the claimant.

1:45 p.m.--The time having arrived for the public hearing on the amendment to the current year's budget, the Chairman opened the hearing. The Auditor explained the purpose of the amendment. Finding no one present wishing to speak in opposition, motion by Vail, second by Bruns, to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve the **budget amendment** to the current FY'95 budget as published. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Larry Phillips, Tim Brown, and John Rodeen, **SLADC**, and Deb Calvert, Midwest Resources, met with the Board to discuss a prospect company for Storm Lake. SLADC requested that the County participate in the proposal from the community to the prospective company.

Motion by Bruns, second by Voss, to approve and to authorize the Chairman to sign the Class C **beer license** application of Pronto Market, Storm Lake. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign the Class C **liquor license** and outdoor sales applications of Little Sioux Golf & Country Club, Sioux Rapids. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve and to authorize retroactively, the Chairman to sign the FY'96 **substance abuse** grant with the State of Iowa for education and prevention services in the total amount of 25% of \$14,974, or \$3,743.50. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve the **minutes** of the 3/7/95 meeting as printed. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to reduce the fee for copies of the Buena Vista County **Zoning Ordinance** to \$5 each. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to appoint Voss and Bruns as supervisor representatives, and Betty Silverberg as the MR representative, and Karen Gotto as the MH representative, all to the **MH-DD Planning Council**. Ayes- -Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Voss, to approve and to authorize the Chairman to sign a letter to Governor Terry Branstad encouraging him to honor existing **alternative energy** statutes, and to discourage HF 370. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Voss, to approve the following **reports**: Feb. Clerk of Court fees. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Also reviewed were Feb. Communications Commission and #911 Service Board minutes.

Vail left the meeting.

Discussion continued on SLADC's request regarding the County's participation in an economic development community proposal.

There being no further business, the meeting adjourned at 4:50 p.m. to Tuesday, March 28 at 9:00 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
SIXTEENTH MEETING, 1995 SESSION (16)  
MARCH 28, 1995**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 28, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Tim Brown, Larry Phillips, John Rodeen, Phil Redenbaugh, and Tom Fitzpatrick, all from **SLADC**, were present to request that the Board of Supervisors consider putting up a building and leasing it to a prospective company. In addition to the request from the County, the City of Storm Lake will be asked to approve a T.I.F. district, and other sources including I.D.E.D. will be involved. SLADC's reason for approaching the County is to give tax-exempt status to the bonds that would be issued to pay for the building.

County Attorney Phil Havens stated that his preliminary research of the Code does permit the County to bond for economic development purposes. He recommended that if the Board wished to proceed with consideration of the proposal, the County should seek advice from bonding counsel. The Board tabled further discussion until later in the meeting, to permit keeping to the schedule on the agenda.

**Engineer** Jon Ites reviewed the changes to, and the items included in, the proposed Buena Vista County FY'96 Secondary Road Budget and Construction Program for the I.D.O.T.

A request for underground construction of a **tile crossing** between Sections 15 and 16, Elk Township was discussed.

Motion by Voss, second by Vail, to approve and to authorize the Chairman to sign the **contract** with Paul H. Koth to install drainage tile at the Luedke site. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites gave a report on **overtime** hours for the Secondary Road employees. The Board agreed to continue paying overtime (as opposed to banking the hours). Summer hours will begin April 1.

The Engineer will write **vehicle specifications** for both the Secondary Road Dept. and for Community Services for quotes to be taken in May.

The **Local Option Sales Tax** subcommittee of the BV Co. Long Range Planning Council recommended holding an informational meeting for the public on local option sales tax. The Board agreed to a meeting to be held on April 5, at 7:00 p.m. in the 2nd Floor Public Meeting Room of the Courthouse. A representative of the Iowa Department of Revenue and Finance will be present for the meeting.

The **Local Option Sales Tax** subcommittee of the BV Co. Long Range Planning Council recommended holding an informational meeting for the public on local option sales tax. The Board agreed to a meeting to be held on April 5, at 7:00 p.m. in the 2nd Floor Public Meeting Room of the Courthouse. A representative of the Iowa Department of Revenue and Finance will be present for the meeting.

The Auditor asked for clarification on resolving previously filed claims for **mailboxes** damaged by Secondary Road equipment. Motion by Voss, second by Vail, to pay the previously filed documented mailbox claims up to \$15.00, and that effective March 28, 1995, the damaged mailboxes will be replaced with a similar sized box, by the Engineer, based on his investigation and discretion. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

ALCECO has requested **lighting over a railroad crossing** in Albert City. Ites will investigate what is needed and the projected costs.

Eight insurance agents have indicated an interest in writing specifications for the **employee benefits** package. Present for the discussion were Employee Benefits Committee members Don Winebrinner, Marilyn Monson, Joan Martin, Shirley Anderson, and Jean Chindlund. They reiterated one of the findings of their committee - that employees are generally satisfied with the current insurance carrier. Gustafson suggested that the Board contact Blue Cross to see what options for deductibles are possible, and how many choices could be selected. Monson asked to have as part of the specifications, a request for a proposal for coverage of part-time employees. The following persons were named to the Employee Benefits Specifications Committee: Sue Fitzpatrick, Mike Sharar, Alan Sundblad, Deanne Dentlinger, Howard Hatlelid, Jean Chindlund, Doug Simons, Don Winebrinner, and Lorna Burnside. The employee portion of the committee will write a statement of what the specifications are to include. The insurance agents will be notified of who has been selected, and that the first meeting will be held on April 12 at 2:30 p.m.

Regarding **SLADC's** request to put up a building for a prospective company, Bruns research indicated that it would put the County in the tax shelter business. This would be a program of interest to many existing local companies. He would be uncomfortable in a position in which not every request could be honored. Gustafson and Vail preferred not to get into the real estate business. It was the consensus of the Board to refuse SLADC's proposal. Voss recommended that the County explore the general issue for informational purposes.

Gustafson reviewed a **substance abuse** case, with the Board agreeing to provide services under

an arrangement in which the patient will reimburse the county.

Motion by Vail, second by Bruns, to authorize the transfer of \$6,115.00 from the General Basic (001) fund to the Capital Projects (030) fund for the care facility roof, and \$12,000 from the General Basic (001) fund to Conservation Land Acquisition (068) fund for a partial transfer of FY'96 revenues, both transfers retroactive to 2/28/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to approve and to authorize the interim member to sign, a claim in the amount of \$127.11 to Pilot Publishing for publication of notice of public hearing for DD #181 jt. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to approve the following claim: to the Auditor of State in the amount of \$375.00 - filing fee for the FY'94 financial audit. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to set the date and time of public hearing on the vacation of an alley adjacent to Block 3, Casino Beach subdivision as Tuesday, April 11 at 11:00 a.m. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

After discussion of a recent agenda appointment, the Board agreed upon the following meeting policy: that individuals requesting an appointment with the Board, identify the matter to be discussed, otherwise, submit a letter of intent and purpose for the Board's consideration prior to scheduling an appointment.

The Board reviewed a draft of a proposed job description for a full-time position combining zoning and environmental health. The Board will discuss the draft with the Board of Health Chairman at the next meeting.

There being no further business, the meeting adjourned at 12:50 p.m. to Tuesday, April 4 at 9:00 a.m., for a regular session.

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**BOARD OF SUPERVISORS MEETING  
SEVENTEENTH MEETING, 1995 SESSION (17)  
APRIL 4, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 4, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Custodian Rollie Sievers submitted his resignation. Motion by Voss, second by Gustafson, to accept with regret the resignation of Head Custodian Rollie Sievers effective June 30, 1995. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to approve and to authorize the Chairman and Auditor to sign the FY96 IDOT Secondary Road Budget and Construction Program. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Engineer Jon Ites reported that culvert work has been started on the Hwy 71 bypass.

Ites discussed a request to vacate a road on 565th St. The Board will view the location.

Motion by Gustafson, second by Voss, to approve the sale of up to 750 tons of gravel from the S. Hayes Pit to the City of Storm Lake. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Bruns has viewed the location of a request for a tile crossing from Bob Stoughton. The Board agreed to the request which will place a crossing between section 15 & 16 of Elk Township.

Ites has begun a bridge inventory of all medium size bridges for the purpose of developing a plan for maintenance/repair/replacement. He is also reviewing options for the additional funding that will be required to do the necessary work (at \$65-70,000 each). Ites is concerned about falling behind with the County's maintenance schedule due to budgetary restraints.

Gustafson asked about viewing the tree & brush growth in the drainage ditches in the east part of the county. He recommended doing a preliminary visual survey to determine the extent of the problem. Ites will assign someone to do the survey.

Dale Arends and Keith Arends presented a petition for formation of an **Ag Area** for approximately acres in Coon and Grant Townships. Also filed was a petition to add-on to an existing ag area, filed by Kermit Grote.

**Conservation** Director Gary Christiansen discussed a request to locate the Naturalist's office in the Courthouse where the proposed wildlife exhibit will be displayed. The Conservation Board has not yet voted to proceed with the wildlife exhibit in the Courthouse. The Board of Supervisors is supportive of the wildlife display in the lobby, but is opposed to locating the Naturalist's office in the lobby for various reasons.

Motion by Vail, second by Gustafson, to appoint Shirley Pritchard, Sioux Rapids, to the Buena Vista County **Board of Health**, with her term expiring 12/31/97. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve a **late filing** for 1994 homestead credit on parcel #9937.00. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

County Attorney Phil Havens and County Treasurer Kathy Bach discussed participating in a class action lawsuit regarding the **Iowa Trust**. Although Buena Vista County could benefit from any positive outcome of the lawsuit, there is also the potential liability for any costs in addition to sharing a loss of the lawsuit. Motion by Vail, second by Bruns, to approve and to authorize the Chairman to sign the Request for Exclusion from Class Action lawsuit. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

In order to increase the Board of Supervisors' awareness of the program, Harlan Hawley, Arrowhead AEA, and Quentin Weidner, Iowa Central Industries presented their **Transition Program** for individuals (post high school) with disabilities. Schools are mandated to plan the student's transition process into the world of work in consultation with the parents. Boardmembers were invited to appoint someone to participate on the AEA Transition Advisory Board.

Case Management Supervisor Anita Hallquist, and **Case Manager** Dawn Wiseman, discussed the current placement of several clients. Motion by Gustafson, second by Vail, to approve funding for additional services for 1 person (J.L.4- 4-95) at Howard Center Inc. to be reviewed in 3 months. Ayes--Gustafson, Vail, Burnside. Nays--Bruns, Voss. Carried.

Board of Health Chairman Dr. Frank Hughes met with the Board to discuss combining the positions of **Sanitarian** and **Zoning Administrator** and to develop an appropriate job description.

Members of the Buena Vista County **Case Management Advisory Board**, including Anita Hallquist, Dawn Wiseman, Sue Morrow, Ken Hayes, Pat Nelson, Cindy Richardson, (and Supervisor Gustafson), met with the Board to exchange information about their activities. Hayes, a provider, discussed the benefits to having a plan with goals for the case management program which is used in coordinating services for each client. Hallquist suggested providing a copy of the minutes of the Advisory Board to the Board of Supervisors. Morrow feels that Buena Vista County and its clients are well served by the program. Wiseman has built a solid working relationship with the staffmembers of the service provider agencies. Richardson also appreciates the good communication. The clients' families have also benefitted from their involvement with the Case Manager.

The Advisory Board also discussed the county's process for selecting a case manager for MR clients, recommending that the Supervisors look very carefully at each company's ability to perform what they promise to deliver.

Motion by Vail, second by Gustafson, to approve the **minutes** of the 3/21 and 3/28 meetings as printed. Ayes--Bruns, Gustafson, Vail. Nays--none. Absent--Voss. Carried.

Motion by Gustafson, second by Vail, to approve the following **reports**: 2nd Qtr FY'95 Child Support Recovery incentives, March Sheriff's fees, Conservation Board minutes, and 3rd Qtr FY'95 Veteran's Affairs. Ayes--Bruns, Gustafson, Vail. Nays--none. Absent--Voss. Carried.

Motion by Vail, second by Bruns, to approve and to authorize the Chairman to sign the renewal of the employee **Flexible Benefits** administration agreement with Blue Cross and Blue Shield for FY'96. Ayes--Bruns, Gustafson, Vail. Nays--none. Absent--Voss. Carried.

Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman to sign a **letter of support** for a grant application to the National Committee to Prevent Child Abuse for the local "Parents Reaching Out to Parents" program. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned to Tuesday, April 11 at 8:45 a.m., for a special session.

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**BOARD OF SUPERVISORS MEETING  
EIGHTEENTH MEETING, 1995 SESSION (18)  
APRIL 8, 1995**

The Buena Vista County Board of Supervisors met in special session on Saturday, April 8, 1995 at 1:30 P.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Vail, and Voss, and with Auditor Strawn as clerk for the meeting. Absent: Gustafson.

The purpose of this special meeting was to hear a proposal from **SLADC** to participate in an **economic development** package for a prospective company to come to Storm Lake. Tim Brown, with Tom Fitzpatrick, Tim Pierce and Phil Redenbaugh, made the presentation, requesting a forgivable loan of \$50,000 from the County.

Bruns discussed the need for additional employment opportunities, including opportunities for farmers to supplement their profession, and also for those leaving that profession. Brown agreed that many current farmers already incorporate off-farm income to fund their living expenses. Brown suggested that the County could justify \$50,000 at the rate of \$1,000 for each of the 50 jobs to be created.

Voss reviewed the previous proposal for the county to build a building, noting that this current proposal approaches the County as a part of team. He was pleased with the team approach. Motion by Voss, to approve a \$50,000 forgivable loan towards the proposal to a prospective company, contingent upon the creation of 50 jobs, second by Vail. Ayes--Bruns, Vail, Voss.

There being no further business, the meeting adjourned at 2:15 p.m. to Tuesday, April 11 at 8:45 a.m., for a special session.

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**BOARD OF SUPERVISORS MEETING  
NINETEENTH MEETING, 1995 SESSION (19)  
APRIL 11, 1995**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 11, 1995 at 8:45 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Motion by Voss, second by Gustafson, to **promote** Dewyne Stucynski to Head Custodian at \$8.50/hr. (\$7.61 plus 39 cents raise, plus 50 cents-promotion) effective 7/1/95 to be reviewed in 6 months and 1 year, with a 1 year probation. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve the **minutes** of the 4/4 meeting as printed. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Motion by Voss, second by Vail, to approve the minutes of the 4/8 meeting as corrected. Ayes--Bruns, Vail, Voss. Nays--none. Abstain--Gustafson. Carried.

Motion by Vail, second by Voss, to authorize the **transfer** of \$15,000 from the E911 Surcharge fund to the E911 Debt Service fund, retroactive to 3/31/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board discussed the current funding for the **law library**, and the possibility of implementing an electronic law library.

Howard Hogan, the Prouty Co., presented the annual report, and the new rates for FY'96, on the ISAC **employee health insurance** program. He discussed partial self-funding of the difference in premium between the County's program and one with a higher deductible.

To encourage economic development of the area, SLADC Director John Rodeen discussed establishing an **urban revitalization** district with the potential for tax abatement for a 25 acre area east of the Storm Lake city limits. Rodeen requested that the Board consider this concept in its planning.

Board of Health Chairman, Frank Hughes, discussed a job description draft for the proposed **Environmental/Zoning Director** position.

11:00 a.m.--The time having arrived for the public hearing on the proposed **vacation of alleys** (2) in Casino Beach Subdivision, the Chairman opened the hearing in the 2nd Floor Public Meeting Room with 17 interested persons including the County Attorney, County Engineer, and 1 media person.

Mike Porter, representing property in his parents' names, and who is not involved in the vacation of the alley, suggested that to settle the quarrel over who the alley should be vacated to, that it be divided 1/2 to the north property owners, and 1/2 to the south property owners.

Storm Lake City Administrator Clarence Krepps stated that he was present to represent the city's interest in activity anywhere within a 2 mile radius of the city limits. If Casino Beach were ever annexed, and the city were to pave streets, the road as it exists at 32' is inadequate according to city standards of 50'. For that reason, he is in favor of vacating as proposed.

Dale Wordekemper explained that when he purchased his property, he had it surveyed and bought his lot with knowledge of the existence and location of the alley. He expressed his opinion that Lanphere's were fully knowledgeable of the alley when they acquired their property, and should not reap all of the benefits of the County vacating the full 16' alley. He has tried to pursue straightening this situation out a couple times, with no positive results. Before leaving the hearing, he wanted to know what rules and regulations govern the area regarding set-backs, property lines, zoning, etc.

Jerry Culbertson agreed with Wordekemper's remarks about splitting the alley between Block 3 on the north half, and the Wordekemper and Culbertson properties lying next to the south half. He is very concerned about the very stringent rules he had to deal with, which have since changed.

County Attorney Phil Havens stated that there is no physical alley on the south side of Block 3, and the county does not hold fee simple title to the alley. The County only has an easement to the alley, and can't transfer ownership that it does not have, to anyone. The 16' alley on the south is not a part of the Westside subdivision, it is a part of the Casino Beach subdivision.

Attorney Phil Redenbaugh stated that the County got easement to the alley by plat in 1906.

Culbertson asked why the County has not acted on complaints that boat lifts have been parked on the alley, and that trees have been trimmed from the alley side.

Wordekemper suggested that the 6' access strip should be left as is to provide access to the street on the north.

Engineer Jon Ites stated that the road on the north side of Block 3 is only 16' wide, and that the additional 16' in use as the road on the south side, does not belong to the county, but rather to Lanpheres, Treus and Porters. The south alley is not in use as a road, has not been, and the County has no interest to take action to use it as an alley. The purpose of a road or alley is to provide access. If a section of land has a road crossing it which is subsequently vacated, it is vacated to the underlying landowner, not half to the owner on one side, and half to the owner on the other side.

Dr. Bodo Treu referred to his activity and interest in the alley - to clean up and improve the neighborhood. He would agree to be bound to a provision in the vacation prohibiting building on the alley. When he bought his property, he knew of the controversy over the alley, but had the understanding that the problem was ready to be resolved. At this point, he just wants the conflict resolved.

Gustafson asked if anyone wanted the decision delayed due to short notice (the minimum notice allowed). He offered to delay the decision to give Wordekemper and Culbertson the opportunity to consult with an attorney. They declined.

Motion by Vail, second by Gustafson, to close the public hearing. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to adopt the following resolution:

#### **RESOLUTION 95-4-11**

BE IT RESOLVED by the Buena Vista County, Iowa, Board of Supervisors as follows:

The following described platted alleys, being parts of the plat of the Casino Beach Subdivision in Buena Vista County, Iowa, are hereby vacated:

The platted alley that is sixteen feet (16') in width (North-South), three hundred sixty-six feet (366') in length (East-West), and contiguous to and generally South of Lots One (1) through Nine (9), Block Three (3), Casino Beach, Buena Vista County, Iowa;

and

The platted alley that is six feet (6') in width (East-West), one hundred feet (100') in length (North-South), and contiguous to and between, Lots Five (5) and Six (6), Block Three (3), Casino Beach, Buena Vista County, Iowa;

The said platted alleys are vacated pursuant to Section 354.23 of the 1995 Code of Iowa because the Buena Vista County Board of Supervisors deems them to be of no benefit to the public.

Buena Vista County, Iowa, hereby quit claims and conveys each of the following parts of the above-described vacated alleys to the person(s) listed opposite the description of the part conveyed:

<u>Property Description</u>	<u>Name of Adjoining Proprietor(s)</u>
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That part of the 16 foot wide vacated alley contiguous to and South of Lot 1, Block 3, Casino Beach, Buena Vista County, Iowa, which lies between straight extensions of the east and west boundaries of said Lot 1.	Buena Vista County, Iowa
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That part of the 16 foot wide vacated alley contiguous to and South of Lot 2, Block 3, Casino Beach, Buena Vista County, Iowa, which lies between straight extensions of the east and west boundaries of said Lot 2.	Mary A. Lanphere
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That part of the 16 foot wide vacated alley contiguous to and South of Lot 3 and E 1/2 Lot 4, Block 3, Casino Beach, Buena Vista County, Iowa, which lies between straight extensions of the east and west boundaries of said Lot 3 and E 1/2 Lot 3 and E 1/2 Lot 4.	Mary Lanphere
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That part of the 16 foot wide vacated alley contiguous to and South of Lot 5 and W 1/2 Lot 4, Block 3, Casino Beach, Buena Vista County, Iowa, which lies between straight extensions of the east and west boundaries of said Lot 5 and W 1/2 Lot 4.	Mary Lanphere
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That part of the 16 foot wide vacated alley contiguous to and South of Lots 6, 7, and 8, Block 3, Casino Beach, Buena Vista County, Iowa, which lies between straight extensions of the east and west boundaries of said Lot 2.	Bodo Treu and Katherine Treu
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That part of the 16 foot wide vacated alley contiguous to and South of a parcel described as the 30 Feet of Lot 9, Block 3, Casino Beach, Buena Vista County, Iowa, which lies between straight extensions of the east and west boundaries of said Lot 9.	Bodo Treu and Katherine Treu
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The eastern 3 feet of the 6 foot wide and 100 foot long vacated alley contiguous to and between Lots 5 and 6, Block 3, Casino Beach, Buena Vista County, Iowa.	Mary Lanphere
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The western 3 feet of the 6 foot wide and 100 foot long vacated alley contiguous to and between Lots 5 and 6, Block 3, Casino Beach, Buena Vista County, Iowa.	Bodo Treu and Katherine Treu
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This Resolution shall be filed of record with the Buena Vista County, Iowa, Recorder, pursuant to Section 354.23 of the 1995 Code of Iowa.

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Motion by Bruns, second by Vail, to amend the proposed resolution by deleting the second alley description (6' wide), and associated property descriptions and names of adjoining proprietors, for the

purpose of providing a utility access. Darwin Monson, IES, Dan Hegarty, Midwest Power, Clarence Krepps, City of Storm Lake as the water utility, all agreed that the 6' access is not used or needed for utility access, whereupon Bruns and Vail withdrew their amendment, and second to the amendment. The Chairman then called for a vote on the above resolution as proposed, the vote being: ayes--Bruns, Gustafson, Vail, Voss, nays--none. Carried.

The Board returned to the boardroom.

Engineer Jon Ites forwarded a request to the Board from the city of **Marathon** to tear down the old school and put it in the County's Marathon pit. Ites will consult Iowa DNR on the use of the pit for that purpose. **Albert City** has requested to use a portion of County property to set up a water station. Due to potential liability if chemicals were spilled, the County did not approve the request.

There being no further business, the meeting adjourned at 12:25 p.m. to Tuesday, April 18 at 9:00 a.m., for a regular session.

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**BOARD OF SUPERVISORS MEETING  
TWENTIETH MEETING, 1995 SESSION (20)  
APRIL 18, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 18, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, Voss, and with Auditor Strawn as clerk for the meeting.

Al Taphorn, Manager of T & K Roofing, presented a proposal for repair of a portion of the **Courthouse roof**. No action was taken pending receipt of other proposals.

Engineer Jon Ites gave updates on legislation and work projects. He recommended, due to the traffic count, consideration of 10' ROW acquisition and re-shouldering for the re-surfacing project of 11 miles of **M-27**.

Motion by Voss, second by Vail, to approve, and to authorize the Engineer to accept and sign, proposals from Chuck's Surveying & Mapping for **survey services** for the following: section corners on the north line of Section 14- 93-38 and location of existing bridge structure, and, E 1/4 corner 1-93-38 and intersection of east line Section 1 with existing roadway centerline. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board set June 13 at 9:30 a.m. as time and date for receipt of FY'96 **fuel quotes**.

Quotes were requested from 6 companies for drain work on the **Lakeside blacktop** at the Fullenworth property. No quotes have been received (3 declined to offer proposals, and no response from the remaining 3). Ites will to continue to seek proposals.

Several reports of 'couches' (sofas) dumped in **ditches** and drainage ditches around the county have been received.

The Board directed the Engineer to publish the County's annual notice prohibiting **encroachment**.

The Board discussed the ballot formula for expenditure of **local option tax** dollars for the unincorporated area, if approved by voters.

Motion by Vail, second by Gustafson, to employ Ralph Koskovich for the 1995 mowing season to mow weeds in the ROW, with a 3% **wage increase** beginning July 1, 1995. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to order the following levies: **DD #95**--225% (initially approved by Alta City Council, Trustees of the district and entered here for the county's records), **DD #20**--15%, **DD #49, Lat. 2**--20%, **DD #49, Upper Main**--5%, **DD #49, Garton Branch**--10%, to be due and payable 7/1/95, delinquent 10/1/95, allowing a 3 yr. waiver on parcels of 40 acres with assessments of \$100 or more, interest to be set at 9%, and with a waiver signing deadline of 8/31/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to correct the 4/11/95 action regarding the **wage** for Dewyne Stucynski, by reflecting the current wage of \$7.98, plus 38 cents raise, plus 50 cents, for an hourly rate of \$8.87/hour, effective 7/1/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Robyn Wilson, State-County Assistance Team-member, discussed the rules for county **case**



management being developed by the State-County Management Committee. The counties did not pass on the first draft of the rules. Under the best of circumstances, case management would not begin until at least December 1, 1995.

The Board heard a presentation by Tim Knust on AIS voting equipment.

Motion by Voss, second by Vail, to approve and to authorize the Chairman to sign the Class C liquor license and outdoor sales applications of Lake Creek Country Club. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve the minutes of the 4/11/95 meeting as printed. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve the following reports: Mangold's Spectra lagoon monitoring report for Jan-Mar, Feb. E-911 Service Board minutes, Mar. budget reports, Recorder's fees, Clerk's fees and surcharges, Communications Commission minutes, and, the '95 assessment roll for Brooke property. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Also reviewed were: Mar NWIPDC minutes.

Deputy Sheriff Doug Simons and Deputy Auditor Jean Chindlund, with the Chairman, reviewed the recent employee benefits committee meeting with 5 insurance agents. After discussion, the Board directed the committee to further investigate options available within the current health plan.

There being no further business, the meeting adjourned at 4:45 p.m. to Tuesday, April 25 at 9:00 a.m., for a special session.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-FIRST MEETING, 1995 SESSION (21)  
APRIL 25, 1995**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 25, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Present for the discussion on local option sales tax were: Tom Daniels, Jon Kruse, Bob Ferguson, Clarence Krepps, Earl Gutel, Dave Patton, and media. Daniels spoke about his concern of a possible sunset clause on the ballot. The city is interested in a new building to be paid for by a local option sales tax. The tax would also be used in the city for other capital improvements including streets. If the city bonds for a city hall, a 15 year bonding period is needed. Daniels argued that Local Option Sales Tax law allows for a voter requested sunset by permitting a petition process to repeal.

Gustafson asked if elected officials would really want to vote to repeal a tax once that revenue source becomes available. Voters may appreciate the opportunity to review the tax at the conclusion of the sunset. Daniels argued that voters still have the option to petition.

Kruse feels that by putting a sunset on the ballot, the Board would be killing the city hall project. Sales tax is a more fair tax than property tax. Krepps stated that funds raised on a 15-year local option would be used for 1/2 for a city hall, and 1/2 for other capital projects.

Voss stated that putting a sunset on the ballot places the power in the hands of the voters. Bruns discussed the county's long range planning process which identified the local option as an alternative to property tax. He is interested in property tax relief through the local option. Vail is opposed to sunset because he feels that if the voter doesn't feel that elected officials can properly manage the funds, the voter can vote against the issue. Gustafson reviewed that the county is covered by a property tax freeze, has mandates for social problems, and so has problems just as the city does. The county would like the revenue assistance of local option tax also.

Daniels feels that it is not possible to structure the local option ballot to meet the criteria for the best use to please all voters. Kruse stated that there will always be voters that will vote no, no matter what the formulas are, or with or without a sunset.

As much as the city wants the local option, Gustafson too wants the local option for the county, to insure that the county has the funds for bridges.

Ferguson feels his job is to do what is in the best long term interest for the city. Daniels requested that the County go along with the city this time. If it fails, the city would support bringing the question to the voters again with a sunset.

Bruns stated that if a sunset provision on the local option will assist in the approval of a local option, he is in favor of the sunset being on the ballot.

Kruse stated that with a sunset clause, the city will have to redo all of their prior planning on the city hall financed by local option law.

There being no further discussion, motion by Gustafson, second by Voss, to place a 10-year **sunset** clause on the local option ballot. Bruns-aye, Gustafson-aye, Vail-nay, Voss-aye, Burnside-aye. Carried.

Earl Gutel spoke in opposition to an additional tax of any kind. 2 years worth of property taxes equals the original purchase price of his farm.

Motion by Vail, second by Voss, to establish the **formula** for use of the local option tax for the unincorporated area as: 25% for property tax relief in the Rural Basic Fund (i.e. libraries, landfill, secondary road operations, etc), and 75% for capital expenditures in the secondary road department (i.e. bridges, roads, buildings, etc.). Gustafson suggested increasing the amount towards property tax relief. Motion by Bruns, second by Gustafson, to amend the motion to 30% for property tax relief, 70% for capital expenditures. Ayes- -Bruns, Gustafson, Vail, Voss. nays--none. Carried. The vote on the amended motion was: ayes--Bruns, Gustafson, Vail, Voss, nays--none. Carried.

Voss and Bruns reviewed questions regarding the **insurance specifications**, and recommended several changes. Agent Clark Fort mentioned some differences between traditional insurance and the ICAP program he represents. ICAP covers past, present and future employees and officials. Fort asked to be informed whether or not the Board was interested in a risk retention group.

County Attorney Phil Havens advised the Board regarding the **open meetings law** as it might apply to the attendance of a majority of the members at a gathering. If policy is discussed, the open meetings law comes into play, and the discussion would be inappropriate in any setting except a properly posted, called meeting.

Havens has received a review copy of the proposed 28E agreement for a **Hazardous Materials Response Commission**.

Communications Center Supervisor Nancy Brady and Ron Wilson met with the Board to discuss amending the Communications Center **budget** due to paying the City's portion of the Clues project. The city has reimbursed the County, but no adjustments have yet been made to the CC's budget.

Motion by Vail, second by Voss, to reject the application for **Custodian I** filed after the published deadline. Ayes--Bruns, Gustafson, Vail, Voss. Nays- -none. Carried. Interviews will be conducted by Burnside, Sievers, and Stucynski this week.

Motion by Vail, second by Gustafson, to set the dates of public hearing for **ag area** petitions filed 4/4/95 by Kermit Grote, and by Dale Arends, as May 16 at 1:00 (Grote) and 1:15 p.m. (Arends) in the Boardroom. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Bruns to approve and authorize the Chairman to sign the payment agreement for services for 1 person at **Lutheran Family Services** (D.B. 4-25-95). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to request a July 25 date for the **local option sales tax** election. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried.

There being no further business, the meeting adjourned at p.m. to Tuesday, May 2 at 9:00 a.m., for a regular session.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SECOND MEETING, 1995 SESSION (22)  
MAY 2, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 2, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Assistant Custodian Dewyne Stucynski discussed the candidates interviewed for the **Custodian I** position.

**Engineer** Jon Ites discussed pending legislation and new information from 2 recent conferences, on pavement markings, testing the reflectivity of signs, and edgeline painting.

Three **tile crossings** in Lincoln Township have been requested. A quote was received from the private contractor who is doing other work in that location. The Engineer recommended having the

contractor do the work, as the mobilization cost for the county would exceed the contractor's quote. Motion by Vail, second by Bruns, to accept the quote of Luft & Son Farm Drainage, Pocahontas, to install 3 tile crossings in the southwest corner of Section 2, Lincoln Township. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board discussed specifications for cars to be purchased for the Engineer, and the Community Services Departments.

The City of Marathon requested the opportunity to purchase small quantities of sand and gravel from the county's Marathon location. The consensus of the Board was to approve the purchase at the scheduled rates.

The results of the IDOT speed study on Radio Road were for 35 and 45 mph. Before setting the speed limit, the Engineer will confer with the City of Storm Lake, as they have jurisdiction over the west half of the road.

The IDOT has also done a speed study for Highway 197 and for county road N-14 which adjoins it. Ites recommended approval. The consensus of the Board was to accept the DOT's recommendation if the City of Albert City concurs.

Motion by Gustafson, second by Voss, to accept the quote of Diamond Vogel for approximately 4300 gallons latex, non-lead paint for pavement marking. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign, the contract and contractor's bond from Sta-Bilt Construction Co., Harlan for bituminous seal coat maintenance 1995 projects 1-4 (a total amount of \$128,894.29). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve payment of the monthly billing from Kuehl and Payer for C-63 grading design work (No. FS-3029(1)--61- 11). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites also updated the Board on current maintenance work, upcoming driveway construction, and graveling. He recommended relying upon the district operators to drive the roads in their districts for gravel needs, and, preparing a 1995 graveling program from the operators reports.

Ites will investigate the County's past program of providing weed chemical to landowners for use in drainage district right-of-way.

County Assessor Ted Van Grootheest discussed the windows based software to be used with the county's mapping and real estate programs.

Mental Health Director Anita Hallquist reported payment on a MH account from the spouse of the patient in the amount of approximately \$4,900.

Hallquist reported that the managed care cap for Buena Vista County is \$46,701.00, and it appears that BV County will not reach the cap this year. Thus, Medco may not have any fiscal liability for BV Co. patients.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign a placement and payment agreement for 1 person (C.W.5-2-95) at Spectra Transitional Living II & III for a 3 month period. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign a placement and payment agreement for 1 person (S.P.5-2-95) at Lutheran Family Services, Supervised Apartment Living. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Hallquist discussed legal settlement of 1 person, and the services received by the person. Motion by Vail, second by Voss, to approve placement and payment of 1 person (J.A. 5-2-95) at Siouxland Residential Services, Sioux City. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board reviewed a draft of the policy for "Central Point of Coordination". In reference to the need to fill a vacancy in the position of GA and VA, Hallquist recommended hiring a person with a social work degree to handle the CPC duties, GR, VA, and perhaps Case Management in the future, as the caseload increases. This person would be a county social services worker. Until this person would be

hired, perhaps in the fall, Hallquist could handle the GA and VA responsibilities.

Director Barb Frey reported 2 persons now living in the BVWAC Group Home, with 2 more potential residents. She is pursuing the certification change from group home to waiver home, there being a cost to remodel the facilities. Group home staff have been hired and are currently in training.

Motion by Vail, second by Gustafson, to approve transfer of all donated funds (for the Courthouse wildlife display) received into the General Basic fund, to the Conservation Land Acquisition Trust fund for expenditure on the display. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

GA Director Linda Mattson met with the Board to thank them for their support in her position with the County. She has submitted her resignation effective May 25. Mattson recommended that the Board consider that her replacement also take on federal benefit assistance for veterans. Currently, BV Co. veterans are probably not receiving their fair share of the benefits available to them. A meeting is being planned to provide education on federal benefits.

BC & BS representative Deanne Dentlinger and Deputy Auditor Jean Chindlund discussed alternatives in employee health insurance benefits. Motion by Gustafson, second by Vail, effective 7/1/95, to adopt a partial self-funding program for employee health insurance, the county to self-fund the difference in deductible between the Alliance Protector 100 and the Alliance Protector 500, and to establish the employee contribution for the family premium for FY'96 as \$123/month, to contract with Blue Cross & Blue Shield for the administration of the self-funding, and to request Dentlinger to conduct employee meetings to explain the changes in the program. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Assessor Ted Van Grootheest and Larry Phillips, Chairman of the SLADC Board of Directors, discussed urban revitalization for the 25 acres owned by SLADC on the east side of the city adjacent to the industrial park. The Board agreed to investigate further the urban revitalization and tax increment programs, and to stay in touch with the SLADC Board.

The Board discussed the 5-year Capital Projects Plan. Burnside and Gustafson suggested that communication with department heads, prior to expenditure of the funds, is vital to making the plan work. Gustafson also mentioned that the Treasurer needs to be informed regarding the timing of the purchases for cash flow purposes. Motion by Gustafson, second by Voss, to approve the first year (FY'96) of the 5-year Capital Projects Plan, and to direct department heads to notify (in writing) the Board and the Treasurer prior to taking bids, quotes, etc. and prior to obligating the funds. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve the minutes of the meetings on 4/18 as printed and 4/25 as corrected. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to approve the following reports: April 11 & 20 Conservation Board minutes, 1st Qtr '95 liquor license fee distribution. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Also reviewed were: 1st Qtr '95 PEBSCO deferred compensation financial report.

Motion by Vail, second by Bruns, to approve and to authorize the Chairman to sign an adoption agreement with the Delaware Group to provide a 457 Deferred Compensation Plan for county employees. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned at 4:30 p.m. to Tuesday, May 8 at 9:00 a.m., for a special session.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-THIRD MEETING, 1995 SESSION (23)  
MAY 8, 1995**

The Buena Vista County Board of Supervisors met in special session on Tuesday, May 8, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

8:30 a.m.--The Board participated in a conference call with Bob Josten, Attorney, to investigate the uses and procedures for tax increment financing, urban revitalization programs, and tax abatements relative to economic development. Josten also reviewed Code changes made by the Legislature in 1994 and 1995.

The Board discussed the financial participation in, and the future involvement of the Board of Supervisors, in the Storm Lake Area Development Corporation. The SLADC Board of Directors would like to involve the Board throughout the life of a project, not just at the end. A member of the Board has been

asked to participate in the screening and interview process for the selection of the new SLADC Executive Director.

The Board directed the Auditor to request a copy of the SLADC budget (expenditures and revenues) for FY'96.

A letter is to be sent to each of the insurance agents who had been invited to participate in a specs. committee on employee benefits insurance, advising them that the Board is not currently interested in spending additional dollars for employee benefits, which would be necessary to add other types of benefits.

Supervisor Voss reviewed with the Board, the proposed specifications for the county's insurance (commercial) package, noting several changes.

There being no further business, the meeting adjourned at 12:10 p.m. to Tuesday, May 16 at 8:00 a.m., for a regular session.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-FOURTH MEETING, 1995 SESSION (24)  
MAY 16, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 16, 1995, at 8:00 A.M. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Steve Anderson, Merrill Mfg., and Larry Phillips, Chairman of the SLADC Board of Directors, discussed the potential relocation of Merrill to the industrial park on the east side of the city. Anderson would like to start building this fall with completion by the end of 1996. Phillips noted that SLADC does not have many funds to work with, which makes other types of incentives more important, such as TIF, tax abatement, and urban revitalization. Anderson is asking the Board to consider tax increment financing for a 10-year period, the funds generated to go for the TIF project. Gustafson would be in favor of a 7 year limit to the TIF. Bruns can see giving incentives to bring new businesses in, but is concerned about giving opportunities to existing businesses - concerned about making opportunities available on an equitable basis to all businesses. Phillips mentioned that there is a benefit to the community in terms of employment and economic activity. Voss asked if Anderson would have a problem with a 7 year limit, Anderson said no. Vail feels that an existing business should be helped just as much as a new business moving into the community.

Burnside opened the discussion on dissemination of information to the media. She noted that perhaps meetings are often long, and therefore difficult for the media to sit through the entire meeting. But she also is concerned about receiving calls at home when all of her paperwork is still in the courthouse. Gustafson stated that the phone calls that he receives are requesting his opinion, and that he doesn't have a problem with receiving phone calls.

Voss stated that the information about issues should come from those making the decisions. The minutes taken are not approved by the Board till long after the meeting, and shouldn't be the vehicle for information to the media. He suggested having 3 members of the Board review the minutes within a day or two of the meeting, and once reviewed, released to the media.

Engineer Jon Ites commented that from time to time he spends several hours preparing for a board meeting, and then has to spend an additional amount of time after the meeting discussing the topic over again with media. Ites mentioned that he would need to cut off business on the Wednesday prior in order to get all of the preparation done to put a more detailed agenda out. Tim Gallagher from The Times indicated that complete details on all appointments and items of business isn't necessary.

Janet Rohrholm from the Pilot-Tribune asked if the media should turn more to the Board, rather than the board secretary. She also stated that the resolutions are of primary interest, not so much what topics come up.

Voss suggested having the minutes printed out prior to the Board leaving after the meeting. They could then be approved and then released yet the same day. It was the consensus of the Board to try this method of releasing the information. Gustafson also suggested taking up all of the items under 'Business' at a scheduled time to allow the media to know when those topics will be discussed.

Engineer Jon Ites discussed installation of intake risers which are currently the expense of the landowners. The Board directed that Ites bill the railroad when the landowner is the railroad. In the future,

Ites would like to see restricted access to the county's ditches. He suggested that each landowner be billed when a ditch cleanout of silt is needed due to tile access into the ditch. Ites also mentioned that many utility lines are not buried at the depth that the applications for installation were approved at, which also compromises the county's ditches.

Motion by Voss, second by Bruns, to approve and to authorize the Chairman to sign the 1st payment estimate for the Bel-Air **culvert**. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The **Farm-to-Market road fund** is approximately \$405,000, with the next project being C-63.

Regarding a call from a landowner south of Rembrandt, Ites found no evidence that the rockpile is obstructing **drainage**. He will keep an eye on the location.

Motion by Vail, second by Voss, to approve, and to authorize all boardmembers to sign, the proposal of Kuehl and Payer (for **engineering services** to survey, design hydraulics, submit to the DNR, stake the ROW and establish corners) and forward the proposal to the IDOT for approval for payment from F-M funds for replacement of a **bridge** in Section 23, Grant Township, project #BROS 9-0-11(5). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Both ISU and the UofI are looking for County Engineers to speak to engineering classes to bolster the curriculum on civil engineering. The Board approved the **Engineer's** participation in the program.

The DOT has approved the FY'96 **Secondary Road Budget and Construction Program** with a note suggesting that one of the revenues be listed under another source.

By consensus, the Board approved substituting "the use of a set valuation per acre for a certain type of ground, times the number of acres" for the method previously used - hiring an appraiser on small **ROW** purchases under \$2,500.

Motion by Gustafson, second by Vail, to approve, and to authorize the Chairman to sign, the **underground construction** application of Iowa Lakes Electric Cooperative to replace an overhead distribution line with plowed in underground lines to accommodate work by BV Co. Solid Waste and Midwest Power due to construction of new Hwy-71, and located in front of the Recycle Center. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to approve and to authorize the Chairman to sign the **underground construction** application of Iowa Lakes Electric Cooperative to install a 3-phase underground distribution line in Providence and Hayes Townships due to construction of new Hwy-71. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Gustafson, to approve and to authorize the Chairman to sign the **underground construction** application of GTE Telephone, to install copper telecommunications cable under M-27 at a location 6 miles west of Linn Grove. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Engineer reported that a notice to the Iowa **Utilities** Board for Midwest Power to relocate overhead power lines due to the relocation of Hwy-71 has been received.

Ites reported 4 locations to be considered for **culvert** work next year; on BV/Sac county line in Hayes Township, on a gravel road north of Truesdale, on the west side Section 31 Brooke Township, and, on a road on the east side of Truesdale. The Board approved ordering the materials for the projects, with the county to do most of the work.

Rex Wittrock, Director of the Buena Vista County Consolidated Farm Service Agency (CFSA), and Leslie Feekes from the same office, discussed the USDA Iowa Notice CP-3 regarding **noxious weed control** policy on Conservation Reserve Program acres in Buena Vista County. Many acres are going out of CRP, but there are options to extend the agreements. Wittrock was appreciative of the cooperation received from Assistant Weed Commissioner Roger Sievers on 1 violation of CRP rules. The CFSA notice explores the relationship and responsibilities of the CFSA, Board of Supervisors, and the County Weed Commissioner. The Chairman suggested meeting with Wittrock on an annual basis.

Motion by Voss, second by Vail, to approve and to authorize the Chairman to sign a **letter of support** stating what the County has agreed to provide to Tuscarora Inc., which was to provide a \$50,000 forgivable loan, contingent upon the creation of 50 jobs. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Sheriff Chuck Eddy requested an amendment to his jail **budget** due to the addition of one jailer (previously approved the Board), the payment of medical services for inmates (as directed by the Board instead of from the general assistance budget), the cost of commercial laundry services to avoid purchase and installation of a commercial washer and dryer and a new water heater, and the increased cost of providing a larger quantity of meals due to an increase in the number of inmates and their length of stay. The Board will include an \$18,000 increase for the jail in the budget amendment. Out of 60 requests for applications for the Sheriff's deputy position, 22 appeared for the civil service testing.

Conservation Board Secretary Diane Christiansen requested an amendment to their **budget** for Capital Projects to allow purchase of the Sullivan property if negotiations are successful, to authorize expenditure of the FEMA funds for repairs needed due to flooding, and for the wildlife display planned for the Courthouse. The Board agreed to increase the appropriations for Conservation capital project expenditures.

