

**BOARD OF SUPERVISORS MEETING
FIRST MEETING, 1997 SESSION (1)
JANUARY 2, 1997**

The Buena Vista County Board of Supervisors met for the first meeting of the 1997 session on Thursday, January 2, 1997 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.

Supervisor Jack Voss reported on the December meeting he attended regarding the formation of a **hazmat** response team or contracting for those needed services. The counties in attendance considered whether to enter into a 28E agreement for services from Sioux City, or from some other source. No decision was reached, however, the level of assessment was agreed upon. Due to the high cost of equipment, the counties will plan to ask for \$1.00 per capita to get the program started.

Motion by Vail, second by Voss, to approve the **minutes** of the December 20, 1996 meeting as printed. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Abstentions—none. Carried.

Motion by Gustafson, second by Bruns, to approve the Auditor's request to **destroy** Auditor's receipt books previous to 1990, these no longer being needed for audit purposes, and not considered necessary for permanent retention for historical purposes. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Carried.

There being no further business for the 1996 session, motion by Gustafson, second by Voss, to adjourn sine die. Ayes--Bruns, Gustafson, Vail, Voss. Nays--none. Abstentions—none. Carried.

The Board recessed to the District Courtroom for the administration of the **oath of office** for Supervisors Burnside and Crampton, Auditor Strawn, and Sheriff Eddy, and other county and township officials.

The Board reconvened in the Boardroom. The first order of business for the 1997 session was election of a Chairman. The Auditor called for nominations for **Chairman of the Board of Supervisors**. Motion by Vail, second by Burnside, to nominate Doug Bruns. The Auditor called for any further nominations. Hearing none the question was called. Ayes--Bruns, Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried. As Bruns assumed the chair, Burnside thanked the boardmembers for their work, input, and assistance during the past 2 years.

Chairman Bruns called for nominations for **Vice-Chair**. Motion by Gustafson, second by Burnside, to nominate Vail as Vice-Chair. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Engineer Jon Ites requested several motions: Motion by Burnside, second by Crampton, to approve and to authorize the Chairman and Auditor to sign the contracts previously awarded to Beck Excavating, Estherville, Iowa, for **project #FM-11(30)--55-11** (2.11 miles), with the contract amount being \$563,004.97. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried. It was noted that the bid came in under the Engineer's estimate.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign the payment voucher to Kuehl & Payer in the amount of \$5,780.00, for design services on the **C-13 project**, the amount to be paid from farm-to-market funds. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Regarding the secondary road **FY'98 budget**, it was the consensus of the Board to have the engineer use 70% of the Dept. of Revenue's FY'97 local option sales tax estimate, or \$263,927.00. It was also the consensus of the Board to allocate FY'98 county assistance as follows: \$5,000 to the general basic fund for IRVM, \$80,000 to the secondary road fund, and \$20,000 to the rural basic fund.

Treasurer Kathy Bach requested approval of a **claim** in the amount of \$610 to Joan Bolin for legal services in drawing up a new custodial agreement between participating counties and Norwest Bank. Norwest is the custodian of the **GNMA** investments owned by Buena Vista County. It was the recommendation of the county's financial auditors that since the GNMA's earn interest at a high enough rate to more than offset the legal fees, the county should keep them. Motion by Gustafson, second by Burnside, to approve the \$610 claim for legal services to Joan Bolin. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Motion by Gustafson, second by Burnside, to approve the recommendations of the **Compensation Board** as follows: Attorney 6%, Auditor, Recorder, Sheriff, & Treasurer 5%, and Supervisors 4%. The chair called for discussion and stated that he understands the Comp. Board's reasoning, but we aren't the richest county, and we have problems. If he were to offer an amendment to the motion, he would reduce the recommendations by 40%. Gustafson asked why Bruns would cut the recommendations when over the last couple years the increases have been so low. Vail feels that previously we have balanced the budget on salaries, and that shouldn't be what determines the increases. We need to compensate for the job that is done. Bruns then noted that he would rather give all employees, for instance, a \$500 increase so that the lower paid employees didn't continue to trail further and further behind the higher paid employees as they do with percentage increases. Gustafson called for the question and asked that the board be polled. The Auditor explained that in polling the Board she would call the names in alphabetical order with the Chairman last, and that the Chairman has the right to cast a vote, or not, at his choosing. Burnside-aye, Crampton-aye, Gustafson-aye, Vail-aye, Bruns-nay. Abstentions—none. Carried.