1:00 p.m.--The time having arrived for the public hearing on the **Ag Area petition** filed April 4, 1995, by Kermit Grote, et al., the Chairman opened the hearing with 1 interested person present. The Auditor reported that the legal requirements had been met, that proper notice had been published, and that no written comments had been submitted. Hearing no objections, motion by Vail, second by Gustafson to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to approve the Kermit Grote, et al., ag area petition as filed 4/4/95, consisting of 68.94 acres and being an add-on to the ag area approved 2/14/95 filed by Karen Nehring, et al., the area included in the Grote petition being located in Coon Township, and more specifically described as follows: Beginning at the Southwest (SW) Corner of said Section 29, thence on an assumed bearing of East, along the South line of said Southwest Quarter (SW 1/4), 1982.92 feet; thence North 00 37'30" East, 1312.81 feet; thence North 89 46'58" West, 1504.74 feet; thence North 00 42'15" East, 819.60 feet; thence North 89 42'25" West, 479.50 feet to the West line of said Southwest Quarter (SW 1/4); thence South 00 37'05" West, along the West line of said Southwest Quarter (SW 1/4), 2140.55 feet to the point of beginning. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Robert Leggett, State Inspector for the Iowa Dept. of Public Health, introduced himself and notified the Board that he is present to inspect the courthouse for **PCB's**, the county having been randomly selected for inspection. Motion by Vail, second by Bruns, to delegate authority to Engineer Jon ltes to sign the required forms. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

1:15 p.m.--The time having arrived for the public hearing on the **Ag Area petition** filed by Dale Arends, et al., the Chairman opened the hearing with 2 interested persons present. The Auditor confirmed that the petition meets all of the requirements of the law, that proper hearing notice has been published, and that no written objections have been received. The Board inquired about the Grau Wetlands recently acquired by the DNR which is excluded from the proposed area. There being no objections, motion by Bruns, second by Voss, to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Bruns, to approve the Ag Area petition as presented and filed April 4, 1995, by Dale Arends, et al., consisting of over 4,000 acres, subject to a County Attorney's opinion regarding the land now owned by the DNR and excluded in the proposed ag area (Chapter 352.6 of the 1995 Code of Iowa), the Grant Township land to be included in the ag area being described as follows: Beginning at the intersection of county roads C-49 and M- 54 which connects sections 32 & 33 and 28 & 29 Coon township 91-35 and commencing 1/2 E on C-49, then 1 mile N, then 1/4 mile W, then 1/2 mile N, then 1/4 mile E, then 1/4 mile N, then 1/2 mile E, then 1/4 mile S, then 3/8 mile E, then 1/2 mile N, then 1/8 mile E, then 1/2 mile N, then 3/8 mile W, then 1 /2 mile S, then 1/8 mile W, then 1 mile N, then 1/2 mile E, continuing 1215.35 feet East, the 395 feet N, then 1215.35 feet W, then N to 550th Street, then 1 mile W, then 1/2 mile S, then 1/2 mile W, then 1/2 mile S, then 3/4 mile E, then 1/4 mile S, then 3/4 mile W, then 1/4 mile S, then 4312.39 feet W, then 338 feet S, then 240 feet W, then 48 feet N, then 726 feet W, then 1011 feet S, then 1/2 mile W, then 1/4 mile S, then 1/2 mile W, then 1/2 mile S, then 1/2 mile W, then 1/2 mile S, then 1 1/2 mile E, then 1/2 mile S, then 1/4 mile E, then 1 mile N, then 1/2 mile E, then 1/2 mile S, then 1/4 mile W, then 23/32 mile S, then 1/4 mile E, then 9/32 mile S, then 896 feet E, then 192 feet N, then 424 feet E, then 192 feet S to the place of beginning, containing approximately 4,105 acres. Voss questioned whether the area should be approved subject to an opinion. He suggested waiting to take the final action until the opinion is received. The vote on the motion was ayes--Bruns, Gustafson, Vail, nays--Voss. Carried.

**Communications Center** Supervisor Nancy Brady notified the Board that the company previously providing an \$890 maintenance agreement on the microwave tower is being terminated. She is investigating an alternative vendor. Because the tower is 10 years old, it may be subject to problems more so than what new equipment would be. She requested future consideration for the cost of repairs, if she

proceeds without a maintenance agreement.

Motion by Gustafson, second by Vail, to **employ** Jerry McShane in the Custodian I position effective 5/18/95 at \$7.00/hour with a 50 cent increase upon favorable evaluation in 6 months. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Custodian Rollie Sievers requested an additional \$12,500 for his **budget** to reflect the increased costs incurred for the E. Richland Annex.

Susan Hoss, representing the Child Support Recovery Unit, met to renew their contract with the County for FY'96. She reported on the dollars recovered for BV County residents, and incentives paid to the County for actively seeking recovery. Motion by Vail, second by Voss, to approve, and to authorize the Chairman to sign an agreement for services from the Child Support Recovery Unit for FY'96. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

BV Co. Hospital Administrator Jim Nelson, and Comptroller Jay Christensen met with the Board to request approval of the **resolution** of the Hospital's Board of Directors which will allow reimbursement of the costs advanced by the hospital for radiology equipment.

Motion by Vail, second by Voss, to adopt the following resolution:  
BE IT RESOLVED by the Board of Supervisors of Buena Vista County, Iowa, that the intent resolution adopted by the Board of Trustees of Buena Vista County Hospital (the "Hospital") relating to reimbursement from proceeds of tax-exempt obligations for funds to be advanced by the Hospital for acquisition of radiology equipment be and it is hereby approved and said resolution adopted on 19th day of April, 1995, by the Hospital's Board of Trustees is hereby incorporated in this resolution by reference and made as the resolution of this Board of Supervisors. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to set the date and time of **public hearing** to consider the issuance of \$2,350,000 in Hospital Revenue Capital Loan Notes &/or Lease-Purchase Agreement as May 30, 1995, at 1:00 p.m. in the Boardroom. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. (Here follows the complete version of the preceding resolution.)

Board Member Jim Gustafson introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND/OR ISSUANCE OF NOT TO EXCEED \$2,350,000 HOSPITAL REVENUE CAPITAL LOAN NOTES AND/OR LEASE OBLIGATIONS OF BUENA VISTA COUNTY, IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Board Member Jack Voss seconded the motion to adopt. The roll was called and the vote was, ayes--Bruns, Gustafson, Vail, and Voss. Nays--none.

Whereupon, the Chairperson declared the Resolution duly adopted as follows:  
RESOLUTION FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND/OR A LEASE-PURCHASE AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$2,350,000 HOSPITAL REVENUE CAPITAL LOAN NOTES AND/OR LEASE OBLIGATIONS OF BUENA VISTA COUNTY, IOWA, AND PROVIDING FOR PUBLICATIONS OF NOTICE THEREOF

WHEREAS, it is deemed necessary and advisable that the county of Buena Vista, Iowa, should provide for the authorization of a Loan Agreement and/or a Lease-Purchase Agreement and the issuance of Hospital Revenue Capital loan notes ("Notes") and/or lease obligations in an aggregate amount not to exceed \$2,350,000, as authorized by Sections 331.402(3)(6) and 331.464, Code of Iowa, as amended, for the purpose of providing funds to pay costs as hereinafter described; and

WHEREAS, the Loan Agreement and Notes and/or the Lease-Purchase Agreement and lease obligations shall be payable solely and only out of the net earnings of the Buena Vista County Hospital (the "Hospital") and shall, together with currently outstanding notes, if any, be a first lien on the future net earnings of the Hospital; and shall not be general obligations of the County or payable in any manner by taxation and the County shall be in no manner liable by reason of the failure of the net revenues to be sufficient for the payment of the Loan Agreement and Notes and/or Lease-Purchase Agreement and lease obligations; and

WHEREAS, before a Loan Agreement or a Lease-Purchase Agreement may be authorized and Hospital Revenue Capital Loan Notes issued or lease obligations entered into, it is necessary to comply with the provisions of the Code of Iowa, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Board proposes to take action for the authorization of the Loan Agreement and Notes and/or the Lease-Purchase Agreement and lease obligations and to receive oral and/or written objections from any resident or property owner of the County to such action;



NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA:

Section 1. That this Board meet in the Board of Supervisors Room, Buena Vista County Courthouse, Storm Lake, Iowa, at 1 o'clock P.M., on the 30th day of May, 1995, for the purpose of taking action on the matter of the authorization of a Loan Agreement and/or a Lease-Purchase Agreement and the issuance of not to exceed \$2,350,000 Hospital Revenue Capital Loan notes and/or lease obligations to evidence the obligations of the County thereunder, the proceeds of which will be used to pay the costs of (i) the acquisition of radiology equipment; (ii) the acquisition and renovation of a clinic facility owned by the Hospital and leased to Buena Vista Clinic Foundation, a nonprofit corporation; and (iii) costs of issuance of such obligations.

Section 2. That the Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said County, said publication to be not less than four clear days nor more than twenty days before the date of said public meeting on the issuance of said Notes.

Section 3. the notice of the proposed action shall be in substantially the following form:

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA, ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A LOAN AGREEMENT AND/OR A LEASE-PURCHASE AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$2,350,000 AGGREGATE AMOUNT OF HOSPITAL REVENUE CAPITAL LOAN NOTES AND/OR LEASE OBLIGATIONS AND THE PUBLIC HEARING ON THE AUTHORIZATION AND ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the Board of Supervisors of Buena Vista County, Iowa, will hold a public hearing on the 30th day of May, 1995, at 1 o'clock P.M., in the Board of Supervisors Room, Buena Vista County Courthouse, Storm Lake, Iowa, at which meeting the Board proposes to take additional action for the authorization of a Loan Agreement and/or Lease-Purchase Agreement and the issuance of not to exceed \$2,350,000 aggregate amount of Hospital Revenue Capital Loan Notes and/or lease obligations, in order to pay the costs of (i) the acquisition of radiology equipment; (ii) the acquisition and renovation of a clinic facility and (iii) costs of issuance of such obligations, all for the use of Buena Vista County Hospital (the "Hospital"). The Notes will not constitute general obligations or be payable in any manner by taxation, but will be payable only from and secured by the net revenues of the Hospital.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of the County, to the above action. After all objections have been received and considered, the Board will at this meeting or at any adjournment thereof, take additional action for the authorization of a Loan Agreement and/or a Lease-Purchase Agreement and the issuance of Notes and/or lease obligations or will abandon the proposal.

This Notice is given by order of the Board of Supervisors of Buena Vista County, Iowa, as provided by Sections 331.402 and 331.464 of the Code of Iowa, as amended.

Dated this 16th day of May, 1995.

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County Auditor, Buena Vista County, Iowa

(End of Notice)

Motion by Voss, second by Gustafson, to approve and to authorize the Chairman to sign a **letter of support** for the Buena Vista County Hospital's application for a certificate of need for a radiation oncology center. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

**BVWAC** Director Barb Frey discussed the method of funding services for 2 persons eligible to go into a home and community based waiver program. The County could save \$9,000-11,000 each, with the federal government picking up a greater share of the cost.

Motion by Vail, second by Gustafson, to approve the application of the city of Rembrandt for a **fireworks display** on July 4th, with the city to be responsible for all safety and liability. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve the work orders and claims for several **drainage districts** as follows: for **DD #16-30-92 Jt.** to Sac City Surveying and Mapping services for repairs, spray project and assessments in the amount of \$139.70; for **DD #14-42 Lat. 293 S Jt.** to Darel Burns for consulting in the amount of \$60.00, and work orders for **DD #181 Jt.** at the following sites--in Section 1 Delaware Twp, Sac Co., and in Section 29, Williams Twp., Calhoun Co. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to set the date and time of public hearing for the FY'95 **budget amendment** as May 30, 1995 at 11:15 a.m. in the Boardroom. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board directed the Auditor to advertise the availability of specs for **liability insurance** with a deadline for proposals set as June 13 at 9:00 a.m. The majority of the Board chose to open the quote process up allowing pools to submit a proposal.

Vail left the meeting.

Motion by Gustafson, second by Voss, to issue **payroll warrants** for 2 Public Health employees (P.P. & C.S.), subject to subsequent audit of their timesheets. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to request that ISAC cover part-time Buena Vista County employees with the BC&BS **health insurance** program, with the employee being responsible for the entire premium, and to so designate ISAC as the agent, this action being taken to comply with the employer's responsibility to provide all employee's access to health insurance information. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Motion by Bruns, second by Gustafson, to approve and authorize the Chairman to sign the **job description** for the Environmental/Zoning Director. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Motion by Gustafson, second by Bruns, to **void warrant** #68067 issued 5/2/95 from **DD #95** funds, and to reissue a warrant from the General Fund, the DD #95 fund needing assessment collections, and the claim requiring prior approval from the Alta City Council as Trustees for DD #95. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

By consensus and if available from Public Health, the Board approved donating a desk and filing cabinet to the **BV Co. Genealogical Society.**

By consensus, the Board approved and directed the Chairman to request an estimate from Lawn Manicurists for brush control of an area in a **drainage district**, the location to be selected.

Motion by Vail, second by Gustafson, to approve the **minutes** of the 5/2 meeting as corrected, and of the 5/8 meeting as printed. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Motion by Bruns, second by Gustafson, to approve the following **reports:** April budget reports, Targeted Case Management Advisory Board minutes, Clerk's surcharges and fines, 3rd Qtr FY'95 Farm-to-Market Road fund. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried. Also reviewed were: April NWIPDC minutes, FloCrit financial statement, 5/2/95 minutes of DD 16-30-92.

Gustafson left the meeting.

Claims audited and allowed at this meeting were as follows:

There being no further business, the meeting adjourned at 5:30 p.m. to Tuesday, May 30, at 9:00 a.m., for a regular session.

Following adjournment, Voss, Bruns and Burnside began a review of the minutes of today's meeting. There not being unanimous approval of the minutes, and in order to allow further discussion and formal agreement of any change in the process, the Chairman directed the Auditor to continue with **provision of information to the media** following the same procedure used prior to today's meeting.

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The Buena Vista County Board of Supervisors met in special session on Monday, May 22, 1995, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Gustafson, Vail, and Voss. The meeting was tape-recorded for preparation of the minutes by Auditor Strawn at a later time. The purpose of the meeting was to hold a telephone conference with Bob Josten, Attorney, on urban renewal--TIF. Also present were Steve Anderson, Merrill Mfg., Storm Lake, and County Treasurer Kathy Bach.

Voss stated that the current premise of this project is: Merrill will build a \$1,500,000 building with the County agreeing to perhaps a 7-year TIF. Merrill Mfg. would pay property tax on the incremental value of the building, and these taxes (other than the debt service levy portion of the tax), would pay a portion of the loan.

Josten suggested some preliminary items: will someone make the loan, how much will the loan be, and what security for the loan will be required by the lender. Then there are a number of questions to be answered: How many dollars is Merrill looking for? Would Merrill sign an agreement for a minimum taxable valuation? Will the County want to pledge its full faith and credit, or pledge only the taxes generated by the increment? Will the TIF agreement be based on 7 calendar years or 7 tax-paying years? Should the 1st two interest payments be capitalized? When will construction begin? When will the funds be needed? Is a minimum assessment agreement desirable? Are there other incentives to be considered i.e. IDED grant, SLADC incentives? Will the funding be given to Merrill as a grant or a forgivable loan? Would the TIF area be just the property Merrill has, or would additional buildings be included?

Using the current levy, less the portion for debt service, or about \$23.70/thous. on a \$1.5 taxable valuation, with capitalized interest, the maximum total loan would be about \$182,000, with approximately \$150,000 available for the building. The levy, and consequently the property tax, will vary each year. If \$150,000 is not sufficient, M&E tax law would permit Merrill to voluntarily pay property tax on M&E, the incentive being to create a way to pay off debt without having debt. The loan becomes tax exempt only when there is no minimum assessment agreement.

Bruns questioned whether a loan would go on Merrill's books since the company would pay taxes, not make loan payments. Josten advised Merrill to make that decision with the assistance of his tax attorney and/or accountant, based on whether the County provides funding on a grant or forgivable loan basis.

Josten suggested an initial agreement of understanding that Merrill will build a building and the County will set up an urban renewal program and TIF. Some specifics would be named, and a minimum assessment agreement could be included. The County should agree to create an urban renewal tax increment area which incorporates this property, and also should agree to institute procedures to issue tax increment revenue bonds to produce funds for a grant to Merrill. Merrill should agree to construct a building of a certain number of square feet. A minimum assessment agreement could state that the valuation will be no less than \$1.5 million while the County's obligation is outstanding. After this is completed, then the 2-3 month process for setting up the renewal area could begin. The urban renewal program does not have to be in place prior to building the building.

Josten asked 'what else needs to happen before the County and Merrill know they want to proceed'. Voss answered that the Board needs to vote on whether to proceed. If the County determines to go forward, Josten suggested authorizing the development of the agreement. Then, approve the agreement which wouldn't have to obligate the County to do anything other than to begin setting up the urban renewal area, and, at a later time when mutually agreed upon, to institute borrowing the money. Josten will provide a rough draft document.

There being no further business, the meeting adjourned to Tuesday, May 30, 1995 at 9:00 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SIXTH MEETING, 1995 SESSION (26)  
MAY 30, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 30, 1995, at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Head Custodian Rollie Sievers reviewed a proposal for window washing safety equipment.

Having received a response to their question from Dave Patton, Assistant County Attorney, regarding the Leo Grau reserve which is adjacent to the Ag Area proposed by Dale Arends, et al., the Board noted that the DNR has no interest in the proposed ag area, and the petition is hereby fully approved.

Supervisor Vail reported that Rod Kleaveland had called to request that his letter of May 22, 1995,

regarding an open ditch in Section 6, Poland Township, be disregarded.

Engineer Jon Ites presented 2 underground construction applications. Motion by Vail, second by Bruns, to approve and to authorize the Chairman to sign, the underground construction application of Iowa Lakes Electric Coop. to install a 7200V single phase distribution line along the west R.O.W. of the road running north on the east side of Section 6, Poland Twp. and then west along the south R.O.W. of the road running on the north side of said Section 6 (for K-Webb). The following stipulation is added: The Utility is to bore under C-13 and be aware of drainage ditch tile lines. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Gustafson, to approve and to authorize the Chairman to sign the underground construction application of Iowa Lakes Electric Coop. to install/replace a 7200/12470V three phase distribution line along the south R.O.W. of the road across the north side of sections 10 & 11, Nokomis Twp. and service to Arnold Kjolhede. The following stipulation is added: The Utility is to be aware of existing utilities and of drainage ditch tile line. Ayes--Bruns, Gustafson, Vail. Nays--Voss. Carried.

Ites reported that he has requested correction of the storm sewer drainage problem by the City of Storm Lake at the Luedke site so that sanitary sewer improvement proposals can be accepted.

Motion by Vail, second by Voss, to direct the Engineer to obtain several quotes to repair the expansion joints on each end of the bridge across the Little Sioux River at Linn Grove, in order to maintain the existing structure, and to avoid having to build a new bridge. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites reviewed quotes for vehicles for Secondary Road, Community Services, and Public Health. Motion by Vail, second by Voss, to accept the following low quotes: for Secondary Roads--a Dodge Intrepid for \$17,755 with no trade-in, from Scheulke Auto; for Community Services--a Chevrolet Lumina from Fitzpatrick's for \$15,195 and no trade-in; and for Public Health--a Chevrolet Lumina APV for \$15,611.50 and no trade-in. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

DOT has provided notice that the authorized limit for federal funds expended through ISTEA will be exceeded, and the consequence is that funding to the County will be reduced by approximately 20% of the 1995 authorization level.

The Board discussed the seal coating contracts which have been signed for Casino Beach. Ites will check with the developers to see if they want the seal coat done at this time.

Several road operators have reported the need for gravel on some level B roads. Voss suggested spot graveling where necessary. Ites asked for a policy to provide for uniform treatment of all requests. No action was taken at this time.

Dick Moore, C.P.A., visited with the Board about the request for proposals to provide audit services for the County. He inquired whether the proposal was to be based upon the audit as previously done, or with additional services for auditing a fixed asset inventory and a supplies inventory. Motion by Gustafson, second by Bruns, to amend the request for proposals for audit services as follows: the term of the agreement shall be changed from a 1-year to a 3-year agreement, and, a proposal for an option to audit fixed assets shall be added, with the proposal to be on an hourly rate basis. Further, the Auditor is directed to so notify those to whom proposal information has been sent. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Sheriff Chuck Eddy notified the Board that the Cops Fast funding is available. Motion by Voss, second by Gustafson, to approve and to authorize the Sheriff to sign the application for Cops Fast funds in the amount of \$31,794.00 in the first year. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to approve and to authorize the Chairman and Auditor to sign the agreement with NWIPDC for 'SHIELD' services for FY'96. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board acknowledged the many years of service provided by Phyllis Landsness to the citizens of Buena Vista County with her participation on the Board of Health, and directed the Auditor to send a letter of appreciation to her.

11:15 a.m.--The time having arrived for the public hearing on the County's budget amendment, the Chairman opened the hearing with only media persons present. The Auditor reported that the notice of hearing had been published as required, and that no written objections had been received. Hearing no

objections, motion by Voss, second by Vail, to close the public hearing. Ayes- -Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to approve the amendment to the FY'95 budget at published. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board discussed changing the number of positions, status, and the job descriptions of personnel in the Community Services department. Motion by Voss, second by Vail, to appoint a committee to work on combining the positions of General Assistance, Veteran's Affairs, Fine Collections, and Case Management secretarial support duties. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Gustafson and Bruns volunteered.

1:00 p.m.--In addition to the Board, the following persons were present: Jim Nelson, Administrator, and Jay Christensen, Comptroller, Buena Vista County Hospital. The Chairperson announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan Agreement and the issuance of not to exceed \$2,350,000 Hospital Revenue Capital Loan Notes, Series 1995, in order to provide funds to pay costs of (i) the acquisition of radiology equipment, (ii) the acquisition and renovation of a clinic facility and (iii) paying costs related to the issuance of the Notes, all for the use of Buena Vista County Hospital (the "Hospital") and payable only from the revenues of the Hospital, and that notice of the proposed action by the Board to institute proceedings for the authorization of the Loan agreement and the issuance of the Notes had been published pursuant to the provisions of Sections 331.464 and 331.402 of the Code of Iowa, as amended.

The Chairperson then asked the Auditor whether any written objections had been filed by any County resident or property owner to the proposal. The Auditor advised the Chairperson and the Board that no written objections had been filed. The Chairperson then called for oral objections to the proposal and none were made. Whereupon, the Chairperson declared the time for receiving oral and written objections to be closed.

The Board then considered the proposed action and the extent of objections thereto.

Whereupon, Board Member Jim Gustafson introduced and delivered to the Auditor the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$2,350,000 HOSPITAL REVENUE CAPITAL LOAN NOTES, SERIES 1995", and moved that the Resolution be adopted. Board Member Jack Voss seconded the motion. The roll was called and the vote was: Ayes-- Doug Bruns, Jim Gustafson, Richard Vail, Jack Voss. Nays--none.

Whereupon, the Chairperson declared the measure duly adopted.

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$2,350,000 HOSPITAL REVENUE CAPITAL LOAN NOTES, SERIES 1995

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan Agreement and the issuance of not to exceed \$2,350,000 Hospital Revenue Capital Loan Notes, Series 1995, for the purpose of paying costs of (i) the acquisition of radiology equipment, (ii) the acquisition and renovation of a clinic facility and (iii) paying costs related to the issuance of the Notes, all for the use of Buena Vista County Hospital (the "Hospital") and payable only from the revenues of the Hospital, and has considered the extent of objections received from residents or property owners as to said proposal and, accordingly the following action is now considered to be in the best interest of the County and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA:

Section 1. That this Board does hereby institute proceedings and takes additional action for the authorization of a Loan Agreement and issuance in the manner required by law of not to exceed \$2,350,000 Hospital Revenue Capital Loan Notes, Series 1995, for the foregoing purposes. The Notes shall be designated as two series as follows: (i) \$1,300,000 Hospital Revenue Capital Loan Notes, Series 1995A and (ii) \$1,050,000 Hospital Revenue Capital Loan Notes, Series 1995B (collectively, the "Notes"). The Notes will not constitute general obligations of the County or be payable in any manner by taxation, but will be payable only from and secured by the net revenues of the Hospital.

Section 2. The Auditor, with the assistance of the Board of Trustees and administrative staff of the Hospital, is authorized and directed to proceed on behalf of the County with the negotiation of terms of a Loan Agreement and the issuance of Hospital Revenue Capital Loan Notes, Series 1995, in an

aggregate principal amount of not to exceed \$2,350,000, to select a date for the final approval thereof, and otherwise to take all action necessary to permit the completion of a loan on a basis favorable to the County and the Hospital and acceptable to the Board.

PASSED AND APPROVED THIS 30TH DAY OF MAY, 1995.  
/s/ Lorna Burnside, Chairperson Attest: /s/ Karen M. Strawn, Auditor

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The Board authorized additional hours for MH Director Anita Hallquist to handle **general assistance** and veteran's affairs until a new person can be hired for those duties.

Motion by Gustafson, second by Voss, to approve placement of 1 person (M.S. 5/30/95) at **BV Work Activity Center** 4 days per week (to develop job skills) at \$22.14 per day, to be reviewed in 3 months. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Vice Chairman Voss took the chair temporarily as Burnside stepped out of the boardroom for a phone call. Motion by Vail, second by Gustafson, to approve the placement of 1 person (T.L. 5/30/95) in the **Howard Center** for waiver services, and to authorize the Vice-Chair to sign. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried.

Burnside returned to the meeting.

**Zoning** Administrator Dick Mahn presented draft copies for a subdivision ordinance.

BVWAC Director Barb Frey, with Connie McClain, Cindy Richardson, Brent Mangold, and Craig Fratzke, requested that the County provide funding to remodel 1 of the BVWAC group homes to accommodate the **home & community based waiver services** that could then be provided to 2 persons currently in other placements. She proposed that the savings to the county for changing the placement of these 2 persons, would be large enough in a single year to pay for the remodeling, and the county would see that amount of savings each year. Motion by Gustafson, second by Voss, to appropriate \$35,000 from the current budget (which represents the savings to be gained in 1 year from changing the placement of 2 persons) to the BV Work Activity Center for remodeling expenses to convert a group home to a home & community based waiver home. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Brent Mangold, Mangold Environmental Testing, explained the need for a renewal of the discharge permit for the **Spectra lagoon**. Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign the NPDES permit #1100901 renewal application, and to direct that the notice be posted and published as required. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Clark Fort and Jim Eaton discussed the deadline for quoting the **commercial insurance** for the county. Motion by Vail, second by Voss, to extend the proposal acceptance deadline for commercial insurance proposals to June 27 at 9:00 a.m., and to notify all agents who have requested specifications. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board discussed the information provided by the Chairman, that the **Department of Management** will be deducting an amount from the County's FY'96 **tax asking** to implement the terms of SF 69 which requires the State to begin paying a share of the costs for **mental health services**. The Auditor reported that the Board has sufficient documentation to request an adjustment to the DOM's plan, since the County had already made an adjustment in it's FY'96 budget for the State's participation. Motion by Voss, second by Gustafson, to request reinstatement by the Department of Management of the tax asking which is to be deducted from the County's total tax asking for mental health services-the intent of the request is that BV County not take a double hit for a reduction of these costs. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to decrease the **appropriation** for Public Health services (3040) by \$3,000, and to increase the appropriation for Sanitarian services (3020) by \$3,000, all in the FY'95 budget. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Both Burnside and Vail left the meeting for other commitments. Vice Chair Voss presided over the remainder of the meeting.

MH Director Anita Hallquist reported that while the **North Iowa Transition Center's** rates have not changed, the contract for services for 1 person needs to be renewed. Motion by Gustafson, second by Bruns, to renew the contract for services by the North Iowa Transition Center for 1 person (D.P. 5-30-95) for the period 7/1/95 to 12/31/95 at the same rate of \$52.38/hr, and to authorize the Vice Chair to sign. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Hallquist reported that she had received a letter from David Vestal, ISAC Attorney, confirming that the county must pay for **Outpatient** services at the state institutions. This allows a patient to reimburse

the County for 80% of the cost, which is the amount charged to the County. Otherwise, a patient paying for the services upfront, would have to pay 100%.

There being no further business, the meeting adjourned at 3:55 p.m. to Tuesday, June 6 at 9:00 a.m., for a special session.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SEVENTH MEETING, 1995 SESSION (27)  
JUNE 6, 1995**

The Buena Vista County Board of Supervisors met in special session on Tuesday, June 6, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Bob Lenz, Executive Director, and Tina Engelbart, of the Storm Lake Area Development Corporation, were present for the Board's discussion of the urban renewal information provided by Bob Josten. Bruns asked if the County could structure a TIF agreement to retain the current level of property taxes being paid and apportioned, and TIF only the portion of valuation of a new facility which exceeds the current valuation of the existing facility. He also asked how serious Steve Anderson was about moving out of the County. Gustafson spoke of the total list of incentives being offered to Merrill Mfg., which is a very good package. He suggested that the County is reasonable in offering an 8 yr. TIF, rather than 10 years, the effect being to set a reasonable precedent for handling future requests.

The Board saw a demonstration of the Optech III voting system.

Engineer Jon Ites informed the Board that seeding is finished on C-49, and the project is complete. The 2 culvert projects are also complete.

Motion by Vail, second by Gustafson, to authorize handrail modifications and signing of the bridge near the southeast corner of Section 29, Grant Township. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Chairman left the meeting briefly to receive a drainage complaint, with Voss assuming the chair.

Motion by Gustafson, second by Bruns, to receive the report of the County Engineer, and to authorize installation of a "Watch for Children" sign south of the intersecting roads to South Cove and Stoney Point, for the park area. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Burnside returned to the meeting.

A letter has been received on behalf of a landowner, requesting the Board as Drainage District Trustees to relocate a drainage connection in Section 1, Poland Township. The Engineer suggested that the appropriate correction might be to dig a new ditch. Vail suggested that the landowner should petition the Board for relief so that the Board can order an investigation and report by an engineer. The Chairman will consult the Drainage Attorney regarding procedure.

Larry Zubradt has requested drainage relief at the location where the County constructed a driveway and road to the S. Hayes Pit. The Engineer recommended, and the Board approved, doing a study to determine what options are possible.

County Attorney Phil Havens discussed an Attorney General's Opinion regarding personal use of county equipment. Havens noted that the law does not address all aspects of the usage, and that written policies can be used to clarify how the County wants to handle some of the gray areas. After a number of questions and answers regarding several different departments, Havens provided documentation of his, and his assistants time spent conducting county business since mid-February. At this time, the Board had no further requests of him regarding the FY'96 County Attorney's budget.

Treasurer Kathy Bach discussed a request to assign a tax sale certificate for a property in Marathon. She reported that the city of Marathon does not want to invest \$600 or more to take the tax sale certificate. The owner can file a quit claim deed to get the property into another's name. She recommended that the County not abate back taxes for an individual. Motion by Vail, second by Voss, to deny the request for assignment of the tax sale certificate; to send a letter to the individual suggesting that he request a quit claim deed from the owner and pay the back taxes, noting that this is the least costly method for getting the property in his name; and to authorize the Chairman to sign. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Chairman asked for discussion on providing information to the media. Bruns commented that perhaps statements made at a meeting, are heard differently by the speaker than by the recorder of the minutes. Voss stated that the Board should be totally responsible for what happens during its meeting, not any person working for the Board. Janet Rohrholm and Dana Larsen, Storm Lake Pilot-Tribune provided some comments on what the media is looking for after adjournment from the meeting. Gustafson suggested that the Board could make the decision to conclude every meeting no later than 4:00 p.m. (so that meetings don't run as late as 6:00 p.m), if the Board wants to do so. No formal action was taken, but it was the clerk's understanding that since the law requires open records, her minutes must be made available to the media, during regular working hours, and must not be withheld pending approval of the minutes by the Board.

Motion by Vail, second by Voss, to approve the claim to ISAC in the amount of \$120.00 for 4 registrations for the June legislative workshop. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve the late filing for 1994 homestead credit for parcel #384.00. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Bruns, to approve the appointment of Marvel Olsen, Newell, to the Eminent Domain Compensation Commission in the "knowledge by occupation" category. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to set the date and time of public hearing on the Ag Area petition filed 6/2/95 by Arnold Rasmussen, etal. as June 30, at 11:30 a.m. in the Boardroom. Ayes--Bruns, Gustafson, Vail, Voss. Nays- -none. Carried.

The Board will independently review the applications for the Environmental/Zoning Director.

There being no further business, the meeting adjourned at 12:10 p.m. to Tuesday, June 13 at 9:00 a.m., for a regular session.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-EIGHTH MEETING, 1995 SESSION (28)  
JUNE 13, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, June 13, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Board Member Jack Voss introduced the following Resolution entitled"RESOLUTION PROVIDING FOR PUBLICATION OF NOTICE OF THE PROPOSED ISSUANCE OF HOSPITAL REVENUE CAPITAL LOAN NOTES, SERIES 1995B", and moved that the same be adopted. Board Member Jim Gustafson seconded the motion to adopt. The roll was called and the vote was, Ayes: Bruns, Gustafson, Vail, Voss. Nays: none. Whereupon, the Chairperson declared the Resolution duly adopted as follows:

**RESOLUTION PROVIDING FOR PUBLICATION OF NOTICE OF THE  
PROPOSED ISSUANCE OF HOSPITAL REVENUE CAPITAL LOAN NOTES,  
SERIES 1995B**

WHEREAS, before the issuance of Hospital Revenue Capital Loan Notes, Series 1995B may be authorized, it is necessary to comply with the provisions of Section 147 of the Internal Revenue Code of 1986, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Board proposes to receive oral and/or written objections from any resident or property owner of the County to such action; and

WHEREAS, a notice of public hearing has previously been published setting a public hearing for June 20, 1995; however, in order to comply with federal tax laws, it will be necessary to republish notice to set a hearing for June 30, 1995.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA:

Section 1. That this Board meet in the Board of Supervisors Room, Buena Vista County Courthouse, Storm Lake, Iowa, at 9 o'clock a.m., on the 30th day of June, 1995, for the purpose of the



proposed issuance of not to exceed \$1,050,000 Hospital Revenue Capital Loan Notes, Series 1995B to evidence the obligations of the County thereunder, the proceeds of which will be used to pay the costs of (i) the acquisition and renovation of a clinic facility owned by the Hospital and leased to Buena Vista Clinic Foundation, a nonprofit corporation; and (ii) costs of issuance of such obligations.

Section 2. That the Auditor is hereby directed to cause at least one publication to be made of a notice of said meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in said County, said publication to be not less than 15 days before the date of said public meeting on the issuance of said Notes.

Section 3. The notice of the proposed action shall be in substantially the following form:

NOTICE OF PUBLIC HEARING ON INTENTION TO ISSUE  
HOSPITAL REVENUE CAPITAL LOAN NOTES, SERIES 1995B

PUBLIC NOTICE is hereby given that the Board of Supervisors of Buena Vista County, Iowa, will hold a public hearing on the 30th day of June, 1995, at 9 o'clock a.m., in the Board of Supervisors Room, Buena Vista County Courthouse, Storm Lake, Iowa, at which meeting the Board proposes to issue not to exceed \$1,050,000 aggregate amount of Hospital Revenue Capital Loan Notes, Series 1995B, in order to pay the costs of (i) the acquisition and renovation of a clinic facility located at 620 Northwestern Drive, Storm Lake, Iowa, and (ii) costs of issuance of such obligations, all for the use of Buena Vista County Hospital (the "Hospital"). The Notes will not constitute general obligations or be payable in any manner by taxation, but will be payable only from and secured by the net revenues of the Hospital.

All local residents who appear at the hearing shall be given an opportunity to express their views for or against the proposal to issue the Notes, and at the hearing, or any adjournment thereof, the Board of Supervisors of the County shall adopt a resolution determining whether or not to proceed with the issuance of the Notes.

This notice is given by order of the Board of Supervisors of Buena Vista County, Iowa, as provided by Section 147(f) of the Internal Revenue Code of 1986, as amended. Dated this 13th day of June, 1995. /s/ Auditor, Buena Vista County, Iowa (End of Notice) PASSED AND APPROVED this 13th day of June, 1995.

Attest: /s/Karen M. Strawn, Auditor /s/Lorna Burnside, Chairperson  
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Motion by Gustafson, second by Bruns, to approve the minutes of the 5/16, 5/22, 5/30 & 6/6 meetings as printed. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to transfer \$5,000 from the General Basic fund to the Conservation Land Acquisition Trust fund (as a draw against total funds to be transferred this FY), retroactive to 5/31/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to amend appropriations in the FY'95 budget as follows: SA0 Capital Projects--Conservation increase \$65,000, Secondary Road decrease \$65,000; SA1--Jail increase \$18,000, Comm. Center increase \$34,328, EMS increase \$7, and Child Support Recovery increase \$510; SA8--Elections increase \$5,000; SA9-Custodian increase \$12,500. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board discussed providing opportunities for people required to perform community service. The Board directed the Auditor to send a memo to department heads advising them to use their own discretion in providing a work site, if they find a task that can be performed without loss of confidentiality, or without danger to the person, other people, or county property.

Motion by Voss, second by Vail, to engage the services of Bob Josten, Attorney, to assist in the development of an urban renewal plan, and to draft the proper agreements, for an estimated fee of \$4,000, including no travel expense. Ayes--Gustafson, Vail, Voss. Nays--Bruns. Carried.

A request from KICD, Spencer, for receiving a copy of the completed minutes by fax has been received. Referring to the Code, reasonable accommodation must be made for such requests. Since KICD is already receiving the agenda by fax, this request is not unreasonable, especially since the radio station has offered to reimburse the County for the cost of the fax.

Dick Mahn, Zoning Administrator, reviewed a current request regarding the construction of new hog confinement buildings in the County. Mahn advised the Board of the new requirements for the Board of Supervisors in HF 519. Mahn suggested some type of publicity to make the public aware of this

bill.

Mahn also discussed a re-**zoning** request that he feels might be better handled by a special use permit. With the permit, if the activity ceases, the permit expires at that time. He will initiate the action.

Mahn suggested that the Board might consider in the future, requiring a **permit**, without a fee where applicable, for the construction of any building in the rural area.

Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman to sign an agreement with AIS for the use of an American Information Systems **voting system** for the July 25th Local Option Sales Tax Election, at a cost of \$3,000. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, seconded by Voss, to set the date and time of **public hearing** on the proposed easement to the following described property:  
located in the Northwest Quarter of the Northwest Fractional Quarter (NW1/4 NW Frl 1/4) of Section 18, Township 93 North, Range 36 West of the 5th PM, Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Northwest (NW) Corner of the Northwest Fractional Quarter (NW Frl 1/4) of said Section 18; thence on a recorded bearing of South 00 degrees 00'00" West, along the West line of said Northwest Fractional Quarter (NW Frl 1/4), 1054.00 feet; thence North 89 degrees 34'30" East, 164.30 feet to the East Right-of-Way line of US Highway No. 71; thence South 04 degrees 18'00" West, along said East line, 133.31 feet to the Point of Beginning. Thence continuing along said East line, South 04 degrees 18'00" West, 115.00 feet; thence South 88 degrees 52'46" East, 140.00 feet; thence North 04 degrees 18'00" East, 115.00 feet; thence North 88 degrees 52'46" West, 140.00 feet to the Point of Beginning. Said easement contains 0.37 acres.

as June 20, 1995, at 10:30 a.m., the purpose of said easement being to provide ingress, egress, to property to be owned by Sioux Central Community School District for the new K-12 school building to be built south of Gabrielson Park. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Engineer Intern Steve Petermeier presented **fuel quotes** from Farm Service, Storm Lake and Agland Coop., Alta. Motion by Voss, second by Gustafson, to award the contract for the season's supply of diesel fuel to the low bidder-- Agland Coop., Alta, Iowa, at all sites, in the amount of \$7,642.50. Ayes--Bruns, Gustafson, Voss. Nays--Vail. Carried.

**Nurse** Administrator Karole Graen reviewed March-May Board of Health minutes, and discussed current activities in her department. Due to her department's outreach efforts, 82% of the children under age two in Buena Vista County have received the necessary immunizations. She also discussed several new programs which will increase revenue for her department.

MH Director Anita Hallquist reported on the Community Services **block grant** funding for FY'96, and noted that the expenditure plan is due July 1, 1995.

Hallquist also reported on the Case Manager evaluation. Motion by Gustafson, second by Voss, to approve a 3% **salary increase** effective July 1, 1995, for Dawn Wiseman. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Hallquist reported on one **mental health** account. She suggested that a letter from the Board of Supervisors was needed to be effective. Hallquist will draft the letter requesting a response no later than 7/31/95.

Gustafson reported on the work done to date to re-structure the **Community Services** department. An ad has been placed for a new 35 hr/wk full-time position.

The Board reviewed applications for the **Environmental/Zoning** Director. The consensus of the Board was to have the office for this employee in the E. Richland Annex. Gustafson suggested that if the new director needs clerical assistance, staff from the Auditor's or Treasurer's office could assist. However, the Auditor noted that the job description approved by the Board requires the skill necessary to operate a PC, including word processing software.

Assessor Ted Van Grootheest advised the Board that a conflict of interest exists for the County Attorney regarding a **court case** in which a decision of the Board of Review is appealed. Motion by

Gustafson, second by Bruns, to approve engaging the services of Corwin Ritchie, Attorney, to represent the Board of Review's interest in Bill Lanphere's appeal of the Board of Review decision, due to a conflict of interest on the part of the County Attorney. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Jeff Peters, C.P.A. with Williams & Company, met with the Board to discuss the County's request for proposals for audit services. Peters mentioned the importance of considering proposals of fully qualified firms, with due consideration given to previous experience, and primary scope of business of the firm. Bruns asked about the on-site supervision of staff, the number of entry level staff which would be sent to the County, and internal controls used by Williams & Company. The company has additional services available to provide a complete list of business consulting services.

Wes Stille and Dick Moore, Hunzelman Putzier & Co., discussed the type and quantity of their firm's work, which includes a substantial number of governmental audits.

A representative for Global demonstrated election equipment for the Board. The Board discussed and compared the four systems that have been viewed. The Auditor was directed to correspond with each of the companies to request responses on some of the Board's concerns about each of the systems. The Board scheduled their purchase decision for June 30th, at 9:15 a.m.

Motion by Bruns, second by Gustafson, to approve the following reports: 3/13/95 E911 Service Board minutes, Mar Board of Health minutes, 1st Qtr '95 Child Support Recovery incentives, 4/18/95 E911 Service Board minutes, April- Recorder's fees, Board of Health minutes, May-Conservation Board minutes, Recorder's fees, Clerk of Court fees and surcharges, Board of Health minutes, 5/30/95 budget reports, 6/12/95 notice of Conservation salary changes. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Also reviewed were the revised Mental Health Property Tax Relief notice, farm rent receipt #3828-Jon Anderson, and '94-95 Family Farm Credit.

There being no further business, the meeting adjourned at 3:10 p.m. to Tuesday, June 20 at 9:00 a.m., for a special session.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-NINTH MEETING, 1995 SESSION (29)  
JUNE 20, 1995**

The Buena Vista County Board of Supervisors met in special session on Tuesday, June 20, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Custodian Rollie Sievers, Craig Neulieb and Howard Diischer, Control Systems Specialists, discussed the compressor on one of the courthouse air conditioning units. The Board approved the purchase of a new unit.

Bob Lenz, Executive Director, with Tina Englebart, SLADC Secretary, discussed his research on urban renewal. He confirmed the need for Merrill Mfg. to put building and financing plans together, and to determine the number of dollars needed. Gustafson noted that with other companies which have received incentives from SLADC, financial statements of the companies were provided for review. Lenz agreed that the same would be true with Merrill. Gustafson suggested a request for access to the 25 acre property from Hwy 71 be made to the DOT without delay. Also, Gustafson suggested the need for orderly development of the property adjacent to the Hwy 71 bypass, to avoid an unplanned area similar to that on N. Lake Ave. The Board requested, and Lenz agreed to work with Merrill Mfg. to begin the planning.

9:00 a.m.--Due to the notice received by the Auditor of the revised plans prepared by Linda Kniep of the Ahlers, Cooney...Law Firm, Des Moines, Attorney for the Buena Vista County Hospital, the public hearing regarding the issuance of Hospital Revenue Capital Loan Notes scheduled for today's meeting is delayed to 9:00 a.m., June 30 as re-published.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign a letter to Dan Connell, Attorney, regarding one mental health account. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign, the Community Mental Health Center affiliation notice (designating NW la Mental Health Center, pursuant to Chapter 225.8 of the 1995 Code of Iowa). The notice is an eligibility requirement for receiving mental health grants from the State of Iowa. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign the financial and statistical report for the county's Case Management Purchase of Services Contract with the State of Iowa. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board discussed the number of **insurance** claims filed for the damage done to windshields by rock which has been applied to the road on M-54 and C-49.