Supervisors' Committee, Commission & Board Appointments

Motion by Burnside, second by Gustafson, to appoint the following persons as delegates and representatives to the committees, commissions and boards as noted for 1997:

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

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

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

*Burnside to the **Local Emergency Management Commission** (Chapter 29C.9).

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

*Crampton to the **Tourism Council.**

*Vail-representative, and Crampton-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 Crampton to the **DHS Planning Council/Cluster Board** (with Crawford, Ida, and Sac Counties).

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

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

- *Bruns-delegate, Gustafson-alternate, for the Job Training Partnership Act Committee.
- *Crampton 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, #22 & #150 Interim Boards.
- *Crampton, Bruns, and Gustafson to the South Hayes Pit/County Care Facility Committee.
- *Vail to the Iowa Lakes RC&D Board.
- *Burnside to the Gingerbread House Board.
- *Chuck Eddy, Dewyne Stucynski 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.
- *Gloria Hadachek as the BV County Emergency Management Coordinator.
- *to the County Safety Committee: Crampton, Bruns, Chuck Eddy, Tom French (as Jon Ites' designee), Karen Strawn, Brad Raveling, Norm Lund, Karole Graen, Dewyne Stucynski, Jim Curry, Kim Johnson, and Diane Christiansen.
- *Dewyne Stucynski as the Lock-out/Tag-out Program Coordinator for the Courthouse, DHS Annex, and E. Richland Annex.
- *Jon Ites as the primary contact person, and Shirley Johnson as the secondary contract person for Drug and Alcohol Testing Alliance.
- *to the "Right-to-Know" Committee: Dewyne Stucynski, Karole Graen, Brad Raveling, Tom French and Crampton.
- *to the "Drugfree Workplace" Committee: Jon Ites, Crampton, Karen Strawn, Chuck Eddy and Jerry McShane.
- *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.
- *Gustafson-representative, Crampton-alternate, to the NW IA Juvenile Detention Center (YES).

*Kim Johnson-representative to the Regional Housing Authority.

*Jon Ites and Burnside to the Iowa Drainage Association.

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

*Bruns & Gustafson to the Board of Trustees, 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.

*Kenneth Bertness to the Zoning Board of Adjustment with his term to expire 6/21/97, and, John Massop to the same board with his term to expire 6/21/01.

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

*Crampton-representative, Bruns-alternate, to the Region III Local Emergency Planning Council.

*Burnside, Crampton, Jon Ites, Kim Johnson and Marc Bertness to the Jt. City/County Hwy 71 Bypass Zoning Committee.

*Dawn Mentzer-Case Manager, Anita Hallquist-Supervisor, Sue Morrow-MH Community Based Services representative, Ken Hayes-MR/DD Community Based Service representative, Cindy Richardson-MR & CMI provider representative, Pam Hansen-MR consumer representative, Pat Nelson-MR consumer representative, Barb Hooper-CMI consumer representative, Pat Bainbridge-MI consumer representative and Jim Gustafson-BofS representative to the Targeted Case Management Advisory Board.

*Crampton and Bruns to the MH-DD Planning Council as Supervisor representatives, and Betty Silverberg-MR representative, and Karen Gotto-MH representative.

*Anita Hallquist to the Representative Council of the Seasons Center.

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

*Charlene Anderson to the Citizens Advisory Board of the Seasons Center.

*George Schaller to the Civil Service Commission, term expiring 12/31/99.

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

Citizens' Committee, Commission & Board Appointments

Motion by Gustafson, second by Vail, to appoint the following persons to the committees, commissions, and boards as noted for 1997:

*Dr. David Crippin County Medical Examiner, Kevin Petersen and Al Lindgren, Tom Vandeberg, Tim Speers, EMTs, and Deputy Doug Simons, and SL Detective Mark Kirkholm as Deputy Medical Examiners (Chapter 331.801). Terms expire 12-31-97.

*Rich Haldin, Virgil Jensen and Ray Kurtz to the Veterans Affairs Commission for the 1997 year, or until their terms expire (Chapter 250).