Motion by Vail, second by Bruns, to approve the 6/27/95 **payroll claims** subject to audit on 6/30/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Gustafson reported that the application deadline for the **GAVA/CM Sec'y** is June 23, with interviews to follow.

Motion by Gustafson, second by Vail, to approve the **minutes** of the June 13 meeting as corrected. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Sheriff Chuck Eddy introduced his new deputy to the Board. Motion by Vail, second by Gustafson, to **employ** Larry Small Jr. as a Deputy in the Sheriff's department at \$10.16/hr, effective 6/26/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Eddy discussed a proposal for a change in the jailers' schedule, to a 43-hour week, down from 47. The proposal also adjusts jailers' wage rates and adds another part-time jailer. Eddy confirmed for Gustafson that the changes can be accomplished within the **jail** budget as adopted for FY'96. With the removal of the jail monitors from the Communications Center, a substantial increase in premium for liability for the Communications Center has been avoided. Bruns pointed out that the proposed hourly wage rate reflects a substantial increase. Gustafson is concerned about how the rate increase will effect future requests from other departments. Eddy explained that the total dollars earned in a year (except for overtime earned in previous years) will not change, but the rate would increase and the number of hours worked would decrease. The additional part-time jailer is proposed to eliminate overtime payments. Voss stated that he couldn't agree to give the jailers a guarantee of total dollars to be earned. Gustafson will not agree to an amendment of wages in next year's budget, but he does agree with the concept of adding the part-time jailer. Action will be taken on the proposal at the 6/30 meeting.

Engineer Jon Ites reported on the drainage problem at **Pickereel Lake**. He has informed the landowner of the procedure to follow if he desires to pursue drainage relief. The procedure includes filing a petition, and accepting potential liability for the cost of a study. The cost of obtaining the wetland determination will be borne by the drainage district.

Motion by Gustafson, second by Voss, to accept construction work as satisfactorily completed as of this date on the contract with Christensen Bros., and to make final payment subject to an adjusted penalty for late completion of 6 working days (at \$100/day for a total of \$600) under the **contract** agreement for project #'s L-BV-9-95 & L-BV-C-10-95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

A new **motorgrader** has been delivered, but with some damage. Ites is pursuing the repair of the damage with the company, Ziegler Inc. The warrant was issued for the full amount, but was withheld due to the damage. Ites suggested paying at least a portion of the cost, with the final payment coming after completion of the repair. Motion by Gustafson, second by Bruns, that in the event the repair is not completed to the satisfaction of the County Engineer prior to 4:30 p.m. on June 27, to direct the Auditor to void warrant #68748, and to re-issue a warrant to Ziegler Inc. in the amount of 90% of the total price, the balance to be held until the repair is satisfactorily completed. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Vail, to approve and to authorize the Chairman to sign the **underground construction** application of Iowa Lakes Electric Coop., Estherville, Iowa, to install a single phase 7200 volt underground distribution line to upgrade service to Pleasant View Pork, in the SW 1/4 Section 31, Nokomis Twp. from the east side to the west side of 10th Ave. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign the **underground construction** application of Iowa Lakes Electric Coop., Estherville, Iowa, to install a single phase 7200 volt underground distribution line to upgrade services to Robert Koch, from the south side to the north side of 580th St., in SE 1/4 Section 20, Washington Twp. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign the **underground construction** application of Iowa Lakes Electric Coop., Estherville, Iowa, to replace existing failing cable with a 7200 volt distribution line on the west side of Section 6, Barnes Twp., from the north side of 430th St. to the north side of 420th St., along 70th Ave. Ayes--Bruns, Gustafson, Vail, Voss.

Nays--none. Carried.

11:00 a.m.--The Board opened proposals for the County's annual financial audit from the following: Hunzelman Putzier & Co., Storm Lake, Williams & Company, LeMars, and the Auditor of State, Des Moines. The Board will review the proposals and make a decision at the next meeting.

It was the consensus of the Board to approve purchasing the Engineer's vehicle from the current year's budget, and to approve replacing the copier in the Engineer's office.

This year's gravel hauling from the South Hayes Pit will be completed next week. Ites recommended treating the road to the Pit with magnesium chloride since the heavy traffic has caused a dust problem.

Ites proposed a plan for graveling roads this summer using both the County's gravel and gravel from other pits, hauled by outside contractors.

Burnside and Voss reported on the completed interviews for the Environmental/Zoning Director. They will confer with the Board of Health, and then extend an offer.

Motion by Gustafson, second by Vail, to make the following appropriation changes: SA6-Weed Dept. increase \$5,000, Secondary Road decrease \$5,000. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned at 12:40 p.m. to Thursday, June 29 at 8:30 a.m., for a special session.

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**BOARD OF SUPERVISORS MEETING  
THIRTIETH MEETING, 1995 SESSION (30)  
JUNE 29, 1995**

The Buena Vista County Board of Supervisors met in special session on Thursday, June 30, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Assessor Ted Van Grootheest discussed an inquiry by the City of Storm Lake regarding access to the Sidwell system. A connection to the Sidwell information on the County's computer could be accomplished by modem and phone line, or by direct cabling underground between City Hall and the Courthouse. The questions to the Board are whether the Board would permit access, whether access by direct cabling would be permitted, and whether the County would require a fee for access. Van Grootheest suggested that in the future, other towns might also request access. The consensus of the Board was to agree to the connection, and to direct the Assessor to document the information available to be shared with the City. He is also to request documentation of the information to be created by the City which could be shared with the County. Another suggestion was to establish the link, to review the arrangement after 1 year, and at that time consider the question of a fee.

Zoning Administrator Dick Mahn introduced Kim Johnson, the new Environmental/Zoning Director, to the Board. Motion by Vail, second by Bruns, to employ Kim Johnson as the Environmental/Zoning Director at \$22,000 per year, effective June 29, 1995, with a 1 year probation, and an evaluation in 6 months. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Tim Pierce, Stille Pierce & Pertzborn, and Jim Eaton, Olson Eaton Svendsen, were present to review their FY'96 insurance proposals. After discussion, the Board requested additional information, and agreed to table their decision until June 30 at 1:05 p.m.

Engineer Jon Ites suggested a policy for establishing the value of small (under \$2,500) right-of-way purchases, which is now a permitted procedure, rather than using an appraiser for all (large and small purchases). Purchases over \$2,500 still require an appraiser. Motion by Gustafson, second by Voss, to adopt the following Right-of-Way Acquisition Policy: As per Iowa Department of Transportation policy for acquisition of Right-of-Way involving less than \$2,500 per parcel, the Buena Vista County Board of Supervisors hereby establishes for 1995, a rate of 2.5 times the current assessed valuation on file with the County Assessor as the price per acre for land for roadway easement, and 1.75 times the current assessed valuation as the price per acre for land for dirt borrowed. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to accept as satisfactorily completed as of this date secondary road contracts for the following projects: L-BV-C-9-94, L-BV-C-10-94, and L-BV-C-11-95, to approve

final payment, and to authorize the Chairman to sign. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to authorize the Chairman to sign the contracts for provision of #1 & #2 low sulphur diesel **fuel** for FY'96, the contract previously having been awarded to Agland Coop, Alta. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to adopt the following resolution:

**Speed Zone Resolution 95-6-29a**

The Buena Vista County Board of Supervisors hereby establishes a reduced speed zone on the joint city/county road on the east side of Section 15 Fairfield Township (N14). The posted speed limit shall be 40 mph from Main Street to Cherry Street and 50 mph from Cherry Street to Hickory Street. All references are to streets in the City of Albert City. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

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Motion by Bruns, second by Voss, to adopt the following resolution:

**Speed Zone Resolution 95-6-29b**

The Buena Vista County Board of Supervisors hereby establishes a reduced speed zone on the joint city/county road on the east side of Section 2 Hayes Township (Radio Road). The posted speed limit shall be 25 mph starting at Highway 71 and running to approximately 400 feet north of the railroad crossing and 45 mph from that point north to East Milwaukee Avenue. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

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Motion by Gustafson, second by Vail, to approve, and to authorize the Chairman to sign, the FY'96 **maintenance gravel contracts** covering the County as follows: to Gary Reese Trucking, Albert City, to load, weigh, haul, and spread 22,500 tons to designated North Div. 2 (Marathon area) in an amount of \$25,875.00; to Gary Reese Trucking to load, weigh, haul, and spread 20,000 tons to the designated South Div. 2 (Albert City South) in an amount of \$29,000.00; to Gary Reese Trucking to load, weigh, haul, and spread 25,000 tons to the designated area south of Sioux Rapids in an amount of \$41,250.00; to Gary Reese Trucking to load, weigh, haul, and spread 17,000 tons to the designated area near Truesdale in an amount of \$38,250.00; to Wirtjers Trucking, Sac City, to furnish, load, weigh, haul and spread 20,000 tons to the designated Newell area in the amount of \$70,000.00; to Wirtjers Trucking to furnish, load, weigh, haul, and stockpile 15,000 tons at the Newell stockpile in the amount of \$55,500.00; to Hallett Materials, Lake View, to furnish, load, weigh, haul and spread 20,000 tons to the designated area South and West of Linn Grove in the amount of \$73,800.00; and to Hallett Materials to furnish, load, weigh, haul and spread 24,000 tons to the designated area Northwest, West, & Southwest of Alta in the amount of \$117,120.00. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Roadside mower Ralph Koskovich requested that the Board consider paying a portion of replacement **eyeglasses**, the glasses having been broken on the job. The Board denied the request as the replacement glasses will not be safety glasses.

In response to an inquiry from Wetherell, the Board indicated that they are interested in a joint chain-link fence at the **Luedke site**.

**County Attorney** Phil Havens gave the Board an updated copy of an agreement proposal requested by the them earlier. No action was taken on the proposed agreement. After discussion of Bruns' calculations which take into consideration the documented hours recorded by the three attorneys, motion by Bruns, second by Vail, to reduce the amount in the account called "amount not appropriated" in the FY'96 County Attorney's budget, from \$6,400 to \$1,300. Ayes--Bruns, Vail. Nays--Gustafson, Voss. The vote being tied, the Auditor was requested to poll the Board. Bruns-aye, Gustafson-nay, Vail-aye, Voss-nay, Burnside-aye. Carried.

For lack of time, the decision on the annual audit services proposals, which appeared on today's agenda, was postponed to Friday, June 30.

There being no further business, the meeting adjourned at 12:10 p.m. to Friday, June 30 at 8:30 a.m.

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The Buena Vista County Board of Supervisors met in regular session (postponed from Tuesday, June 27) on Friday, June 30, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Motion by Gustafson, second by Voss, to approve the minutes of the 6/20 meeting as printed. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve and to authorize the Chairman to sign, the FY'96 contract for services with the Regional Transit Authority. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to rescind the following drainage levies previously ordered on 4/18/95 in order to prevent double assessments: DD 20-15%, DD49 Lat2-20%, DD 49 Upper Middle-5%, DD 49 Garton Br-10%, these drains having some outstanding waivers; the 225% levy on DD 95 stands as ordered by the Alta City Council, Trustees of DD 95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve the following late filing for 1994 Military exemption: parcel #2932.00. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Chairman appointed Supervisors Voss and Bruns to perform the '95 fiscal year end cash count at 3:00 p.m. today.

Motion by Vail, second by Voss, to approve, and to authorize the Chairman to sign, the fireworks display permit application submitted by Ed and Jon McKenna for July 7 or 8 at Lake Creek Country Club, and, to grant approval to Doug Simons to shoot fireworks at his home west of Alta on July 4; in each case the applicant(s) assume(s) all responsibility for liability and safety. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to approve, and to authorize Supervisor Jim Gustafson (whose signature appeared on the original loan agreement) to sign, a Promissory Note for \$16,950.00 to the State of Iowa, Dept. of Economic Development, for default, by Friesen of Iowa, under agreement CEBA-89-008, the County to act as the receiving/paying agent of the funds being repaid by Friesen. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Chairperson announced that this was the time and place for the public hearing on the matter of the proposal not to exceed \$1,050,000 Hospital Revenue Capital Loan Note, Series 1995B, in order to provide funds to pay costs of (i) the acquisition and renovation of a clinic facility and (ii) paying costs related to the issuance of the 1995B Note, all for the use of Buena Vista County Hospital (the "Hospital") and payable only from the revenues of the Hospital, and that notice of the proposed action by the Board regarding the proposed issuance of the Note had been published pursuant to the provisions of Sections 147 of the Internal Revenue Code of 1986, as amended.

The Chairperson then asked the Auditor whether any written objections had been filed by any County resident or property owners to the proposal. The Auditor advised the Chairperson and the Board that no written objections had been filed. The Chairperson then called for oral objections to the proposal and none were made. Whereupon, the Chairperson declared the time for receiving oral and written objections to be closed.

Board Member Doug Bruns introduced the following Resolution entitled "A RESOLUTION APPROVING AND AUTHORIZING A FORM OF LOAN AGREEMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SECURING THE PAYMENT OF \$1,300,000 HOSPITAL REVENUE CAPITAL LOAN NOTE, SERIES 1995A AND \$1,050,000 HOSPITAL REVENUE CAPITAL LOAN NOTE, SERIES 1995B, OF BUENA VISTA COUNTY, IOWA, UNDER THE PROVISIONS OF THE CODE OF IOWA, AND PROVIDING FOR A METHOD OF PAYMENT OF SAID NOTES AND RELATED MATTERS", and moved its adoption. Board Member Jack Voss seconded the motion to adopt. The roll was called and the vote was: Ayes: Bruns, Gustafson, Vail, Voss. Nays: none. Whereupon the Chairperson, Board of Supervisors declared the following Resolution duly adopted:

#### **RESOLUTION NO. 95-6-30**

A RESOLUTION APPROVING AND AUTHORIZING A FORM OF LOAN AGREEMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SECURING THE PAYMENT OF \$1,300,000 HOSPITAL REVENUE CAPITAL LOAN NOTE, SERIES 1995A AND \$1,050,000 HOSPITAL

REVENUE CAPITAL LOAN NOTE, SERIES 1995B, OF BUENA VISTA COUNTY, IOWA, UNDER THE PROVISIONS OF THE CODE OF IOWA, AND PROVIDING FOR A METHOD OF PAYMENT OF SAID NOTES AND RELATED MATTERS

WHEREAS, the Board of Trustees of Buena Vista County Hospital, sometimes hereinafter referred to as the "Hospital", has heretofore established fees, charges, rates and rentals for services and facilities which are and will continue to be collected as revenues of the Hospital, and said revenues have not been pledged except as hereafter described and are available for the payment of Hospital Revenue Capital Loan Notes, Series 1995A and 1995B, and any additional notes or bonds issued on a parity with such notes or bonds, subject to the following premises; and

WHEREAS, Buena Vista County, Iowa has previously issued its County Public Hospital Revenue Bonds, dated September 1, 1979, which are currently outstanding in the aggregate principal amount of \$80,000 (the "1979 Revenue Bonds") and the Hospital has deposited to the credit of the County Hospital Bond and Interest Redemption Account the ("1979 Revenue Bond Sinking Fund") sufficient cash and U.S. government securities to retire the outstanding 1979 Revenue Bonds at their maturity on June 1, 1996, and to pay interest on such Bonds on and prior to such retirement, and in accordance with the resolution authorizing the 1979 Revenue Bonds, no further payments are required to be made into the 1979 Revenue Bond Sinking Fund; and

WHEREAS, Buena Vista County, Iowa (the "Issuer") proposes, on behalf of the Hospital, to issue its Hospital Revenue Capital Loan Note, Series 1995A, in the principal amount of \$1,300,000 (the "1995A Note"), for the purpose of defraying costs of acquiring radiology equipment, including a CT scanner, and its Hospital Revenue Capital Loan Note, Series 1995B, in the principal amount of \$1,050,000 (the "1995B Note", and collectively with the 1995A Note, the "Notes"), for the purpose of defraying the costs of acquiring and renovating a clinic facility; and it is deemed necessary and advisable and in the best interest of the County that a form of Loan Agreement and other documents relating to the issuance of the Notes be approved and authorized; and

WHEREAS, the notice of intention of Issuer to take action for the issuance of Hospital Revenue Capital Loan Notes in an aggregate principal amount not to exceed \$2,350,000, as required by Iowa Code Section 331.464, has heretofore been duly published and hearing held on May 30, 1995, and no objections to such proposed action have been filed, and the period of 15 days following the taking of such additional action has passed; and

WHEREAS, the notice of public hearing with regard to the proposed issuance of Hospital Revenue Capital Loan Notes, Series 1995B, in an aggregate principal amount not to exceed \$1,050,000, has heretofore been duly published and hearing held on this date, and objections, if any, to such proposed action have been considered; and

WHEREAS, there has been presented to this meeting the following documents which the Issuer proposes to enter into or approve:

1. The form of Loan Agreement between the Issuer and the Purchaser.
2. The form of Revenue Agreement between the Hospital and the Issuer.
3. The form of Paying Agent, Bond Registrar and Transfer Agent Agreement between the Issuer and Norwest Investment Services, Inc.
4. The form of Tax Exemption Certificate of the Issuer.

WHEREAS, it appears that each of the instruments above referred to, which are now before the Board of Supervisors is in appropriate form and is an appropriate instrument for the purposes intended:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA:

WHEREAS, the notice of public hearing with regard to the proposed issuance of Hospital Revenue Capital Loan Notes, Series 1995B, in an aggregate principal amount not to exceed \$1,050,000, as required by Section 147 of the Internal Revenue Code of 1986, has heretofore been duly published and hearing held on this date, and objections, if any, to such proposed action have been considered; and

WHEREAS, there has been presented to this meeting the following documents which the Issuer proposes to enter into or approve:

1. The form of Loan Agreement between the Issuer and the Purchaser.
2. The form of Revenue Agreement between the Hospital and the Issuer.



3. The form of Paying Agent, Bond Registrar and Transfer Agent Agreement between the Issuer and Norwest Investment Services, Inc.
4. The form of Tax Exemption Certificate of the Issuer.

WHEREAS, it appears that each of the instruments above referred to, which are now before the Board of Supervisors is in appropriate form and is an appropriate instrument for the purposes intended:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA:

WHEREAS, the notice of public hearing with regard to the proposed issuance of Hospital Revenue Capital Loan Notes, Series 1995B, in an aggregate principal amount not to exceed \$1,050,000, as required by Section 147 of the Internal Revenue Code of 1986, has heretofore been duly published and hearing held on this date, and objections, if any, to such proposed action have been considered; and

WHEREAS, there has been presented to this meeting the following documents which the Issuer proposes to enter into or approve:

1. The form of Loan Agreement between the Issuer and the Purchaser.
2. The form of Revenue Agreement between the Hospital and the Issuer.
3. The form of Paying Agent, Bond Registrar and Transfer Agent Agreement between the Issuer and Norwest Investment Services, Inc.
4. The form of Tax Exemption Certificate of the Issuer.

WHEREAS, it appears that each of the instruments above referred to, which are now before the Board of Supervisors is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA:

Section 1. Definitions. The following terms shall have the following meanings in this Resolution unless the text expressly or by necessary implication requires otherwise:

"Auditor" shall mean the Auditor of the County or such other officer of the successor Governing Body as shall be charged with substantially the same duties and responsibilities;

"Board" shall mean the Board of Trustees of the Hospital, or its successor in function with respect to the operation and control of the Hospital;

"Corporate Seal" shall mean the official Seal of Issuer adopted by the Governing Body;

"Fiscal Year" shall mean the twelve month period beginning on July 1 of each year and ending on the last day of June of the following year, or any other consecutive twelve month period adopted by the Governing Body or by law as the official accounting period of the Hospital;

"Governing Body" shall mean the Board of Supervisors of the Issuer, or its successor in function with respect to issuing debt to pay costs of improving the Hospital;

"Gross Revenues" with respect to the Hospital as a county enterprise and as defined in Section 331.461(f) (3) of the Iowa Code shall mean all income and receipts derived from the operation of the Hospital;

"Hospital" shall mean the Buena Vista County Hospital and all properties of every nature hereinafter owned by the Hospital comprising part of or used as a part of the Hospital, including all improvements made by Hospital while any of the Notes or Parity Obligations remain outstanding; all real and personal property; and all appurtenances, contracts, leases, franchises and other intangibles;

"Independent Auditor" shall mean an independent firm of Certified Public Accountants or the auditor of the state;

"Issuer" and "County" shall mean Buena Vista County, Iowa;

"Loan Agreement" shall mean the Loan Agreement dated as of June 30, 1995 between the Issuer and the Purchaser in substantially the form attached to and approved by this Resolution;

"Net Revenues" shall mean Gross Revenues of the Hospital less Operating Expenses;

"1995A Note" shall mean Buena Vista County, Iowa Hospital Revenue Capital Loan Note, Series 1995A, in the principal amount of \$1,300,000 authorized to be issued by this Resolution;

"1995B Note" shall mean Buena Vista County, Iowa Hospital Revenue Capital Loan Note, Series 1995B, in the principal amount of \$1,050,000 authorized to be issued by this Resolution;

"1979 Revenue Bonds" shall mean the County Public Hospital Revenue Bonds dated September 1, 1979 currently outstanding in the aggregate principal amount of \$80,000.

"Operating Expenses", as defined in Section 331.461(f) (5) of the Iowa Code, shall mean salaries, wages, cost of maintenance and operation, materials, supplies, insurance, and all other items normally included under recognized accounting practices, but does not include allowances for depreciation in the value of physical property;

"Parity Obligations" shall mean notes or bonds payable from the Net Revenues of the Hospital on an equal basis with the 1995A Note and the 1995B Note herein authorized to be issued;

"Paying Agent" shall mean Norwest Investment Services, Inc., or such designee as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein as Issuer's agent to provide for the payment of principal of and interest on the Notes as the same shall become due;

"Prior Resolution" shall mean the resolutions adopted by the Issuer on April 26, 1977 and September 25, 1979 authorizing the issuance of the 1979 Revenue Bonds;

"Project" shall mean, with respect to the 1995A Note, the costs of acquiring radiology equipment, including a CT scanner and, with respect to the 1995B Note, the costs of acquiring and renovating a clinic facility and costs of issuance with respect to the Notes;

"Project Fund" shall mean the fund required to be established by this Resolution including the accounts therein for deposit of proceeds of the Notes and payment of costs of the Project;

"Purchaser" shall mean Norwest Investment Services, Inc., as the purchaser of the Notes from Issuer at the time of their original issuance;

"Rebate Fund" shall mean the fund so defined in and established pursuant to the Tax Exemption Certificate;

"Registrar" shall mean Norwest Investment services, Inc., or such designee as may be approved by Issuer as provided herein and who shall carry out the duties prescribed herein with respect to maintaining a register of the owners of the Notes. Unless otherwise specified, the Registrar shall also act as Transfer Agent for the Notes;

"Registrar's Agreement" shall mean the Paying Agent, Note Registrar and Transfer Agent Agreement dated as of June 30, 1995 between the Issuer and Norwest Investment Services, Inc., as such agreement may be amended or supplemented;

"Revenue Agreement" shall mean the Revenue Agreement dated as of June 30, 1995 between the Issuer and the Hospital;

"Tax Exemption Certificate" shall mean the Tax Exemption Certificate delivered at the time of issuance and delivery of the Notes, as amended or supplemented in accordance with its terms; and

"Treasurer" shall mean the Treasurer of the county or such other officer as shall succeed to the same duties and responsibilities with respect to the recording and payment of the Notes issued hereunder.

Section 2. Authority. The Loan Agreement and the Notes authorized by this Resolution shall be issued pursuant to Sections 331.402(3) and 331.464, of the Code of Iowa, and in compliance with all applicable provisions of the Constitution and laws of the State of Iowa. The Loan Agreement shall be substantially in the form attached to this Resolution and is authorized to be executed and issued on behalf of the Issuer by the Chairperson, Board of Supervisors and attested by the Auditor.

Section 3. Authorization and Purposes. There are hereby authorized to be issued, without priority of any one Series over the other, negotiable, fully registered revenue notes of Buena Vista County, Iowa, to be designated as (i) "Hospital Revenue Capital Loan Note, Series 1995A", in the principal amount of

\$1,300,000, for the purpose of paying costs of acquiring radiology equipment, including a CT scanner and paying costs related to the issuance of the 1995A Note and (ii) "Hospital Revenue Capital Loan Note, Series 1995B", in the principal amount of \$1,050,000, for the purpose of acquiring and renovating a clinic facility and paying costs related to the issuance of the 1995B Note. The 1995A Note and the 1995B Note shall be treated as separate issues for tax purposes, except the arbitrage rules, as provided in Section 1.150-1(c)(3) of the Regulations. The Board of Supervisors, pursuant to Sections 331.402(3) and 331.464 of the Code of Iowa, hereby finds and determines that it is necessary and advisable to issue said Notes for the foregoing purposes.

Section 4. Source of Payment; Security Interest.

(a) The Notes herein authorized and any Parity Obligations hereafter issued in accordance with the provisions of Section 19 hereof, and the interest thereon shall be payable solely and only out of the Net Revenues of the Hospital and shall be a first lien on the future Net Revenues of the Hospital. To further secure the Notes, the Hospital hereby grants a security interest to the purchaser in the radiology equipment purchased with the proceeds of the 1995A Note. The Notes shall not be general obligations of the Issuer nor shall they be payable in any manner by taxation and the Issuer shall be in no manner liable by reason of the failure of the said Net Revenues to be sufficient for the payment of the Notes.

(b) In order to secure payment of the principal of and interest and premium, if any, on the Notes, Issuer hereby agrees, as a condition precedent to the issuance of the Notes, to execute and deliver a first security interest in the radiology equipment acquired with the proceeds of the 1995A Note.

Section 5. Note Details. The Notes shall be issued in two series, with a single note for each series, and shall be issued on a parity with each other and secured equally and ratably from the sources provided in Section 4 of this Resolution. The Notes shall each be dated their date of delivery, and shall bear interest from the date thereof, payable on September 30, 1995, and quarterly thereafter on the 30th day of March, June, September and December in each year until maturity, or redemption prior to maturity, at the rates hereinafter provided.

The Notes shall be executed by the facsimile or manual signature of the Chairperson, Board of Supervisors and attested by the facsimile or manual signature of the Auditor, and printed or impressed with the seal of the County and shall be fully registered as to both principal and interest as provided in this Resolution. Principal, interest and premium, if any, shall be payable at the office of Norwest Investment Services, Inc. by mailing of a check to each registered owner of Notes.

The 1995A Note shall mature on June 30, 2000, and shall bear interest at the rate of 6.00% per annum on the principal balance remaining from time to time unpaid. Principal and interest on the 1995A Note shall be payable in quarterly installments as set forth in Exhibit A attached hereto.

The 1995B Note shall mature on June 30, 2005, and shall bear interest at the rate of 5.54% per annum on the principal balance remaining from time to time unpaid. Principal and interest on the 1995A Note shall be payable in quarterly installments as set forth in Exhibit B attached hereto.

Section 6. Redemption.

(a) Optional Redemption. The Notes are subject to optional redemption prior to their stated maturity date, beginning on September 30, 1998 and on any business day thereafter, from any funds regardless of source, in whole, but not in part at a redemption price equal to the After Payment Termination Value for each series of Notes as set forth in Exhibits A and B, respectively.

(b) Notice of Redemption. The Registrar will give notice of redemption, identifying the Notes to be redeemed, by mailing a copy of the redemption notice by first class mail at least 30 days prior to the date fixed for redemption to the registered owner of each Note to be redeemed at the address shown on the registration books maintained by the Registrar. Failure to give such notice by mail to any registered owner of the Notes or any defect therein shall not affect the validity of any proceedings for the redemption of other Notes. All Notes so called for redemption will cease to bear interest after the specified redemption date, provided funds for their redemption are on deposit at the place of payment at that time.

Section 7. Registration of Notes; Appointment of Registrar; Transfer; Ownership; Delivery; and Cancellation.

(a) Registration. The ownership of Notes may be transferred only by the making of an entry upon the books kept for the registration and transfer of ownership of the Notes, and in no other way. Norwest Investment Services, Inc. is hereby appointed as Registrar under the terms of this

Resolution. Registrar shall maintain the books of the Issuer for the registration of ownership of the Notes (the "Registration Books") for the payment of principal of and interest on the Notes as provided in this Resolution. The Notes shall be negotiable as provided in Article 8 of the Uniform Commercial Code subject to the provisions for registration and transfer contained in the Notes and in this Resolution.

- (b) Transfer. The ownership of any Notes may be transferred only upon the Registration Books kept for the registration and transfer of Notes and only upon surrender thereof at the office of the Registrar together with an assignment duly executed by the holder or his duly authorized attorney in fact in such form as shall be satisfactory to the Registrar, along with the address and social security number or federal employer identification number of such transferee (or, if registration is to be made in the name of multiple individuals, of all such transferees). In the event that the address of the registered owner of a Note (other than a registered owner which is the nominee of the broker or dealer in question) is that of a broker or dealer, there must be disclosed on the Registration Books the information pertaining to the registered owner required above. Upon the transfer of any such Notes, a new fully registered Note, in aggregate principal amount equal to the unmatured and unredeemed principal amount of such transferred fully registered Notes, and bearing interest at the same rate and maturing on the same date or dates shall be delivered by the Registrar.
- (c) Registration of Transferred Notes. In all cases of the transfer of the Notes, the Registrar shall register, at the earliest practicable time, on the Registration Books, the Notes, in accordance with the provisions of this Resolution.
- (d) Ownership. As to any Note, the person in whose name the ownership of the same shall be registered on the Registration Books of the Registrar shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Note and the premium, if any, and interest thereon shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Notes, including the interest thereon, to the extent of the sum or sums so paid.
- (e) Cancellation. A Note which has been redeemed shall not be reissued but shall be canceled by the Registrar. A Note which is canceled by the Registrar shall be destroyed and a certificate of the destruction thereof shall be furnished promptly to the Issuer; provided that if the Issuer shall so direct, the Registrar shall forward the canceled Note to the Issuer.
- (f) Non-Presentation of Notes. In the event any payment check representing payment of principal of or interest on the Notes is returned to the Paying Agent or if any Note is not presented for payment of principal at the maturity or redemption date, if funds sufficient to pay such principal of or interest on Notes shall have been made available to the Paying Agent for the benefit of the owner thereof, all liability of the Issuer to the owner thereof for such interest or payment of such Note shall forthwith cease, terminate and be completely discharged, and thereupon it shall be the duty of the paying Agent to hold such funds, without liability for interest thereon, for the benefit of the owner of such Note who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Resolution or on, or with respect to, such interest or Note. The Paying Agent's obligation to hold such funds shall continue for a period equal to two years and six months following the date on which such interest or principal became due, whether at maturity, or at the date fixed for redemption thereof, or otherwise, at which time the Paying Agent shall surrender any remaining funds so held to the Hospital, whereupon any claim under this Resolution by the owners of such interest or Notes of whatever nature shall be made upon the Hospital.
- (g) Registration and Transfer Fees. The Registrar may furnish to each owner, at the Issuer's expense, one note for each series.

Section 8. Reissuance of Mutilated, Destroyed, Stolen or Lost Notes. In case any outstanding Notes shall become mutilated or be destroyed, stolen or lost, the Issuer shall at the request of Registrar authenticate and deliver new Notes of like tenor and amount as the Notes so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Notes to Registrar, upon surrender of such mutilated Notes, or in lieu of and substitution for the Notes destroyed, stolen or lost, upon filing with the Registrar evidence satisfactory to the Registrar and Issuer that such Notes have been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the Registrar and Issuer with satisfactory indemnity and complying with such other reasonable regulations as the Issuer or its agent may prescribe and paying such expenses as the Issuer may incur in connection therewith.

Section 9. Record Date. Payments of principal and interest, otherwise than upon full redemption, made in respect of any Notes, shall be made to the registered holder thereof or to such owner's designated agent as the same appears on the books of the Registrar on the 15th day of the month preceding the payment date. All such payments shall fully discharge the obligations of the Issuer and the Hospital in respect of such Notes to the extent of the payments so made. Payment of principal shall only be made upon surrender of the Notes to the Paying Agent.

Section 10. Execution, Authentication and Delivery of the Notes. Upon the adoption of this Resolution, the Chairperson, Board of Supervisors and Auditor shall execute and deliver the Notes to the Registrar, who shall authenticate the Notes and deliver the same to or upon order of the Purchaser. No Notes shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless the Registrar shall duly endorse and execute on such Notes a Certificate of Authentication substantially in the form of the certificate herein set forth. Such certificate upon any Note executed on behalf of the Issuer shall be conclusive evidence that the Note so authenticated has been duly issued under this Resolution and that the holder thereof is entitled to the benefits of this Resolution.

No Notes shall be authenticated and delivered by the Registrar, unless and until there shall have been provided the following:

1. A certified copy of the resolution of Issuer approving the execution of a Loan Agreement and a copy of the Loan Agreement;
2. A written order of Issuer signed by the Treasurer directing the authentication and delivery of the Notes to or upon the order of the Purchaser upon payment of the purchase price as set forth therein;
3. The approving opinion of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C., Bond Counsel, concerning the validity and legality of the Notes proposed to be issued.

Section 11. Right to Name Substitute Paying Agent or Registrar. Issuer reserves the right to name a substitute, successor Registrar or Paying Agent upon giving prompt written notice to each registered noteholder.

Section 12. Form of Notes. The 1995A Note shall be issued substantially in the form set forth in Exhibit C attached hereto. The 1995B Note shall be issued substantially in the form set forth in exhibit D attached hereto.

Section 13. Equality of Lien. The timely payment of principal of and interest on the Notes and any additional Parity obligations shall be secured equally and ratably by the Net Revenues of the Hospital without priority by reason of number or time of sale or delivery; and the Net Revenues of the Hospital are hereby irrevocably pledged to the timely payment of both principal and interest on the Notes and Parity Obligations as the same become due.

Section 14. Application of Note Proceeds. There is hereby established a separate and special fund to be used to pay costs of the Project and to be known as the Hospital 1995 Capital Loan Notes Project Fund. Within such fund, two subaccounts shall be established, to be designated as the "Series A Project Account" and the "Series B Project Account". Proceeds of the 1995A Note shall be credited to the series A Project Account within the Project Fund and expended therefrom for the purposes of the payment of costs of the acquisition of radiology equipment to be financed by the 1995A Note and costs of issuance of the 1995A Note. Proceeds of the 1995B Note shall be credited to the Series B Project Account within the Project Fund and expended therefrom for the purposes of the payment of costs of the clinic facility and costs of issuance of the 1995B Note. Any amounts on hand in the Project Fund shall be available for the payment of the principal of or interest on the Notes at any time that other funds of the Hospital shall be insufficient to the purpose, in which event such funds shall be repaid to the project Fund at the earliest opportunity. Any balance on hand in the Project Fund and not immediately required for its purposes may be invested consistent with limitations provided by law, the Internal Revenue Code, the Tax Exemption Certificate, and this Resolution. Accrued interest, if any, shall be deposited in the Sinking Fund. Any excess proceeds remaining on hand after completion of the Project shall be transferred to the Sinking Fund and used to pay principal on the Notes as due or to call or otherwise retire Notes at the earliest redemption date.

Section 15. User Rates. There has heretofore been established just and equitable fees, rates or charges for the use of the services rendered by and the facilities provided by the Hospital. Said fees, rates or charges are to be paid by the users of the services and facilities provided by the Hospital. So long as the Notes or any Parity Obligations are outstanding and unpaid, the fees, rates or charges to users of

services or facilities of the Hospital shall be sufficient in each year for the payment of the proper and reasonable expenses of operation and maintenance of the Hospital and for the payment of principal and interest on the Notes and Parity obligations as the same fall due, and to provide for the creation of reserves as hereinafter provided.

In the event the Issuer or any department, agency or instrumentality thereof in any way uses or is served by the Hospital, the fees, rates or charges provided for shall be paid by the issuer from its corporate fund, or by such department, agency or instrumentality thereof. Any revenues so collected by the Hospital shall be used and accounted for in the same manner as any other revenues derived from the operations of the Hospital.

Section 16. Application of Revenues. The Hospital shall establish or has established certain funds as required herein, and such funds shall be maintained and used as herein provided. As long as any of the Notes or Parity Obligations shall be outstanding and unpaid, either as to principal or as to interest, or until all of the Notes and Parity Obligations then outstanding shall have been discharged and satisfied in the manner provided in this Resolution or in any subsequent resolutions relating to Parity Obligations, the entire income and revenues of the Hospital shall be deposited as collected in a fund established pursuant to this Resolution and known as the Hospital Revenue Fund (the "Revenue Fund"), and shall be disbursed only as follows:

- (a) Operation and Maintenance Fund. Money in the Revenue Fund shall first be disbursed to make deposits into a separate and special fund to pay Operating Expenses. The fund shall be known as the Hospital Operation and Maintenance Fund (the "Operation and Maintenance Fund"). There shall be deposited in the Operation and Maintenance Fund each month an amount sufficient to meet the Operating Expenses of the month.
- (b) Sinking Fund. Money in the Revenue Fund shall next be disbursed to make deposits into a separate and special fund to pay principal of and interest on the Notes and Parity Obligations. The fund shall be known as the Hospital Notes and Interest Sinking Fund (the "Sinking Fund").
  - (i) In order to provide pro rata security for the payment of the Series A and Series B Notes, there are hereby established two subaccounts of the Sinking Fund entitled "Series A Sinking Account" and "Series B sinking Account". Moneys on deposit in the Sinking Fund shall be allocated to Series A and Series B Sinking Accounts in the proportion that the total principal and interest of each such Series coming due for the fiscal year bears to the total principal and interest of the Notes for the fiscal year without priority of either Series' debt service fund over the other. Except with respect to amounts deposited in accordance with Subsection (b) (ii) below, the required amount to be deposited in the Sinking Fund in any month shall be an amount equal to 1/3 of the installment of interest coming due on the next interest payment date on the then outstanding Notes and Parity Obligations, plus 1/3 of the installment of principal coming due on the then outstanding Notes and Parity Obligations on the next succeeding principal payment date until the full amount of such installment is on hand. If for any reason the amount on hand in the Sinking Fund exceeds the amounts required to be deposited pursuant to (b) (i) and (b) (ii) of this Section 16, the excess shall forthwith be withdrawn and paid into the Revenue Fund. Moneys in the Sinking Fund shall be used solely for the purpose of paying principal of and interest on the Notes and Parity Obligations as the same shall become due and payable
  - (ii) There is hereby created a third subaccount of the sinking Fund entitled "Balloon Sinking Account". In addition to amounts deposited to pay scheduled debt service as provided in subsection (b) (i) above, there shall also be deposited into the Balloon Sinking Account on September 30, 2000 and quarterly thereafter on the 30th day of March, June, September and December in each year until maturity, or redemption prior to maturity, an amount equal to 1/20th of the final payment on the 1995B Note due on June 30, 2005. Any amounts deposited in the Balloon Sinking Account with respect to this final payment will be invested at a yield no higher than the yield on the Notes or will be invested in Tax-Exempt Obligations, as defined in the Tax Exemption Certificate.
- (c) Surplus Revenue. All money thereafter remaining in the Revenue Fund at the close of each month may be deposited in any of the funds created by this Resolution, or may be used to pay for extraordinary repairs or replacements to the Hospital or to redeem Notes or Parity Obligations, or used for any lawful purpose.

- (d) Revenue Bond Sinking Fund. The Hospital, pursuant to the Prior Resolution, has deposited or credited to the County Hospital Bond and Interest Redemption Account established under the Prior Resolution (the "Revenue Bond Sinking Fund") cash and US Government Securities in an amount sufficient to retire all of the remaining 1979 Revenue Bonds at maturity on June 1, 1996, and to pay interest on such 1979 Revenue Bonds on and prior to such retirement.

Amounts credited to the Revenue Bond Sinking Fund are pledged for the purpose of paying the 1979 Revenue Bonds and shall be used solely and only for such purpose, notwithstanding the issuance of the 1995A Note and the 1995B Note. Such amounts shall not constitute security for or a source of payment for the 1995A Note or the 1995B Note.

Money in the Revenue Fund shall be allotted and paid into the various funds and accounts hereinbefore referred to in the order in which said funds are listed on a cumulative basis on the 10th day of each month, or on the next succeeding business day when the 10th shall not be a business day; and if in any month the money in the Revenue Fund shall be insufficient to deposit or transfer the required amount in any of said funds or accounts, the deficiency shall be made up in the following month or months after payments into all funds and accounts enjoying a prior claim to the revenues shall have been met in full.

Moneys on hand in the Sinking Fund provided by this Section, may be invested only as provided in Chapter 12B Code of Iowa or deposited pursuant to Chapter 120 Code of Iowa in financial institutions which are members of the Federal Deposit Insurance Corporation and the deposits in which are insured thereby and all such deposits exceeding the maximum amount insured from time to time by FDIC or its equivalent successor in any one financial institution shall be continuously secured by a valid pledge of direct obligations of the United States Government having an equivalent market value. All such interim investments shall mature before the date on which the moneys are required for the payment of principal of or interest on the Notes.

The provisions of this Section shall not be construed to require the Hospital to maintain separate bank accounts for the funds created by this Section; except that the Sinking Fund shall be maintained in a separate account but may be invested in conjunction with other funds of the Hospital but designated as trust funds on the books and records of the Hospital. The Hospital may designate separate subaccounts within the funds for the purpose of recording the use and investment of the proceeds of separate series of notes. Amounts credited to any subaccount may be invested, together with amounts credited to one or more other subaccounts, in the same investment, provided that the Hospital maintains separate records for each subaccount, sufficient to satisfy the requirements of the applicable tax-exemption certificate.

All income derived from such investments shall be deposited in the Revenue Fund and shall be regarded as revenues of the Hospital. Such investments shall at any time necessary be liquidated and the proceeds thereof applied to the purpose for which the respective fund was created.

Section 17. Covenants Regarding Operation of the Hospital. The Issuer, in reliance upon the covenants of the Hospital contained in the Revenue Agreement between the Issuer and the Hospital, hereby covenants and agrees with each and every holder of the Notes and Parity Obligations:

- (a) Management, Maintenance and Efficiency. That the Issuer has created, organized and placed in control of the administration and management of the Hospital, a Board of Trustees, all as provided in Chapter 347 of the Code of Iowa, as amended. That the Board of Trustees of the Hospital will maintain, or cause to be maintained, the Health Center in good condition and operate it in an efficient manner and at reasonable cost.
- (b) Rates. That on or before the beginning of each Fiscal Year the Board will adopt or continue in effect fees and rates for all services rendered by the Hospital so as to provide revenues for the next succeeding fiscal year sufficient to pay Operating Expenses and the principal of and interest on the Notes.
- (c) Insurance. That the Board of Trustees of the Hospital shall maintain insurance for the benefit of the noteholders on the insurable portions of the Hospital of a kind and in an amount which normally would be carried by private companies engaged in a similar kind of business.
- (d) Accounting and Audits. That the Board of Trustees of the Hospital will cause to be kept proper books and accounts adapted to the Hospital and in accordance with generally accepted accounting practices, and will cause the books and accounts to be audited annually not later than 90 days after the end of each Fiscal Year by an Independent Auditor.
- (e) State Laws. That the Issuer and the Board will faithfully and punctually perform all duties with

reference to the Hospital required by the Constitution and laws of the State of Iowa, including the making and collecting of reasonable and sufficient rates for services rendered by the Hospital as above provided, and will segregate the revenues of the Hospital and apply said revenues to the funds specified in this Resolution.

- (f) Property. That neither the Issuer nor the Board will sell, mortgage or in any manner dispose of the Hospital, or any capital part thereof, including any and all additions that may be made thereto, until satisfaction and discharge of all of the Notes and Parity Obligations shall have been provided for in the manner provided in this Resolution or in such resolutions as are applicable to any Parity Obligations. Provided, however, this covenant shall not be construed to prevent the disposal by the Hospital of property which in the judgment of its Board has become inexpedient or unprofitable to use in connection with the Hospital, or if it is to the advantage of the Hospital that other property of equal or higher value be substituted therefor.
- (g) Budget. That the Board will adopt a budget of revenues and current expenses on or before the end of each Fiscal Year and such budget shall be subject to approval by the Issuer as required by applicable law. Such budget shall take into account revenues and current expenses during the current and last preceding fiscal years. The Board will incur no current expense not included in such budget, and will not permit total current expenses to exceed the budget, unless the Board shall first have adopted a resolution declaring the necessity of such expenses.
- (h) Other Hospitals. That the Issuer will not acquire, construct, operate and maintain or sponsor the acquisition, construction, operation or maintenance of any other hospital or health care or services provider within the Issuer which would compete with the Hospital unless the revenues derived from any such acquisition are included in and constitute a part of the revenues to be allocated in accordance with the terms of this Resolution, after taking into account any debt service requirements of such acquired provider.