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

*Gustafson to the **ISAC County Case Management Services Committee.**

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

*Burnside to the **ISAC University Continuing Education Committee.**

*Burnside to the **ISAC Committee on the Future.**

*to the **Buena Vista County Eminent Domain Compensation Commission** (Chapter 472.4): Farmers-Merlin Bertness, Dale Bodholdt, Don Diehl, Larry Anderson, Steve McKenna, Nick Ackerman, Becky Dirx; Realtors-Ron Frederick, J.D. Lehr, Sue Kleymann, Darwin Johnson, Bob Hall, Joe Aube, Dick Schmidt; for Cities: Edward Groth, Nola Jensen, J.H. Spooner, John Gaffney, Ronald Haroldson, Wilbur Tucker, Norris Olney Jr.; for their Occupation-Mark Rehnstrom, Tim Brown, George Schaller, John Hopkins, Marvel Olsen, Ronnie Brown, Brian Drzycimski.

*Crampton and Bruns, with Gustafson as alternate to the **Northwest Iowa Alcohol and Drug Treatment Unit Board**, and, Gustafson & Bruns, with Crampton-alternate, to the **Seasons Center Board of Directors.**

*Avonne Frederickson, (a second seat to be filled later) to the **Local Board of Health** for 3-year terms expiring 12-31-99.

*Rick Meyer to the Buena Vista County **Conservation Board** for a 5-year term expiring 12/31/01.

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

*Mike Raner as Buena Vista County **Safety Coordinator.**

*Kim Johnson as Buena Vista County **Zoning Administrator.**

The vote on this motion was: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Mileage Rate and Meal Reimbursement

Motion by Vail, 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 1997. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Motion by Burnside, second by Gustafson, for 1997 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--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Motion by Gustafson, second by Vail, 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 \$19.00 per diem. No reimbursement will be made for tips or alcoholic beverages. To receive reimbursement, receipts must be submitted. If the per diem is exceeded due to a meal/meeting, that fact shall be noted on the reimbursement claim. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Insurance Coverage including Blanket Bond

Motion by Vail, second by Burnside, to continue the following insurance coverage from the Colburn & Elk Agency for the remainder of FY '97: tort liability, auto, property, computer equipment, E & O, umbrella, data processing, inland marine, contractor's equipment, crime, CCF boiler, law enforcement professional, medical professional, worker's compensation, and blanket bond. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Depository Resolution-Elected Officers

Motion by Crampton, second by Gustafson, that the Depository Banks currently being used by the Treasurer, Recorder, Auditor & Sheriff continue to be used during 1997 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 |
| Albert City Savings Bank, Albert City | \$1,000,000.00 |
| Citizens State Bank, Marathon | \$1,000,000.00 |
| Heritage Bank, N.A., Alta | \$1,000,000.00 |
| First Community 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--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Depository Resolution-Payroll Deposits

Motion by Voss, second by Gustafson, that the 1997 Federal Depository Bank, being designated for 2 years at a time with this being the first year, shall be First Bank of the Midwest, Storm Lake. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Resolution on Interest Rates for Drainage

Motion by Vail, second by Gustafson, to establish 9% as the rate to be paid during 1997 on all stamped warrants, Improvement Certificates, and Drainage District waivers, effective this date (for Buena Vista County drainage districts only). Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Resolution to Research Drainage and other Assessments

Motion by Gustafson, second by Vail, 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--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Dog License Resolution

Motion by Burnside, second by Vail, 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--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Resolutions of Appointment

Motion by Vail, second by Burnside, that Jon L. Ites be re-appointed Buena Vista County Engineer for 1997, with his salary according to the employment contract (Chapter 309.17). Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Motion by Gustafson, second by Crampton, 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--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Resolution Regarding Farm to Market Construction Projects

Motion by Burnside, second by Crampton, that Jon L. Ites, the County Engineer of Buena Vista County, be and 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--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Acquisition of Right-of-Way Assurance Statement of 1997

Motion by Vail, second by Burnside, 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--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Authority to Close Roads & Detour Traffic

Motion by Gustafson, second by Burnside, 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--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Holiday, Vacation, and Sick Leave Policy

Motion by Vail, second by Burnside, 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, Job Descriptions, the Family Medical leave policy, approved 3/5/96,

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--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Beaver Control Resolution for Drainage Districts