Section 18. Remedies of Noteholders. Except as herein expressly limited the holder or holders of the Notes and Parity Obligations shall have and possess all the rights of action and remedies afforded by the common law, the Constitution and statutes of the State of Iowa, and of the United States of America, for the enforcement of payment of their Notes and interest thereon, and of the pledge of the Net Revenues of the Hospital made hereunder, and of all covenants of the Issuer and the Board hereunder.

Section 19. Parity Obligations. The Issuer will issue no other notes, bonds or obligations of any kind or nature payable from or enjoying a lien or claim on the property or Net Revenues of the Hospital having priority over the Notes except as provided in this Section.

Additional obligations may be issued on a parity and equality of rank with the Notes with respect to the lien and claim of such additional obligations to the Net Revenues of the Hospital and the money on deposit in the funds adopted by this Resolution, for the following purposes and under the following conditions, but not otherwise:

- (a) For the purpose of refunding any of the Notes or Parity Obligations;
- (b) For the purpose of making additions, improvements or replacements to the Hospital, if all of the following conditions shall have been met:
  - (i) Before any such notes or bonds ranking on a parity are issued, there will have been procured and filed with the County Auditor, a statement of an independent Certified Public Accountant, not a regular employee of the Hospital, reciting the opinion based upon necessary investigations that the Net Revenues of the Hospital for the preceding Fiscal Year (with adjustments as hereinafter provided) were equal to at least 1.10 times the average annual scheduled payments of principal of and interest on all Notes and Parity Obligations then outstanding which are payable from the Net Revenues of the Hospital and the Parity obligations then proposed to be issued.

For the purpose of determining the Net Revenues of the Hospital for the preceding Fiscal Year as aforesaid, the amount of the Gross Revenues for such year may be adjusted by an independent Certified Public Accountant not a regular employee of the Hospital, so as to reflect tax receipts and any changes in the amount of such revenues which would have resulted had any revision of the schedule of fees, rates or charges imposed at or prior to the time of the issuance of any such additional obligations been in effect during all of such preceding Fiscal Year.



- (ii) There shall have been obtained an opinion of Bond Counsel to the effect that the issuance of such Parity Obligations will not cause interest on the outstanding Notes or any outstanding Parity Obligations to become includible in gross income for purposes of federal income taxation.

Section 20. Disposition of Proceeds: Arbitrage Not Permitted. The Issuer reasonably expects and covenants that no use will be made of the proceeds from the issuance and sale of the Notes issued hereunder which will cause any of the Notes to be classified as arbitrage bonds within the meaning of Section 148 (a) and (b) of the Internal Revenue Code of 1986, as amended (the "Code"), and that throughout the term of said Notes it will comply with the requirements of the Code and regulations issued thereunder.

To the best knowledge and belief of the Issuer, there are no facts or circumstances that would materially change the foregoing statements or the conclusion that it is not expected that the proceeds of the Notes will be used in a manner that would cause the Notes to be arbitrage bonds. Without limiting the generality of the foregoing, the Issuer hereby agrees to comply with the provisions of the Tax Exemption Certificate and the provisions of the Tax Exemption Certificate are hereby incorporated by reference as part of this Resolution. The Treasurer is hereby directed to make and insert all calculations and determinations necessary to complete the Tax Exemption Certificate in all respects and to execute and deliver the Tax Exemption Certificate at issuance of the Notes to certify as to the reasonable expectations and covenants of the Issuer at that date.

The Issuer covenants that it will treat as restricted yield investments any funds required by the Tax Exemption Certificate to be so treated.

"Restricted Yield Investments" are funds or investments which the Issuer covenants not to invest, except during certain temporary periods, at a yield materially higher than the yield on the Notes as defined in the regulations issued under authority of Section 148(b) of the Code. If any investments are held with respect to the Notes or other Parity Obligations, the Issuer shall treat the same for the purpose of restricted yield as held in proportion to the original principal amounts of each issue.

The Issuer covenants that it will exceed any investment yield restriction provided in this Resolution only in the event that it shall first obtain an opinion of recognized bond counsel that the proposed investment action will not cause the Notes to be classified as arbitrage bonds under Section 148 (a) and (b) of the Code or regulations issued thereunder.

The Issuer covenants that it will apply the proceeds of the Notes to pay costs of the Project and costs of issuance. The Issuer further covenants that it will make no change in the use of the facilities constructed or acquired with the proceeds of the Notes or allow use of such facilities by persons other than the Issuer or the Hospital or the general public unless it has obtained an opinion of bond counsel or a revenue ruling that the proposed use will not be of such character as to cause interest on any of the Notes to be included in gross income of holders thereof for purposes of federal income taxation other than substantial users of the facilities, under the provisions of Section 142 (a) of the Code, related statutes and regulations.

Section 21. Additional Covenants, Representations and Warranties of the Issuer. The Issuer certifies and covenants with the purchasers and holders of the Notes from time to time outstanding that the Issuer through its officers and the officers of the Hospital, (a) will make such further specific covenants, representations and assurances as may be necessary or advisable; (b) comply with all representations, covenants and assurances contained in the Tax Exemption Certificate, which Tax Exemption Certificate shall constitute a part of the contract between the Issuer and the owners of the Notes; (c) consult with bond counsel (as defined in the Tax Exemption Certificate); (d) pay or cause the Hospital to pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits relating to the Notes; (e) file such forms, statements and supporting documents as may be required and in a timely manner; and (f) if deemed necessary or advisable by its officers or officers of the Hospital, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the Issuer in such compliance.

Section 22. Amendment of Resolution to Maintain Tax Exemption. This Resolution may be amended without the consent of any owner of the Notes if, in the opinion of bond counsel, such amendment is necessary to maintain tax exemption with respect to the Notes under applicable Federal law or regulations.

Section 23. Qualified Tax-Exempt Obligations. For the sole purpose of qualifying the Notes as "Qualified Tax Exempt Obligations" pursuant to the Internal Revenue Code of the United States, the

Issuer designates the Notes as qualified tax-exempt obligations and represents that the reasonably anticipated amount of tax exempt governmental and Code Section 501(c)3 obligations which will be issued during the current calendar year will not exceed \$10,000,000.

Section 24. Discharge and Satisfaction of Notes. The covenants, liens and pledges entered into, created or imposed pursuant to this Resolution may be fully discharged and satisfied with respect to the Notes and Parity Obligations, or any of them, in any one or more of the following ways:

- (a) By paying the Notes or Parity Obligations when the same shall become due and payable; and
- (b) By depositing in trust with the Treasurer, or with a corporate trustee or escrow agent designated by the Hospital for the payment of said obligations and irrevocably appropriated exclusively to that purpose an amount in cash or direct obligations of the United States the maturities and income of which shall be sufficient to retire at maturity, or by redemption prior to maturity on a designated date upon which said obligations may be redeemed, all of such obligations outstanding at the time, together with the interest thereon to maturity or to the designated redemption date, premiums thereon, if any that may be payable on the redemption of the same; provided that proper notice of redemption of all such obligations to be redeemed shall have been previously published or provisions shall have been made for such publication.

Upon such payment or deposit of money or securities, or both, in the amount and manner provided by this Section, all liability of the Issuer and the Hospital with respect to the Notes or such Parity Obligations shall cease, determine and be completely discharged, and the holders thereof shall be entitled only to payment out of the money or securities so deposited.

Section 25. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Issuer and the holder or holders of the Notes and Parity Obligations, and after the issuance of any of the Notes no change, variation or alteration of any kind in the provisions of this Resolution shall be made in any manner, except as provided in the next succeeding Section, until such time as all of the Notes and Parity Obligations, and interest due thereon, shall have been satisfied and discharged as provided in this Resolution.

Section 26. Modification of Resolution. This Resolution may be amended from time to time if such amendment shall have been consented to by holders of not less than two-thirds in principal amount of the Notes and Parity Obligations at any time outstanding (not including in any case any Notes which may then be held or owned by or for the account of the Issuer, but including such refunding obligations as may have been issued for the purpose of refunding any of such Notes if such refunding obligations shall not then be owned by the Issuer); but this Resolution may not be so amended in such manner as to:

- (a) Make any change in the maturity or interest rate of the Notes, or modify the terms of payment of principal of or interest on the Notes or any of them or impose any conditions with respect to such payment;
- (b) Materially affect the rights of the holders of less than all of the Notes and Parity Obligations then outstanding; and
- (c) Reduce the percentage of the principal amount of Notes, the consent of the holders of which is required to effect a further amendment whenever the Issuer shall propose to amend this Resolution under the provisions of this Section, it shall cause notice of the proposed amendment to be filed with the Purchaser and to be mailed by certified mail to each registered owner of any Note as shown by the records of the Registrar. Such notice shall set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory Resolution is on file in the office of the Auditor.

Whenever at any time within one year from the date of the mailing of said notice there shall be filed with the Auditor an instrument or instruments executed by the holders of at least two-thirds in aggregate principal amount of the Notes then outstanding as in this Section defined, which instrument or instruments shall refer to the proposed amendatory Resolution described in said notice and shall specifically consent to and approve the adoption thereof, thereupon, but not otherwise, the Governing Body of the Issuer may adopt such amendatory Resolution and such Resolution shall become effective and binding upon the holders of all of the Notes and Parity Obligations.

Any consent given by the holder of Notes pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the instrument evidencing such consent and shall be conclusive and binding upon all future holders of the same Notes during such period. Such consent

may be revoked at any time after six months from the date of such instrument by the holder who gave such consent or by a successor in title by filing notice of such revocation with the Auditor.

The fact and date of the execution of any instrument under the provisions of this Section may be proved by the certificate of any officer in any jurisdiction who by the laws thereof is authorized to take acknowledgments of deeds within such jurisdiction that the person signing such instrument acknowledged before him the execution thereof, or may be proved by an affidavit of a witness to such execution sworn to before such officer.

The amount and numbers of the Notes held by any person executing such instrument and the date of his holding the same may be proved by an affidavit by such person or by a certificate executed by an officer of a bank or trust company showing that on the date therein mentioned such person had on deposit with such bank or trust company the Notes described in such certificate.

Section 27. Severability. If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions.

Section 28. Repeal of Conflicting Ordinances or Resolutions and Effective Date. Subject to the last paragraph of Section 16 hereof, all other Ordinances, Resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed; and this Resolution shall be in effect from and after its adoption.

Section 29. Revenue Assessment. The Chairperson and the Auditor are hereby authorized and directed to execute and attest the Revenue Agreement between the Issuer and the Hospital in substantially the form attached to this Resolution.

Section 30. Paying Agent, Registrar and Transfer Agent Agreement. The Chairperson and the Auditor are hereby authorized and directed to execute and attest the Registrar Agreement in substantially the form attached to this Resolution.

PASSED AND APPROVED this 30th day of June, 1995.

/s/ Lorna Burnside, Chairperson ATTEST: /s/ Karen M. Strawn, Auditor

Bob Dixon, Global Election Systems, reviewed his company's proposal for election equipment for the County. Materials submitted by the other companies which had demonstrated their equipment previously, were distributed, and the Board scheduled July 7 for their decision.

Motion by Vail, second by Bruns, to increase the appropriation for activity 9100 (Custodian) by \$4,500, and to decrease the appropriation in activity 9030 (Dept. 98) by \$4,500, due to the unexpected need to replace an air conditioner compressor. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to accept the proposal of Hunzelman Putzier & Co. for annual financial audit services for FY'95, FY'96, and FY'97, and to authorize the Chairman to sign. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Treasurer Kathy Bach presented a tax suspension notice. Motion by Gustafson, second by Vail, to approve the suspension of taxes on parcel #'s 8730.00 & .10, 8731.00 & .10, 8731.25 & .35, all pursuant to Chapter 427.9 of the 1995 Code of Iowa. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to delete one special assessment on tax sale certificate #9242 for parcel #3383.00 in the amount of \$120, at the request of the City of Sioux Rapids which initially requested the assessment. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

10:30 a.m.--The time having arrived for the public hearing on the proposed easement from the County to the Sioux Central School District, the Chairman opened the hearing with the Board, the County Attorney, County Engineer, 7 interested persons, and 1 media person present. The Chairman noted that the notice of public hearing had been published as required.

Rolf Mosbo, Chairman of the Sioux Central School Board, reviewed for the Board of Supervisors that a petition for an election to build a new school did not include the naming of the site, and so the site was not named on the ballot. However, the location south of Gabrielson Park was always the School Board's choice, and, the site had been frequently discussed and publicized prior to the election. Although the DOT originally denied the school's request for a driveway off Hwy 71, the DOT will be doing an on-site survey.

The Chair confirmed that the purpose of today's hearing was only to consider an easement to the driveway owned by Buena Vista County, not the issue of where the school should be built.

Conservation Boardmember Arnie Hicks asked who will have the liability on the driveway. County Attorney Phil Havens reviewed the easement as currently proposed, including a hold harmless clause recommended by the County's liability insurance carrier. Havens stated that the County would have no more and no less liability than before an easement might be given. However, the exposure might be greater due to the increased volume of traffic. A person claiming damages due to using the driveway for purposes related to the school and its activities, would seek relief from the school, with the County having no liability. The reverse would be true if the driveway were used for access to Gabrielson Park and Gustafson Lake, the County's liability would be in question, not the school's.

School representatives agreed that the cost of work to the driveway, including paving, and installation of a fence on the south side of the park property, would be the school's expense.

Conservation Board representatives confirmed that they have given approval for the proposed easement.

Sioux Rapids City Councilperson, Dennis McHugh, confirmed that the city is proceeding with the paperwork for extension of sewer and water to the site, with the school to pay the costs for the services.

Having received no written objections to the granting of the easement, and hearing none from those assembled, motion by Voss, second by Gustafson, to close the Public Hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to adopt the following resolution:

#### **RESOLUTION 95-6-30b**

Be it resolved by the Buena Vista County Board of Supervisors, that an easement for ingress and egress, as described in the attached proposed Easement for Roadway, be granted to the Sioux Central Community School District by gift and that the Chairperson of the Board of Supervisors and the County Auditor be authorized to sign the attached easement for roadway. Passed and approved this 30th day of June, 1995. /s/Lorna Burnside, Chairman of the Board of Supervisors | Attest: /s/Karen M. Strawn, Auditor

The vote on the foregoing resolution was: ayes--Bruns, Gustafson, Vail, Voss, nays--none. Carried.

The Board reviewed a report completed by an inspector for Cincinnati Insurance Company on his boiler and water heater inspections at **Spectra Health Care**. Gustafson will view the equipment and make arrangements for any necessary improvements.

11:30 a.m.--The time having arrived for the public hearing on the **Ag Area** petition filed June 2, 1995 by Arnold Rasmussen, etal, the Chairman opened the hearing with 2 interested persons present. The Chairman confirmed that public notice had been properly published, that no written or verbal objections had been filed, and that the petition meets the requirements of the law. Rod Rasmussen discussed the hog-raising project planned for the site. Hearing no objections to the ag area, motion by Vail, second by Bruns, to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Bruns, to approve the Ag area petition filed June 2, 1995, by Arnold Rasmussen, etal. to add-on to an existing ag area (Dale Bodholdt etal., approved 12/20/94) in Section 30, Newell Township, the boundary description of the area to be included being more particularly described as follows: in Section 30, Newell Township, Buena Vista County, Iowa, beginning at the NW corner of the SW 1/4 NE 1/4, thence south to the SW corner of the NW 1/4 SE 1/4, thence east to the SE corner of the NE 1/4 SE 1/4, thence north to the NE corner of the SE 1/4 NE 1/4, thence west to the NW corner of the SW 1/4 NE 1/4 to the beginning point, containing approximately 160 acres. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Vail informed the Board that the DD 14-42 **drainage** request from Rod Kleaveland, which he had withdrawn, has now been reactivated.

Motion by Vail, second by Voss, to extend Rollie Sievers' last day of **employment** to August 23, 1995, to accomplish paying vacation and compensatory time bi-weekly, rather than in a lump sum, and to approve payment for the vacation and compensatory time at his July 1, 1995 approved rate. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve a **transfer** from the General Basic Fund, to the Conservation Land Acquisition Trust Fund, \$5,250, which includes \$2,750 budgeted to be paid toward the wildlife exhibit, and \$2,500 for a security light at the Sturchler Pit area, a project not completed in FY'95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Insurance Agents Tim Pierce and Jim Eaton Jr. presented additional information and additional options regarding their **insurance proposals for FY'96**. Since Eaton did not provide a quote on this item, Voss wants to be certain there is no gap in law enforcement coverage (because he feels it is the County's most important coverage), therefore, he favors awarding coverage to the current agent. Gustafson confirmed that Eaton could provide law enforcement coverage if awarded the insurance. Motion by Gustafson, to award FY'96 insurance coverage to Olson Eaton Svendsen, the low bidder, and an A+ company. The motion died for lack of a second.

Motion by Voss, second by Vail, to award FY'96 insurance coverage to Stille Pierce and Pertzborn for the following coverages: property, contractor's equipment floater, inland marine (Communications Center radio equipment), boiler and machinery, commercial auto, commercial crime, public employee bond, general liability, worker's compensation, commercial umbrella, law enforcement professional liability, public officials errors & omissions liability, and electronic data processing equipment; at the \$1,000,000 limits for general liability, auto, and nurse's professional coverages. Motion by Vail to amend Voss's motion by adding "due to the Olson Eaton Svendsen proposal being incomplete". The amendment died for lack of a second. Motion by Gustafson, second by Bruns, to amend Voss's motion by adding the following language: "the term of the award to be 1 year, and to request proposals for FY'97 with new specifications to be available by March 1, 1996". The vote on the amendment was: ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The motion as amended is: to award the FY'96 insurance coverage to Stille Pierce & Pertzborn, for the following coverages: property, contractor's equipment floater, inland marine (Communications Center radio equipment), boiler and machinery, commercial auto, commercial crime, public employee bond, general liability, worker's compensation, commercial umbrella, law enforcement professional liability, public officials errors & omissions liability, and electronic data processing equipment; at the \$1,000,000 limits for general liability, auto and nurse's professional coverages, the term of the award to be 1 year, and to request proposals for FY'97 with new specifications to be available by March 1, 1996. Ayes--Bruns, Vail, Voss. Nays--Gustafson. Carried.

**Case Manager** Dawn Wiseman reported on several clients. Motion by Vail, second by Voss, to authorize a **diagnostic evaluation** for 1 person, and to authorize the Chairman to sign. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Motion by Gustafson, second by Bruns, to approve placement of 1 person in the **Lutheran Family Services Supervised Apartment Program**, and to authorize the Chairman to sign. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

John Winkelman, **Howard Center Inc.** Executive Director, discussed the needs of 1 Buena Vista County client currently served by his facility. Motion by Vail, second by Voss, to approve continued placement of 1 person in the Howard Center Inc. duplex for an additional 90 days at the current rate. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign the following claims: to Buena Vista County Auditor for postage for **DD14-42 293S Jt.**--\$7.68, and to Buena Vista County Auditor for postage for **DD 22 Jt.**--\$1.10, and, the Auditor was directed to submit the claims to the other county(s) for approval. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Gustafson, to approve the following reports: June 13 budget reports. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to authorize payment after 7/1/95 and prior to 7/11/95 to Schuelke Auto and Rasmussen Ford for the 2 vehicles purchased for the **Sheriff's Department**. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve the addition of 1 part- time **jailer** as proposed by the Sheriff for restructuring the jail work schedule. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Burnside left, and Voss chaired the remainder of the meeting.

The Board discussed the Sheriff's proposal to reduce the jailers' hours of work from 47 to 43 per week, and to increase the jailers' wage percentages for the purpose of maintaining the annual earned jailers wages (total) at the same amount previously earned under the 47 hour/week schedule (overtime not included). The Chair called for a motion on the proposal. There being none, with the time for adjournment at hand, the Chair tabled consideration of the proposal until July 7, and asked for a motion to adjourn.

Motion by Gustafson, second by Bruns to adjourn. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried. The meeting adjourned at 2:55 p.m. to Friday, July 7 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-SECOND MEETING, 1995 SESSION (32)  
JULY 7, 1995**

The Buena Vista County Board of Supervisors met in special session on Friday, July 7, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, and Voss, and with Auditor Strawn as clerk for the meeting. Absent--Vail.

The Board discussed issues to be addressed in the personnel policy revisions including compensatory time, and employment of employee spouses.

Motion by Gustafson, second by Voss, in keeping with the County's adopted 5-Year Capital Expenditure Plan, to approve transfer of \$220,000 from the General Basic Fund to the Capital Projects Fund, retroactive to 6/30/95. Ayes- -Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to approve the transfer of \$7,000 from the General Basic Fund to the Capital Projects Fund for the Courthouse air conditioning compressor, retroactive to 6/30/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Vail arrived for the meeting.

The Auditor presented a spreadsheet review of the four voting systems which have been demonstrated for the Board. Bob Bugner, Microvote, and Bob Dixon, Global, were present and answered questions, and stressed the benefits of their respective systems.

Motion by Gustafson, second by Vail, to make the selection of new voting equipment after the 7/25/95 local option sales tax election in which the AIS system will be used. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Bugner offered no-cost trial of the Microvote system for the 8/8/95 Storm Lake bond election. Dixon also offered (if his company agrees) his system for the school election on September 12.

The consensus of the Board was that Microvote would not be the best system for Buena Vista County. Motion by Gustafson, second by Bruns, to notify Microvote that the County declines Microvote's offer of a no-cost trial of their equipment for the 8/8/95 bond election. Ayes--Bruns, Gustafson, Vail. Nays--Voss. Carried. Regarding the use of Global equipment for an election, Voss suggested waiting to see if a proposal is offered before deciding whether to decline.

The Board will meet July 10 at 9:00 a.m. with its local option sales tax committee.

Voss and Gustafson indicated that they could see no reason for a written agreement with the County Attorney for overhead expenses. No action was taken, and Haven's proposed agreement was withdrawn.

Motion by Voss, second by Gustafson, to deny Rick Peterson's request for a list of employees, but instead to include a copy of Peterson's letter regarding deferred compensation with employee paychecks. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, that there be no change in the current hourly jailers' wage rates (other than the 6% Compensation Board recommendation for the Sheriff effective 7/1/95). Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Voss left for another meeting.

Motion by Bruns, second by Vail, to re-appoint Bob Stoughton to the Zoning Board of Adjustment for a 5 year term expiring 6/21/00. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried.

Motion by Vail, second by Gustafson, to appoint Kim Johnson as the County's representative to

the NW IA Regional Housing Authority. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried.

Motion by Gustafson, second by Bruns, to appoint Engineer Jon Ites to the joint city/county Hwy 71 bypass zoning committee. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried.

Environmental Health/Zoning Director, Kim Johnson, asked if there would be a problem if she continues as Albert City's Zoning Officer. The Board approved her continuing in the position as long as there is no conflict. If a problem arises, the Board will re-address the issue at that time.

Johnson will begin work on updating the subdivision ordinance, this project having been started, then set aside for a time. She will contact NWIPDC and get herself up-to-date.

Motion by Vail, second by Bruns, to appoint Kim Johnson to the Safety Committee due to her environmental health responsibilities. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried.

There being no further business, the meeting adjourned at 11:05 a.m. to Monday, July 10 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-THIRD MEETING, 1995 SESSION (33)  
JULY 10, 1995**

The Buena Vista County Board of Supervisors met in special session on Monday, July 10, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, and Voss, and with Auditor Strawn as clerk for the meeting. Absent: Vail.

Present to discuss the promotion of the local option sales tax election were: Dean Baughman, Judy Bodholdt, Chuck Goodman, Joyce Myrick and Carolyn Reiling. These persons and Tom Aronson, Dennis Gutz, Clinton Hoferman, Herb Crampton, and Mike Rebuhn have also agreed to serve. The committee will be called Citizens for Property Tax Relief.

There being no further business, the meeting adjourned at 11:05 a.m. to Tuesday, July 11 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-FOURTH MEETING, 1993 SESSION (34)  
JULY 11, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 11 at 8:30 A.M. in the boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Deputy Auditor Jean Chindlund inquired about the current ceiling for participation in the flex benefit-medical reimbursement program. This is the proper time to consider and make a change, if the Board chooses to do so. Motion by Gustafson, second by Vail, to increase the maximum dollar amount for flex benefit enrollment for the medical reimbursement program from \$1,500 to \$1,800. Ayes--Bruns, Gustafson, Vail. Nays--Voss. Carried.

Motion by Gustafson, second by Voss, to approve the minutes of the 6/29, 6/30, 6/7, and 6/10 meetings as corrected. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Head Custodian Dewyne Stucynski reported that the air conditioners are both working properly after replacement of one compressor, and repair of a leak in the other (which was purchased 6/30/92). Johnny Boyd, Huntington Ewing McKinney Architects, P.C., will inspect tomorrow and report on the repair plans for the Courthouse roof (so the Board can evaluate the 4 proposals received), the handicap accessibility for the ramp, and for the attachment of safety equipment for window washing, to a beam on the roof.

Engineer Jon Ites discussed federal legislation just introduced to establish the National Highway System. Metrication would be delayed until the year 2000.

Motion by Voss, second by Gustafson, to set the date and of bid letting for a bridge and 2 culvert projects as: 10:00 a.m. on August 22, 1995, in the Boardroom. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to accept the low quote of Rohlin Construction to crush and

stockpile 50,000 ton of maintenance gravel at the Whitney Pit for \$1.33/ton, to be completed by next spring. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve purchase of the value- added insurance from Caterpillar on the new motorgrader at a cost of \$2,300.00. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried.

The Board directed the Engineer to investigate costs for a ripper to use for 'pull-up' work, and survey equipment.

MH Director Anita Hallquist introduced Kristina Ball to the Board. Motion by Gustafson, second by Bruns, to employ Kristina Konradi as the Secretary/General Assistance Clerk in the Community Services Department at \$6.50/hr. effective 7/10/95, on a fulltime basis at 35 hours/wk., with an evaluation in 6 months. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried.

Hallquist provided a University of Iowa Hospitals quota report, and discussed the problem of illegal aliens being treated there due to currently having no way approved to verify eligibility for services.

Hallquist's estimate for the county's case management reimbursement rate for FY'96 is \$141.51-CMI \$140.12-MR.

Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman to sign the final report for reimbursement (under a substance abuse grant agreement with the State of Iowa) of \$2,496 spent for educational services with NW IA ADTU for FY'95. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried.

Gustafson reported on a County Case Management Services meeting at ISAC. ISAC will hire a consultant to assist with managed care. A 2-day training session is planned for Sept-Oct. He noted some concerns and confusion about the way the Mental Health Access Plan is supposed to operate.

Motion by Vail, second by Bruns, to meet today as long as it takes to complete today's meeting. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried.

#### **APPROPRIATION RESOLUTION 1995-7-11a**

It was moved by Voss, second by Vail, that the following resolution be adopted: that WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year commencing July 1, 1995 in accordance with section 331.434 (Sec 6) 1995 Code of Iowa, NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Buena Vista County, Iowa, as follows:

Section 1. The amounts itemized by department or office on the certified County Budget for 1995-96 are hereby appropriated at 100% from the resources of each fund so itemized, to the department or office listed in the 1995-96 budget, with the exception of the County Attorney's department for which all but \$1,300 is appropriated.

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 from the itemized fund effective July 1, 1995.

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 their resolution.

Section 4. If at any time during the 1995-96 budget year the Auditor shall ascertain that the available resources of a fund for that year will be less than said fund's total appropriation 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 amount charged thereto, and the unencumbered balance. The Auditor shall report the status of such accounts to the applicable departments and officers monthly during the 1995-96 budget year. The Auditor shall also provide a summary report of all departments to the Board monthly.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 1996.



The above resolution was adopted, with the vote of the Buena Vista County Board of Supervisors on July 11, 1995 being as follows: ayes--Bruns, Gustafson, Vail, Voss; nays--none. Carried.

**RESOLUTION FOR INTERFUND OPERATING TRANSFERS 1995-7-11b**

It was moved by Vail, second by Voss, that the following resolution be adopted: WHEREAS, it is desired to transfer monies from the General Basic Fund to the General Supplemental Fund and to the Secondary Road Fund; and to transfer from the Rural Services Basic Fund to the Secondary Road Fund; and WHEREAS, said operating transfers are in accordance with section 331.432, Code of Iowa, NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Buena Vista County, Iowa as follows:

Section 1. The sum of \$669,420 is ordered transferred from the General Basic Fund to the General Supplemental Fund, with one-half the amount to be transferred no earlier than July 1, 1995 and the last one-half to be transferred no earlier than January 1, 1996. The sum of \$150,900 is ordered transferred from the General Basic Fund to the Secondary Road Fund with one-half the amount transferred no earlier than July 1, 1995 and the last one-half transferred no earlier than January 1, 1996. The sum of \$921,100 is ordered transferred from the Rural Services Basic Fund to the Secondary Road Fund with one-half the amount transferred no earlier than July 1, 1995 and the last one-half transferred no earlier than January 1, 1996.

Section 2. The total maximum transfer from the General Basic Fund to the Secondary Road Fund shall not exceed \$ and the total maximum transfer from the Rural Basic Fund to the Secondary Road Fund shall not exceed \$ all for the fiscal year beginning July 1, 1995.

Section 3. The Auditor is directed to correct her books accordingly and to notify the Treasurer and Engineer of these operating transfers, accompanying the notification with a copy of this resolution and the record of its adoption.

The above resolution was adopted, with the vote of the Buena Vista County Board of Supervisors on July 11, 1995 being as follows: ayes--Bruns, Gustafson, Vail, Voss; nays--none. Carried.

Motion by Gustafson, second by Vail, to approve the following late filing for 1994 and 1995 homestead credit for parcel #4830. Ayes--Bruns, Gustafson, Vail. Nays--Voss. Carried.

Motion by Gustafson, second by Vail, to approve the FY'94 Buena Vista County Cost Allocation Plan prepared by David M. Griffiths and Associates, and to approve and to authorize the Chairman to sign the accompanying certification statement. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to approve and to authorize the Interim Committee member to sign the work orders of Jt. DD #181 at the following locations: sites 95-6, 95-8, 95-9, all in Pocahontas Co. and 95-10 in Calhoun Co. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve the following claims: to Clay Co. Secondary Roads for \$240.00 for tile repair on DD #14-42 Lat. 65; to Clay Co. Secondary Roads for \$157.00 for tile repair on DD #14-42 Lat. 198; to Clay Co. Secondary Roads for \$411.00 for ditch maintenance on DD #14-42 Main; to Clay Co. Secondary Roads for \$1,108.80 for ditch repair on DD #22 Main OpenDitch; and to Clay Co. Secondary Road for \$252.00 for tile repair on DD #22 Lat. 252. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to adopt the following policy: any property no longer needed in any department should be brought to the Board of Supervisor for approval before disposing of same. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried. Also discussed was inquiring whether any other department can make use of the item.

Motion by Bruns, second by Vail, to approve the following reports: FY'94 Cost Allocation Plan, June Sheriff's fees. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried. Other reports reviewed: 5/18 NWIPDC minutes.

Bruns and Strawn reported on the fiber-optics meeting in Spencer on the changes in the 1995 Machinery and Equipment tax law.

There being no further business, the meeting adjourned at p.m. to Tuesday, July 25, 1995 at 8:30 A. M. in the boardroom for a regular session.

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The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 25, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Custodian Dewyne Stucynski and Architect Glen Huntington discussed courthouse roof repairs, and modifications to the courthouse ramp for handicap accessibility. For the roof, Huntington proposed applying a 45 mm surface material (EPDM membrane) with a small rise in the center of the roof for drainage. New insulation would be installed under the rise. The life of this treatment is 10-20 years. The project could be done all at once, or in stages at a higher cost. The Board agreed to have Huntington proceed to draw up specifications for bidding in March, 1996, to allow adequate time for planning, and so the project can be completed in 1 stage, with payment at the end of FY'96 and the beginning of FY'97, to achieve cost savings.

The Board viewed the courthouse ramp on the east side of the building and Huntington's proposal for modification. The concept adds length, and a layer of concrete to the existing ramp, to reduce the angle of slope by stretching over the entire length. He estimated the cost to be \$20,000 for the ramp, \$3,000 for the doors, or a possible \$25,000 total.

Engineer Jon Ites presented plans for 3 secondary road projects, 2 culverts and 1 bridge, for Board signatures.

Cherokee County is re-surfacing their county road M-21, and has requested using Buena Vista County M-27 for the necessary detour. Motion by Voss, second by Gustafson, to permit Cherokee to use M-27 as a designated detour route for Cherokee Co. M-21 as follows, on M-27 from Hwy 3 north to its intersection with C-16, then west on C-16 to the Buena Vista/Cherokee County line. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

DOT Maintenance Engineer Clyde Bartel has requested by letter that the County to provide snow removal on the Hwy 71 bypass during the 95-96 winter season. The DOT will provide whatever temporary surfacing the County requires- gravel, etc. The DOT does not have snow maintenance equipment for gravel surfaces. With no objection from the Board, Ites will discuss rates, etc. with Bartel.

Ites discussed the proposed vacation of the existing county road in South Casino Beach Addition. Property which will become the new 92nd Ave., but is not yet established as a road, cannot be worked on by the county until the road is established. Ites will work with Steve Roth, the contact person for the project regarding dust control and sealcoating.

Bruns has reported a location between Elk & Scott Townships where water is being dumped into the county's right-of-way. Ites proposed using home rule to impose some restrictions to solve the drainage problem where private tile drains into the county road ditches. Ites will consult with Drainage Attorney Greg Schiller and meet with the Board next week.

Vic Hansen, south of Linn Grove, has requested a wider driveway. Ites recommended extending the 3'x3' box culvert with an apron on each side, which would also be beneficial to the County. He suggested that the County participate in the cost because of that benefit. Adding aprons will be less expensive than installing a new, longer culvert. New pipe would be in better condition, but would also require aprons.

It was the consensus of the Board to approve the sealcoating of approximately 175 feet from the county sealcoat to the private Stoney Point drive, at such time when the private drive is sealcoated.

Voss suggested flagging the 25 mph speed limit on Radio Road. Currently, the typical speed is higher than 25 mph. He emphasized that there is no point in having the slower speed limit, if there is no attempt to enforce it.

Darwin Monson, who attended the meeting, asked about the current condition of C-49. His vehicle picked up a great deal of tar from that road the day prior. Ites has a consultant coming to evaluate the road condition.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign, the utility construction application of Iowa Lakes Electric, Estherville, to replace overhead distribution lines on the County road described as follows: T-92N, R-37W, Scott Twp., SW 1/4 of Section 13, NW 1/4 of Section 24, E 1/2 of Section 23, and 26. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to approve and to authorize the Chairman to sign the **underground construction** application of US West to replace existing buried cable line 1 mile west of Storm Lake in Sections 8 & 9 of Hayes Township. Ayes--Bruns, Gustafson, Vail, Voss. Nays-none. Carried.

Environmental/Zoning Director Kim Johnson introduced Rollin Tiefenthaler, partner in the project to construct a quick-shop/gas station at the **Hwy 3 & 71** location, with above-ground fuel storage tanks. Tiefenthaler is seeking Board approval for the tanks in order to proceed with other requirements. Motion by Vail, second by Gustafson, to approve the proposed location of the above-ground fuel storage tanks at the 'Hwy 3 & 71' location as follows: a portion of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of Section Thirty (30), Township Ninety-two (92) North, Range Thirty-six (36) West of the 5th P.M. more particularly described as follows: Beginning at the Southwest Corner of Section 30, thence due North along the West line of Section 30 for 398.2 feet; thence North 85 24' East for 623.0 feet; thence due South for 449.8 feet; thence North 89 51' West for 621.0 feet to the point of beginning; and to authorize the Chairman to sign a letter stating the Board's approval. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Johnson reported on the first **Hwy 71 bypass** zoning meeting with the city, but no action has been taken yet.

Motion by Vail, second by Voss, to adopt the following **resolution**:

**RESOLUTION NO. 1995-7-25a**  
**RESOLUTION DECLARING THE NEED FOR A HOUSING AUTHORITY**  
**IN THE COUNTY OF BUENA VISTA, IOWA**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF BUENA VISTA COUNTY, IOWA,

That the Board of Supervisors of the County of Buena Vista, Iowa, hereby determine, find, and declare that:

1. Unsanitary and/or unsafe inhabited dwelling accommodations exist in the County of Buena Vista, Iowa;
2. There is a shortage of safe and/or sanitary dwelling accommodations in the County of Buena Vista, Iowa, available to persons of low income or rentals they can afford; and
3. There is need for a housing authority to function in the County of Buena Vista, Iowa; and
4. The County of Buena Vista, Iowa, wishes to join with other jurisdictions similarly situated for purpose of creating a multi-county housing authority that can command the resources necessary to develop housing in the County of Buena Vista, Iowa, and other jurisdictions similarly situated; and
5. The County Board of Supervisors of the County of Buena Vista, Iowa, joining together with other Cities similarly situated to create a multi-county housing authority which may exercise any power, privilege or authority, authorized by the Iowa Constitution or statute or charter, which a housing authority duly designated solely as the Housing Authority of the County of Buena Vista, Iowa, or a community might enjoy, but never beyond the limitation of such powers, privileges or authority for the purposes of the development and management of housing in the County of Buena Vista, Iowa, and other similarly situated jurisdictions; and
6. The shortage of safe and sanitary dwelling accommodations in the County of Buena Vista, Iowa, at rent which persons of low income can afford, compels that this resolution become effective without delay; and, therefore, the same shall take effect and be in force immediately upon its adoption.

WHEREAS, a resolution has been passed and adopted entitled "Resolution Approving and Authorizing the Execution of a Certain Joint Exercise of Powers Agreement for the purpose of Creating a Multi-County Housing Authority."

NOW, THEREFORE, Pursuant to the provision of Chapter 28E. Code of Iowa', and by virtue of our office as County Board of Supervisors, we hereby appoint the one (1) person hereinafter named to serve as

Representative of the Northwest Iowa Regional Housing Authority, representing the County of Buena Vista, Iowa, and to serve for the number of years appearing after her name, respectively, from the 25th day of July, 1995. Name of Representative: **Kim Johnson**. Number of years: **3**.

The vote on the above resolution was: ayes--Bruns, Gustafson, Vail, Voss; nays--none. Carried.

Johnson reported progress on the **subdivision ordinance** which she is working on with a NWIPDC staffer.

Johnson will attend a DNR meeting at Iowa Lakes Community College re: **environmental health** issues including septic tanks, feedlot regulations, illegal solid waste disposal, etc.

A citizen has inquired about Buena Vista County regulations on **confinement operations**, specifically regarding a location in Washington Township. The County does not currently have any regulations.

Johnson reported that **Sanitarian** Ray Kurtz has resigned. She also noted that a school for sanitarians will be held in January.

**Treasurer** Kathy Bach presented her semi-annual report, and Deputy Auditor Sue Kennedy, the FY'95 monthly cash flow report and a report of total FY'95 expenditures by department. Motion by Gustafson, second by Voss, to approve the Treasurer's semi-annual report, and to authorize the Supervisors to sign. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Bach reported that the City of Marathon will be seeking assignment of several **tax sale certificates**. The City Attorney is preparing the paperwork.

Dollars from the Storm Lake Chamber of Commerce's "**Storm Lake Bucks**" program have been presented to Bach for payment for renewing car licenses. She explained that she is required to accept 'legal tender', and that she collects funds as an agent for the Iowa Dept. of Transportation. The person complaining has requested an official decision from the Board of Supervisors. Motion by Gustafson, second by Bruns, to direct that no county office accept 'Storm Lake Bucks' for any type of payment or purchase at the county, as it is not legal tender. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Engineer Jon Ites presented a request for traffic control at Linn Grove. Motion by Vail, second by Gustafson, to authorize the temporary **closure** of the road through Section 8, Barnes Twp. during the period from August 6-11, 1995. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

MH Director Anita Hallquist and Secretary Kristina Ball discussed a request for **general** relief assistance with a hospital bill. The Board denied the request for the current time.

From a report prepared by Case Manager Dawn Wiseman, the Board noted that Buena Vista County realized a savings of \$65,000 in FY'95 by using a **case management** program to place and monitor clients in the least-restrictive, least cost services.

Motion by Bruns, second by Vail, to appoint Barbara Hooper as the CMI consumer representative to the **Targeted Case Management Advisory Board**. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The consensus of the Board was that mileage paid to **Mental Health Advocate** Charlene Anderson should be reimbursed at 25 cents/mile, the same as county employees are reimbursed.

**General Relief/Veteran's Affairs Secretary** Kristina Ball requested 3 days personal time off (for her wedding in September). The Board approved and agreed to her working a few additional hours in advance, as long as the weekly hours don't exceed 40.

Engineer Ites proposed a permit procedure to be used when approving work to be done in the **right-of-way**.

Motion by Vail, second by Voss, to approve the consent agenda as printed:

--approve the **minutes** of the 7/10 and 7/11 meetings as corrected;  
--approve & authorize the Chairman to sign the EMS **training funds grant** agreement for FY'96;  
--approve late **filings** for the following parcels--'95 Homestead on #'s 3497.00, 4271.00, 6075.60-,9001.00, 9179.00, 9442.00, 9323.50, 3888.00, and 9404.50, and '95 Military exemption on

#9442.00;

--approve the following reports--April-June Mangold Env. Test. of Spectra lagoon, June Clerk's fines & surcharges, Recorder's fees, Conservation Board minutes, 7/12/95 Case Mgt. Advisory Board minutes, Becker Gravel Certificate of Insurance.

Also reviewed were:

--City Development Board UA 95-12 Storm Lake Voluntary Annexation; 4th Qtr FY'96 liquor license fees, 7/13/95 Communications Center letter, (NPDES) Permit, DOM letter re: property tax reduction, and Spectra boiler inspection report.

Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to appoint Voss as representative and Bruns as alternate to the Region III Local Emergency Planning Committee. Ayes- -Bruns, Gustafson, Vail, and Voss. Nays--none. Carried.

The Board acknowledged receipt of a petition to vacate a road in Nokomis Township submitted by Lois Bruns. The Board directed that the research be done so that a date of public hearing to consider the vacation, can be set.

Motion by Vail, second by Voss, to set the date and time of public hearing on the Ag Area petition filed 7/25/95 by Gaylon Anderson, etal., as August 15, 1995 at 8:30 a.m. in the Boardroom. Ayes--Bruns, Gustafson, Vail, and Voss. Nays--none. Carried.

Earlier in the meeting it was noted, in response to a question about paid time to serve as witness during a trial, that the County's personnel policy provides for wages to be paid when an employee has jury duty. The policy does not allow payment of wages for time spent testifying, or waiting to testify, whether subpoenaed or not.

There being no further business, the meeting adjourned at 2:30 p.m. to Monday, July 31 at 8:30 a.m. to canvass the results of today's Local Option Sales Tax Election.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-SIXTH MEETING, 1995 SESSION (36)  
JULY 31, 1995**

The Buena Vista County Board of Supervisors met in special session on Monday, July 31, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting. Delayed: Voss. The purpose of the meeting was to canvass the results of the July 25, 1995, election.

Having completed the Canvass of the local option sales tax election held July 25, 1995, pursuant to Chapter 50.24 of the 1995 Code of Iowa, motion by Gustafson, second by Bruns, on the question "Shall the following public measure be adopted?--A local sales and services tax shall be imposed in the City/County of Buena Vista, at the rate of one percent (1%) to be effective from October 1, 1995, until September 30, 2005", to declare the results as follows:

- \*total votes cast: 2,085;
- \*City of Alta Yes-87 No-82 approved;
- \*Cities of Lakeside & Storm Lake Yes-908 No-468 approved;
- \*City of Rembrandt Yes-29 No-7 approved;
- \*Buena Vista County unincorporated area Yes-312 No-192 approved.

The vote on this motion was ayes--Bruns, Gustafson, Vail; nays--none. Carried.

Engineer Jon Ites presented for the Chairman to sign, the contract with Rohlin Construction Co., Estherville, Iowa, for 50,000 tons of gravel crushed and stockpiled at the Whitney Pit at \$1.33/ton.