Motion by Gustafson, second by Crampton, 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 1997. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Resolutions on Wage Schedules

Motion by Burnside, second by Vail, that the following wage schedules, adopted as shown, shall be in effect for 1997: Full & part-time Courthouse Clerks 6/11/96, Sheriff's deputies 4/23/91, Jailers-12/30/94, and Secondary Road employees 2/14/95. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Motion by Vail, second by Burnside, to set the hourly rate of pay for precinct election officials at \$5.25/hour, and \$5.75/hour for precinct election chairpersons, effective 1/2/97. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Motion by Crampton, second by Gustafson, to set the hourly rate of pay for matrons at \$4.75/hour effective 1/2/97, and raising to \$5.15/hour effective 9/1/97. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Official Newspapers

Having received a request for official newspaper designation from each, motion by Vail, second by Gustafson, to designate the following as official newspapers for legal publications for 1997: Storm Lake Pilot-Tribune, The Times, and Buena Vista County Journal. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Motion by Burnside, second by Vail, to direct the Auditor to publish all motions of the Board, whether seconded or not, any actions resulting in a consensus of the Board, and the list of claims paid from the minutes of the Board meetings. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Pre-Screening Agencies Appointed

Motion by Gustafson, second by Crampton, to designate NW IA ADTU as the agency providing pre-screening services to persons, prior to admission to Synergy, and, to designate the Seasons Center as the agency providing pre-screening services to persons, prior to admission to Cherokee MHI. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

The Board directed the Auditor to have the annual **snow removal notice** published in the Times, Pilot-Tribune, and the BV Journal.

Motion by Burnside, second by Crampton, to accept and approve the contractor's performance bond filed by **Control System Specialists** for the Spectra air-conditioning project. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Auditor Karen Strawn & Deputy Auditor Jean Chindlund gave the board an update on that office. The upcoming budget schedule was set. Several budgetary items were discussed.

There being no further business, the meeting adjourned until Tuesday, January 7 at 9:00 a.m. for

a regular meeting.

**BOARD OF SUPERVISORS
SECOND MEETING, 1997 SESSION (2)
JANUARY 7, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 7, 1997, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail, who was ill.

Crampton reported on the recent hazmat meeting. The funding request for the FY'98 budget will be \$1 per capita. Gustafson reported on the meeting with secondary road employees the previous Thursday, noting that a second meeting needs to be scheduled.

Motion by Gustafson, second by Burnside, to authorize the engineer to submit a bill to IDOT for repair of the roads used for detour during construction of the Hwy 71 bypass, in the total amount of \$5,350.00. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Engineer Jon Ites provided a copy of a study by the Public Policy Center on the distribution of state road use tax dollars, and reported that BV Co. has not lost funding.

RTA Executive Director Rose Lee presented her FY'96 annual report and requested funding in the FY'98 budget.

SLADC Executive Director Jim Gossett discussed having the county establish a TIF district on the property owned by SLADC located outside the city limits of Storm Lake. Motion by Burnside, second by Crampton, to authorize Gossett to work with Bob Josten, Counsel, on the county's behalf to develop an Urban Renewal plan for a property identified as Industrial Park Lot B. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Nurse Joan Traylor discussed the community health needs assessment, required for future federal Public Health funding, for which she has been appointed coordinator by the BV County Board of Health. She requested a volunteer from the Board of Supervisors to serve on the assessment committee.

Community Services Director Anita Hallquist reported favorably on the 6-month evaluation for one person. Motion by Burnside, second by Gustafson, to approve a wage increase to \$22,500/yr. for Stephanie Fiedler effective 1/20/97. Ayes--Burnside, Crampton, Gustafson. Nays- -none. Abstentions--none. Carried.

Hallquist discussed an ISAC questionnaire regarding the establishment of an ISAC team to provide contract negotiation services to counties for establishing provider service rates. By requiring counties to negotiate service rates, a major cost shift from DHS to counties has occurred. Motion by Gustafson, second by Burnside, to authorize the Chairman to sign ISAC's County MH/MR/DD Contracting Questionnaire, confirming BV County's interest in having contracting services provided by ISAC. Ayes--Burnside, Crampton, Gustafson. Nays- -none. Abstentions--none. Carried.

By consensus, the Board approved Hallquist's written agreement with BVWAC Director Cindy McIntosh regarding payment/charging for services until 1/1/97 when Purchase of Service Contracts are in place.

Motion by Gustafson, second by Burnside, to approve paying rent at Hope Haven for 1 person at \$125/mo. for 2 months while the person receives treatment at another facility, in order to maintain the residence. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

1:00 P.M.—The time having arrived for continuation of the 12/10/96 public hearing on the ag area

petition filed by Craig Wells, et al., Chairman Bruns opened the hearing with 40 interested persons present. Bruns stated that the Wells, their counsel, 2 members of the Board of Supervisors, and several other interested persons had met to discuss a modification of the petition.

Steve Gadd, Attorney for the Wells, summarized the modification agreement. The Wells agree to use pit, not lagoon storage; there will be no facilities constructed on the W1/2 of Sections 12 & 13, Hayes Twp; waste disposal will be by injection; a silt fence and grassy buffer will be constructed between the Wells and the Adams; and this modification shall be binding upon future owners. Further, BV Co. Extension has agreed to continue working with the Wells on manure disposal, and to act as a clearinghouse for future concerns from neighbors, LPA, etc.

The chair asked for comments from the group. Karlton Fullenworth asked about disposal of manure in winter when the ground is frozen, and, whether or not Extension is willing to participate in resolving complaints. Kris Kohl stated that, working with these kinds of problems is the nature of their work, and that Extension will continue to work with whoever makes requests of them. The chair noted that he had studied the soil surveys for the old drive-in theater area, and found that the ground is very sandy. Gadd stated that the Code of Iowa protects the community's right to protection from damage. There being no further comments, motion by Burnside, second by Crampton to close the public hearing. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Burnside, to approve the Petition and Proposal for an Agricultural Area filed on December 2, 1996 by Craig and Cindy Wells, Willis and Lorene Wells, Richard and Constance Stille, and Murray Farms, Ltd. as modified by the "Modification to a Portion of the Petition and Proposal for Agricultural Area" (including incorporation of wastes into the soil, and a silt fence and 15 foot wide grassy buffer south of the Brent and Bobi Adams home which is adjacent) submitted by Craig and Cindy Wells, and Willis and Lorene Wells, and with the condition and understanding that the terms of the modification shall be binding on the signers of the "Modification" (Craig & Cindy Wells, Willis & Lorene Wells), their heirs, successors and assigns, and a failure to comply with any of the terms of the Modification shall result in the subject real estate being withdrawn from any agricultural area or losing its status as an agricultural area as defined in Section 352 Code of Iowa; the agricultural area established by this action being described as follows: BEGINNING AT THE SOUTHWEST CORNER (SW) OF SECTION THIRTEEN (13), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M.; THENCE NORTH TO THE CREEK CROSSING THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 13; THENCE EASTERLY ALONG THE CREEK TO A POINT 506.3 FEET STRAIGHT EAST OF THE WEST LINE OF SAID SECTION 13; THENCE NORTH TO THE FORMER WEST RIGHT-OF-WAY LINE OF THE MILWAUKEE RAILROAD; THENCE NORTHWESTERLY ALONG SAID FORMER RIGHT-OF-WAY LINE TO A POINT THAT IS 268.6 FEET SOUTH AND 157.5 FEET EAST OF THE NORTHWEST CORNER (NW) OF SECTION 13; THENCE EAST, 83.73 FEET (MORE OR LESS); THENCE SOUTH 89°08' EAST, 18.95 FEET; THENCE NORTH, 225.0 FEET; THENCE EAST ALONG THE NORTH LINE OF SECTION 13 TO A POINT 665.0 FEET WEST OF THE NORTH QUARTER CORNER OF SECTION 13; THENCE SOUTH, 126.5 FEET; THENCE EAST 665.0 FEET; THENCE NORTH, 537.5 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION TWELVE (12), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M.; THENCE WEST, 1,828.2 FEET; THENCE NORTHERLY 920.0 FEET, MORE OR LESS, TO A POINT 24.0 FEET SOUTH OF THE NORTH LINE OF THE SOUTH HALF (S ½) OF SAID SW ¼; THENCE WEST TO THE WEST LINE OF SAID SW ¼; THENCE NORTH 24.0 FEET; THENCE EAST ALONG THE NORTH LINE OF SAID S ½ OF THE SW ¼ TO THE NORTH-SOUTH CENTER LINE OF SAID SECTION 12; THENCE NORTH TO THE CENTER OF SAID SECTION 12; THENCE EAST TO THE NORTHEAST CORNER OF THE WEST HALF (NE W ½) OF THE SW ¼ OF SECTION SEVEN (7); TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE FIFTH P.M.; THENCE NORTH TO THE SOUTH RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE EAST LINE OF SAID SECTION 7; THEN CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE IN SECTION EIGHT (8), TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE FIFTH P.M. TO THE WEST LINE OF ALL THAT PART OF SECTION 8 LYING NORTH OF THE RAILROAD RIGHT-OF-WAY (except for the West 57.0 acres thereof); THENCE NORTH TO THE SOUTH LINE OF SECTION FIVE (5), TOWNSHIP