Ites discussed the results of the inspection of the C-49 & M-54 sealcoat projects by a representative of the company supplying the oil. The problem may be in part due to the mixing of the crack sealing material (from a prior year) with the new material. M-54 appears now to be stable.

Motion by Bruns, second by Gustafson, to set September 5, 1995, at 11:00 a.m. in the Boardroom, as the date and time of public hearing to consider vacation and closing of the road described as follows: a portion of the public highway sixty-six feet in width beginning near the West 1/4 corner of Section fourteen (14), Township ninety-one North (91N), Range thirty-eight West (38W) of the Fifth Principal Meridian (5th P.M.) Buena Vista County and running east to the East 1/4 corner of said section. The public highway described above is presently marked and signed as 565th St. on the Buena

Vista County 911 system. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried.

Motion by Bruns, second by Vail, to set September 5, 1995, at 11:15 a.m. in the Boardroom, as the date and time of public hearing to consider changing the service classification of the **road** located between the SW 1/4 of Section 14 and the NW 1/4 of Section 23, Nokomis Township, being 1/2 mile in length, from **service Level B** to Level A. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried.

Motion by Gustafson, second by Bruns, to adopt the following resolution:

**RESOLUTION #1995-7-25 TO VACATE PORTION OF COUNTY ROAD**

BE IT RESOLVED by the Board of Supervisors of Buena Vista County, Iowa:

The Board of Supervisors proposes to vacate all that part of the existing county road lying within the following described property:

A part of Government Lots No. 1 and 2 in the West One-Half of the Southwest Quarter (W 1/2 SW 1/4) of Section 9, T-90-N, R-37-W of the 5th P.M., Buena Vista County, Iowa, and being more fully described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of said Section 9; thence on an assumed bearing of South 88 13'46" East, along the South line of said Southwest Quarter (SW 1/4), 576.47 feet; thence North 04 35'53" East, 478.26 feet to the point of beginning.

Thence North 77 46'16" East, 162.47 feet; thence North 12 18'34" West, 712.68 feet; thence South 77 40'08" West, 66.00 feet; thence South 04 35'53" East, 718.93 feet to the point of beginning. The above described parcel contains 1.87 acres and is subject to all easements of record.

A public hearing will be held in the Supervisors' Board Room, Buena Vista County Courthouse, Storm Lake, Iowa on the 19th day of September, 1995, at 9 o'clock A.M., at which time the Board of Supervisors will hear objections from any interested party. The Auditor is directed to publish notice of the hearing in conformance with state law, not less than four (4) days nor more than twenty (20) days before such hearing.

The vote on this resolution was: ayes--Bruns, Gustafson, and Vail, nays--none. Carried.

It was the consensus of the Board to approve using the 'auto care package' packet provided by the county's insurance company, to display the **"certificate of insurance"** in the county vehicles.

Supervisor Voss arrived.

Upon completion of the review of the ordinance, motion by Vail, second by Voss to approve the 1st Reading of **Ordinance 2.1a** - Local Option Sales Tax. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board discussed performing another trial use of **election equipment** for the September school election. The attributes of the various types of booths used in the July 25th election were discussed. Vail suggested trying Optech and Global at the school election.

Tim Knust, **AIS** Representative, discussed the results of his technician's examination of the AIS 150 used in the local option sales tax election. Several details were identified in the ballot feed problem. Both the 'pick' belt, and the 'pick' arm were not in proper adjustment, so that multiple ballots were sent through, caused by the machine not having been adjusted correctly at the factory. Also, without a technician present or on the phone that night, the opportunity to make adjustments as conditions warranted, was lost. The heavy humidity of the day may have been absorbed by the ballots, and possibly the light ballot weight and lack of print powder may have also contributed to the problem.

Knust stated that AIS is taking the problems encountered by Buena Vista County very seriously, and will not charge the county the \$3,000 previously agreed upon for the trial use of AIS equipment. He also suggested that AIS would not ask for a decision within 30 days of the election as previously requested. AIS does request payment for the \$350 programming fee for the chip which is unique to the specific election it was prepared for.

Knust proposed, since July 25th was not a good test of the equipment, that the county use AIS equipment for the school election. This would give the Board a better look at what AIS equipment can do. In the event the AIS equipment is purchased, there would be a standing guarantee allowing return of the

equipment if we are dissatisfied.

Strawn requested that the Board make a decision no later than Friday, the filing deadline, on the equipment to be used for the school election, to allow sufficient time to plan and have the appropriate ballot types printed. Burnside suggested that if AIS is still under consideration, she would like to see another trial. The consensus of the Board was to accept the offers of Global and Optech for trial use of their election equipment for the school election, and for one or more Boardmembers to observe AIS equipment in a nearby county at that election.

The Board discussed the recent publication of the minutes from the 6/30 meeting at which the board accepted an insurance proposal for FY'96. Gustafson stated that his motion offered should have been published, even though it died for lack of a second. Strawn explained how the minutes are edited for publication, which is done according to the Board's annual January resolution to publish the actions of the board, and the list of claims approved.

Motion by Gustafson, second by Bruns, to re-publish from the minutes of June 30, 1995, Gustafson's offered motion regarding acceptance of the Olson Eaton Svendsen insurance proposal, along with the paragraph which follows, as part of today's minutes. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Those minutes are as follows: [Motion by Gustafson, to award FY'96 insurance coverage to Olson Eaton Svendsen, the low bidder, an A+ company. The motion died for lack of a second. (new paragraph) Motion by Voss, second by Vail, to award FY'96 insurance coverage to Stille Pierce and Pertzborn for the following coverages: property, contractor's equipment floater, inland marine (Communications Center radio equipment), boiler and machinery, commercial auto, commercial crime, public employee bond, general liability, worker's compensation, commercial umbrella, law enforcement professional liability, public officials errors and omissions liability, and electronic data processing equipment; at the \$1,000,000 limits for general liability, auto and nurse's professional coverages. Motion by Vail to amend Voss's motion by adding "due to the Olson Eaton Svendsen proposal being incomplete". The amendment died for lack of a second. Motion by Gustafson, second by Bruns, to amend Voss's motion by adding the following language: "the term of the award to be 1 year, and to request proposals for FY'97 with new specifications to be available by March 1, 1996." The vote on the amendment was: ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.]

Motion by Voss, second by Bruns, that when publishing the minutes of the supervisors' meetings, to direct that all motions, whether or not seconded, and any action requiring a consensus of the Board be published with the list of claims, in the county's official newspapers. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve the proposed tree removal agreement for use in DD #181. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned at 11:30 a.m. to Tuesday, August 8 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-SEVENTH MEETING, 1995 SESSION (37)  
AUGUST 8, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 8, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, and Voss, and with Auditor Strawn as clerk for the meeting. Delayed: Vail.

Motion by Gustafson, second by Voss, to approve the minutes of the 7/25 & 7/31 meetings as clarified. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve the following late filings: for 1994 Homestead credit on parcel #'s 2581.00 & 2133.80; for 1995 Homestead credit on parcel #'s 2581.00, 2133.80, 2299.00, 7851.50, 3515.00, 885.40 & 5731.75; for 1995 Military exemption on parcel #4515.00. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Attorney Corwin Ritchie & Rollin Tiefenthaler appeared before the Board to request consideration of an urban renewal area for the Hwy 3 & 71 property which Tiefenthaler has purchased for a gas station/quick shop. Urban renewal (Chapter 403, 1995 Code of Iowa) allows a rebate of taxes on commercial property. The request is not for abatement, bonding or tax increment financing, but a rebate of the taxes associated with the valuation of any improvements put on the land. Rebate options discussed were a 3-year 100% rebate, and a 10-year declining tax rebate. The request must also be heard by the Truesdale City Council because the location is within 2 miles of the city limits. Ritchie asked for an

indication of interest from the Board. Gustafson asked what happens if the business sells after the 3-year rebate, would a new owner receive the rebate? No-it runs the course of the 3 years only. Bruns is concerned about providing government support to a new business, which will then be competition for existing businesses. Ritchie noted that this is a blighted area, and this would be an improvement to the property. The Board indicated a willingness to cooperate on the request.

Engineer Jon Ites presented a quote from Paul Koth Construction for correction of the **Lakeside blacktop** drainage problem. The quote was for \$2,425, plus the cost of boring & casing, estimated by Ites at approximately \$1,800. Motion by Voss, second by Gustafson, to accept the Paul Koth Construction quote for drainage repair on the Lakeside blacktop in the amount of \$2,425 plus boring, or an estimated total of \$4,265, the first \$1,000 to be paid by IBP for the contractor, Northfield Construction, and the remainder to be divided equally and paid by IBP and the County. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Regarding the **small claims** action filed by Dennis Waters concerning a cracked front windshield on a vehicle driven on C-49, the County Attorney has recommended denial of the claim. The engineer and attorney will consult with the county's insurer.

Ites received a request to purchase strippings from the Goldsmith Pit by the City of **Marathon**. It was the consensus of the Board to approve giving the City of Marathon 400 ton of strippings, if they do the hauling.

Vail joined the meeting.

Ites provided the Board with a progress report on the **gravel** hauling contracts with Gary Reese Trucking, Wirtjers, and Hallett Construction. He also presented for the Chairman's signature, the renewal application for "Eligibility to Receive Federal **Excess Property**".

Motion by Gustafson, second by Bruns to approve and to authorize the Chairman to sign the preliminary pay estimate to Kuehl and Payer for project No. RS-3029(1)--61-11 (**C-63** grading). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites received a phone request from the IDOT for a detour route to accommodate a portion of the **Hwy 71 bypass** project. Ites is concerned about the length of the proposed detour, and he and Voss will discuss other options with the DOT at the construction meeting.

Ites asked boardmembers to view several area patrol buildings so that planning can begin for a building at the **Luedke site**.

Ites discussed the additional manpower which will be needed to do more design work for the increase in **secondary road** projects to be done in the future, made possible by funding from the local option sales tax. He requested that the Board consider long range planning for infrastructure improvement, including hiring a draftsman. The Board approved beginning the search process.

**Mental Health** Director Hallquist updated the Board on several issues: the quarterly Veterans Affairs report; placement of a person at Spectra Health Care; a billing from an ICF-MR facility for juveniles which represents the final bill that the county will be responsible for, as the state will now be paying the cost; new reporting forms implemented to track mental health expenditures, and cost savings obtained by the case management program.

**Nurse** Administrator Karole Graen, and **Env/Zon** Director Kim Johnson discussed Board of Health minutes.

Motion by Vail, second by Bruns, to approve and to authorize the Chairman to sign the **underground construction** application of MM&I Remodeling, Dan Bergland, to install and connect a 3/4" water line to the city main at 122 Scott St., Casino Beach, Lot 4, Block 7, the line to be bored and installed at a depth of 60". Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Supervisor Voss left for an out of town meeting.

Treasurer Kathy Bach met with the Board to discuss a request from the City of Marathon for assignment of several **tax sale certificates** for properties within the city limits. Motion by Vail, second by Gustafson, to assign the following tax sale certificates to the City of Marathon: certificate #'s 9229, 9230, 9401.1, 1818, 9403.1, 9228, 1858, 1819, 1777, 1689, 1690, 1691. Ayes-- Bruns, Gustafson, Vail. Nays--none. Carried. One additional certificate included in Marathon's request was excluded from the above action, pending correspondence with a person previously interested in the property.



Motion by Vail, second by Bruns, to approve the 2nd Reading of **Ordinance** 2.1a-Local Option Sales Tax. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried. The final reading will be held Tuesday, August 15, 1995.

The auditor was directed to send a letter to the Buena Vista **County Fair Board** requesting notice of their meetings.

Motion by Vail, second by Gustafson, to authorize the **transfer** of \$15,000 from the E911 Surcharge fund, to the E911 Long Term debt fund, retroactive to July 31, 1995. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried.

Motion by Vail, second by Bruns, to approve the following **reports**: June- July Bd. of Health minutes, July Conservation Bd. minutes. Ayes--Bruns, Gustafson, Vail. Nays--none. Carried. Also reviewed was the BV Co. Hospital FY'95 unaudited financial statement.

The Board discussed generally what programs should be considered on **tax incentives** for economic development such as tax abatement, tax rebate, TIF, urban renewal or re-vitalization, and what types of businesses should be considered for these programs. Burnside asked whether ISAC might be a source of information on whether other counties have an economic development policy addressing some of these issues. The auditor was directed to inquire.

There being no further business, the meeting adjourned at 2:00 p.m. to Tuesday, August 15 at 8:30 a.m. for a special session to canvass the results of the Storm Lake Bond election.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-EIGHTH MEETING, 1995 SESSION (38)  
AUGUST 15, 1995**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 15, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting. Absent--Bruns.

8:30 a.m.--The time having arrived for the Public Hearing on the Gaylon Anderson, etal. **Ag Area Petition** filed 7/25/95, the Chairman opened the hearing with no interested persons present. After review of the petition, confirmation that the petition meets the legal requirements, confirmation that notice was properly published, and hearing no objections, motion by Gustafson, second by Vail, to close the public hearing. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve the Ag Area Petition filed 7/25/95 by Gaylon Anderson, etal. for the following: 592 acres including land located in Sections 22, 23, & 24 Lee Township, more particularly described as: beginning at the junction of Highway 10 and 180th Ave., then 160 rods due east then 160 rods due north then 160 rods due west; then due north to the center of the drainage ditch; then follow ditch west to center of Section 23 then due west 160 rods then due north 80 rods due west 160 rods then due south 80 rods then due east 80 rods then due south 160 rods then due east 240 rods then due north 80 rods then due east 160 rods then 80 rods due south to the beginning point of Highway 10 and 180th Ave. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Having completed the **canvass** pursuant to Chapter 50.24 of the 1995 Code of Iowa, motion by Voss, second by Vail, to declare the results of the Special Storm Lake Bond Election held 8/8/95 on Public Measure A -"Shall the City of Storm Lake, Iowa, issue its bonds in an amount not exceeding the amount of \$2,400,000 for the purpose of constructing and equipping a new Police Department/City Hall Administration Building and acquiring land therefor?" as follows: total number of votes cast--1171; Yes--305, No--866, the measure being declared defeated, and the auditor being directed to prepare and forward an abstract of the election results to the City of Storm Lake. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

The Board of Supervisors proceeded to canvass the results of the votes of the special measure proposition cast at a special City election held on August 8, 1995, and now embodies its findings and conclusions in the resolution next hereinafter set out, which was introduced by Supervisor Jack Voss who moved its adoption, seconded by Supervisor Richard Vail. After due consideration of said resolution by the Board of Supervisors, the Chairperson put the question upon the adoption of the resolution, and the roll being called, the following named Supervisors voted: AYES: Jim Gustafson, Richard Vail, Jack Voss; NAYS: None.

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

**RESOLUTION 8-15-95**

WHEREAS, the City Council of the City of Storm Lake, Iowa, heretofore did legally call a special election to be held on Tuesday, August 8, 1995, and ordered submitted thereat to the qualified electors of said City, the following special measure proposition:

"Shall the City of Storm Lake, Iowa, issue its bonds in an amount not exceeding the amount of \$2,400,000 for the purpose of constructing and equipping a new Police Department/City Hall Administration Building and acquiring land therefor?"  
and

WHEREAS, legal, sufficient and timely notice of the submission of the proposition at the election and of the date and hours of the election, and of the voting precinct or precincts thereof, with their corresponding polling place or places, was duly published and a correct and complete copy of said proposition was posted at each polling place or places during the day of election throughout the hours thereof, all in strict compliance with the orders of the Board of Supervisors:

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF BUENA VISTA, IN THE STATE OF IOWA, AS FOLLOWS:

Section 1. That it is hereby found, determined and declared:

First - That said election was held and conducted in each of the voting precincts or precinct of said City at the respective polling place or places, pursuant to due notice, and in strict compliance with law, and that said proposition and the vote thereon complies strictly with law.

Second - That at said election, on the proposition above set out, there were cast 1171 ballots, of which 305 votes were cast "YES" and 866 votes were cast "NO" and 0 ballots were cast blank or defectively marked, the vote by precinct or precincts being as set forth and abstracted in the official tally list a copy of which is attached hereto.

That the total number of persons voting in the precinct or precincts at said election on said date, as is shown by the election registers and poll tally lists, was 117Z.

Third - Neither the above proposition nor any proposal incorporating any portion thereof, was submitted to the electors of such City within the six months preceding the date of the election canvassed hereby.

Section 2. That said proposition and the results of the vote thereon, shall be entered at large in the minutes book, all in conformity with Chapter 50, and in particular Section 50.24 of the Code of Iowa.

Section 3. That a copy of this Resolution, the Abstract of Votes and the original tally lists, are hereby delivered to the Commissioner of Elections for filing as required by law.

PASSED AND APPROVED, this 16th day of August, 1995. /s/Lorna Burnside,  
Chairperson, Board of Supervisors

ATTEST: /s/ Karen M. Strawn County Auditor and Commissioner of Elections

Motion by Voss, second by Gustafson, to approve the minutes of 8/8/95 meeting as printed. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve an interfund loan in the amount of \$40,000 from the General Basic to the Rural Basic fund, retroactive to July 1, 1995, to be repaid prior to 6/30/96. Ayes--Gustafson, Vail, Voss. Nays-- none. Carried. Additionally, the Board noted that corrective transfers will be made, pursuant to the FY'95 budget, as follows: \$220,000 from Rural Basic to Secondary Road fund (being \$13,750 less than the total approved due to insufficient balance in the Rural Basic fund), and \$120,000 from General Basic to Secondary Road fund (being the amount of County Assistance funds budgeted to be received by the Secondary Road fund).

Engineer Jon Ites discussed construction and other capital projects for his department. If multiple projects will be scheduled, additional design staff needs to be considered. If a single, large

project is to be approved, perhaps having design work done by an outside firm would be the most appropriate.

Motion by Vail, second by Voss, to approve, and to authorize the Chairman to sign, the **underground construction** application of GTE of the Midwest, Inc. to extend telephone service with installation of copper cable for a location between Sections 10 & 17 of Barnes, to be bored under C-13. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve, and to authorize the Chairman to sign, the **underground construction** application of TCI of the Heartland for a TV cable extension along C-49 on the south side of Alta. Ayes- -Gustafson, Vail, Voss. Nays--none. Carried.

Maintenance to a tile in **DD #168** plugged by tree roots, at a location south of Marathon, was discussed.

Ites asked whether the Board has ever considered **beaver control** for the entire county, rather than just in the drainage districts. Vail stated that he would have no problem with countywide control if each trapper were registered with the county, and if a separate claim were filed for each beaver trapped. Concerns about trapping in other counties, and bringing them into BV for redemption were discussed. Gustafson mentioned the county should be careful about targeting a single animal. How to fund redemption was discussed--rural basic fund, general basic fund, per acre assessment?

Ites and Voss discussed a meeting they attended regarding the **Hwy 71 bypass detour** route for a location north of Storm Lake. The IDOT would also like to do some work on Hwy 3 at its intersection with Hwy 71.

**News releases** on Case Management and FY'96 taxes were approved for distribution.

Motion by Vail, second by Voss, to approve the 3rd and Final Reading of **Ordinance 2.1a-Local Option Sales Tax**, to authorize all Boardmembers to sign the Ordinance, and to direct the Auditor to publish the ordinance. Ayes-- Gustafson, Vail, Voss. Nays--none. Carried.

**BUENA VISTA COUNTY ORDINANCE NO. 2.1a**

**Title:** Local Option Sales Tax. Be it enacted by the Board of Supervisors of Buena Vista County, Iowa:

**SECTION 1. Purpose.** Establishment of a local option sales and services tax applicable to transactions within the unincorporated area of Buena Vista County, and in the incorporated areas of Alta, Lakeside, Rembrandt, and Storm Lake.

**SECTION 2.** There is imposed a local option sales and services tax applicable to transactions in the unincorporated area of Buena Vista County, and within the incorporated areas of Alta, Lakeside, Rembrandt, and Storm Lake.

The rate of the tax shall be one percent (1.0%) upon the gross receipts taxed under Chapter 422, Division IV, of the Iowa Code in the unincorporated area of Buena Vista County, and in the following cities: Alta, Lakeside, Rembrandt, and Storm Lake.

The local sales and services tax is imposed on transactions occurring on or after October 1, 1995 within the unincorporated area of Buena Vista County, and within Alta, Lakeside, Rembrandt, and Storm Lake. The tax shall be collected by all persons required to collect state gross receipts taxes. However, the tax shall not be imposed on the gross receipts from the sale of motor fuel or special fuel as defined in Chapter 324 of the Iowa Code, on the gross receipts for the rental of rooms, apartments, or sleeping quarters which are taxed under Chapter 422A of the Iowa Code during the period the hotel and motel tax is imposed, on the gross receipts from the sale of natural gas or electric energy in a city or county where the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant to Chapter 99E of the Iowa Code, and on the sale or rental of tangible personal property described in Section 422.45, subsections 26, and 27 of the Iowa Code.

All applicable provisions of the appropriate sections of Chapter 422, Division IV, of the Iowa Code are adopted by reference.

**SECTION 3. Effective Date.** This ordinance shall be in effect after its final passage, approval and publication as provided by law. Said tax will be repealed October 1, 2005 without election.

**SECTION 4. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5. Severability Clause.** If any section, provision, or other part of this ordinance shall be adjudged invalid or unconstitutional, said adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or other part thereof not adjudged

invalid or unconstitutional.

Adopted by the Board of Supervisors on this 15th day of August, 1995.  
BUENA VISTA COUNTY BOARD OF SUPERVISORS, /s/ Lorna Burnside, Chairperson  
ATTEST: /s/Karen M. Strawn, County Auditor

There being no further business, the meeting adjourned at 10:35 a.m. to Tuesday, August 22 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-NINTH MEETING, 1995 SESSION (39)  
AUGUST 22, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 22, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Gustafson and Voss, and with Auditor Strawn as clerk for the meeting. Absent--Bruns and Vail.

Engineer Bob Payer discussed the modification of the driveway access off Hwy 71 for the new **Sioux Central School** south of Gabrielson Park. As the owner of the driveway, the County must make application for revision of the access from a Type C (granted in 1974) to a Type B access. The Board reviewed the plans, asking if the design allows enough turning space for the buses. The Board will consult with the County Attorney regarding who will bear the responsibility for future costs of any additional traffic control.

Env Health/Zoning Director Kim Johnson introduced Dr. Shea and Renee Brauhn who, have requested another **toxic waste clean-up** day for the County in the spring of 1996. The deadline for the proposal and request to the DNR is 9/29/95. It was noted that the Luedke building was used for the first clean-up, and could be available for the next one. It was the consensus of the members present to proceed with planning a toxic waste clean-up day for spring of 1996.

Johnson informed the Board of a number of schools and seminars **-continuing education** - she will be attending. She requested extra hours for a person to be available while she is attending the required meetings. The Board approved.

In the **salmonella** outbreak (food served at JJ's Lounge, Storm Lake, on Sunday, August 13), 52 are currently ill, 42 have recuperated for a total of 94. An estimate of the number of potential cases is 150. Johnson noted that the food was prepared at home, and brought in to be served, which is illegal. The specific food which caused the illness is still unknown. The state Dept. of Health is performing the investigation.

Johnson also reported that she has received the DOT information regarding zoning around the **Hwy 71 bypass**.

Case Manager Dawn Wiseman and Mental Health Director Anita Hallquist, reviewed family requests for a change of facility for 3 (MR) persons, with no change in the level of care and at a higher cost. Motion by Gustafson, second by Voss, to deny funding at **Quality Life group home** for 3 persons. Ayes-- Gustafson, Voss, Burnside. Nays--none. Carried.

DHS Area Administrator Lyle Fleshner and Custodian Dewyne Stucynski discussed the fire alarm and security system at the **DHS Annex**. The Fire Chief has indicated that an annual inspection is adequate. Fleshner and Stucynski have investigated a maintenance agreement for the system, and recommend an inspection by a knowledgeable person/company. The Board agreed to a 1 year maintenance agreement for inspection, predictive maintenance, and replacement of any worn parts.

Fleshner reviewed the **local DHS administrative expense** audit. A new opinion eliminates claiming the cost of preparation of the cost allocation plan on the DHS administrative expense claim. Fleshner explained that Buena Vista County has the right to appeal this decision, and asked the Board for a decision.

Gustafson inquired about what extra cost Buena Vista County is incurring in housing some of the **DHS** personnel which serve the 3 other counties in our cluster. Fleshner will provide some costs to the Board.

10:00 a.m.--The time having arrived for opening the **bids** for 1 bridge and 2 culvert projects, the Chairman moved the meeting to Public Meeting Room #1. Ites announced that bids had been received

from the following: Midwest Contracting, Marshall, MN; Dixon Construction, Correctionville, IA; Godberson-Smith, Ida Grove, IA; Graves Construction, Melvin, IA; Kooiker Construction, LeMars, IA; Valley Contracting, Estherville, IA; and Christensen Brothers, Cherokee, IA. The bids were opened and read, and were tabled pending the tabulation of each bid.

11:00 a.m.--The Chairman opened the discussion on a proposed hog confinement operation to be built by Bruce Edwards at a location in Washington Township. 16 persons including Senator Mary Lou Freeman, Representative Russell Eddie, 2 media persons, and 8 county officials including County Attorney Phil Havens, Environmental Health Director Kim Johnson and Emergency Management Coordinator Ron Wilson, were present for the discussion.

Merrill Rehnstrom stated that he is less than 1 mile away from the proposed site of the lagoon for the Bruce Edwards Finishing units. He is concerned about possible contamination of his well and water supply. Bud Pedersen is also concerned about his water rights and clean water because the soil in that area is sandy.

Senator Freeman noted several points which were in HF 519 which passed in the Legislature earlier this year.

Virgil Pyle asked if having a lagoon might lower his property value. Orvetta Carlson spoke about a previous experience with a hog operation near the Fairview School where a drainage tile broke. Her family's land adjacent to the school was not able to be farmed due to the runoff. Allan Pederson, also concerned about water and well pollution, is concerned about future clean-up and who will be responsible. The Fairview School property has never been cleaned up.

Representative Eddie discussed HF 519 which establishes an indemnity fund, which producers will be required to contribute to, from which clean-up costs will be paid if a business fails or is abandoned. Bonding was not an option since there is no history to base the bonding on. Additionally, Eddie noted that manure has a monetary value which a producer is not likely to ignore. In the event a facility is abandoned without clean-up, the County will authorize the clean-up, and the state will pay for it according to the funds available.

Merrill Rehnstrom asked why shouldn't the big company behind Bruce Edwards have some responsibility for the potential problems. Since the profit on the facility is going out of the county, the company should have some responsibility.

Supervisor Voss asked Eddie if there had been problems in North Carolina. Eddie agreed that there had been, but that the N.C. soil was more porous. He also stated that DNR requires a certified engineer to do soil borings for the permit, and that the soil in the proposed location for Edward's lagoon is some of the best for keeping things sealed.

Craig Rehnstrom asked Mr. Edwards why the lagoon was not going to be built close to Edward's home, rather than the proposed site. Edwards responded that in this county, soil varies a great deal from sandy/gravel to very clayey. The type of soil near his home is not suitable for a lagoon.

In reviewing the DNR application, Supervisor Gustafson asked about the water table. If the water has to be pumped in order to excavate and build the lagoon, is that an indication that the contamination is a real threat? Who is liable if the contamination reaches the drainage ditch - the Supervisors? He also asked Edwards how much tile exploration has been done. Edwards responded that if any is found, he would have to re-route the tile around the lagoon, and cap and seal any exposed ends. Gustafson asked the County Attorney if the Board, under the County's home rule authority, could implement any restrictions. Havens responded that the County can implement an ordinance with stricter rules than what the state provides. The County can deal only with criminal matters, not private (between individuals) matters. Whether the County has authority after-the-fact only, he has not determined, but we can be more restrictive ahead of time.

Voss asked Havens if we could require the producer to obtain insurance coverage - yes. Rehnstrom noted that he is more concerned about the long term liability protection.

Carlson noted that the Pampered Beef location which has not been cleaned up, has been overrun by rats. Chairman Burnside stated that the DNR originally planned to require that the BV Co. Landfill set aside \$2,000,000 for future closure, however, the amount has now been reduced.

Bob Rehnstrom stated his feeling that the Board, as Trustees of the drainage districts, would have some liability to consider. Merrill Rehnstrom asked who selected and hired the certified engineer required by DNR? (Edwards- -selected by Murphy Family Farms, paid for by himself.) Rehnstrom-did the engineer

rubber-stamp the application for the benefit of Murphy, and how many DNR people supervise the construction of lagoons?

Murray Pedersen filed an official protest with the Board of Supervisors. Burnside invited those present to make their comments in writing to accompany the Board of Supervisors' comments to the DNR.

Gustafson suggested that the government should have more restrictions on the owners of the hogs. Eddie responded that the owners -Edwards and Murphy - should be responsible, that government shouldn't get involved. Edwards stated that he knowingly accepted the responsibility when making his decision to build the facility. He selected Murphy over other companies because they were the best to work with. He feels that he can operate without creating a problem or nuisance, and also feels that he can speak for 20-30 years from now, as he expects to have one or more of his sons involved in the operation.

The Chairman ended the discussion at 11:55 a.m., thanking all present for their participation in the meeting.

Russ Behrens, NWIPDC, discussed the proposed **28E** agreement for formation of the Region III **Hazardous Materials Response Commission**. Emergency Management Coordinator Ron Wilson and Environmental Health Director Kim Johnson were also present for discussion. A number of counties have already signed the 28E agreement. The Commission will be asking for \$1,000 in the first year for start-up costs and expenses for preparation of a grant application.

The Storm Lake Fire Department is trained in awareness and operations, but is not trained to clean-up. Depending on the substance spilled, clean-up personnel would have to be called in from Minneapolis at a substantial cost. The 'spiller' is responsible for the cost of clean-up. The Region III organization is looking to train volunteers to do clean-up, rather than have personnel out of fire departments. A county can't single-handedly afford to train its own personnel. In the current budget, the Board has appropriated 25 cents/capita. Wilson recommended \$1/capita for the next budget, as this is what the other counties are considering.

Team equipment would be stored in a trailer located somewhere in a centralized location of the Region III. The team will contain the spilled substance, but disposal will be someone else's responsibility. Motion by Voss, second by Gustafson, to join in the Hazardous Materials Commission, to authorize the funding at a rate of \$1,000 in the first year, to approve and to authorize the Chairman to sign the 28E agreement for the formation of the Region III Hazardous Materials Commission. Ayes--Gustafson, Voss, Burnside. Nays--none. Carried.

Deputy Auditor Sue Kennedy reviewed the FY'95 **drainage district** financial report, and a report of FY'95 expenditures for beaver bounty.

Treasurer Kathy Bach reported that the person previously interested in a Marathon property for which the City of Marathon had sought assignment of the **tax sale certificate**, has provided notice that he was no longer interested in the property. Motion by Gustafson, second by Voss, with the \$100 never having been paid, to rescind the motion of 11/29/94 selling delinquent tax property parcel #2563.00 to Ron Newgaard, and, to approve and to authorize the Chairman to sign tax sale certificate #1860, and to assign said certificate to the City of Marathon. Ayes--Gustafson, Voss, Burnside. Nays--none. Carried.

For the Board's information, Assessor Ted Van Grootheest explained an **omitted assessment** on machinery and equipment installed at Friesen of Iowa in 1990. The Assessor has made the 1/1/95 assessment, and the Treasurer has assessed for years 1991 through 1994 for a total of \$903. If paid promptly, no interest will be assessed.

Motion by Voss, second by Gustafson, to approve the **minutes** of the 8/15 meeting as printed. Ayes--Gustafson, Voss, Burnside. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve the following **reports**: 2nd Qtr '95 FloCrit financial report, IDOT Farm-to-Market Road fund, July Clerk's surcharges & fines. Ayes--Gustafson, Voss, Burnside. Nays--none. Carried. Also reviewed were: '95 tentative equalization order.

Motion by Gustafson, second by Voss, to approve the following **late filings**: for 94 Homestead credit on parcel #'s 6515.66, 11884.50, 9605.25; and for '95 Homestead credit on parcel #'s 6515.66, 11884.50, 9605.25, 4160.00, and 3045.00. Ayes--Gustafson, Voss, Burnside. Nays--none. Carried.

Gustafson suggested that the **speed limit** on Radio Road should be re- addressed. He has had a number of complaints. Engineer Ites stated that after observing field conditions with the speed at 25 mph, a change appears to be warranted. On September 5, the Board will consider raising the speed limit on the portion controlled by the County. The Auditor will inform the City of Storm Lake of their intent.

DOT estimates the cost of installing bridge guardrails with 28' wide opening on M-54 at \$15,045.

Motion by Gustafson, second by Voss, to request that the DOT accept the bid of Midwest Contracting, Marshall, MN, in the amount of \$57,708.80 on project #L-BV-C-8-96-73-11 noting that the bid was 16% above the engineer's estimate; to accept the low bid of Christensen Brothers, Cherokee, in the amount of \$183,588.10 on project #L-FM-BV-B-6-97-73-11; and, the low bid of Midwest Contracting, Marshall, MN in the amount of \$43,520.00 for project #L- FM-BV-C-9-96-73-11, all being apparent low bids. Ayes--Gustafson, Voss, Burnside. Nays--none. Carried.

The Board set 9/19/95 as the date for accepting equipment bids on a shop pickup and a tile truck.

Gustafson and Ites discussed the number of Secondary Road grader routes, truck routes, personnel and equipment needed to handle snowstorms.

Ites asked the Board again whether the additional secondary road projects to be funded from local option sales tax would be single larger projects, or multiple smaller projects, as that decision will impact the number of design staff required to do the job. The Board indicated they would decide about personnel at budget time.

Gustafson suggested obtaining a waiver from the DNR to trap beaver at prime locations during September. The County would set a fee for each beaver trapped. If this is successful, the program could be expanded throughout the County for improved beaver control.

Ites reported that a total of \$368,824 was spent for the countywide graveling project.

There being no further business, the meeting adjourned at 4:05 p.m. to Tuesday, August 29 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
FORTIETH MEETING, 1995 SESSION (40)  
AUGUST 29, 1995**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 29, 1995 at 8:30 A.M. in the 2nd Floor PMR with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

The Chairman opened discussion on the Bruce Edwards' application to the Iowa Department of Natural Resources for a permit to build a sewage lagoon. In addition to the County Attorney, and media, 7 interested persons, and Edwards were present. The Chairman noted that all written comments from the public will be forwarded with the Board's comments to the Dept. of Natural Resources. Responding to a question from John Rehnstrom, the Chairman stated that the Board has not yet prepared its comments.

Voss said he has considered asking for an Attorney General's Opinion on indemnification of the County and the Supervisors as liability applies to their roles as Trustees of Drainage District #3. He feels that the County should at least ask for a certificate of insurance to be filed with the County. He also suggested that since DNR, as a precaution for a possible leak, requires double lining for underground fuel storage tanks, perhaps something similar should be required for a sewage lagoon. He asked Edwards if a burrowing animal (rat, muskrat, badger), could damage the lagoon.

Brunns asked Edwards if he had considered a terrace or berm as a buffer between the lagoon and drainage tiles. Edwards said no. Bruns greater concern is with the lagoon, rather than with application of the manure.

Indicating his concern about potential leakage, Gustafson stated that North Carolina has 109 leaking lagoons. He asked about the requirements for application of the manure. Potential leakage could harm the water and drainage ditch which lies a short distance on either side of the lagoon.

Earl Gutel was doubtful about engineering reports stating how quickly substances in the soil are used by crops/vegetation. He wondered if the manure would be used quickly enough so that the application rate was feasible on the number of acres Edwards has available. Later he mentioned that turkey manure has lasted 5 years with no additional applications of anything, except nitrogen, required.

Don Cress stated that he felt the County should limit the number of head of hogs for a single location.

Bruce Edwards asked the question -- is runoff from commercial chemical fertilizer less likely to contaminate the drainage ditch than manure runoff? The DNR regulates the manure application plan. Chemical fertilizer application is not regulated.

Gustafson is not concerned that a farmer would over-apply chemical fertilizer because of the expense. However, with a lagoon, other factors enter into the decision on when, how much, and where the manure will be applied, including how full the lagoon is, the stage of growth of a crop, etc.

Voss speculated on whether the DNR will just collect permit fees, or will they do a site survey. Vail asked what supervision the DNR will provide. Does DNR have an inspection program? Edwards answered that he will be required to keep records on levels, soil tests, application schedules, etc., and that the DNR can visit at any time.

Voss questioned whether a 10 year guarantee on the required land on which to apply manure was sufficient. Edwards responded that the DNR could shut down the operation.

Burnside thought the Board's concern for protecting the drainage ditch should be on record. Bruns stated that his first concern is groundwater protection, then the drainage ditch.

Responding to Bruns' question on DNR minimum/maximum manure application, Edwards stated that an engineer's report is required by the DNR.

Gustafson asked whether an Attorney General's opinion on the County's home rule authority was needed. County Attorney Havens stated that he would do the research, and that an AGO may not be necessary. Requesting an AGO is usually a long process.

Bruns noted that the state's indemnity fund for failed elevators was insufficient for the failed elevator in Eagle Grove a few years ago. He questioned whether the fund to be established for the hog industry would be adequate. Gustafson wondered if the indemnity fund established by HF 519 would cover any clean-ups needed for past operations such as Bryant Beef. Also, he could not estimate how many other similar hog operations might be built in Buena Vista County and the State of Iowa in the future. What effect would high numbers have on the available funds in the indemnity fund?

Voss stated that he did not want to overburden the owners, but he wants to avoid problems due to inadequate resources.

Burnside summarized the points expressed by the Board: 1) concern for Drainage District #3, 2) preserving clean water, 3) a terrace or berm to serve as a buffer between the lagoon and the drainage ditch, 4) a certificate of insurance to guarantee clean-up.

John Rehnstrom asked if the Board's comments would include a statement of "in favor" or "not in favor" of granting the permit. Gustafson stated that both would be included, and, that he is against the permit; Vail-can't say without knowing whether some guarantees would be possible; Burnside-would be in favor if DNR provides some assurances on the items listed, but without assurances she would be against; Voss stated that the County has limited authority, and noted that Murphy will be buying corn not raised in BV County; Bruns stated that he can't fault an operator looking for an additional source of income. If the federal government provides the regulation, hogs will not be profitable, regulation needs to be done at the local level. The Chairman thanked those present for their participation and comments.

The Board retired to the Boardroom for the remainder of their meeting.

Motion by Voss, second by Vail, to accept the low quote of Benchmark Woodworking for two map storage cabinets (doublewide for Auditor \$1,071, single for Engineer \$559). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign a 1 year contract, ending 8/31/96, with Cindy Hildreth for custodial services at the E. Richland Annex. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Custodian Dewyne Stucynski updated the Board on the cost to install a fire alarm system in the Courthouse which will meet today's standards including ADA requirements. He also noted that the DHS Annex fire alarm system is not working. The alarm went off 30 times in the Communications Center in a single day. The Board agreed to consulting with a local person. Other capital projects discussed included cleaning the Courthouse stone, sidewalks, and negative pressure cells in the jail to prevent transmission of disease.

The Chairman reported that the Auditor, Treasurer, and Sheriff had indicated their interest in, and the need they perceive for long range planning/goal setting again this year. Gustafson is not in favor



of applying to ISAC to be a pilot county in their program, due to the cost to the County. Bruns did not see any advantage of having a facilitator. Voss agreed that discussion is easier when the persons involved are on neutral ground. The meetings could be held several half days. He suggested setting September 21 from 8:00 a.m.-12:00 noon. Vail suggested that having a 3rd person in charge on neutral ground. The Chairman will consult with the Department Heads regarding a facilitator and a date.

Motion by Gustafson, second by Voss, to approve the minutes of the 8/22 meeting as amended. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to approve and to authorize the Chairman to sign the application to the IDOT for a permit to modify the Hwy 71 entrance for the Sioux Central School District (exhibit A), subject to approval and signing of the 'Agreement and Stipulation Regarding Roadway Easement'. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

By letter, Communications Center Supervisor Nancy Brady advised the Board of the final payment to be made for the CLUES software. Although the funds were budgeted to be spent in FY'95, payment was not made in FY'95, and will be paid in FY'96 causing the need to amend the Comm. Center budget later this year.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign the renewal agreement with NW IA Mental Health Center for services for FY'96, subject to review by the County Attorney. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Vail, to approve and to authorize the Interim Boardmember to sign the format for the DD #181 tree removal agreement as follows:

## **AGREEMENT**

**THIS AGREEMENT** entered into this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between Joint Drainage District No. 181, consisting of property in Pocahontas, Buena Vista, Sac and Calhoun Counties, Iowa, party of the first part, hereinafter referred to as First Party, and \_\_\_\_\_party of the second part, hereinafter referred to as Second Party, and in consideration of the mutual covenants and conditions hereinafter expressed, the parties hereto agree as follows:

**That** First Party is a Drainage District existing in Pocahontas, Buena Vista, Sac and Calhoun Counties, Iowa. That said Joint Drainage District maintains considerable drainage facilities including a large open ditch which traverses across the following described real estate:

**That** said open ditch and \_\_\_\_\_ foot width right of way over the above described real estate is under the jurisdiction of the First Party.

**That** Second Party owns the above described real estate.

**That** the parties hereto agree that Second Party may remove trees from the District right of way of the open ditch with the following stipulations.

1. The trees may be cut or grubbed, but if cut the remaining stump, which shall be no higher than the diameter of the tree, shall be chemically treated immediately after sawing, to prevent regrowth. Said chemical shall be approved by State and/or Federal Regulations for Application on Open Drainage Ditches.
2. All debris created due to the tree removal operation shall be removed from the District right of way, and under no circumstances shall any such debris be allowed to remain in the open ditch.
3. Second Party shall have full responsibility as to determination of any wetland regulations that may affect the tree removal.
4. The removal operations shall be done in such a manner so as not to injure or damage in any way, the drainage facilities of First Party, which may be located along the banks of said ditch.
5. All associated costs shall be at the expense of Second Party.
6. Second Party agrees to save harmless and indemnify First Party from any loss or liability resulting from the removal of said trees.

**That** Second Party shall be responsible for the removal of **all** debris including tree branches, and stumps resulting from said tree removal. It is further agreed between the parties that if First Party is not satisfied with the clean up of the debris **and** trees after the tree cutting that First Party may notify Second Party in writing to properly clean up the debris resulting from said tree removal remaining on the premises within the right of way of the drainage district, and said notice shall state the time within which Second Party shall have to complete the clean up of the premises according to the specifications required by First Party.

In the event Second Party does not comply with the written notice of First Party in making the appropriate clean up that First Party may do the necessary work for the clean up require **by** First Party and may certify the cost of such clean up to the county treasurer in the county where said real estate is located for collection against said real estate in the same manner as a tax against the real estate and the cost of the clean up so certified shall become a lien against the real estate.

**That** this Agreement contains the entire understanding between the parties hereto relative to the subject matter hereof. In the event there should be any modification of this Agreement, it shall be reduced to writing and agreed to by all parties and made a part hereof by reference thereto. No party of this Agreement shall be bound by the oral representations made by the other party or their representatives.

### **JOINT DRAINAGE DISTRICT NO. 181**

By: /s/ Chairman of the Interim Committee  
PARTY OF THE FIRST PART

/s/ Landowner  
PARTY OF THE SECOND PART

Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve, and to authorize the Chairman to sign the renewal agreement with Blue Cross & Blue Shield for administration of the employees' flex benefit plan with the new medical reimbursement limit of \$1,800. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Motion by Gustafson, second by Voss, to provide the following comments from the Board of Supervisors as Trustees of Drainage District #3 to the Iowa Department of Natural Resources on the application of Bruce Edwards for a permit to build a sewage lagoon (at a location described as--the NE corner of NE Frac 1/4, Section 6, T91N, R37W, Buena Vista County):

- 1) The Board has concerns about the potential impact on Drainage District #3.
- 2) The Board is concerned about the potential impact on clean water.
- 3) The Board is concerned that if a sump pump is used to lower the water table during excavation of the lagoon, what will happen when the water table returns to normal levels?
- 4) If there should be leakage, in light of other DNR requirements (i.e. for double lining of an underground fuel storage tank), would DNR consider additional measures such as a terrace which would work to contain any leakage? The terrace or berm should be between the lagoon and the drainage ditch. Should there be a requirement to have enough acres on the site to allow room on the downslope of the lagoon to add the terrace or berm?
- 5) The Board would like to see a requirement for the owner/operator to place on file with the DNR, a certificate of insurance for the cost of spills, clean-up, and/or damage to surrounding drinking water wells. What minimum should be required--\$1-2,000,000?
- 6) The Board believes that a 50 foot setback from existing tile lines is not an adequate safeguard. The Board would recommend at least 150 feet from existing tile.
- 7) Will the DNR permit containment of boring animals near the lagoon-- rats, muskrats, badgers etc.?
- 8) The Board has concerns about the manure being spread on both the east and west sides of Drainage Ditch #3 under the proposed manure management plan.

9) Who will provide for the manure management regulations with periodic inspections? If a problem is reported to the DNR, will our County Sanitarian be notified so that the County is advised of the complaint?

10) The Board requests that the DNR do an on-site inspection with the Board of Supervisors present prior to approval of the permit.

In light of the above concerns, and absent satisfactory answers to the Board's questions, the Buena Vista County Board of Supervisors recommends against approval of the permit. The Auditor is hereby directed to send notice of this comment, with all other written comments received, to the IA DNR, and to request a response to the Board's questions from the DNR. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Given the abandoned Fairview School situation, the Board of Supervisors strongly recommends that DNR inspect that site prior to approving the permit. The Board will forward any additional comments on this permit, or any other comments as concerns surface.

There being no further business, the meeting adjourned at 12:15 p.m. to Tuesday, September 5 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
FORTY-FIRST MEETING, 1995 SESSION (41)  
SEPTEMBER 5, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 5, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

**BV Work Activity Center** Director Barb Frey and Cindy Richardson updated the Board on their waiver home on Violet Lane, Storm Lake, and BV County clients who may receive services there in the future. From an earlier meeting, the Board's impression was that 2 BV County residents would be moved in. At this point, 1 BV Co. person is in the waiver home, with 1 additional possible by the end of September. Also discussed was the fact that BV Co. will not be able to recoup the county's contribution to BVWAC for construction of a wall which allowed the conversion from group home to waiver home. The cost for services, which is paid by the county, does not include the cost of the facility, i.e. the wall. The Board may consider developing some guidelines which might be distributed to interested persons along with BV WAC's information about the waiver home. Frey and Richardson invited the Board to tour the waiver home.

Case Manager Dawn Wiseman introduced a DHS social worker and 2 persons who were present to appeal a funding decision (for waiver services) made by the Board. Following a question and answer session regarding the reasons for requesting a change in services, the Chairperson stated that the Board may need to consult the County Attorney about developing a funding eligibility policy. Gustafson feels that the Board's prior decision should stand, but he is willing to work to improve the current arrangements for the clients. Vail also wants to address problems in the current living arrangements first before considering funding for waiver services. Motion by Voss, second by Gustafson, to deny the appeal for funding waiver services (for 3 persons). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Engineer Jon Ites reviewed a letter from IDOT in response to his request for changes on the Hwy 71 bypass plans. His request to delete the islands was denied. Ites also requested replacement of a bridge rather than adding guardrails on the bridge which is located on a county road to be used for the detour. This request was approved.

Motion by Vail, second by Bruns, to approve and to authorize the Chairman to sign the utility construction application of Iowa Lakes Electric Cooperative to install an underground single-phase 7200 volt distribution line at the following location: 11 miles west of Albert City, T92N, R37W, Scott Twp on the NW 1/4 of Section 24 and SW 1/4 of Section 13. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Vail left to attend the 10:00 a.m. Zoning Commission Public Hearing regarding the request for a zoning change submitted by the Sioux Central School District.

After driving Radio Road at the posted speed limit, motion by Voss, second by Gustafson, to raise the speed limit on Radio Road from 25 mph to 35 mph per IDOT's recommendation following its speed study for the following described portion of the road: from Radio Road's intersection with Hwy's 7 & 71, thence north almost to its intersection with Expansion Blvd. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Motion by Bruns, second by Voss, to approve a traffic sign placement ("School Bus Stop Ahead") in the eastbound direction just west of the Bruce Glienke residence between Sections 10 and 15, Maple Valley Township, due to restricted sight distance, as requested by school bus driver Bruce Edwards and by resident Mrs. Bruce Glienke. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Ites requested a waiver from the DNR to trap beaver, at times outside the state's trapping season, for the purpose of achieving beaver control in the county's drainage districts. His request was denied, and further, the Engineer was instructed to notify the DNR in advance of removing any beaver dams.

Ites submitted claims for work performed in 21 drainage districts during the second half of FY'95. Motion by Voss, second by Bruns, to approve claims for drainage work done from 1/1/95 - 6/30/95 by the BV Secondary Road department, totaling \$6,190.17, to be paid 9/19/95. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Responding to Steve Hamilton's letter regarding private sealcoating of a road at Stoney Point, the Board does not oppose private sealcoating. Motion by Gustafson, second by Bruns, to direct the engineer to contact Steve Roth and inform him of the contractors available, and to indicate that the Board is not opposed to developers sealcoating the private road at their expense. Ayes-- Burnside, Bruns, Gustafson. Abstained--Voss. Nays--none. Carried.

Ites reported that all monies claimed from FEMA for 1993 flood damage to drainage districts has been received.

The Board approved sending Tim Cavanaugh for training in auto-cad.

Ites requested a timeline for obtaining a sewer connection for the Luedke site. Voss suggested doing the work in the spring. The Board discussed the secondary road buildings they had visited in area counties. Voss is opposed to flat or low sloped roofs. Gustafson questioned using concrete block construction for buildings which will function as storage buildings.

The Lakeside blacktop drainage repair has been completed, with the total cost being \$4,333, with IBP paying \$1,000 as Northdale Construction's share, and the County and IBP each paying 1/2 of the remainder, or \$1,666.50 each.

Vail returned to the Board meeting.

11:00 a.m.--The time having arrived for the public hearing on the vacation and closing of the road running east and west across the middle of Section 14, Nokomis Township, the Chairman opened the hearing with no interested persons present. The Auditor reported that the notice had been published in both the Alta Advertiser and the Storm Lake Pilot-Tribune, and that the adjacent landowners, and all those landowners within 1 mile, have been notified of the public hearing, as required by law. Dennis Arnfelt, Midwest Power, was present to express concern regarding the utilities located therein. Bruns described the current use of the road, and related some of the comments of the landowners. One written objection was received from Ronald Peterson. Motion by Voss, second by Vail, to close the public hearing. Ayes--Gustafson, Vail, Voss. Abstain--Bruns. Nays--none. Carried.

Motion by Gustafson, second by Voss, to close and vacate the road described as follows: a portion of the public highway sixty-six feet in width beginning near the West 1/4 corner of Section fourteen (14), Township Ninety- one (91N), Range Thirty-eight (38W) of the Fifth Principal Meridian (5th P.M.), Buena Vista County, and running east to the East 1/4 corner of said section, known as and currently signed 565th Street on the County's 911 system, effective upon the transfer of property following the completion of the leveling. The engineer noted that the road will be obliterated, but access will be provided to the owners losing same, with the landowners to be responsible for the fences. The vote on the motion was: ayes--Gustafson, Vail, Voss, abstain--Bruns, nays--none. Carried.

11:15 a.m.--The Chairman opened the public hearing on the change of classification of a portion of a road located in Nokomis Township. The Engineer had recommended raising the level of service to accommodate the landowners' needs following the closing and vacation of the road described above. Hearing no objections, motion by Vail, second by Voss, to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Vail, to remove the following road from the service level B list: the road described as being located between the SW 1/4 of Section 14 and the NW 1/4 of Section 23, Nokomis Township, being 1/2 mile in length, and known as 570th Street on the County's 911 system. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve the minutes of the 8/29/95 meeting as corrected. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign the "Agreement and Stipulation Regarding Roadway Easement" which designates Sioux Central School District as the responsible entity for any future traffic control expense. Ayes--Bruns, Gustafson, Vail, Voss. Nays- -none. Carried.

Gustafson discussed the request of the BV County Fair Board for a further advance on funds in the FY'96 budget. Motion by Gustafson, second by Bruns, to appropriate an additional \$5,000 of the total appropriation for the BV County Fair Board in the FY'96 budget, to be paid 9/19/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Gustafson reported that the new Spectra facility roof leaked during a recent rain. The architect and the contractor have both been notified.

Motion by Voss, second by Vail, that, it has come to the attention of the Buena Vista County Board of Supervisors that Boards of Supervisors in surrounding counties have encountered problems with unauthorized tree removal and/or excavation in drainage district right-of-way, and, that it is in the best interest of the drainage districts located in Buena Vista County and the drainage districts in Buena Vista County controlled jointly by this County and others, that such unauthorized activity be prohibited; therefore, the County Auditor is hereby directed to publish notice as follows:

"Public Notice is hereby given that the Board of Supervisors of Buena Vista County, Iowa, maintain several drainage districts within said county or in conjunction with adjoining counties, and that many of said drainage districts maintain open drainage ditches as a part of the facilities in said districts.

You are further notified that the said drainage districts have acquired right- of-way for the open ditches existing in each district.

You are further notified that no person is to perform any work or make any excavation or cut or remove any trees within the right-of-way of said drainage districts without first obtaining written permission of the Board of Supervisors having jurisdiction of said drainage district.

For further information relative to the process required to obtain written permission from the Board of Supervisors for said excavation or tree removal, please contact the County Auditor of Buena Vista County."

Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Environmental Health/Zoning Director Kim Johnson met with the Board to discuss the results of the Zoning Commission's public hearing earlier in the day, and to report on her inspections at the Albert City Thresherman's & Collectors Show, and the Storm Lake Great Iowa Balloon Days.

2:00 p.m.--The time having arrived for the Public Hearing on the Zoning Commission's decision regarding the re-zoning of the location for the Sioux Central School, the Chairman opened the hearing with 3 interested persons present--Superintendent Lee Burns, Rambo & Associate's representative Ray Hall, and Zoning Director Kim Johnson. The Chairman determined that proper notice of hearing had been published. Johnson explained that the property purchased for the purpose of building a K-12 school building was zoned Agricultural, which did not permit the construction of the school building. It was the recommendation of the Zoning Commission to re-zone the property to Commercial, and to levy a fine of \$10 for failure to file a timely application. Vail, who attended the hearing, voiced his opposition to imposing the fine, in order to avoid setting a precedent which is not consistent with the zoning ordinance. Johnson recommended approval of the re-zoning. Motion by Vail, second by Bruns, to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays- -none. Carried.

Motion by Vail, second by Bruns, to approve the re-zoning of the following described property from Agricultural to Commercial: West Half of the Northwest Fractional Quarter (W 1/2 NW Fr. 1/4) of Section Eighteen (18), Township Ninety-three (93) North, Range Thirty-six (36) West of the 5th P.M., except the North One Thousand Fifty-Four (1,054.0) Feet thereof; and except a parcel of land containing 4.9 acres, more or less, including 2.2 acres, more or less of the present established road deeded to the State of Iowa, said deed recorded in book 48, pages 274-277 of the Buena Vista County Recorder's Records, subject to easements of record. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board reviewed bills for the July 25th Local Option Sales Tax Election, to be sent to Alta, Lakeside, Rembrandt, and Storm Lake.

The Chairman reviewed a letter from the Director of Upper Des Moines Opportunity regarding

a proposal to share the cost of a part-time worker during FY'97 to prevent the elimination of the position in the event federal funding is cut.

A letter from the Environmental Health Director requesting a letter of support and also financial support for a proposed **toxic waste clean-up** day was discussed. It was the consensus of the Board to provide a letter of support for the clean-up, and to provide an in-kind donation in the form of the facility at the Luedke site, equipment, and labor for the collection. The Chairperson and Auditor will draft the letter.

Motion by Vail, second by Bruns, to approve today's **payroll claims** subject to review at a later meeting. Ayes--Bruns, Vail, Burnside. Nays--none. Carried.

There being no further business, the meeting adjourned at 2:40 p.m. to Tuesday, September 15 at 8:30 a.m. to canvass the school election.

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**BOARD OF SUPERVISORS MEETING  
FORTY-SECOND MEETING, 1995 SESSION (42)  
SEPTEMBER 15, 1995**

The Buena Vista County Board of Supervisors met in special session on Friday, September 15, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns and Voss, and with Auditor Strawn as clerk for the meeting. Absent: Vail, Gustafson--for a NW IA Mental Health Center meeting.

After completion of the **canvass** of the Regular School Election held September 12, 1995, and pursuant to Chapter 50.24 of the 1995 Code of Iowa, motion by Bruns, second by Voss, to declare the results as follows:

**Alta Community School--total voters: 52**

for School Board Director, vote for 1:

Wesley Holmes	48	elected
Scattering, 4 persons	4	

**Albert City-Truesdale Community School--total voters: 62**

for School Board Director, vote for 2:

Nick Ackerman	57	elected
Orren E. Knoffloch	57	elected
Scattering, 4 persons	8	

**Newell-Fonda Community School--total voters: 71**

for School Board Director, District #1--vote for 1:

Jan L. Kier	58	elected
Scattering, 2 persons	2	

for School Board Director, District #2--vote for 1:

James V. Wernimont	65	elected
Scattering	1	

**Sioux Central Community School--total voters: 137**

for School Board Director, District 1--vote for 1:

Ronald D. Mueller	130	elected
Scattering	0	

for School Board Director, District 5--vote for 1:

William R. Johnson	130	elected
Scattering, 2 persons	2	

**Storm Lake Community School--total voters: 760**

for School Board Director, vote for 2:

Edward McKenna	538	elected
James A. Radke	450	
Mark Schultz	484	elected
Scattering, 4 persons	5	

and to direct the Auditor to prepare abstracts as required by law. Ayes-- Bruns, Voss, Burnside. Nays--none. Carried.

Steve Hamilton and Steve Roth were present to inquire about the timetable for sealcoating at Stoney Point. They would like to have something done this fall if the cost is reasonable and if an available contractor can be found.

Engineer Jon Ites presented contracts for projects approved 8/22/95. Motion by Voss, second by Bruns, to approve and to authorize the Chairman to sign the contracts and contractors bonds for the following projects: L-FM-BV- C-9-96--73--11 & L-BV-C-8-96--73--11. Ayes--Bruns, Voss, Burnside. Nays-- none. Carried.

Ites recommended using a magnet on the motorgraders to pick up stray, scrap metal on the roads and shoulders. Several flat tires due to discarded roofing nails, have been reported. The consensus of the Board was to approve purchasing the needed magnets.

There being no further business, the meeting adjourned at 10:45 a.m. to Tuesday, September 19 at 8:30 a.m. for a regular meeting.

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**BOARD OF SUPERVISORS MEETING  
FORTY-THIRD MEETING, 1995 SESSION (43)  
SEPTEMBER 19, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 19, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Deputy Auditor Jean Chindlund and Joan Martin discussed employee health insurance under the new self-funding program. Many employees are concerned with the long delay of payments in the self-funding process. Claims are initially processed by BC&BS, then are sent to the self-funding administrator. Apparently, there is a delay in the delivery of claims from BC&BS to the self-funding administrator. The Board will meet with the local representative and will ask her for the time schedule for processing by both organizations.

Motion by Voss, second by Gustafson, to approve the following items on the consent agenda:

- \* Minutes of the 9/5 & 9/15 meetings as corrected;
- \* Reports: Aug Departmental Expenditure Summary, budget reports, Conservation, Recorder's fees, Clerk's fines and surcharges, 8/17 & 8/24 Mangold Env. Testing-Spectra lagoon inspection; also reviewed were: 7/17 NWIPDC Council minutes, 9/8 NW IA YES Center Board minutes, 9/7/95 Worker's Compensation premium audit, Child Support Recovery Incentives, NACo Deferred Compensation semi-annual, Dennis Watters vs. Buena Vista County small claims ruling, Certificate of Insurance from Christensen Bros. Construction;
- \* Late Filings for '95 Homestead credit on parcel #'s 2646.00 and 10213.00;
- \* Jt. DD #16-30-92 work order for chemical treatment of trees and brush at a location in Section 12, Douglas Township, Sac County, (approval includes authorization for the Chairman to sign).

Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

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9:00 a.m.--The time having arrived for the public hearing on the vacation of 92nd Avenue, the Chairman opened the hearing with 5 interested persons and 1 media person present. The Auditor confirmed that legal notice had been published, and that property owners had received notice by mail/certified mail, as required by law. Steve Hamilton asked when the new road will be sealcoated. Engineer Jon Ites has talked to a contractor who was hesitant to provide a proposal for the work to be done this fall due to the late date. Dust control, which the property owners had expected to be applied in June, was to have been applied on a road which the County does not have jurisdiction. Engineer Ites noted that he had explained that work on a private road could not be paid for by the County. The only role that he could serve was in locating a contractor and working with him. Hamilton is looking for the sealcoating to be done as soon as possible. Phil Redenbaugh asked for the same. There being no further discussion, motion by Vail, second by Bruns, to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Gustafson, to adopt the following resolution:

AN ORDER AND RESOLUTION PROVIDING FOR THE VACATION OF

All that part of the existing county road lying within the following described property:

A part of Government Lots No. 1 and 2 in the West One-Half of the Southwest Quarter (W 1/2 SW 1/4) of Section 9, T-90-N, R-37-W of the 5th P.M., Buena Vista County, Iowa, and being more fully described as follows:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW 1/4) of said Section 9; thence on an assumed bearing of South 88 13'46" East, along the South line of said Southwest Quarter (SW 1/4), 576.47 feet; thence North 04 35'53" East, 478.26 feet to the point of beginning.

Thence North 77 46'16" East, 162.47 feet; thence North 12 18'34" West, 712.68 feet; thence South 77 40'08" West, 66.00 feet; thence South 04 35'53" East, 718.93 feet to the point of beginning.

The above described parcel contains 1.87 acres and is subject to all easements of record.

Be it ordered and Resolved by the Board of Supervisors of Buena Vista County:

1. Facts Found:

The following described road is no longer needed for public purposes, and such vacation will not deny abutting owners of reasonable access to their property. Notice of hearing has been published and hearing has been held as provided by law.

2. Vacation:

Pursuant to Iowa Code, Section 306.16, all that part of the existing county road lying within the following described property is hereby ordered vacated, effective immediately:

A part of Government Lots No. 1 and 2 in the West one-Half of the Southwest Quarter (W 1/2 SW 1/4) of Section 9, T-90-N, R-37-W of the 5th P.M., Buena Vista County, Iowa, and being more fully described as follows:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW 1/4) of said Section 9; thence on an assumed bearing of South 88 13'46" East, along the South line of said Southwest Quarter (SW 1/4), 576.47 feet; thence North 04 35'53" East, 478.26 feet to the point of beginning.

Thence North 77 46'16" East, 162.47 feet; thence North 12 18'34" West, 712.68 feet; thence South 77 40'08" West, 66.00 feet; thence South 04 35'53" East, 718.93 feet to the point of beginning.

The above described parcel contains 1.87 acres and is subject to all easements of record.

Ayes--Bruns, Gustafson, Vail. Abstain--Voss due to conflict of interest. Nays--none. Carried.

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Motion by Vail, second by Bruns, to adopt the following resolution:

**RESOLUTION AUTHORIZING EXECUTION OF QUIT CLAIM DEED**

Be it resolved by the Board of Supervisors of Buena Vista County, Iowa:

For purposes of confirming title, the Chairperson and Auditor are authorized and directed to execute a Quit Claim Deed to the following described property:

A part of Government Lots No. 1 and 2 in the West one-Half of the Southwest Quarter (W 1/2 SW 1/4) of Section 9, T-90-N, R-37-W of the 5th P.M., Buena Vista County, Iowa, and being more fully described as follows:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW 1/4) of said Section 9; thence on an assumed bearing of South 88 13'46" East, along the South line of said Southwest Quarter (SW 1/4), 576.47 feet; thence North 04 35'53" East, 478.26 feet to the point of beginning.

Thence North 77 46'16" East, 162.47 feet; thence North 12 18'34" West, 712.68 feet; thence South 77 40'08" West, 66.00 feet; thence South 04 35'53" East, 718.93 feet to the point of beginning.



The above described parcel contains 1.87 acres and is subject to any existing public utility easements of record or in place, to Steven T. Roth, Julia A. Roth, Judy K. Hinkeldey, as Executor of the Estate of Raymond H. Hinkeldey, Deceased, Judy K. Hinkeldey and David E. Richter. The terms of Steve Gadd's letter of September 7, 1995 to Phil Havens, BV County Attorney, will be followed.

Ayes--Bruns, Gustafson, Vail. Abstain--Voss due to conflict of interest. Nays--none. Carried.

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Motion by Gustafson, second by Vail, to accept an **Easement for Road Purposes** from Steven T. Roth, Julia A. Roth, Judy K. Hinkeldey as Executor for the Estate of Raymond H. Hinkeldey, Judy K. Hinkeldey, David E. Richter and Susan Richter for the following described parcel:

A part of Government Lots No. 1 and 2 in the West One-Half of the Southwest Quarter (W 1/2 SW 1/4) of Section 9, T-90-N, R-37-W of the 5th P.M., Buena Vista County, Iowa, and being more fully described as follows:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW 1/4) of said Section 9; Thence on an assumed bearing of South 88 13'46" East, along the South line of said Southwest Quarter (SW 1/4), 576.47 feet to the Point of Beginning.

Thence continuing South 88 13'46" East, 66.41 feet; Thence North 04 37'32" West, 1167.02 feet; Thence North 77 40'08" East, 6.19 feet; Thence North 12 18'41" West, 46.00 feet; Thence South 77 40'08" West, 66.00 feet; Thence South 04 35'53" East, 1197.19 feet to the Point of Beginning. The above described parcel contains 1.82 Acres and is subject to all easements of record.

Ayes--Bruns, Gustafson, Vail. Abstain--Voss due to conflict of interest. Nays--none. Carried. The road referred to as "92nd Avenue" in the easement, description, and plat, is now known as "Casino Road" for rural addressing and E911 purposes.

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Chet Brecher and Steve Roth both spoke as developers indicating that it had not been their intent to wait on the sealcoating.

Motion by Gustafson, second by Bruns, that at the earliest possible time and prior to September 1, 1996, sealcoating, with interim dust control, shall be applied to the road known as **Casino Road**, and further described as:

A part of Government Lots No. 1 and 2 in the West One-Half of the Southwest Quarter (W 1/2 SW 1/4) of Section 9, T-90-N, R-37-W of the 5th P.M., Buena Vista County, Iowa, and being more fully described as follows:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW 1/4) of said Section 9; Thence on an assumed bearing of South 88 13'46" East, along the South line of said Southwest Quarter (SW 1/4), 576.47 feet to the Point of Beginning.

Thence continuing South 88 13'46" East, 66.41 feet; Thence North 04 37'32" West, 1167.02 feet; Thence North 77 40'08" East, 6.19 feet; Thence North 12 18'41" West, 46.00 feet; Thence South 77 40'08" West, 66.00 feet; Thence South 04 35'53" East, 1197.19 feet to the Point of Beginning.

The above described parcel contains 1.82 Acres and is subject to all easements of record; with the cost (of sealcoating and interim dust control) to be billed by the County to the developers. Ayes--Bruns, Gustafson, Vail. Abstain--Voss due to conflict of interest. Nays--none. Carried.

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Motion by Gustafson, second by Bruns, to accept the low **quote** of Rasmussen Ford, Storm Lake, for a 1996 Ford F-250 HD 4x2 pickup for \$14,915 with trade-in. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to accept the low **quote** of Barry Motors for an F-800 Ford truck in the amount of \$26,250.00 with no trade-in. Ayes-- Bruns, Gustafson, Vail. Nays--Voss. Carried.

Motion by Vail, second by Voss, to approve and to authorize Boardmembers to sign a **Certificate of Appreciation** for Secondary Road employee Bob Oglesbee for his meticulous detail in reporting. His efforts resulted in the maximum recovery from FEMA for damage done in Buena Vista County by the flood

of 1993. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Engineer Jon Ites discussed the developing plans for implementation of the required **alcohol and drug testing** of certain employees. Training will be required for supervisors of the program.

Case Manager Dawn Wiseman & CM Supervisor Anita Hallquist updated the Board on 4 clients. Motion by Voss, second by Gustafson, to approve the payment agreement for 1 client at the **Howard Activity Center**. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve a 3 month extension of the payment agreement for 1 person at the **Howard Activity Center**. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board discussed a request for **supported employment** services proposals from the Iowa Division of Vocational Rehabilitation. Hallquist will submit letters to the BV Work Activity Center and the Howard Activity Center to determine their interest.

Steve Anderson, **Merrill Manufacturing**, discussed the proposed 'Development Agreement' prepared by Bob Josten, Attorney, the agreement being a pre- requisite for proceeding with designating an Urban Renewal Area for Anderson's company. Anderson will provide some additional information prior to entering into the agreement.

The Board met at the BV Work Activity **waiver home** on Violet Lane for a tour, prior to recessing for lunch.

Betty Ohlund, Gingerbread House Director, Sandy Johnson, RECD Loan Specialist, Anita Hallquist and Kristina Konradi, BV Co. Community Services, discussed the funding provided by the County to assist with the cost of **daycare**. The County has appropriated funds for families which have too much income to meet DHS guidelines, but too little to pay the entire cost of the care, and still make a living. The purpose of the County funding is to encourage employment, rather than unemployment which is a choice when the cost of daycare is out of reach for these families. Ohlund shared statistics about the group of children needing the assistance, representing many employers, and most towns in Buena Vista County. The consensus of the Board was to make additional funds available, but to approve expenditure only after another report indicating the need.

Sandy Johnson reported that **Gingerbread House** is one of the CFSA's premier projects in Iowa, and in daycare nationwide. Gingerbread daycare is both quality childcare and economic development for the Storm Lake community. Johnson thanked the Board for its support of the project, which is unusual for a county.

Voss reported on his conversation with Scott Petrich, President of 1st Leasing. Petrich approved placing snow fence on the north side of **E. Richland Annex** for snow control.

Larry Rohret, **UDMO** Director, and Joan Spooner, Local Director, reported on a \$100,000 grant recently received, and on the current status of funding. UDMO is asking the Board to consider \$6,000 in the FY'97 budget to fund part of the cost of a part-time employee in the Storm Lake office, a position which might otherwise have to be eliminated.

**Env Health/Zoning Director** Kim Johnson requested regular part-time assistance for her department. She is planning several outreach programs for persons who receive inspection services from her department and the toxic waste clean-up day. Job duties for the employee would be basic clerical activities requiring typewriter, computer, and telephone skills. Johnson was authorized to advertise for a part-time person, 4 hours per day at a rate of \$5.50- \$6.00/hr.

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#### SET DATE FOR HEARING ON URBAN RENEWAL AREA DESIGNATION AND URBAN RENEWAL PLAN AND PROJECT

The Chairperson announced that a plan had been prepared for a proposed project and that it was now necessary to set a date for a public hearing on the designation of the Highways **3 & 71 Urban Renewal Area** and on that plan and the project outlined therein. Accordingly, Supervisor Voss moved the adoption of the following resolution entitled "Resolution setting date for a public hearing on designation of the Highways 3 & 71 Urban Renewal Area and on urban renewal plan and project," and the motion was seconded by Supervisor Gustafson.

Following due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes: Bruns, Gustafson, Vail, Voss. Nays: none.

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

**RESOLUTION NO. 1995-9-19**

Setting date for a public hearing on designation of the Highways 3 & 71 Urban Renewal Area and on urban renewal plan and project

WHEREAS, studies have been conducted which show the desirability of designating a portion of Buena Vista County as the Highways 3 & 71 Urban Renewal Area, pursuant to the provisions of Chapter 403, Code of Iowa; and

WHEREAS, a proposal has been submitted to the Board under which an area within the boundaries set out in Exhibit A would be designated an urban renewal area; and

WHEREAS, this Board is desirous of obtaining as much information as possible from the residents of the County before making this designation; and

WHEREAS, a proposed urban renewal plan for a project within that proposed designated area has been prepared and it is now necessary that a date be set for a public hearing on the designation of the area and on that plan and project;

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

Section 1. This Board will meet in the Boardroom of the Buena Vista County Courthouse, Storm Lake, Iowa, on the 17th day of October, 1995, at 1:15 o'clock p.m., at which time and place it will hold a **public hearing** on the designation of the proposed Highways 3 & 71 Urban Renewal Area described in the preamble hereof and on the proposed urban renewal plan and project for said Area.

Section 2. The County Auditor shall publish notice of said hearing, the notice being in the form attached to this resolution, which publication shall be made in a legal newspaper of general circulation in Buena Vista County, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for the hearing.

Section 3. Pursuant to Section 403.5 of the Code of Iowa, the County Auditor and Tom Simmering of Simmering-Cory, Inc. are hereby designated as the county's representatives in connection with the consultation process which is under that section of the urban renewal law.

Section 4. The proposed urban renewal plan is hereby submitted to the County's Planning and Zoning Commission for review and recommendations, as required by Section 403.5, Code of Iowa.

Passed and approved September 19, 1995.

/s/ Lorna Burnside, Chairperson

/s/ Karen M. Strawn, County Auditor

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Motion by Vail, second by Voss, to approve the **employment** of Teresa Holloway as a full time radio operator in the Communications Center at \$7.20/hr effective 9/18/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned at 3:25 p.m. to Tuesday, September 26 at 9:00 a.m. for a special meeting.

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**BOARD OF SUPERVISORS MEETING  
FORTY-FOURTH MEETING, 1995 SESSION (44)  
SEPTEMBER 27, 1995**

The Buena Vista County Board of Supervisors met in special session on Wednesday, September 27, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

MH Director Anita Hallquist requested a letter from the Board supporting the county's grant application for **supportive employment** funds. The Board approved the letter. Pocahontas County is interested in a joint application with the Buena Vista Work Activity Center as the subcontractor.

Treasurer Kathy Bach reported **excess equipment** (computer) which no other department is interested in. She was authorized to offer it for sale through the newspaper. She also requested a **warrant** to be issued today for registration for personnel to attend Spanish classes through Iowa Central Community College. The Board's consensus was to approve the warrant to be written today.

Engineer Jon Ites presented several utility permit applications for the Board's consideration. Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign, the **utility permit** application of Iowa Lakes Electric Cooperative to replace existing, failing cable with a 3-phase 7200 volt underground distribution line 2 miles east of Newell in private R.O.W. where possible, in the SE quarter Section 10, crossing to the SW quarter Section 11, then south along the W side of Section 14, continuing to the SW corner of Section 14, and crossing into the NE corner of Section 22, and with a connection into the E side of Section 15. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Gustafson, to approve and to authorize the Chairman to sign, the **utility permit** application of Iowa Lakes Electric Cooperative, to install a single-phase, 7200 volt underground distribution line to replace existing overhead facilities (service upgrade to Rodney Rasmussen) from the W side of Section 29 to the E side of Section 30 of Newell Township. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign, the **utility permit** application of Iowa Lakes Electric Cooperative, to install a 3-phase, 7200 volt underground distribution line 1.5 miles east of Truesdale, to accommodate the IDOT Hwy 71-bypass project, across 540th St. in the NE corner of Section 1, Washington Township, and along county R.O.W. in the SW corner of Section 6, Grant Township. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to approve and to authorize the Chairman to sign, the **utility permit** application of Iowa Lakes Electric Cooperative, to install single-phase, 7200 volt underground and overhead distribution lines to replace existing overhead, 4.5 miles south of Storm Lake in Sections 35 and 36, Hayes Township (upgrade Gary Pickhinke service). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve and to authorize the Chairman to sign the **utility permit** application of U.S. West, to relocate buried cable along Hwy 71 due to road reconstruction 1 mile east of Storm Lake, this being a new connection from Expansion Blvd. across new Hwy 71 east along county road for 1600' and connecting with existing line. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign, the **utility permit** application from U.S. West, to install 100 pair telephone cable, at a depth of 36", at the following location: 1 mile south of Sioux Rapids on 440th St. from 4th St. to Hwy #71 on the north side of Section 18, Lee Township. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Truesdale City Council has requested a **traffic sign** to be erected to slow the traffic on the road located on the south side of the town at the west end which serves the motocross racing enthusiasts. The engineer was directed to investigate the location for the request.

The engineer discussed the **Drug and Alcohol Testing Alliance** license application and a designee to be the contact person responsible for reporting for the **federal government** required program. The program will require strict monitoring and confidentiality. Action was postponed until 10/3/95.

The Board discussed the IDOT **detour** agreement for the Hwy 71 bypass. The Board directed the engineer to further discuss the terms of the agreement with IDOT.

The consensus of the Board was to approve an **equipment** purchase of a used scarifier for \$1,500 from Pottawattamie County, and to approve issuing the warrant today to facilitate Friday delivery.

The Board approved sending Tom French to a DOT sponsored class. Ites discussed a type of structure which could be considered for bridge replacement, and the proposed buildings for secondary road, all using **local option sales tax** receipts. The first building will be a patrol shed for equipment storage. The Board approved having the engineer look for an architect.

The Board discussed the Optech III-P Eagle and Accu-Vote **voting equipment** used for the September 12 school elections. The Auditor requested a decision today regarding which equipment is to be used for the 11/7/95 Municipal Election, so that ballots can be prepared in a timely fashion. The Board requested 2 proposals from Business Records Corporation (Optech): rental of a central count unit for the Municipal election only, and a proposal to lease-purchase 17 III-P Eagles (precinct count).

Motion by Voss, second by Gustafson, to approve the following items on the consent agenda:

\* a **transfer** in the amount of \$38,832.23 from the General Basic fund to Conservation Land Acquisition Trust fund, which represents the remainder of FEMA receipts and other previously approved items for transfer, all in FY'95;

\* **minutes** of the 9/15/95 meeting as corrected.

Motion by Vail, second by Bruns, to approve and to direct the Auditor to **void 2 warrants:** #67379 to Washington National for \$50 on 4-4-95, and to reissue the warrant to Aetna Life, due to an employee moving his annuity to Aetna; and #72051 which was issued incorrectly for election worker wages. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

It was the consensus of the Board that the **Sheriff** may raise the mileage rate charged in the service of papers to the limit allowed by law, in order to recoup as much of the cost as possible. The rate currently charged is 24 cents/mile, and the legal limit is 30 cents/mile.

There being no further business, the meeting adjourned at 11:45 a.m. to Tuesday, October 3 at 8:30 a.m. for a regular meeting.

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**BOARD OF SUPERVISORS MEETING  
FORTY-FIFTH MEETING, 1995 SESSION (45)  
OCTOBER 3, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 3, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Head Custodian Dewyne Stucynski reported the installation of a new water heater at the **DHS Annex**. Bills were incurred for a water heater and drain clean-out, etc. The Board directed that the bills be paid from the DHS administrative budget.

The Board discussed the office hours of the **Veterans Service Officer**. Veterans Affairs Secretary Kristina Konradi explained that a number of persons have not been able to meet with the officer due to last minute, unannounced schedule changes.

Supervisor Gustafson provided copies of a proposed Humboldt County **hog lot ordinance** for the Board's information. The ordinance would require a construction permit for all confined livestock facilities. Voss reported his discussion with the DNR on the level of fine activity and the indemnity fund.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign, the **contracts** and contractor's bonds of Christensen Bros., Cherokee, for bridge replacement project L-FM-BV-6-97--73--11. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Engineer Jon Ites reported that many surrounding counties have appointed the county engineer as the contact for the federal government required **drug and alcohol testing** program. Motion by Vail, second by Gustafson, to approve the application for membership in the **Data and Alcohol Testing Alliance**, and to appoint Engineer Jon Ites as the contact person for the program. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Bruns, to approve and to authorize the Chairman to sign, the **payment voucher** for Kuehl and Payer's 1st billing for survey services on project #BROS-9011(5) (bridge replacement in Section 23, Grant Township). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign, the agreement with IDOT establishing the detour to be used during the construction of the **Hwy 71 bypass**, project #NHS-71-7-(22), and affecting US Hwy 71, IA Hwy 3 and IA Hwy 7 in Buena Vista County. The agreement stipulates that IDOT will provide signing and pavement markings, and \$15,935 towards replacement of single span structure on M-44. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites reported that, having investigated their sign request for a location just west of the city limits on the south side of town, he will recommend that the City of **Truesdale** establish a reduced speed zone within the corporate limits, so that the County can place a 'reduced speed ahead' sign on the county road.

Ites updated the Board on a **DD #134** matter in which a billing sent for tile repair and clean-up was objected to by the landowner. Through his attorney, the landowner requested that the entire drainage

district be responsible for the cost. The Board directed the matter to the Drainage Attorney.

Motion by Bruns, second by Vail, to approve and to authorize the Chairman to sign the **utility permit** application of Cherokee Rural Water to provide a 1 1/2" service line to Clay Drenth in the SE 1/4 Section 20, Nokomis Township from the south to the north side of road. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign the **utility permit** application of US West to improve service at Lakeside, by installing a new cable by boring under the blacktop and then north and south into Lakeside. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign the **utility permit** application of Ia Lakes Electric Cooperative to install a single phase, 7200 volt underground service line between Sections 11 and 12, Maple Valley Township, to provide service to Thayer Patterson. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign the payment agreement for one person at **Quality Life**, Storm Lake, as recommended by Case Manager Dawn Wiseman. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board considered a request for payment for room and board for one person at Iowa Central Community College, to facilitate participation in the VESS program. The person is not diagnosed with any condition for which the county is mandated to provide services. A decision on the person's application for SSI is pending. Motion by Gustafson, second by Bruns, to deny funding for 1 person's room and board at **Iowa Central Community College** to participate in the VESS program. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve and to authorize the Chairman to sign the letter of intent for the **Supportive Employment** grant application. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Pam Berg and Karla Christenson provided information about their business - - **Mulberry Creek's** Brief Encounters, a company providing re-useable incontinence products. They received a solid waste reduction grant 2 years ago for which the Board had provided a letter of support. For two of their clients, significant landfill tonnage reduction has been realized. For some clients, a cost reduction has not been found.

Motion by Vail, second by Bruns, to approve the following items on the consent agenda:

- \* **minutes** of the 9/27 as corrected;
- \* note the receipt of the following **reports**: mental health property tax relief-1st half, 9/22 Mangold Env Test-Spectra lagoon, statement for Storm Lake bond election;
- **late filed application** for military exemption on parcel #'s 5288.00, 7607.25;
- \* that some **safety training** for all full-time and part-time employees shall be mandatory, with the Safety Coordinator to determine which types of training shall be required for the various job types;
- \* approval of, and authorization for the Chairman to sign, the following documents for implementation of The Hartford as an approved vendor for **deferred compensation**--master contract, plan document, administrative service agreement and SEC acknowledgment;
- \* **transfer** of \$15,000 from E911 Surcharge funds to E911 Debt Service for loan payment, and transfer 1st half FY/96 mental health property tax from General Basic to General Supplemental in the amount of \$190,392.

The proposal for appraisal of the CCF buildings leased by Spectra was deleted from the above motion pending receipt of further information from the appraiser. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Business Records Corporation representative Kevin Lafeber presented the 2 **election equipment** proposals requested by the Board: rental of a central count system for the 1995 municipal election, and a lease-purchase of 17 Optech III-P Eagles machines. Due to the time, the Board agreed to take up discussion of the proposals later in the meeting.

Jim Glouser, **Veterans' Service Officer** met with the Board to discuss the services he provides to veterans. Vice-Chair Voss inquired about Glouser's hours and schedule in Buena Vista County. For long range planning purposes, and to assure continuation of services for the county's veterans, the Board asked Glouser to recommend someone to be trained by him who would be available to assist in Glouser's absence. Voss asked him to report back prior to his departure to Florida in mid November, and to provide the names and phone numbers of Glouser's resource people.

Sue Morrow, **Spectra** Administrator, and Ron Neulieb, Control Systems Specialists, discussed the county's **insurance** company's inspection in July which resulted in a recommendation to install a relief valve on the booster water heater. Neulieb recommends installation of a new 18kw unit with a valve. The Board approved the replacement.

Morrow also discussed final clean-up from the outbuildings at the **CCF** site, and the seeding which needs to be done. The Board will arrange the clean-up with the engineer. She also reported on the service work done by the contractor on the new roof, which has been leaking. Not all leaks have been repaired to date. Gustafson recommended a letter to the contractor and the architect. The flooring in the smoker's lounge was to have been repaired, but to date, the contractor has not come or set a date for the concrete work. Morrow will contact another contractor for that work, and for eliminating the surface level between the sidewalk and the floor at the front door.

Morrow will meet with Voss to discuss some changes to the **Spectra lease** of the CCF building.

The Board renewed their discussion on voting equipment, including a letter from AIS on their new prototype for precinct count **election equipment**. The Board declined the offer to view the AIS equipment. Motion by Vail, second by Gustafson, to purchase 17 Optech III-P Eagles from Business Records Corporation for delivery by 10/31/95, with modem, prom pack, plastic ballot boxes, software, memory pack receiver, training and demonstration pack, in a total amount of \$104,245, to be paid 10% down on 12/1/95, with the remainder to be paid in three annual installments on 10/1/96, 10/1/97, and 10/1/98 with no early payment penalty, the lease-purchase agreement being subject to the review of the County Attorney. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Vail left the meeting for another commitment.

Motion by Gustafson, second by Voss, to purchase 2 additional III-P Eagles for \$3,000 each, with the understanding that if the County decides to return them, the County shall provide written notice to the Business Records Corporation by 12/1/96, with the units to be returned for a full refund, and if kept, the County will pay the difference between full price of \$5,200 and \$3,000 each. Ayes--Bruns, Gustafson, Voss. Nays--none. Absent--Vail. Carried.

The Board directed the Auditor to send letters to the representatives of the other election equipment companies, thanking them for their presentations and information, and notifying them of the Board's action to purchase Optech.

Deputy Auditor Jean Chindlund explained the proposed changes in work hours for the **Sheriff's and Jail Departments**. Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman to sign, the 'Sheriff's Department and Jail--Hours of Work' as an amendment to the personnel policy (9-29-87), as submitted by the Sheriff, retroactive to 10/2/95. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

The Chairman reviewed the county's **Ground Water Protection** Ordinance-#5.2, and its reference to the Iowa Administrative Code. The Chairman will take up the matter of enforcement with the County Attorney.

The Engineer reported the need for additional work in **DD #106** to correct a collapsed tile line, which has dropped about 36". The consensus of the Board was to make the repair.

Motion by Gustafson, second by Voss, to approve a claim for Jt. **DD #16- 30-92 MOD** in the amount of \$784.00 to Lawn Manicurists, Algona, for chemical treatment of 3.4 miles of trees and brush. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve a claim for Jt. **DD #64- 105** in the amount of \$266.00 to Carl Mauer Excavating, Lake View, for tile repair in SW 1/4, NW 1/4 Section 1, Delaware Twp., Sac Co. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve a claim for Jt. **DD #19-26 MOD** in the amount

of \$170.00 to Richards Construction Co., Sac City, for repairs in the SW 1/4 of the NW 1/4 Sec. 22, Douglas Twp, Sac Co. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned at 4:10 p.m. to Tuesday, October 17 at 8:30 a.m. for a regular meeting.

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**BOARD OF SUPERVISORS MEETING  
FORTY-SIXTH MEETING, 1995 SESSION (46)  
OCTOBER 17, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 17, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

**Environmental Health/Zoning Director** Kim Johnson met with the Board to discuss: a complaint at Casino Beach regarding equipment storage, illegal burning in a ditch, and proposed changes to the zoning Ordinance #6.1 to eliminate the section on occupancy permits, to change the section on nonconforming uses and home occupation, and to change the section governing sales and sales advertising on non-ag zoned property. It was the consensus of the Board to prepare the zoning ordinance changes as recommended.

Motion by Voss, second by Vail, to approve and to authorize the Chairman to sign, the **utility permit** application of GTE, Midwest, to replace existing aerial lines with underground cable Between Sections 5 & 6, Brooke Twp., the line to be bored under M27, to provide service to a house. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign, the **utility permit** application of Lundell Construction, Cherokee, doing work for IBP, to install a 3/4" water service line between Sections 13 & 24, Hayes Township, under C-65. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites reported that some of the utility permit applications involve work to be done within **drainage district** right-of-way. A suggestion for dual signatures by the Chairman, one for the Board of Supervisors, the other for the Trustees of the Drainage District, was discussed.

Motion by Vail, second by Bruns, to approve the **roadway maintenance agreement** for snow and ice control on 130th Ave. for the '95-'96 snow season (IDOT designation: M-48) subject to the IDOT putting the road in serviceable condition. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to set 10:00 a.m. on October 31, 1995 in the Boardroom, as the time and place for **bid letting** for a contract to extend the city sewer to the Luedke site. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Ites informed the Board that if other parties wish to hook into the line, prorated costs can be recovered.

Quotes have been taken to replace the furnace in the **secondary road** building at Rembrandt prior to the snow season.