90 NORTH, RANGE 36 WEST OF THE FIFTH P.M.; THENCE WEST TO THE SOUTHWEST CORNER (SW) OF THE EAST HALF OF THE SOUTHWEST QUARTER (E ½ SW ¼) OF SAID SECTION 5; THENCE NORTH TO THE EAST-WEST CENTER LINE OF SAID SECTION 5; THENCE EAST TO THE EAST LINE OF SAID SECTION 5; THENCE SOUTH TO A POINT 385.0 FEET NORTH, 00°15' WEST OF THE SOUTHEAST CORNER (SE) OF SAID SECTION 5; THENCE WEST, 1,087.5 FEET; THENCE SOUTH 00°15' EAST, 385.0 FEET TO THE NORTH LINE OF SECTION 8, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE FIFTH P.M.; THENCE EAST, 1,087.5 FEET TO THE NORTHEAST CORNER (NE) OF SAID SECTION 8; THENCE SOUTH TO THE SOUTHEAST CORNER (SE) OF SAID SECTION 8; THENCE WEST TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NE NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION SEVENTEEN (17), TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE FIFTH P.M.; THENCE SOUTH TO THE SOUTHEAST CORNER (SE) OF SAID NW ¼ OF THE NW ¼ OF SAID SECTION 17; THENCE WEST TO THE SOUTHWEST CORNER (SW) OF THE EAST HALF OF THE NORTHEAST QUARTER (E ½ NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 18, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE FIFTH P.M.; THENCE NORTH TO THE NORTH LINE OF SAID SECTION 18; THENCE WEST TO THE SOUTHWEST CORNER (SW) OF THE EAST HALF OF THE SOUTHEAST QUARTER (E ½ SE ¼), SECTION SEVEN (7), TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE FIFTH P.M.; THENCE NORTH TO THE CENTER LINE OF SAID SECTION 7; THENCE EAST, 559.0 FEET, MORE OR LESS, TO A POINT 760.5 FEET WEST OF THE EAST LINE OF SAID SECTION 7; THENCE SOUTH, 258.0 FEET; THENCE EAST, 349.5 FEET; THENCE NORTH, 258.0 FEET; THENCE WEST ALONG THE EAST-WEST CENTER LINE OF SAID SECTION 7 TO A POINT THAT IS 1,543.7 FEET WEST OF THE EAST QUARTER CORNER OF SAID SECTION 7; THENCE NORTH 01°07' WEST, 466.7 FEET; THENCE DUE WEST, 466.7 FEET; THENCE SOUTH 01°07' EAST, 466.7 FEET; THENCE WEST ALONG THE EAST-WEST CENTER LINE OF SAID SECTION 7 TO THE NORTHEAST CORNER (NE) OF THE WEST HALF OF THE SOUTHWEST QUARTER (W ½ SW ¼) OF SAID SECTION 7; THENCE SOUTH TO THE SOUTH LINE OF SAID SECTION 7; THENCE WEST TO THE EAST LINE OF SECTION 12, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE FIFTH P.M.; THENCE NORTH ALONG SUCH LINE TO A POINT THAT IS 973.0 FEET SOUTH OF THE EAST QUARTER CORNER OF SAID SECTION 12; THENCE WEST, 600.0 FEET; THENCE SOUTH TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER (N ½ NE ¼) OF SECTION 13, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., THENCE WEST TO THE NORTH-SOUTH CENTER LINE OF SAID SECTION 13; THENCE SOUTH TO THE SOUTHEAST CORNER (SE) OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE ¼ SW ¼) OF SAID SECTION 13; THENCE EAST TO THE EAST BOUNDARY LINE OF THE FORMER MILWAUKEE RAILROAD RIGHT-OF-WAY; THENCE SOUTHEASTERLY ALONG SAID FORMER RIGHT-OF-WAY LINE TO THE SOUTH LINE OF SAID SECTION 13; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 13 TO THE SOUTHWEST CORNER (SW) OF SAID SECTION 13, BEING THE POINT OF BEGINNING.

The Chair noted that he has a conflict of interest due to his taxwork for the Murrays. He will abstain from voting on the motion. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--Bruns. Carried.

Following the public hearing, the Board moved their meeting to the East Richland Annex meeting room.

Environmental Health Director Kim Johnson has been working with Clay County on setting up a joint toxic clean-up day. Motion by Gustafson, second by Burnside, to approve and to authorize Johnson to pursue planning a joint Buena Vista/Clay County toxic clean-up day to be held in the spring of 1998, with Clay County to reimburse Buena Vista County for the costs attributable to their portion of the clean-up, including but not limited to administration time and phone bills. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

The concerns of the County Attorney having been answered, motion by Burnside, second by Crampton, to enter into a 28E agreement with the Iowa DNR for administration of well-construction funds, the county having adopted Chapter 38 of the IA Administration Code. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Crampton, to appoint Vic Hansen to the Buena Vista **County Zoning Commission** representing Elk and Scott Townships. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

The Board conducted a discussion of the **space needs** of the following departments: Community Services, the Naturalist, Environmental Health/Zoning, Public Health, HM/HHA, and Catholic Charities. Both office space and storage, as well as a meeting room are needed, with office spaces and the meeting room needing to allow for confidentiality. To avoid future problems, a professional should be consulted to avoid making changes in conflict with the design of the air handling/ heating and cooling systems in the building.

Motion by Burnside, second by Crampton, to engage Darel Burns to evaluate the 12/20/96 letter of notification of the State Director of the FSA State Committee decision regarding Buena Vista County **drainage district** applications, and to request that Burns make recommendations for any action to be taken by the Board. The Board will request a response by the 1/14 meeting. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Gustafson, to authorize all Boardmembers to sign **FSA** documents on behalf of Buena Vista County. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Gustafson, to approve the following items on the consent agenda:

- **minutes** of the Jan 2 meeting as corrected;
- the following **reports**-10/23 E911 Board minutes, Oct. Recorder's fees, 11/14 NWIPDC Board minutes, Nov. clerk's surcharges, Recorder's fees, 12/31 Treas. Cash count, Dec. Conservation Board minutes, budget reports, 12/23/96 jail inspection; also reviewed were 1st Qtr FY'97 Child Support Recovery incentives, 12/17 and 12/23 minutes of the Jt. DD 16-30-92 minutes, Village Northwest per diem schedule;
- claim in the amount of \$15.35 to Sac City Surveying and Mapping for office time on behalf of **DD#16-30-92**.

Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

By consensus, the Board approved distribution of a "**conduit letter**" to part-time employees not eligible for county paid health insurance, it being a requirement of the law that the employer provide information to non-eligible employees of access to health coverage.

Due to concerns about interpretation of early **courthouse closings** on payroll, motion by Crampton, second by Burnside, to approve payroll claims subject to audit. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

The regular portion of the meeting having been completed, the boardmembers left at 4:30 p.m., with the following reassembling for a meeting with boards and commissions at 7:00 p.m. in the 2nd Floor Public Meeting Room #1 of the Courthouse: Bruns, Gustafson, and Crampton. The Board of Health, Communications Commission, E911 Service Board, and Conference Board were represented. Bruns reviewed the upcoming budget schedule, the Board of Supervisors' responsibility regarding the budget, the policies such as Family Medical Leave, sexual harassment, etc. which should be put in place by these boards/commissions for the employees they govern, and, then asked about upcoming large budget needs. Marilyn Monson reported a \$14,000 grant award for service hours, to be shared by several counties. The BV Co. health needs assessment which is newly required, will have a bill to the county associated with it. Nancy Brady stated that she is looking at future replacement of the radio console, and that this expense will be paid from E911 funds. She mentioned the legislation to be introduced this year to permit collection of the E911 surcharge on mobile phones. Kim Johnson reported that BV Co's waste tire

grant application had been approved. Doug Simons noted that the Ethiopian prisoner is back in our jail, and that expenses for his care and for an interpreter have not been as high as previously thought. Ted VanGrootheest advised the Board that residential and ag values will be increasing 10% or more. Bruns reviewed the FY'98 health insurance rates which have moderate increases this year. Monson stated that Public Health is looking at replacement of their computer in FY'98.