A request to purchase **strippings** by a private contractor was denied. Purchase of **weather forecasting** services and road **equipment** (tandem truck) were discussed. It was the consensus of the Board to take quotes for the truck.

Blue Cross and Blue Shield Representative Deanne Dentlinger reviewed some of the problems that employees are having with the partial self-funding **employee health insurance** program. Since claims received by the last Friday of the month are paid by the 5th working day of the following month, in some months the payment is very slow because the last Friday occurs early causing the time lag. Pharmacy claims require 2 weeks to process. As of January 1, 1996, the employee will present a card, and the pharmacy will file claims directly with Blue Cross, eliminating the need for the employee to file. The pharmacy will continue to be paid by the employee. Bruns suggested providing the employee with a detailed listing of the charges paid so that the employee can review what has been paid on individual charges. Deputy Auditor Jean Chindlund requested that some information be provided to the physician and hospital providers to explain the payment delays. Dentlinger will conduct additional employee meetings on 11/15/95, and return to the Board to report on the particular questions raised by employees on 11/28/95.

The Board moved to the 2nd Floor Public Meeting Room to hold an public discussion on a **hog lot**



**ordinance.** Present for the discussion were: Co. Atty Phil Havens, Env Hlth/Zon Dir. Kim Johnson, Senator Mary Lou Freeman, Jim Hinkeldey, Randy Geyerman, and representatives of the Storm Lake media.

Supervisor Gustafson opened the discussion by explaining that he had asked the County Attorney what the county could do, such as draft an ordinance calling for a moratorium on lagoons for hog lots.

County Attorney Havens explained that after researching the issue, even assuming that the county had personnel to enforce an ordinance, he had concluded that a moratorium would be the ultimate in regulation, and as such would be void and unenforceable. There have been no Supreme Court decisions testing the issue, but he concluded that a moratorium would not be upheld. Havens further explained that home rule authority allows the county to be more restrictive than the state, if the requirements are not contrary to state law. However, the state specifically allows lagoons, and a moratorium would be in conflict. Also, agricultural property is exempt from zoning. Havens cited two Attorney General's Opinions which reflect that the county can't regulate farm operations, limits size, etc., or zoning ag land.

Jim Hinkeldey, who lives near the lagoons, stated that the Pampered Beef lagoons are a mess. He thinks the county shouldn't have to bear the cost of repairing bridges and roads when heavy hauling equipment moves manure in poor weather. He would like to see funds set aside up front to assure clean-up if the operation closes.

Randy Geyerman, Pro Pork, a consultation service, noted that lagoons have operated very well in this county for 30 years. Recently there has been much publicity over a number of problems due to rain and other factors. He has heard from 2 ag engineers who know of no leakage problems into groundwater. Gustafson stated that an Algona attorney knows of one currently being investigated. Geyerman suggested that we need to consider facts and research before taking any action. There are lagoons everywhere.

Supervisor Voss is not so concerned about the lagoon, but about the operation--manure management, enough acres to accept the manure, timeliness of hauling manure, etc.

Geyerman stated that modern livestock facilities cost too much for a farmer to take profit for 10 years of operation, and then abandon them. He feels that the issue which really seems to be causing the most concern is keeping the big operators out, and protecting the smaller ones, as opposed to environmental issues. He asked what this would really hurt--the economics of the capitalistic system.

Gustafson responded that large vs. small was not his reason. He wants to protect the neighbors concerns. Referring to a headline in the Des Moines Register announcing \$9 Million to be spent on research, he suggested that he may not want his taxes spent on studies. The potential cost of a lawsuit against Buena Vista County is minor in comparison.

Geyerman stated that it is the function of government to study the troublesome areas of industry, including the hog industry.

Senator Freeman offered three comments: 1) everyone, including the DNR, is happy with the Pampered Beef lagoons now that they have been turned into a wildlife center; 2) payments into an indemnity fund would be reactivated in the event the fund begins to be depleted as clean-up costs are paid; 3) Iowa Select, one of the large corporations operating sites in Iowa, has two types of operation. In the first, Iowa Select buys 40-80 acres to put up an operation. In this case, there must be a willing seller of the land. In the other type of operation, Iowa Select contracts will a farmer to run the hogs through the farmer's own buildings and operation.

Havens suggested that some other type of regulation, short of the prohibition of lagoons, might work--requiring a bond to be posted. He doesn't know whether or not a company could be found to provide a bond which would then make this ordinance unenforceable. If a bond were not posted, then a penalty could be applied.

The Chairman asked if the county could exceed the state's distance requirements, with Havens answering that if we can regulate, perhaps yes, but again personnel to enforce would be needed.

Bruns asked who would be assessed for damage to the drainage districts? Over-regulation will stifle producers, and county rules would only create inconsistencies from one county to the next. However, buying a little time might help.

Gustafson asked, and Havens answered yes, that if the Board agrees to do so, the county could

pursue an ordinance requiring a bond for constructing a lagoon.

Motion by Gustafson, second by Voss, to direct the County Attorney to research a **livestock lagoon ordinance** incorporating bonding. Gustafson requested that the Board be polled. Bruns-aye, Gustafson-aye, Vail-aye, Voss-aye, Burnside-aye. Carried.

Following the lunch hour, the Board returned to the Boardroom.

State County Assistance Team Member Robyn Wilson visited with the Board briefly about the **management plan for disabilities services** required by SF69. She recommended developing the plan within BV's Planning Council, rather than the individual counties writing their own. The Board expressed no other preference, and Voss and Bruns will take the matter up with the Planning Council.

Head Custodian Dewyne Stucynski reviewed the results of a meeting with a consultant on **Courthouse**, DHS Annex, and possibly the county care facility building lighting. Replacing the current system with today's technology will substantially reduce the county's energy bill. The number of ballasts in the light fixtures will be reduced almost 50%, and new bulbs will reduce energy usage. The Energy Group, Inc. provides a site survey to assess the appropriate configuration, and will handle the disposal of the used materials, proper disposal being a regulated activity. The Energy Group, Inc., a division of Midwest Power, provides the commercial **energy audit** program. If the audit is completed, and installation of the new materials is completed by December 31, a substantial rebate is available to the county. Motion by Voss, second by Gustafson, to request the energy audit services of The Energy Group, Inc., for the courthouse (not to exceed \$600) and DHS Annex at a cost of 1/2 cent/sq. foot (not to exceed \$350) and, to authorize the Chairman to sign the agreement for the audit services. If the County proceeds with installation of the new system, the audit comes at no cost to the County. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, to approve today's consent agenda as follows:

- \* approve **minutes** of the 10/3 meeting as printed;
- \* approve the following **reports** -- Sept. Clerk's fines and surcharges, Conservation Board minutes, budget reports and departmental budget summary; 9/14 test results-Mangold-Spectra lagoon; 1st Qtr FY'96 Veterans' Affairs, Sheriff's fees, Clerk's fines and surcharges; 10/4 Communications Center. Supervisor letter re: employment of Kim Heck; Farm-to-Market road fund summary; also reviewed--9/14 minutes of Region 3 ISTEPA TPC, NWIPDC minutes; notice of appointment of Robert Donahoo to BV County Soil & Water Conservation Commission;
- \* approve, accept, and authorize the Chairman to sign the proposal of Duane Zenk, Denison, for **appraisal** services on the **county care facility** building and administrator's residence, the fee to be \$400 including expenses;
- \* approve and authorize the Chairman to sign the **snow removal agreement** with the City of **Rembrandt** for the '95-96 snow season;

Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

1:15 p.m.--The time having arrived for the Public Hearing on the Hwy 3 & 71 Urban Renewal Establishment, the Chairman opened the hearing with interested persons present:

The Chairperson announced that it was necessary to reschedule the date for the **public hearing** on the designation of the **Highways 3 & 71 Urban Renewal Area**. Accordingly, Supervisor Voss moved the adoption of the following resolution entitled "Resolution rescheduling date for public hearing on designation of the Highways 3 & 71 Urban Renewal Area and on urban renewal plan and project," and the motion was seconded by Supervisor Vail.

Following due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes: Bruns, Gustafson, Vail, Voss. Nays: None.

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

**RESOLUTION NO. 1995-10-17**

Rescheduling date for a public hearing on designation of the  
Highways 3 & 71 Urban Renewal Area and on Urban Renewal Plan and Project

WHEREAS, studies have been conducted which show the desirability of designating

a portion of Buena Vista County as the Highways 3 & 71 Urban Renewal Area, pursuant to the provisions of Chapter 403, Code of Iowa; and

WHEREAS, a proposed urban renewal plan for a project within that proposed designated area has been prepared and October 17 had been set as date for a public hearing on that plan, but due to the inability of the Planning and Zoning Commission to meet, it is now necessary that a new date be set for a public hearing on the designation of the area and on that plan and project;

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

Section 1 - This Board will meet at the Boardroom at the Courthouse, Storm Lake, Iowa, on the 31st day of October, 1995, at 1:15 o'clock p.m., at which time and place it will hold a public hearing on the designation of the proposed Highways 3 & 71 Urban Renewal Area described in the preamble hereof and on the proposed urban renewal plan and project for said Area.

Section 2 - The County Auditor shall publish notice of said hearing, the same being in the form attached to this resolution, which publication shall be made in a legal newspaper of general circulation in Buena Vista County, which publication shall be not less than four (4) nor more than twenty (20) days before the date set for the hearing.

Section 3 - The proposed urban renewal plan is hereby submitted to the County's Planning and Zoning Commission for review and recommendations, as required by Section 403.5, Code of Iowa.

Passed and approved October 17, 1995.

/s/ Lorna Burnside Chairperson, Board of Supervisors

Attest: /s/ Karen M. Strawn, County Auditor

**NOTICE OF A RESCHEDULED PUBLIC HEARING ON DESIGNATION OF  
THE HIGHWAYS 3 & 71 URBAN RENEWAL AREA,  
AND ON PROPOSED URBAN RENEWAL PLAN AND PROJECT**

Notice Is Hereby Given: That at 1:15 o'clock p.m., at the Boardroom of the Courthouse, Storm Lake, Iowa, on the 31st day of October, 1995, there will be conducted a public hearing on the question of designating as the Highways 3 & 71 Urban Renewal Area, pursuant to Chapter 403, Code of Iowa, the property within the following boundaries:

**DESCRIPTION OF RECORD**

RECORDED IN DEED BOOK 55, PAGE 554 IN THE BUENA VISTA COUNTY RECORDER'S OFFICE

A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW 1/4 SW 1/4) OF SECTION THIRTY (30), TOWNSHIP NINETY-TWO (92) NORTH, RANGE THIRTY-SIX (36) WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest Corner of Section 30, thence due North along the West line of Section 30 for 398.2 feet; thence North 85<sup>o</sup> 24' East for 623.0 feet, thence due South for 449.8 feet, thence North 89<sup>o</sup> 51' West for 621.0 feet to the point of beginning ...

The subject matter of the public hearing will also include a proposed urban renewal plan and project for the Highways 3 & 71 Urban Renewal Area identified above, pursuant to Chapter 403, Code of Iowa, a copy of which plan is on file for public inspection in the office of the County Auditor.

The general scope of the proposed urban renewal plan, as more specifically described therein, includes the following:

Increasing the tax base and promoting economic growth in Buena Vista County by encouraging industrial development and assisting private enterprise obtain all available governmental incentives. The initial purpose of the plan is to encourage

the development of a truck stop by providing a three-year property tax rebate.

At the hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matter of the hearing.

Karen Strawn  
County Auditor

.....

Motion by Gustafson, second by Voss, to set the date and time of public hearing on the lease-purchase of voting equipment from Business Records Corporation, as October 31, 1995 at 1:00 p.m. in the Boardroom. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Vail and Voss left the meeting.

Motion by Gustafson, second by Bruns, to extend the hours of work up to 40 hours/week for Kristina Konradi for secretarial duties, due to the increasing caseload of the Case Manager, effective immediately. Ayes--Bruns, Gustafson, Burnside. Nays--none. Carried.

There being no further business, the meeting adjourned at 2:40 p.m. to Tuesday, October 30 at 8:30 a.m. for a regular meeting.

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**BOARD OF SUPERVISORS MEETING  
FORTY-SEVENTH MEETING, 1995 SESSION (47)  
OCTOBER 30, 1995**

The Buena Vista County Board of Supervisors met in special joint session with the Buena Vista County Board of Health on Monday, October 30, 1995 at 7:30 P.M. in the E. Richland Annex with Board of Health Chairman Dr. Frank Hughes presiding. The following were present:

Board of Health: Dr. Hughes, Stan Sievers, Avonne Frederickson, Dr. Scott Wulfekuhler, Shirley Pritchard.

Board of Supervisors: Burnside, Bruns, Gustafson, Vail, & Voss.

Others: Environmental Health Director, Board of Health Secretary Carol McDonald, Well Inspector Dick Mahn, County Attorney Phil Havens, County Auditor Karen Strawn, DNR Officer Barb Lynch, Cherokee Co. Env. Health Officer Darwin Henke, Larry Garrison-property owner.

The purpose of the meeting was to review how a septic system works, and policy and procedure regarding the enforcement of Iowa Administrative Rules, adopted by reference in Ordinance 5.2 of Buena Vista County's 1994 Code of Ordinances.

E.H. Director Kim Johnson explained what a septic system is, what the various parts do, and how it treats wastewater to prevent groundwater contamination. She demonstrated a model system, showing various problems that could prevent the system from functioning properly. Johnson also reviewed laws and regulations which require action to correct septic systems found to be out of compliance, and her duties according to her job description.

Cherokee County Environmental Health Officer Darwin Henke was asked to explain how he interprets and works with regulations in his county. As in Buena Vista County, there are probably many septic systems which would fail to meet regulations, but manpower and funding are not sufficient for him to initiate inspections. When a possible violation or problem is brought to his attention, and non-compliance is found, he orders compliance and provides a reasonable time period for correcting the situation. He has not done any consumer or public education, but feels that it would be worthwhile to pursue environmental assessments when property is transferred.

Johnson reviewed that she had been contacted 9/20/95 by a re-location firm, which became involved in the marketing of a BV Co. acreage, and was asked to check the septic system at the acreage. She found problems with system, and notified the owner of what was needed for compliance. In BV Co., it is not the usual procedure to request an inspection, so this is the first problem identified in this manner. Had the re-location firm not been involved, this situation probably would not have come to her attention.

Barb Lynch agreed that because there are probably many illegal systems, it is impossible to begin a mandatory inspection program requiring immediate compliance, due to lack of manpower and sufficient budget. Her department investigates all complaints.

Having done some research on what other counties do, Co. Attorney Phil Havens recommends being consistent, having a policy and following it.

It was agreed among the members of the Board of Supervisors that if there is a non-compliant system, it must be fixed, and that the law must be enforced.

Dr. Wulfekuhler stated that it was plain that since this situation came up, the law must be enforced. The question is how. A discussion ensued on public education for contractors, real estate agents, lending institutions, the public, etc.

Motion by Wulfekuhler, second by Sievers, to adopt a policy for inspection of septic systems in complaint situations, and upon owner's request; if a problem is found, to require compliance in a reasonable time (dependent upon season of the year); and to direct that the Environmental Health Director proceed with an educational program for the public, lenders, contractors, and real estate agents. Ayes--Sievers, Frederickson, Wulfekuhler, Pritchard, and Hughes. Nays--none. Carried. For the record, the Board of Health stands behind the Environmental Health Director's decision regarding the Hagge/Garrison inspection.

There being no further business, the meeting adjourned at 8:30 p.m. to Tuesday, October 31 at 8:30 a.m. for a regular meeting.

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**BOARD OF SUPERVISORS MEETING  
FORTY-EIGHTH MEETING, 1995 SESSION (48)  
OCTOBER 31, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 31, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

**Engineer** Jon Ites reported damage to the engineer's vehicle from impact with a deer.

Motion by Bruns, second by Vail, to approve and to authorize the Chairman to sign the **utility permit** application of Corn Belt Power to install 4 power poles on road right-of way and in the north line of DD 34 Lat 2 in the NE 1/4 Section 35 Poland Township. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign the **utility permit** application of Iowa Lakes Electric Cooperative to install underground 3 phase distribution lines for a service upgrade for F & L Mgt. Services, located between Sections 3 & 4, Poland Township. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign the **utility permit** application of Iowa Lakes Electric Cooperative to install an underground single phase distribution line west of Albert City across C-29, going south to north, to relocate a power pole, then across the open field on private right of way between Sections 22 and 35, Fairfield Township. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites discussed the current draft of the maintenance agreement with the City of Storm Lake for roads with joint jurisdiction. Voss requested that the City consider adding to its list, Vestal St. all the way to C-49, with the Auditor to send a letter to the City. However, the following motion was offered: Motion by Vail, second by Gustafson, to approve and to accept the **28E maintenance agreement** and map as presented, for the maintenance of roads with joint jurisdiction by the City of Storm Lake and Buena Vista County. Ayes-- Bruns, Gustafson, Vail. Nays--Voss. Carried.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign the ice clearing and **snow removal agreement**, with fee schedule, with the City of Truesdale for the '95-96 snow season. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

A bridge, scheduled for repair or replacement in 1998, could be moved up in the schedule if local option tax revenue is used. Ites presented a proposal for **bridge design services**. Motion by Voss, second by Bruns, to approve a professional services proposal from Calhoun-Burns & Associate, Inc. to inspect, analyze and propose a plan to fix or replace the bridge located on C-43, east of Truesdale, the cost to be \$2,570 for items 1 & 5, and not to exceed \$1,400 for items 2, 3, and 4. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites has received a request from the City of Storm Lake to purchase 750 ton of **gravel** from the County. The Board approved selling 250 ton with the additional amount to be discussed at the joint City/County meeting on November 27.

In a letter regarding the **Hwy 71 bypass** project, IDOT proposes to delay until FY'98, the re-construction of the 3 & 71 intersection, and to replace the separate M-44 structure. New detour agreements were proposed for the Board's consideration. Ites recommended acceptance, and the Board agreed.

Regarding trees growing in the ditch in Bargloff's Addition, it was made known that the ditch is actually part of **Drainage District 25**, which was turned over to the City of Storm Lake in 1972. The Board will discuss this further at the 11/27 meeting with the City.

10:00 a.m.--The time having arrived for the bid letting for proposals on the sewer line, the Engineer explained that 8 sets of proposal forms had been sent out, and 2 returned, from Lundell Construction, Cherokee, and Sorenson Farm Drainage, Hartley, Iowa. Motion by Voss, second by Vail, to accept the low bid of Sorenson Farm Drainage Inc., Hartley, Iowa, to extend the city **sanitary sewer line** to the Luedke site at the corner of Radio Road and E. Richland Ave., in a total amount of \$58,403.20, project #95345. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites asked for direction from the Board regarding the budgeting of **local option sales tax** funds. Are the funds received in FY'97 to be budgeted for use in FY'97, or should the expenditures in FY'97 only be paid with funds received in FY'96? The consensus of the Board was that expenditures should be budgeted out of the prior year's receipts. Also discussed was the number of projects, and whether to purchase design services from a consultant, or hire another staffer to do in-house design. Bruns noted that the local option was requested by the County in order to be able to do the additional projects, not otherwise affordable, and that the County will need to hire either inside or outside design work in order to do the projects. It was the consensus of the Board to begin the process of finding another design staffperson.

1996 is the year for **bridge inspections**. Ites will request proposals from 2 contractors to provide the inspection services.

Ites discussed the need for a tractor with brush cutter which would reduce the cost of labor for **road clearing**. Gustafson is opposed to the purchase of the equipment for an activity which can be conducted during the off season. Ites noted that reduced labor cost would reduce the worker's compensation premium in that dangerous category.

Voss inquired about drainage at the **South Hayes Pit**. The project is on the list to have design drafting prepared. The season will soon be too late to do the work.

Gustafson is concerned about a broken tailpipe left on his road for a lengthy period of time. He would like to see more prompt clean-up of **road hazards**. Ites will check with the operator.

11:00 a.m.--The time having arrived for the **Public Hearing** on the zoning re-classification request of the Martin O. Anderson Estate from Agricultural-1, to Agricultural-2. The Chairman noted 2 interested persons present, and that the notice had been published as required. Zoning Director Kim Johnson reviewed the law and procedures which prohibit selling less than 25 acres to build a new house. No objections being heard, motion by Vail, second by Voss, to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Voss, to approve the recommendation of the Buena Vista County Zoning Commission from their 10/23/95 meeting, to reclassify the **zoning**, from Agricultural-1 to Agricultural-2, of the following described property:

a tract of land located in the Southwest Quarter (SW 1/4) of Section 34, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa, and being more particularly described as follows: commencing at the Southeast Corner of the Southwest Quarter (SW 1/4) of said Section 34; thence on an assumed bearing of North 90 00'00" West, along the South line of said Southwest Quarter (SW 1/4) 1322.21 feet to the Point of Beginning; thence continuing along said South line, North 90 00'00" West, 360.97 feet; thence North 00 00'00" East, 497.23 feet; thence North 89 53'09" East, 330.49 feet; thence South 11 39'33" East, 150.83 feet; thence South 00 00'0" West, 350.17 feet to the Point of Beginning;

and, that upon the approval of a rewrite of the zoning ordinance which would allow for an existing farm site to be sold and not have to meet site regulations, the property will revert to Agricultural-1 classification with all the restrictions and privileges thereof. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to **employ** Bonnie Harson, at \$5.50/hour with a 25 cent increase upon successful evaluation at 6 months, effective 10/31/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve the combined well testing, well rehabilitation, **well** closure **grant application** to the State of Iowa for a total of \$29,066 for FY'97, and to authorize the Chairman to sign. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

11:15 a.m.--The time having arrived for the **Public Hearing** to consider the zoning re-classification, from agricultural land to commercial, 5 acres surrounding an existing building site owned by Ray & Lynn Schable to accommodate Schable's new plumbing business. The original petition was for an 80 acre tract described as the S 1/2 of the SW 1/4, Section 31, Grant Township. At the 10/23/95 Zoning Commission meeting, the petition was modified to rezone only 5 acres, to accommodate Schable's plumbing business. Zoning Director Kim Johnson confirmed that proper notice of hearing had been published. Hearing no objections, motion by Vail, second by Gustafson, to close the Public Hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve the decision of the Zoning Commission to **rezone** from Agricultural to Commercial a 5 (approx.) acre parcel, which includes the building site, located in Section 31, T-91-N, R-36-W, Grant Township, owned by Ray and Lynn Schable. (The legal description will be entered of record in subsequent minutes as it becomes available). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Deputy Assessor Kim Carnine presented **family farm credit** applications for FY'97. Motion by Vail, second by Bruns, to approve as recommended by the Assessor, the FY'97 family farm credit applications, with the following being disallowed: parcel #10676.00-.30-new owner not eligible; parcel #7643.85-under 10 acres and not contiguous; 7464.50-under 10 acres and not contiguous; and to direct the Auditor to so notify the owners. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried. Carnine reviewed her analysis of the family farm credit program. After the initial year of sign-up, the number of acres applied for, rose, but the number has now dropped off again, either due to lack of interest, or forgetting to do the annual signing.

1:00 p.m.--The time having arrived for the **Public Hearing** on the consideration of a lease purchase agreement for new voting equipment, the Chairman opened the hearing with 1 person present. The Auditor noted that the notice of hearing had been published as required. No comments were received from the public. Motion by Vail, second by Voss, to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Attorney Phil Havens commented on his review of the proposed **lease- purchase agreement**. He will provide some additional language changes for the Board's consideration on November 7.

1:15 p.m.--The time having arrived for the **Public Hearing** on the Highways 3 & 71 Urban Renewal Project, the Board moved to the 2nd Floor PMR.

The Board investigated and found that notice of the intention of the Board to conduct a public hearing on the designation of the Highways 3 & 71 Urban Renewal Area and on an urban renewal plan and project for the Area had been published according to law and as directed by the Board and that this is the time and place at which the Board shall receive oral or written objections from any resident or property owner of the County. All written objections, statements, and evidence heretofore filed were reported to the Board, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto: (The following were statements made by persons at the Public Hearing):

Zoning Director Kim Johnson--The Buena Vista County Zoning Commission has determined that the Highways 3 & 71 Urban Renewal Plan meets the County's Comprehensive Plan.

Supervisor Bruns--asked Corwin Ritchie, Attorney for Rollin Tiefenthaler, when the urban renewal designation would end. Ritchie answered that the rebate of taxes is for a 3-year period, and no longer. The Urban Renewal district will no longer exist since it is specific for the Highways 3 & 71 project only, and

only for the 3-year period. Ritchie noted that Truesdale has not yet signed the Urban Renewal Agreement, and that Truesdale's approval is necessary to proceed.

Supervisor Gustafson--confirmed that the base value of the property in question is \$66,000 which is for both the land and the old building, which since has been removed.

Supervisor Vail--is concerned about providing urban renewal advantages to a new business which is in competition with existing retail businesses.

Chris Eldred--asked what happened to the back taxes. Since the Small Business Administration has been holding the property, and the federal government does not pay property taxes, no taxing jurisdiction has been getting taxes from the property. Eldred also asked if the quick mart/gas station project was contingent upon approval of the Urban Renewal Plan. Tiefenthaler answered, that the project will proceed either way.

Bob Lenz, Storm Lake Area Development Corp. Director--spoke in favor of the plan, and explained that the Legislature saw the need to encourage development, and thus developed the Urban Renewal program. If Tiefenthaler did not acquire the property, and if the federal government requires clean-up of contaminated soil, the cost of clean-up would be borne by the taxpayers. This project takes that liability away from the County.

Supervisor Bruns--restated his belief that the business should be able to stand alone, with the benefit of urban renewal.

Corwin Ritchie--noted that this is one of the options currently available to businesses, the same as deficiency payments are available to farmers. Government at higher levels has determined there is a need for incentives to encourage development.

Supervisors Voss--stated that Urban Renewal is allowable under the law, and that it is available to the public to make use of.

Supervisor Gustafson--suggested an agreement with Tiefenthaler which would 'rebate' the rebate to the County if Tiefenthaler was no longer in business (sold, bankrupt, abandoned) in 6 years. That was Tiefenthaler gets something and so does the County.

Lyle Morenz--How is the assessment of the building made? How can the value shift from building to land? (He was questioning assessment methods). Also, why buy contaminated property?

Chris Eldred--Why should the County rebate \$30,000 when Tiefenthaler is going to build anyway? Why provide a rebate when we don't have to?

Supervisor Voss--There is a benefit to the County to increase tax base, and to reduce blight.

Lowell Fields--generally opposes State and County providing incentives to bring business here, but under these particular circumstances (blighted area, possible clean-up of soil contamination), he feels the Board should approve the Urban Renewal program.

There being no further objections, comments, or evidence offered, motion by Voss, second by Vail, to close the public hearing. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. The Chairperson announced the hearing closed.

Supervisor Voss moved the adoption of a resolution entitled "A resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Highways 3 & 71 Urban Renewal Area," seconded by Supervisor Gustafson. After due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes: Gustafson, Voss, Burnside; Nays: Bruns, Vail.

Whereupon, the Chairperson declared the resolution duly adopted and signed approval thereto.

**RESOLUTION 1995-11-1**

A resolution to declare necessity and establish an urban renewal area, pursuant to Section 403.4 of the Code of Iowa and approve urban renewal plan and project for the Highways 3 & 71 Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa counties by Chapter 403 of the Code of Iowa, the "Urban Renewal Law", a county must adopt a resolution finding that one or more



slums, blighted or economic development areas exist in the county and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the county; and

WHEREAS, it has been recommended that an urban renewal area be established within the boundaries set out in Exhibit A to this Resolution; and

WHEREAS, a study has been conducted of the area identified above for the purpose of establishing the need to designate the area as being appropriate for industrial development; and

WHEREAS, the study found that sufficient need exists to warrant finding the area an economic development area; and

WHEREAS, notice of a public hearing by the Board of Supervisors on the question of establishing the area identified above as an urban renewal area and on a proposed urban renewal plan and project for the area was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted said hearing; and

WHEREAS, the proposed urban renewal plan and project were submitted to and approved by the Planning and Zoning Commission of the County; and

WHEREAS, copies of the urban renewal plan, notice of public hearing and notice of a consultation meeting with respect to the urban renewal plan were mailed to Albert City-Truesdale Community School District and Iowa Central Community College; the consultation meeting was held; and responses to any comments or recommendations received following the consultation meeting were made as required by law; and

WHEREAS, because the Highways 3 & 71 Urban Renewal Area is located within two miles of the boundary of the City of Truesdale, the County is required by Section 403.17 of the Code of Iowa to enter into a joint agreement with the City of Truesdale, and such an agreement has been presented to this Board;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Buena Vista County, Iowa, as follows:

Section 1. An economic development area as defined in Chapter 403 of the Code of Iowa is found to exist within the boundaries set out in Exhibit A.

Section 2. The area identified in Section 1 hereof is hereby declared to be an urban renewal area, in conformance with the requirements of Chapter 403 of the Code of Iowa, and is hereby designated the Highways 3 & 71 Urban Renewal Area.

Section 3. The rehabilitation, conservation, redevelopment, development or a combination thereof, of this area is necessary in the interest of the public health, safety or welfare of the residents of Buena Vista County, Iowa.

Section 4. It is hereby determined by this Board of Supervisors as follows:

- A. The proposed urban renewal plan conforms to the general plan of the county as a whole;
- B. Proposed industrial development in the urban renewal area is necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 5. The urban renewal plan for the Highways 3 & 71 Urban Renewal Area is made a part hereof and is hereby in all respects approved in the form presented to this Board, and the proposed project for such area based upon such plan is hereby in all respects approved, and the joint agreement between the County and the City of Truesdale which has been presented to this Board is hereby approved and the Chairperson and County Auditor are hereby authorized to execute the agreement on behalf of the County.

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

Passed and approved October 31, 1995.

/s/ Lorna Burnside, Chairperson, Board of Supervisors  
Attest: /s/ Karen M. Strawn, Auditor

**EXHIBIT A**

Legal Description  
Highways 3 & 71 Urban Renewal Area

**DESCRIPTION OF RECORD**

RECORDED IN DEED BOOK 55, PAGE 554 IN THE BUENA VISTA COUNTY RECORDER'S OFFICE

**A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW 1/4 SW 1/4) OF SECTION THIRTY (30), TOWNSHIP NINETY-TWO (92) NORTH, RANGE THIRTY-SIX (36) WEST OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Beginning at the Southwest Corner of Section 30. thence due North along the West line of Section 30 for 398.2 feet; thence North 85° 24' East for 623.0 feet; thence due South for 449.8 feet; thence North 89° 51' West for 621.0 feet to the point of Beginning.

**URBAN RENEWAL AGREEMENT**

WHEREAS, pursuant to Chapter 403 of the Code of Iowa, counties have certain urban renewal powers; and

WHEREAS, in accordance with paragraph 2 of Section 403.17 of the Code of Iowa, a county may exercise urban renewal powers with respect to property which is located within two miles of the boundary of a city only if the county and city have entered into a joint agreement with respect to such exercise of powers; and

WHEREAS, the Board of Supervisors of Buena Vista County (the "County") has held a public hearing and has adopted a resolution approving an urban renewal plan with respect to the creation of the Highways 3 & 71 Urban Renewal Area; and

WHEREAS, all of the property within the Highways 3 & 71 Urban Renewal Area, the legal description of which is shown on Exhibit A hereto, is within two miles of the boundary of the City of Triesdale, Iowa (the "City"); and

WHEREAS, the Board of Supervisors of the County has requested that the City enter into an agreement in order to enable the County to exercise urban renewal powers within the Highways 3 & 71 Urban Renewal Area.

NOW THEREFORE, it is agreed by the County and the City as follows:

Section 1. The County may exercise urban renewal powers pursuant to Chapter 403 of the Code of Iowa with respect to property included within the Highways 3 & 71 Urban Renewal Area.

Section 2. This Agreement shall be deemed to meet the statutory requirements of paragraph 2 of Section 403.17 of the Code of Iowa and shall be effective following approval by the governing bodies and execution by the appropriate officials of the County and the City.

IN WITNESS WHEREOF, the County has caused this Agreement to be executed by the Chairperson of its Board of Supervisors and attested by its County Auditor, and the City has caused this Agreement to be executed by its Mayor and attested by its City Clerk, as of the dates shown opposite their respective signatures below.

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Supervisor Vail introduced an ordinance entitled "Ordinance No. 6.7, An Ordinance providing for the division of taxes levied on taxable property in the Highways 3 & 71 Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa."

It was moved by Supervisor Vail, and seconded by Supervisor Voss, that the aforementioned ordinance be given its first consideration and that it be adopted. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes: Gustafson, Vail, Voss, Burnside; Nays: Bruns. Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its initial passage.

## **BUENA VISTA COUNTY ORDINANCE NO. 6.7**

**Title:** An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Highways 3 & 71 Urban Renewal Area, Pursuant to Section 403-19 of the Code of Iowa.

BE IT ENACTED by the Board of Supervisors of Buena Vista County, Iowa:

**SECTION 1. Purpose.** The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Highways 3 & 71 Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by Buena Vista County to finance projects in such area.

**SECTION 2. Definitions.** For use within this ordinance the following terms shall have the following meanings:

"County" shall mean Buena Vista County, Iowa.

"Urban Renewal Area" shall mean the Highways 3 & 71 Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on October 31, 1995:

### DESCRIPTION OF RECORD

RECORDED IN DEED BOOK 55, PAGE 554, IN THE BUENA VISTA COUNTY RECORDER'S OFFICE

**A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW 1/4 SW 1/4) OF SECTION THIRTY (30), TOWNSHIP NINETY-TWO (92) NORTH, RANGE THIRTY-SIX (36) WEST, OF THE 5TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Beginning at the Southwest Corner of Section 30, thence due North along the West line of Section 30 for 398.2 feet; thence North 85 24' East for 623.0 feet; thence due South for 449.8 feet; thence North 89 51' West for 621.0 feet to the point of beginning...

**SECTION 3.** Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the County and any city, school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the County certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the County to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the County to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of

the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the County for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the County to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

**SECTION 4. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5. Saving Clause.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 6. Effective Date.** This ordinance shall be effective after its final passage, approval and publication as provided by law.

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The Board returned to the Boardroom for the remainder of the meeting.

MH Director Anita Hallquist, Case Manager Dawn Wiseman, and BVWAC Director Barb Frey, met to discuss the **supported employment** grant application for state funding. A letter from Pocahontas County indicating their interest has been received too late to allow a joint application. The application will be for 8 persons in supported employment. The county's responsibility for the program would be 30% of the cost, with the Iowa State Dept. of Vocational Rehabilitation paying 70%. Motion by Voss, second by Vail, to approve and to authorize the Chairman to sign the Supported Employment Conversion Project Proposal with the Iowa Department of Vocational Rehabilitation funding in a total amount of \$33,447.86 and a total county budget of \$47,782.68, the County to contribute \$14,334.80, and to appoint Anita Hallquist as the Project Manager. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Board reviewed Sept. mental health expenditures. Hallquist reported having responded to the DHS with the total number of 25 slots for **Home and Community Based Waiver** services.

Motion by Gustafson, second by Bruns, to approve **supported employment** funding for 1 person in an approximate amount of \$5,000/yr. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve the following items on the consent agenda:

- \* **minutes** of the 10/17 meeting as corrected;
- \* approve the following **reports:** Veterans Officer search; FY'95 Conservation annual report; Peavey tickets & check for soybeans-Pickhinke; 1st Qtr FY'96 day care expenditures; Jt. DD #181 Big Cedar minutes; and to note the receipt of the following **reports:** Notification re: annexation of Willard Christensen property to the City of Storm Lake; Notification of consultation on a TIF project for Gull Wing;

Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to adopt the Business Records Corporation Optech III-P Eagle electronic **voting system** for elections to be held in Buena Vista County commencing with the November 7, 1995, Regular City Election. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned at 4:00 p.m. to Tuesday, November 7 at 8:30 a.m. for a special meeting.

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The Buena Vista County Board of Supervisors met in special session on Tuesday, November 7, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

The Chairperson announced that on October 31, 1995, the Board of Supervisors had given its initial consideration and had adopted an ordinance entitled "**Ordinance No. 6.7.** An Ordinance providing for the division of taxes levied on taxable property in the Highways 3 & 71 Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa". It was moved by Supervisor Voss and seconded by Supervisor Gustafson that the aforementioned ordinance be given its second consideration and that it be adopted. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes--Gustafson, Vail, Voss, Burnside. Nays--Bruns. Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its second passage.

Motion by Gustafson, second by Vail, to approve the **minutes** of the 10/30 meeting as printed, and the 10/31 minutes as corrected. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

**Weed** Commissioners Norm Lund and Roger Sievers, and employee Dave Wiley, presented their report for the 1995 weed season. They proposed equipment and personnel changes for the next season which would reduce the number of vehicles to one to cover the whole county. The Board agreed to have them check further on equipment changes.

Voss read the 10/31/95 letter addressed to him from Bruce Kempkes and Heather Adams, Assistants to the Iowa Attorney General regarding the writing of policies for personal use of **county property**. He asked since these practices were previously allowed in Buena Vista County, are there back taxes, penalties or interest owed? Motion by Voss, second by Gustafson, to request that County Attorney Phil Havens investigate the personal use of a county owned computer by the previous County Attorney, Corwin Ritchie, and Phil Redenbaugh, to request that Havens respond in writing if he declines to investigate due to having served as an Assistant County Attorney for Ritchie, and further, to look into the use of county owned vehicles for personal use specifically by Assessor Ted Van Grootheest, Shop Foreman Brad Raveling, and Recycle Center Manager Ellsworth Jeppeson. Discussion--Gustafson mentioned that regarding Ritchie, there may be a number of things paid for by Ritchie, which were not billed to the County, that to some degree compensated for non-county use of the computer. When asked how far back the investigation should go, Voss stated he would like to go back to the first date when he became aware of the practices and brought them to the attention of the Board. The vote on the motion was: ayes--Bruns, Gustafson, Vail, Voss, nays--none. Carried.

The Auditor reported that 1st Leasing, Storm Lake, has submitted a proposal for a **lease-purchase agreement** for purchase of the voting equipment. The Board agreed that a lease-purchase agreement provides some flexibility over an outright purchase. Bruns and Gustafson suggested contacting all of the county banks to determine if there is any other interest. Gustafson requested that the County Treasurer prepare a cash-flow report for the Board before determining whether to purchase outright or to lease. Motion by Gustafson, second by Voss, to pursue a lease-purchase agreement with a local lending institution and to direct Doug Bruns to contact all of the county's lending institutions requesting proposals for a lease-purchase agreement on the BRC voting equipment. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to **employ** Robert Clyde Kallmer and Nicki J. Harrington-Ahlers as part-time jailers effective 10/20/95 at \$6.00/hour. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Head Custodian Dewyne Stucynski reported that the complete **courthouse** energy audit proposal will be available in the next week.

Motion by Voss, second by Bruns, following favorable 6-mo. evaluation, to **raise** the hourly rate of Custodian Jerry McShane by 50 cents/hour effective 11/18/95. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

A request from employees to close the courthouse early on Friday, December 22, was declined due to Christmas not being until Monday. The Board requested a legal opinion prior to designating the use of **flex benefit** funds forfeited by employees from FY'95.

Motion by Vail, second by Voss, to appoint Darwin Brummer to the Buena Vista County **Zoning Commission**, replacing Arden Jorgensen, and representing Grant & Coon Townships, and to send a

letter of thanks to Jorgensen. Ayes-- Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The Chairman will request by letter to 1st Leasing, installation of door stops and/or wind protection at the E. Richland Annex.

Vail left the meeting.

Nurse Administrator Karole Graen reviewed Board of Health minutes. Motion by Voss, second by Bruns, to approve the following reports: August, September and October (amended) Board of Health minutes. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Zoning Director Kim Johnson showed the Board a proposed subdivision plat for property south of Lake Creek, owned by Dave and Ruth Peterson. She had questions about access, improvements, setbacks, enforcement, etc. The Board is not favorable toward the plat as proposed due to several problems.

There being no further business, the meeting adjourned at 11:50 a.m. to Monday, November 13 at 9:00 a.m. for the canvass of the regular city election.

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**BOARD OF SUPERVISORS MEETING  
FIFTIETH MEETING, 1995 SESSION (50)  
NOVEMBER 13, 1995**

The Buena Vista County Board of Supervisors met in special session on Monday, November 13, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

Nurmi Ingram presented a request for 12" tile improvement in Section 15, Lee Township, DD #96. Engineer Jon Ites, Don Diehl, Duane Magnussen, Arnold Nielsen, and Norm Halverson were present for the discussion. The proposed improvements would alleviate Ingram's problem, but create problems for property owners downstream. Ites recommended, and the Board concurred, consulting the Drainage Attorney to determine Ingram's rights to a working outlet.

Head Custodian Dewyne Stucynski and Margaret Sadoris, representing the Energy Group, discussed a draft copy of payback on replacement of light bulbs and ballasts in several county buildings. A rebate is available if installation is completed by 12/31/95. After 1/1/96, rebates are substantially reduced. The total cost for Courthouse, DHS Annex and County Care Facility is approximately \$27,000. The rebate will be approximately 50%. Motion by Vail, second by Voss, to set the deadline for receiving proposals for the lighting retrofit project as Monday, Nov. 27 at 4:30 p.m., and to request proposals for individual buildings, and as a package, for the Courthouse, DHS Annex, and Care Facility building. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites reviewed the IDOT Level of Service transportation map showing how the state and federal highways will be serviced (for snow clearing) in Buena Vista County.

Motion by Vail, second by Bruns, to authorize the Chairman to sign the contract with Sorenson Farm Drainage, Hartley, for the sanitary sewer extension project to the Luedke building site. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Ites addressed the mention of Brad Raveling's name in the newspaper regarding the use of a county vehicle. Raveling's responsibilities include coming to work 1/2 hour earlier to check buildings and locks for security, vandalism, lights. For this duty, a county vehicle has been provided to do those checks. Voss believes that any personal use of a county vehicle generates an obligation for income taxes. Bruns stated that the Board should make the decision. Gustafson wants to write a policy, follow it, and avoid repeating the discussion of this issue.

Upon completion of the Canvass of the Regular City Election held November 7, 1995, motion by Voss, second by Vail, pursuant to Chapter 50.24 of the Iowa Code, to declare the results as follows: (\*\*denotes write-in; "scattering" reflects one or more candidates receiving less than 5 votes, with the total number of votes)

<b>Albert City:</b> total voters-144	
for Mayor	
Carl N. Erickson, Jr.	127
elected	
Scattering, 2 persons	2

for Council, elect 3		
Douglas Anderson		124
elected		
Michael D. Keller		16
Francis Marron		108
elected		
Christen D. Nielsen		56
Vergil Wenell		110
elected		
Scattering, 1 person		1
<b>Alta:</b> total voters-111		
for Mayor		
Edwin E. Buckendahl		98
elected		
Scattering, 4 persons		7
for Council, elect 3		
Thomas G. French		92
elected		
Daniel S. Huseman		99
elected		
Mike Miller		79
elected		
Scattering, 6 persons		12
for Council, to fill vacancy, elect 1		
Ben Stevens		41
elected		
Bruce McGowan		62
for Park Board, elect 1		
Michael R. Norris		94
elected		
Scattering, 5 persons		5
<b>Lakeside:</b> total voters-37		
for Mayor		
Jack I. Hunnel		37
elected		
for Council, elect 2		
Marie Hornecker		37
elected		
Wallace M. Pyle		34
elected		
<b>Linn Grove:</b> total voters-21		
for Mayor		
Stuart Genson		18
elected		
Scattering, 3 persons		3
for Council, elect 5		
Glenn A. Ellis		19
elected		
Stewart D. Jessen		21
elected		
Roger Warkentin		20
elected		
Darlene Wise		18
elected		
Hershel Morse**		5
elected		
Scattering, 7 persons		9
<b>Marathon:</b> total voters-39		
for Mayor		
Lois M. Olson		35
elected		
Scattering, 1 person		3

for Council, elect 3	
Jeff MacGregor	34
elected	
Dana Snow	35
elected	
Teresa L. Snyder	37
elected	
<b>Newell:</b> total voters-242	
for Council, elect 2	
Lorne Hahn	91
Robert Jorgensen	67
Donna Larsen	145
elected	
Donald Piercy Sr.	61
Mark Puhmann	116
elected	
for Park Board, elect 1	
Robert Jensen	170
elected	
Scattering, 2 persons	2
<b>Rembrandt:</b> total voters-40	
for Mayor	
Kathy K. Gies	27
elected	
Scattering, 3 persons	13
for Council, elect 2	
Kevin G. Iehl	34
elected	
Roger L. Peters	37
elected	
Scattering, 2 persons	2
for Council, to fill vacancy, elect 1	
Tracy Gotto	36
elected	
Scattering, 2 persons	2
<b>Sioux Rapids:</b> total voters-217	
for Council, elect 3	
David Althaus	137
elected	
Junior Halverson	71
Gary Isaacson	151
elected	
Donna Katschman	69
Sandi Tielbur	167
elected	
Allan Tripp	40
Scattering, 4 persons	4
<b>Storm Lake:</b> total voters-1346	
for Council, elect 3	
Herbert Buckendahl	334
Wallace E. Burns	703
elected	
Bob Ferguson	706
elected	
Mary Groher	375
Gary Nees	234
Steve Robb	311
Norman L. Taylor	518
Denny Vaudt	717
elected	
Scattering, 2 persons	2



**Truesdale: total voters-27**

for Mayor	
Jon Cox	16
elected	
Scattering, 6 persons	15
for Council, elect 5	
Mary Beal	19
elected	
Robert G. Beal	13
Steve Buchholz	24
elected	
Barbara Hansen	21
elected	
Jessie Meusburger	22
elected	
Mike Meusburger	19
elected	
John Paulsen	18
Scattering, 5 persons	7

and to direct the Auditor to prepare abstracts and certificates of the election as needed. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned at 11:40 a.m. to Tuesday, November 14 at 8:30 a.m. for a regular meeting.

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**BOARD OF SUPERVISORS MEETING  
FIFTY-FIRST MEETING, 1995 SESSION (51)  
NOVEMBER 14, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 14, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, and Voss, and with Auditor Strawn as clerk for the meeting. Absent: Vail for a funeral.

Engineer Jon Ites requested that the Board contract with Kuehl & Payer for inspection services on the sanitary sewer line project due to being short- staffed in his department. The Board agreed.

Ites explained conflicting construction schedules between IDOT's Hwy 71 bypass, and the county program. For that reason he recommends not finalizing the Hwy 71 maintenance agreement. He will ask for a final completion date for the bypass to avoid the conflict.

Motion by Gustafson, second by Voss, to approve and to authorize the Chairman to sign the payment voucher for preliminary survey work for the bridge located in Section 23, Grant Township, across the Coon River, in the amount of \$3,485.50 to Kuehl & Payer. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

The Board discussed sending a letter to Senator Mary Lou Freeman regarding her support of the improvement of Highway 7.

The Chairperson announced that, on October 31, 1995, and on November 7, 1995, the Board of Supervisors had given initial and second consideration to an ordinance entitled "Ordinance No. 6.7". An Ordinance providing for the division of taxes levied on taxable property in the Highways 3 & 71 Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa".

It was moved by Supervisor Voss, and seconded by Supervisor Gustafson, that the aforementioned ordinance be given its final consideration and that it be adopted. The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes: Gustafson, Voss, Burnside, Nays: Bruns. Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its final passage.

Motion by Gustafson, second by Bruns, to approve the following consent agenda items:

- \* minutes of the 11/7 and 11/13 minutes;
- \* reports as follows--Oct Conservation Bd minutes;

- \* **late filings** for 1995 Homestead credit on the following parcels: #'s 6188.00, 5738.40, 6596.00;
- \* Partial Self-funded **Employee Health Plan** and administration agreement, and to authorize the Chairman to sign.

The vote on the above motion was ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Nurse Administrator Karole Graen and Homemaker Home Health Agency Director Marilyn Monson reviewed a letter notifying the Board of Supervisors and Board of Health of a change in the way public health and other funds are allocated to counties. (The federal government is expected to provide **block grant funds** to the state, to be distributed based on these applications). A local assessment needs to be made for the very thorough Performance Partnership grant application. Graen and Monson recommend hiring a grant writer to prepare the application due to the amount of time that will be required to research and prepare the documentation. They will also present and explain the information to the Board of Health. The application must be submitted by July 1, 1996.

Treasurer Kathy Bach provided a cash flow analysis as it effects the Board's decision on financing the **voting equipment** purchase. Supervisor Bruns reviewed the results of his analysis of the proposals received from the following local lending: 1st Leasing, 1st National of Rembrandt, Commercial Bank of Storm Lake, and 1st Community Bank of Newell. Motion by Voss, second by Bruns, to issue a claim for the full cost of the voting equipment on Nov. 28 in the amount of \$110,245.00. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

MH Director Anita Hallquist and General Services Kristina Konradi updated the Board on the search for a Veterans Services Officer to assist Jim Glouser.

Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman to sign the payment agreement for supported employment services from **Buena Vista County Work Activity Center** for 1 person. Ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

Engineer Jon Ites informed the Board that the **county car** (blue Chevrolet Caprice) will be stored in a secondary road building for the winter months, and reservations should be made for its use with the Shop Foreman.

**Personal use policy:** Present were the media, Engineer Jon Ites and Attorney Steve Hamilton. Motion by Gustafson, second by Bruns, to approve a policy allowing the daily use of a county pick-up by Shop Foreman Brad Raveling during the period 11/1 through 4/1 (the snow season) due to Raveling being on call as the 3rd person in the chain of command for emergency operations. Discussion--Engineer Ites explained that the conditions of Raveling's employment included using the equipment. Gustafson feels that Raveling should have the vehicle only during the winter season. The votes was ayes--Bruns, Gustafson, Voss. Nays--none. Carried.

The Chairperson read a statement regarding the recent events in the Boardroom surrounding the personal use of county equipment. The statement called for an apology to the employees involved, and a personal apology from Supervisor Voss to those individuals. Since the issue has resulted in front page attention by the media, the Chairperson requested front page assistance in resolving the issue. Attorney Steve Hamilton agreed with the Chair's statement and suggested that going back in time creates ill will among employees who previously were operating with Board approval. He suggested that calling for an investigation has damaged employees and many other individuals, to the county's detriment.

Motion by Gustafson, second by Bruns, to recommend to the Solid Waste Commission and the Conference Board, that employees driving taxpayer purchased vehicles reimburse their organization at the rate of 12.5 cents (1/2 of the mileage reimbursement rate) per mile for personal miles, with the organization responsible for the other 12.5 cents, in recognition of the public good for the employees keeping those vehicles protected in a garage. Discussion--This will require the employee to log their miles. Bruns questioned the legality of this recommendation. Gustafson prefers that the Board make a decision with its home rule authority. Voss reviewed an 4/13/93 motion in which the Board banned personal use of county equipment. His purpose in pursuing the subject is to limit the county's liability should an accident occur in commuting to and from work. Ayes--Gustafson, Burnside. Nays--Bruns, Voss. The motion was defeated.

Motion by Bruns, second by Voss, to establish a policy that commuting to and from work in county owned vehicles be banned unless it is a condition of employment. Gustafson asked whether vehicles and positions be identified should be recorded. Bruns suggested that the department heads should be responsible for identifying those situations. Motion by Voss, second by Bruns, to amend the motion by

adding that this policy shall not be contrary to the laws of the State of Iowa. Ayes--Bruns, Voss. Nays--Gustafson, Burnside. The amendment failed. The vote on Bruns' motion was: Ayes--Bruns, Voss. Nays-- Gustafson, Burnside. The motion failed.

Gustafson suggested that the Board withdraw its request that County Attorney Phil Havens investigate the former County Attorney's use of a county purchased computer. He believes that the request to Havens was unfair. Voss wants to leave the request stand.

Gustafson left the meeting to go to another meeting.

There being no further business, the meeting adjourned at 12:00 noon to Tuesday, November 22 at 9:00 a.m. for a special meeting.

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**BOARD OF SUPERVISORS MEETING  
FIFTY-SECOND MEETING, 1995 SESSION (52)  
NOVEMBER 18, 1995**

The Buena Vista County Board of Supervisors met in special session on Saturday, November 18, 1995 at 1:00 P.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

The purpose of the meeting was to re-consider the lighting retrofit project. The estimate provided by The Energy Group was inaccurate due to the omission of a section of the courthouse in the figures. The original estimate was for \$27,000, which was corrected to \$43,000. The Board considered a report prepared by Treasurer Kathy Bach on the relative savings in energy cost, and the interest that could be earned on those same dollars. Custodian Dewyne Stucynski reviewed the revised estimates and his evaluation of the value of the project. Motion by Gustafson, second by Voss, to accept the revised estimate from of The Energy Group in the amount of \$43,317 for the (Courthouse, DHS Annex, care facility) lighting retrofit project, the work to be completed by 12/31/95, with a rebate of 32% or \$13,819, leaving an actual cost of \$29,498.00. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

The announcement by SLADC Director Bob Lenz that Tuscaurora will be breaking ground on November 20 for the plant to be built in Storm Lake, led the Board to discuss when the funding promised by the County would be requested. The Chairman will inquire about the timing at the next SLADC meeting.

There being no further business, the meeting adjourned at 1:35 p.m. to Wednesday, November 22 at 9:00 a.m. for a special meeting.

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**BOARD OF SUPERVISORS MEETING  
FIFTY-THIRD MEETING, 1995 SESSION (53)  
NOVEMBER 22, 1995**

The Buena Vista County Board of Supervisors met in special session on Wednesday, November 22, 1995 at 8:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Vail, and Voss, and with Auditor Strawn as clerk for the meeting. Gustafson was delayed in his arrival for the meeting.

Engineer Jon Ites has re-estimated the remainder due from the City of Storm Lake for C-49 West project at \$21,500.

The engineer has received a response from Drainage Attorney Greg Schiller regarding the matter of approval of a new private tile connection to Drainage District #96. The attorney recommended approval. Motion by Voss, second by Bruns, to accept the November 20, 1995 letter from Drainage Attorney Greg Schiller, and to forward copies of the letter to all interested parties, including Mrs. Lois Beck, owner of the property where an easement would be required to provide an outlet for water draining from land owned by Ingram Farms, Inc. Ayes--Bruns, Vail, Voss. Nays--none. Carried.

Ites reported that although there is a testing site available for CDL drug and alcohol testing in Fort Dodge, their cost is higher than having the tests done locally, when travel time is considered. Ites plans to have blood tests performed at the BV Co. Hospital, and breathalyzer tests by the BV Co. Sheriff. Blood samples will then be shipped out of state for analysis, and paperwork forwarded, as required. Ites recommended Secretary Shirley Johnson as the secondary contact for the CDL drug and alcohol testing program.

Ites reviewed questions which need to be answered in designing the Substance Abuse Prevention Personnel Policy for BV County, including procedures, penalties, etc.

County Attorney Phil Havens met with the Board to discuss what types of control could be imposed by the County regarding **hog lots**, i.e. posting a bond. Gustafson wants to protect the county and its residents from having to pay for clean-up of a small spill, contamination of a well, or clean-up of a drainage district, all of which are environmental problems. He is concerned only about operations with lagoons. Havens asked whether the Board wants to proceed with having him draft an ordinance. The consensus of the Board was to have him proceed. Gustafson and Bruns volunteered to work on a committee with Havens to prepare a draft.

Gustafson noted that the County has agreed to provide an outright \$50,000 grant for **Tuscaurora**. He asked Havens if we have to provide the funds at a particular time. Havens suggested that the Board ask Tuscaurora officials regarding the timing.

Regarding the use of employee forfeited **flex benefits** funds, Havens' recommended that the forfeited funds not be used for a Christmas party for employees. Once forfeited, the funds are resources of the County, and the suggested use would not be a proper use of County funds. Motion by Voss, second by Bruns, to deposit the forfeited flex benefit funds into the General Fund for general county purposes. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Case Management Supervisor Anita Hallquist and Case Manager Dawn Wiseman joined the Board to discuss **managed care**. The County is required either to provide managed care, or contract for these services. The consensus of the Board was: to employ a person to do the CPC-Central Point of Coordination (with job duties to include general relief, veterans affairs, county socialwork cases; this position requires a person with a college degree); to provide managed care services with County staff; employ the case management secretary fulltime with the added managed care paperwork responsibilities; and, to add a part-time case manager who can assist with the CPC position. These plans will require 2 additional staff members.

The Board discussed the design of the shelter and door stop requests for the outside doors of the **E. Richland Annex**. The Chair will convey the Board's request to 1st Leasing.

There being no further business, the meeting adjourned at 11:10 a.m. to Tuesday, November 28 at 8:30 a.m. for a regular meeting.

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**JOINT CITY/COUNTY MEETING  
STORM LAKE CITY COUNCIL  
BUENA VISTA COUNTY BOARD OF SUPERVISORS  
NOVEMBER 27, 1995**

The Storm Lake City Council and the Buena Vista County Board of Supervisors met in joint session on Monday, November 27, 1995, at 6:30 p.m. in the 2nd Floor Public Meeting Room of the Courthouse with Board Chair Lorna Burnside presiding. The following were present:

**City of Storm Lake:** Mayor Sandy Madsen, Councilmembers Tom Daniels, Bob Ferguson, Jon Kruse, and Dave Patton; Code Enforcement Officer Scott Olesen.

**Buena Vista County:** Supervisors Doug Bruns, Jim Gustafson and Jack Voss; Engineer Jon Ites, Zoning Director Kim Johnson, and Auditor Karen Strawn.

**Media:** Art Cullen-The Times, Ken Larson-Storm Lake Pilot-Tribune.

County Engineer Jon Ites asked if the Council had yet been advised of his letter to City Administrator Clarence Krepps regarding the remainder of the cost due from the City on the **C-49 west** project. He reviewed that the City has already paid the \$90,000 as specified in the city/county agreement. The agreement also states that any additional amount to be paid must be agreed upon by both city and county. There were additional costs, over the original estimate, in the grading portion of the project. And, the original estimate (done in 1989-90) was substantially exceeded by the 1 bid received, which the board did not except. The bid accepted in the 2nd bid letting was in the neighborhood of the 1st bid. The project is now complete, and in accordance with the formula for division of the cost, an additional \$21,587.60 is due from the City. Mayor Madsen stated that this issue has not come before the Council since the last joint meeting, but that it will be included in the goal setting later this week.

Engineer Ites continued with a review of the County's custom of selling small quantities of **gravel** (300 ton or less) to the towns and cities in the County. The County's current rate for small quantities is somewhat less than commercial rates. The last 2 years' requests from Storm Lake have been for 750 ton. 750 ton reflects the capacity of the City's facility. This year a trade of millings for gravel was

arranged. For the future, Ites recommended either a higher quantity limit, or a set rate for reimbursement. The reasoning is that the gravel from the County's south pit is a limited resource, being only about 12 feet deep compared to the usual 20-25' depth. The life of a 20-25' deep pit is 40-45 years. Gustafson suggested setting a higher limit such as 500 ton. It was noted that the City gains due to the cost of hauling a very short distance from the nearby pit. Mayor Madsen asked that if the Board does set a limit, or higher rates for larger quantities, advance notice would be provided to the City to facilitate their planning.

Ites noted that in the future there will be a need to reconstruct **C-49 east** from the sale barn between what will be old Hwy 71 and the new Hwy 71 bypass. The County and City have joint jurisdiction over the first 1/4 mile. The increased use of that route into the City as traffic patterns change, will likely create a need for attention earlier. A 8" concrete overlay might be used. This again would be a joint city/county project.

In the 1970's, drainage law called for turning over jurisdiction of a drainage district to a city when more than 25% of the drainage was from a storm sewer. **Drainage District #25**, which starts near W. Milwaukee and goes north into the Bargloff Addition, was turned over to the City in the 70's. Recently, a resident has complained about the poor visibility with all of the trees growing along the ditch running through the southeast portion of Bargloff Addition. 99% of the district lies in the City, with about 20 acres being outside the City limits. It was noted that if the City causes work to be done, that the cost is assessed back to the property owners in the district. The costs are ordered by the Council, then levied by the Board of Supervisors, with the County Auditor being responsible for the assessment schedule. The current assessment schedule should be reviewed for its adequacy. A reclassification can be very costly, should one be needed.

Code Enforcement Officer Olesen thanked the County (Board and **Zoning** Commission) for their favorable response to the City's zoning concerns along the **Hwy 71 bypass**, specifically, the re-zoning of a minimum number of acres to accommodate a new business, rather than the entire 80 acres of the owner. Councilman Patton inquired whether the County had taken any action based on the proposal for zoning designed by Planner Marty Schukert. The Board has not taken action, however, the Zoning Director has initiated work on a new Subdivision Ordinance which address parts of the proposal, to be followed by updating the zoning ordinance.

Gustafson expects that some livestock producers in the areas may have some concerns over the 'pod' concept, or any development. Hypothetically, 4 landowners could be involved wherever a pod is developed. The County is not interested in spot zoning. After some discussion, it was generally agreed that the pod with rearage roads, would be the preferable type of development at any intersection, as opposed to strip development as it occurred on N. Lake Ave., and that the pod would be appropriate at any of the intersections, not just at Milwaukee and 71.

Councilman Daniels mentioned that current landowners will have a voice in the development, in that they have the option of selling, or not selling a parcel for development.

Patton asked again if there was anything that the County needs to do regarding who would be responsible for building and maintaining roads, etc.-- the County or the developer. The subdivision ordinance will facilitate the controlled growth desired by both City and County.

Voss stated that the City would have some part in the development also, depending on their willingness to extend city services to the area.

Councilman Kruse will suggest that a joint meeting be held as soon as Schukert completes the City's plan, scheduled for summer. Zoning Director Johnson suggests that both the City's and County's Zoning Commissions be involved in an early meeting (Jan. or Feb.) before the plan is finalized.

Councilman Patton suggested another topic for a joint session--**agency funding** by both City and County. Since the City's budget hearing is scheduled for early February, Mayor Madsen will try to schedule a joint session prior to that time, in January. There may be value in discussing goals and expectations of some of the agencies, and how these may be viewed by both entities.

Another area suggested by Planner Schukert as one which might see additional residential development, in the western part of town adjacent to the **Hwy 110 bypass**. Voss suggested that substantial development may call for hardsurfacing in that area also.

Voss noted that a couple vacancies exist on the **NWIPDC** Board. Cities with populations exceeding 5,000, all have representation on the Board. Also the position for a representative from industry is vacant. Councilman Ferguson asked if BV County had a representative on the **ISTEA Enhancement Committee**. Supervisor Vail and Conservation Boardmember Arnie Hicks are on that

committee.

Chairman Burnside asked if the City had determined whether they would be expending local option sales tax receipts in the fiscal year received, or in the year following the year received. The City will probably do some of both. Burnside also asked if there was any interest or reason to consider joint meetings periodically with all of the City Councils in the county. There was some agreement that it might be useful, but no specific plan to meet was suggested.

Councilman Ferguson asked whether the County might have any use (such as storage) for the City Hall building if the City did eventually acquire another site/building. Boardmembers stated that it had not been discussed; that though additional storage space would be helpful, city hall would be larger than necessary for that purpose; that an obvious consideration - public health and the homemaker agency - would lose the very important features they gained in moving to the E. Richland Annex, namely ground floor access and substantial parking space; and the County would have the same ADA accessibility problems with the building as the City if it were used for any functions which required public access.

Ites asked if the City had completed their CDL Alcohol and Drug Testing Policy. He would like to review for comparison purposes, one or more adopted by jurisdictions in our area.

Bruns introduced the topic of TIF's and cautioned that some counties which have had TIF's for quite some time, were finding that the ongoing ones were a funding drain, particularly on school districts.

The next joint city/county meeting will be held in January to discuss agency funding, and, if it is far enough along, the City's comprehensive plan.

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**BOARD OF SUPERVISORS MEETING  
FIFTY-FOURTH MEETING, 1995 SESSION (54)  
NOVEMBER 28, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 28, 1995, at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting. Absent-Bruns (continuing education).

Head Custodian Dewyne Stucynski, and Gary Nepple & Jeff Stavnes from Nepple Electric, Inc., were present for the bid opening on the lighting retrofit project. Only 1 bid - from Nepple Electric, Inc. - was received. Motion by Voss, second by Vail, to accept the bid of Nepple Electric, Inc. in the total amount of \$29,974 (Courthouse-\$21,253, DHS Annex-\$2,240, CCF-\$6,481) for the lighting retrofit project, using soft white bulbs for the Courthouse and the DHS Annex, and the brighter bulbs for the care facility building, the project to be completed by December 29, 1995, and to authorize the Chairman to sign the contract for the project. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

The Chair left the meeting temporarily for a phone call.

Engineer Jon Ites presented 2 underground construction applications. Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign the underground construction application submitted by Steve Williams to install telephone cable in Sections 3 & 10, Providence Township, from his residence, across the road, to connect buildings on both sides of the road. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign the underground construction application submitted by U.S. West to replace existing phone cable (service for Vern Plagman) along the south side of Section 4, Nokomis Township, with the road to be put back in the original condition at completion of the project. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Burnside returned to the meeting. Dwight Young, representing Ingram Farms, Inc., was present to ask whether Ingram could proceed with obtaining approval from Lois Beck to construct a drainage connection in DD #96. The Board responded affirmatively.

Ites discussed future projects, including bridges and roads, and their relative priority.

The Board approved purchase of DTN services for the purpose of obtaining better weather information for management of road clearing operations.

Recorder Shari O'Bannon reported the retirement of her deputy effective 12/31/95. Motion by Vail, second by Gustafson, to approve the Recorder's appointment of Mary Weiland as Deputy Recorder

effective 11/27/95 at 63% of the Recorder's salary. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

O'Bannon has received some applications for a part-time Recorder's clerk position. She proposed hiring Kathy Binder as a full-time employee shared between the Recorder and Engineer, preserving the Engineer's access to occasional help for vacations, meetings, and extra work. No action was taken. O'Bannon will continue with the interview process for applications received. She may also re-advertise since the ad may have been understood as requesting a fulltime position, rather than part-time. For the budget process, the consensus of the Board was that the Recorder could plan for a part-time position at slightly more than 20-hours/wk.

Motion by Gustafson, second by Voss, to approve, and to authorize the Chairman to sign, the following drainage claims: to Sac City Surveying and Mapping in the amount of \$96.70 for DD #274 Jt (MOD) for audit & investigation, and to Sac City Surveying and Mapping in the amount of \$35.40 for DD #41-43 for repairs. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Gustafson, to approve the following items in the consent agenda:

\* minutes of the 11/14, 11/18 and 11/22 meetings as printed, and the 11/27 joint meeting as corrected;

\* reports--Oct. Clerk's fines and surcharges, CCF and residence appraisal by Gene Zenk.

Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

MH Director Anita Hallquist discussed the amended Service Area 4 report for FY'94. The amendment includes the non-mental health services paid from that service area.

Hallquist discussed the County Attorney's letter regarding legal settlement of a child. At his recommendation, the County will not pursue the matter in court against Pocahontas County. A bill from the State of Iowa for his care at an ICF-MR facility will be held until the end of the fiscal year when the available funds in the SA4 budget can be evaluated.

Motion by Voss, second by Vail, to approve the placement of 1 person at the Howard Center until 12/31/95, and then at Lutheran Family Services for community support services thru the waiver program, and to authorize the Chairman to sign. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Gustafson, second by Voss, to approve the placement and payment agreement for 1 person at Quality Life Home for home and community based services through the waiver program, and to authorize the Chairman to sign. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Engineer ltes discussed the development of the CDL drug and alcohol testing program. The Board agreed that the policy should address drugs and alcohol differently, since alcohol consumption is legal. The Board also agreed on the following:

- with positive test results on a second incident of drug use, the employee shall lose his employment;
- after the first positive test for alcohol at .02-.04, the employee will be sent home, using sick leave if available, for up to 1 day and with a written reprimand;
- after the 2nd positive alcohol test of .02-.04, the employee will be sent home without pay, will be given a reprimand, and will probably be referred to counseling;
- after the 3rd positive test of 02-.04, the employee will be discharged;
- after the 1st positive alcohol test at .04 and above, the employee shall be sent home without pay, and shall be required to follow the recommendation of the SAP regarding counseling;
- after the 2nd offense at .04 or above, the employee shall be sent home for 5 working days without pay and shall receive a written reprimand;
- after the 3rd positive test of .04 and above, the employee will be discharged immediately.

There being no further business, the meeting adjourned at 2:55 p.m. to Monday, December 11 at 9:00 a.m. for a special meeting.

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**FIFTY-FIFTH MEETING, 1995 SESSION (55)  
DECEMBER 11, 1995**

The Buena Vista County Board of Supervisors met in special session on Monday, December 11, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, and Voss, and with Auditor Strawn as clerk for the meeting. Vail was delayed in his arrival for the meeting.

MH Director Anita Hallquist reported on a meeting regarding the state's managed care mandate to counties. She discussed 2 sample agreements, and both new and revised job descriptions for positions in the Community Services Department.

CADA Director Sally Dobson discussed the current programming and usage by Buena Vista County residents at her facility in Cherokee. CADA's FY'97 funding request is the same as for the current year -\$4,500.

Engineer Jon Ites informed the Board of a CAT motorgrader demonstration following Tuesday's meeting at 1:00 p.m.

Supervisor Gustafson reported a request from NW IA ADTU for an increase in funding. The Board is agreeable only if all other member counties participate in the increase. Supervisor Voss reported on budget activity and funding for the YES Center and Synergy.

Blue Cross & Blue Shield Representative Deanne Dentlinger reported on the additional employee meetings held regarding the partial self-funded health insurance program. The meetings were very poorly attended. However, from the meetings it was determined that the questions and problems reported by employees were mostly due to the switchover from the old program to the partial self-funding. New participant cards will be issued for use beginning January 1, 1996. Also, pharmacies will be direct billing after 1/1/96 eliminating the need for the participant to submit prescription bills to Blue Cross.

NW Aging Director Greg Anliker presented his agency's annual report, and his request for FY'97 funding which is the same as for the current year - \$8,343. Also present was Ina Hansen, Storm Lake. Anliker reported that Case Management for the Frail Elderly has been implemented in Buena Vista County. The program opens up Medicaid funding for 'in-home' services previously reimbursable only when provided in nursing homes.

Carolyn Reiling-Rembrandt, Sharon Zulauf-Rembrandt, Rose Peterson-Storm Lake, Marlene Hansen-Newell, Esther Haahr-Newell, Sue Pedersen-Alta, Ruth Sexton-Newell, Nola Josephson-Albert City, Cathy Jensen-Sioux Rapids, all representatives of the BV County Library Association, presented their FY'97 funding request for an additional 1/2 cent/thousand. The association is compiling a brochure listing the holdings of each library which are of historical interest, and which can be used for genealogical and other types of research.

Motion by Gustafson, second by Vail, to approve the minutes of the 11/28 meeting. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign the Hardware Maintenance Agreements (2), Election Support Agreement, and the Software License Agreement with Business Records Corporation for the Optech III-P Eagle voting equipment, as amended by County Attorney Phil Havens. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Their being no further business, the meeting adjourned at 12:05 p.m. to Tuesday, December 12 at 8:30 a.m. for a regular meeting.

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**BOARD OF SUPERVISORS MEETING  
FIFTY-SIXTH MEETING, 1995 SESSION (56)  
DECEMBER 12, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 12, 1995, at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting.

BV County Fair Board Chair Tom Witt and Secretary Wanette Movall appeared before the Board to request a FY'97 appropriation of \$30,000 (an increase of \$7,500 over the amount approved for the current year) for the 109th annual BV County Fair to be held in July, 1996. They reviewed their list of buildings needing repairs and maintenance.



**Upper Des Moines Opportunity** Executive Director Larry Rohret and Storm Lake Center Director Joan Spooner met with the Board to request a FY'97 allocation of \$19,715, which is the same approved for the current year.

Motion by Voss, second by Vail, to approve and to authorize the Chairman to sign the payment voucher to **Kuehl & Payer** for work advanced on the C-63 project through 11/17/95 in the amount of \$1,880.00. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Engineer Jon Ites discussed the proposed salary range for the **Engineering Technician** position (cad-cam operator) for which he will be placing advertisements.

The Board discussed the continuing development of the **DATA** policy, with Ites making recommendations for different consequences for tested alcohol levels.

The written response from County Attorney Phil Havens regarding the Board's request to **investigate** the former county attorney's use of a county owned computer, etc., was discussed. Voss asked to have Havens appear before the Board to discuss several items in Havens' response. Voss noted that he had not requested an investigation of a criminal nature, and he does not want that incorrect impression left in anyone's mind.

The agreement, with minor amendments, between the County and **Spectra Health Care** for the provision of services, has been reviewed and approved by the County Attorney. The Board will meet with Administrator Sue Morrow to complete the signing of the agreement.

Attorney Dan Connell appeared before the Board to **appeal** a decision denying the request for admission of 1 person at Spectra Health Care as a Buena Vista Co. resident with the county as the payee.

The Board discussed a letter received from Richard Handy regarding Nurmi Ingram's request for a drainage outlet in **DD #96**. The Board had previously been advised by Drainage Attorney Greg Schiller that the request could not be denied. The Board will ask the Drainage Attorney to reply to Mr. Handy.

Motion by Vail, second by Voss, to approve and to authorize the Chairman to sign the **DD #22 Br. 173** claim from Mills Bros. & Sons Construction in the amount of \$350.00 for tree removal & tile cleaning. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to void **warrant** #72728, and to reissue the warrant in the amount of \$39.00 to Aetna Life Insurance and Annuity, the original warrant having been lost. Ayes--Bruns, Gustafson, Vail, Voss. Nays-- none. Carried.

Motion by Voss, second by Gustafson, to approve the consent agenda:

- **minutes** of the 12/11 meeting as printed;
- **reports** received including: Sept-Oct-Nov Recorder's fees, Nov. Clerk's fees and fines, budget reports, departmental budget summary, 11/21/95 Board of Health minutes, 12/3/95 Communications Commission minutes. Also reviewed were: 11/9/95 NWIPDC minutes.

Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

**BV Work Activity Center** Director Barb Frey & Cindy Richardson reviewed their annual audit for FY'95. Several BVWAC Board decisions made last year changing the operation, have allowed significant financial gains for the agency.

HM/HHA Director Marilyn Monson and Veterans Affairs Secretary Kristina Konradi discussed the immediate need for the services of a **veterans affairs officer**. Benefits for services and medications, which are available to BV County veterans, are not being applied for due to the paperwork. The Board agreed to having Konradi contact the person serving Ida County about providing service in Buena Vista County.

Motion by Gustafson, second by Vail, to approve the **employment** of Cheri Hepler as a nurse in the Public Health Dept. (for the hours needed) at the rate of \$11.74 per hour effective 12/6/95 (due to medical and maternity leaves effecting level of staffing in that department). Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business, the meeting adjourned at 11:55 a.m. to Tuesday, December 19 at 9:00 a.m. for a special meeting.

**BOARD OF SUPERVISORS MEETING  
FIFTY-SEVENTH MEETING, 1995 SESSION (57)  
DECEMBER 19, 1995**

The Buena Vista County Board of Supervisors met in special session on Tuesday, December 19, 1995 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Vail, and Voss, and with Auditor Strawn as clerk for the meeting. Absent--Gustafson.

9:00 a.m.--The Chairman opened the public hearing to consider a request to rezone a property in Scott Township. **Zoning** Director Kim Johnson reported that the Zoning Commission recommended against Marvin Wernimont's request to reclassify his property from A-1 to Industrial for purposes of establishing a junkyard, because re-classification of the property does not follow the County's Comprehensive Plan. Jon Demers was present and commented that he was opposed to reclassification since Wernimont has no liability coverage. Voss noted that Wernimont's past practices have not been environmentally sound. Bruns is concerned with the potential of substantially expanding his operation. There being no further comments, motion by Vail, second by Voss, to close the public hearing. Ayes--Bruns, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Bruns, to disallow the zoning request of Marvin Wernimont to **reclassify** the following described property from A-1 to Industrial: a tract of land located in the Northeast Quarter (NE 1/4) of Section 23, Township 92 North, Range 37 West, of the 5th P.M., Buena Vista County, Iowa, and being more particularly described as follows: Commencing at the Northwest Corner of the Northeast Quarter (NE 1/4) of said Section 23; Thence East 390.0 feet; Thence South 812.0 feet; Thence West 390.0 feet; Thence North 812.0 feet to the point of beginning, this decision being in conformance with the recommendation of the Zoning Commission. Ayes--Bruns, Vail, Voss. Nays--none. Carried.

Johnson reported that 2 persons should be appointed by the County to the **Storm Lake Airport Zoning Commission**. She has a conflict of interest, and declined to be appointed.

Johnson distributed a list of the existing **junkyards** in the county, and asked for the Board's guidance on bringing them into compliance with the County's ordinance. Voss suggested that she view each to verify their inclusion on the list, and then send a letter to each owner along with a copy of the junkyard ordinance.

Sue Morrow, Spectra Health Care, Inc. Administrator, met with the Board to review the services **agreement** with Spectra for Buena Vista County residents. Motion by Voss, second by Bruns, to approve and to authorize the Chairman to sign the agreement between Buena Vista County, Iowa, and Spectra Health Care, Inc. for services at the annual rate of \$168,812.50, payable monthly at \$14,067.71/month, the agreement being for a maximum of 25 residents, and for a 5-year period. Ayes--Bruns, Vail, Voss. Nays--none. Carried.

Voss reviewed existing land surveys of the property where the county care facility buildings are located. Another survey is needed, specific to the location of the buildings, so that a proper legal description can be used in the **lease**. The Board proposed, and Morrow agreed, to an increase of \$50/month in the rent of the facility to permit the county to recoup its cost of retrofitting the lighting. No action was taken on the lease pending receipt of the proper legal description.

Morrow requested a change in the highway signing to the facility. Currently, the sign reads **Buena Vista County Care Facility**. She would like to change it to read Spectra Health Care, Inc. The DOT does not permit 2 signs, and the BV County Care Facility is not correct, and thus confusing. The Board approved her proceeding with the request to change the sign.

Regarding an appeal of the Board's denial of re-admission of 1 person at **Spectra Health Care, Inc.**, Morrow discussed the person's admission history. The Board approved re-admission.

Morrow reported that the contractor previously agreeing to do **concrete work at Spectra** has not done so. She has received a proposal from another contractor who can complete the work within the next couple months. Motion by Voss, second by Bruns, to approve and to accept the proposal of MM&I Remodeling, Storm Lake, for concrete floor-work in an amount of \$865.00. Ayes- -Bruns, Vail, Voss. Nays--none. Carried.

Weed Commissioners Norm Lund and Roger Sievers, with Dave Wiley, met with the Board to discuss the **1996 Weed Program** and **weed equipment** changes for the department. They recommended equipment with hydraulics and electronic controls. The consensus of the Board was to proceed with the equipment project.

County Attorney Phil Havens discussed his written response regarding investigation of the **personal use of county equipment**. Voss asked about the law (prohibiting other than county use) Havens referred to, and, how to write policy to eliminate certain practices. Havens suggested involving the department heads to determine which employees might have mixed use of county property, and, to suggest policy to cover these situations. Havens also suggested consulting with the County's auditors to determine whether tax liability exists in these situations. Voss reiterated that he had not requested a 'criminal' investigation. He would like the Board to proceed with development of policy. Secondary Roads, Sheriff's Department, and the former County Attorney had all submitted departmental rules covering these issues some time ago. Voss also wants to address the tax angle. The Auditor was directed to write a memo to Department Heads with requests to identify employees/positions where mixed usage occurs, to draft a policies for such usage, to consult with the County's auditors regarding any tax implications, and finally, to respond to the Board with the requested information, or that no such situations exist.

**Buena Vista County Soil & Water Conservation** Commissioner Arlin Hinkeldey presented his agency's request for funding in FY'97, in the same amount as the current year - \$3,000 - for their countywide conservation education program which reached approximately 300 sixth grade students for 18 hours per class this past year.

Motion by Vail, second by Voss, the Board having given a favorable 6- months evaluation of her job performance, to approve a \$500/year increase in pay effective 12/29/95 for Zoning Director Kim Johnson. Discussion-Voss mentioned that Johnson was hired jointly by the Board of Supervisors and Board of Health. Bruns stated that he also favors the \$500 increase due to a re- evaluation of the position. Vail and Voss agreed to change the motion as follows: Motion by Vail, second by Voss, the Board having given a favorable 6- months evaluation of her job performance, to recommend to the Board of Health, a \$500/year **raise** in pay effective 12/29/95 for Zoning Director Kim Johnson. Ayes--Bruns, Vail, Voss. Nays--none. Carried.

Ivan O'Toole, **Veterans Service Officer** for Ida County, discussed the possibility of providing services to Buena Vista County. Also present were Ida County Veterans Director Bob Schramm, HM/HHA Director Marilyn Monson, BV Co. Veterans Services Secretary Kristina Konradi, MH Director Anita Hallquist, and Board of Health Chair Frank Hughes. Dr. Hughes has expressed an interest in assisting with the program. The Board asked if Mr. O'Toole would be willing to assist here for a temporary period to train Dr. Hughes. O'Toole agreed to be available to Dr. Hughes on an on-call basis by telephone during the training period. For time spent assisting/training Dr. Hughes, the consensus of the Board was to approve a \$25/meeting plus mileage for O'Toole.

Motion by Voss, second by Bruns, to approve and to authorize the Chairman to sign the payment/admission agreement for one person with **Lutheran Family Services** for supervised apartment services effective 12/6/95. Ayes--Bruns, Vail, Voss. Nays--none. Carried.

Motion by Bruns, second by Voss, to approve a change in the waiver contract with **Howard Center** for 1 person effective 12/18/95. Ayes--Bruns, Vail, Voss. Nays--none. Carried.

Motion by Voss, second by Vail, the Board having given a favorable 6 months evaluation of his job performance, to approve a pay **raise** of 50 cents/hour effective 1/1/96 to Head Custodian Dewyne Stucynski. Ayes--Bruns, Vail, Voss. Nays--none. Carried.

The following **claim** was audited and approved for payment: \$1,569.05 to Iowa Dept. of Economic Development for repayment of Friesen of Iowa's CEBA loan due 12/31/95.

Their being no further business, the meeting adjourned at 12:10 p.m. until Tuesday, December 26 at 8:30 a.m. for a regular meeting.

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**BOARD OF SUPERVISORS MEETING  
FIFTY-EIGHTH MEETING, 1995 SESSION (58)  
DECEMBER 26, 1995**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 26, 1995 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Gustafson, Vail, and Voss, and with Auditor Strawn as clerk for the meeting. Absent: Bruns.

Engineer Jon Ites reviewed the final draft of the **Drug and Alcohol Testing Alliance Policy**. Motion by Vail, second by Voss, to approve and to adopt the Drug & Alcohol Testing Alliance Policy with appendices, for employees with CDL's, to be effective 1/1/96. Ayes--Gustafson, Vail, Voss. Nays--none.

Carried.

Ites reported on his investigation of the intersections of C-49 & M-54, and of C-49 & M-50. The Board agreed to his recommendation for a traffic study.

Regarding budget issues, the Board directed Ites to contact an architect to review space needs for a patrol shed, and to anticipate the transfer of county assistance funds to the secondary road fund in FY'97, subject to later review. Also discussed was equipment purchases. Gustafson indicated that he is not in favor of purchasing any new motorgraders for the next couple years. Burnside suggested reviewing the long term plan for equipment replacement. Vail prefers not to put off equipment purchases so that the County does not fall behind, requiring the purchase of more than 1 in a future year. Voss agrees with Gustafson. Burnside would like to see the equipment list with the number of hours on each piece of equipment, and associated maintenance costs. It was the consensus of the Board to approve purchase of laser survey equipment and software in a total amount of \$9,595, the equipment having become available at a reduced price until 12/31/95.

Gustafson suggested keeping an eye on encroachment into the road ditches where farmers plant crops up to the right-of-way line. In the past Ites has staked these areas.

The Chairman advised the Board that Secondary Road Departmental Rules approved by the Board on 3/22/94, were changed by the action of the Board on 11/14/95. The Board will take up this issue on 1/9/96.

Case Manager Dawn Wiseman and Zoning Director Kim Johnson discussed draft copies of county vehicle use policies for their departments.

Belinda Malpert requested renewal of current funding for FY'97 for the BV Co. Child Abuse Team, with the funds to be channeled to the Parents Reaching Out to Parents program as needed. Current funding is \$1,000 plus office space at the E. Richland Annex. The Board had several questions about the program.

Motion by Voss, second by Vail, to approve the following consent agenda:

- minutes of the 12/12 and 12/19 meetings as printed;
- reports as follows--Nov. Conservation Board minutes;
- EMS training funds grant for FY'96 subject to the receipt of the expenditure plan from the EMS Association, and authorize the Chairman to sign;
- transfer \$15,000 from E911 Surcharge fund to E911 Long Term Debt fund;

Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign the following drainage work orders: DD #181 Branch 976 at site 95-11; DD #181 (Big Cedar Main Open Ditch) at site 95-12; DD #181 (Big Cedar Main Open Ditch) at sites 95-13 & 95-14; and, DD #16-30-92 Branch 25 & 39 at a location in Williams Twp., Calhoun Co. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Voss, to approve, and to authorize the Chairman to sign the Agreement for Federal-Aid Highway Bridge Replacement and Rehabilitation Program for Project #BROS-9011(6)--5F-11. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Due to the holiday delay, motion by Vail, second by Voss, to approve HM/HHA payroll claims subject to audit. Ayes--Gustafson, Vail, Voss. Nays-- none. Carried.

With no further business, the meeting adjourned at 12:00 to 12/29 at 11:00 a.m. for a special meeting.

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**BOARD OF SUPERVISORS MEETING  
FIFTY-NINTH MEETING, 1995 SESSION (59)  
DECEMBER 29, 1995**

The Buena Vista County Board of Supervisors met in regular session on Friday, December 29, 1995, at 11:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other

members present: Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting. Delayed: Voss.  
Absent: Bruns.

Motion by Gustafson, second by Vail, to approve the minutes of the 12/26 meeting as corrected.  
Ayes--Gustafson, Vail, Burnside. Nays--none. Carried.

County Attorney Phil Havens reported a substantial increase in cases filed by his office over the number filed in 1993. He attributed the increases to legislative changes regarding the seriousness of certain offenses (misdemeanors were increased from simple to serious), and to having more officers serving in the county.

Voss asked Havens to address the way the Assessor's usage of the county vehicle is reported. Havens stated that the Conference Board is responsible for the Assessor's budget, of which the Supervisors are a part, making this a Conference Board matter. However, the issue is of concern to the Supervisors. Havens first examined whether there is personal use of the vehicle. He considered that Van Grootheest drives to the garage he rents to provide safe storage of the vehicle and the equipment stored in it, the location of which is at his home. There is probably some personal use as it regards the tax liability issue. Havens recommends that Van Grootheest reimburse the county at an amount calculated according to one of the methods researched by the county's auditors, and that the county reimburse Van Grootheest for use of the garage and upkeep of the vehicle. If the payment method is not worked out, he recommends that the value be added to Van Grootheest's W-2 which would require additional FICA and Ipers contributions by the County. The Chair asked if this action of exchanging checks is appropriate if no policy was in effect. Havens answered, yes. Gustafson and Voss stated that they do not want to incur any additional liability for FICA and Ipers for the County.

The Chairman stated that Van Grootheest had constructed special cabinetry for the new plat maps in his office, paying for only the materials from his budget, and that she wanted it known that Van Grootheest has not requested reimbursement for his labor.

Havens also recommended that if the Conference Board wants Van Grootheest to drive the vehicle to Van Grootheest's garage, it should make that decision of record.

By telephone, Richard Moore, CPA, confirmed that there is no increase to Van Grootheest's W-2 if he reimburses the county for the personal use, and no increase in the W-2 for the amount the county reimburses him for the cost of the garage rental, and these actions can be taken without ratification today by the Conference Board.

It was the consensus of the majority of the Boardmembers present (with Voss being on record in opposition), that the County (Assessment Fund) accept \$705 from Ted Van Grootheest as reimbursement for the personal use of the county assessor's vehicle, and that reimbursement in the amount of \$540 be made from the Assessment Fund to Van Grootheest for the housing and care of the county vehicle.

Motion by Vail, second by Voss, to decrease the appropriations of the Secondary Road Capital Projects by \$21,500, and to increase the appropriation of the Auditor's Capital Projects by \$21,500, the changes being needed due to the purchase of voting equipment. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

Motion by Vail, second by Gustafson, to set the date and time of Public Hearing to amend the county's FY'96 budget as January 30, 1996, at 9:00 a.m. in the Boardroom. Ayes--Gustafson, Vail, Voss. Nays--none. Carried.

The Chair appointed Gustafson and herself to the cash count committee for the year-end count in the Treasurer's department.

There being no further business, the meeting adjourned at 12:55 p.m. to Tuesday, January 2 at 9:00 a.m. for an organizational meeting.

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