There being no further business, the meeting adjourned to January 14 at 9:00 a.m. for a special session.

**BOARD OF SUPERVISORS
THIRD MEETING, 1997 SESSION (3)
JANUARY 14, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 14, 1997, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Buena Vista County Fair Board President Tom Witt, and Keith Reetz, newly appointed Secretary/Manager of the Fair Board, met with the Supervisors to make their FY'98 funding request in the amount of \$32,500. Other officers include Clay Drenth-Vice-President, and Anna Mae Rotert-Flink - Treasurer. In addition to county funds, other sources of revenue include rental of storage space, corn storage, racing, and entertainment during the fair. They are looking for ideas that will increase attendance such as providing transportation from other towns to Alta. Witt will provide a financial statement for the Fair Board for each of the last 3 years.

The Board continued their discussion of the space needs of Community Services, Naturalist, Catholic Charities, Env. Health/Zoning, Public Health and HM/HHA. Both Conservation and Env Health/Zoning submitted proposals. The Engineer suggested a design which moves Env Health/Zoning to the Courthouse and Community Services to the E. Richland Annex. The CS secretary would be in the center of the west end of the E. Richland Annex and CS offices around the perimeter, with the Naturalist moving to the current space used by Env. Health/Zoning.

Members of the Buena Vista County Library Association presented their request for FY'98 funding. Present were: Nola Josephson-Albert City, Karen Hagen and Esther Haahr-Newell, Joleen Robinson-Rembrandt, Barb Ansorge-Storm Lake, Sharon Zulauf-Sioux Rapids, Rose Peterson-Storm Lake, Rev. Giese-Rembrandt, Cathy Jensen-Marathon, Linda Freese-Storm Lake, Sue Pedersen-Alta. President Marlene Hansen presented summaries of the activities of all the libraries in the county. Their request was for an additional one-half cent per thousand dollars of taxable valuation.

The Board discussed the data processing department and the current status of the system design.

Custodian Dewyne Stucynski reported that the retrofit lighting project has been completed at the E. Richland Annex. It was the consensus of the Board to get an estimate from the Energy Group to do an energy audit of the courthouse, and perhaps the E. Richland Annex. Stucynski is also working on a negative pressure cell for the jail, which is required by law.

Rod Henning, Caterpillar dealer for the Ziegler company, discussed a trade-in on a 1995 143H Cat motorgrader, the grader having less than 1,000 hours on it. Motion by Vail, second by Burnside, to purchase a 1995 143H Cat motorgrader for \$110,000 with a 1991 John Deere trade-in. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Board discussed their upcoming meeting with secondary road employees on Jan. 17.

Motion by Gustafson, second by Burnside, to approve the consent agenda as follows:

- * minutes of the 1/7/97 meeting as corrected;
- * work order for middle main tile repair in Delaware Twp. for DD #274, estimated cost \$150, with the Chairman to sign.

Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Monday, January 20 at 9:00 a.m. for a regular session.

**BOARD OF SUPERVISORS
 FOURTH MEETING, 1997 SESSION (4)
 JANUARY 20, 1997**

The Buena Vista County Board of Supervisors met in regular session on Monday, January 20, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following other members present: Burnside, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting. Due to an all-day Supervisors' meeting in Des Moines, on January 21, the meeting date was moved up to the 20th.

Treasurer Kathy Bach recommended abatement of taxes on 3 properties. Motion by Vail, second by Gustafson, to abate all FY'97 taxes on parcel #7966.00, the property having been acquired by the Federal government, U.S. Fish & Wildlife, to be converted to wetlands; to abate the 2nd half FY'97 taxes on MH #11-W084175 since it is now assessed as real estate--a building on leased land; and, to abate all of the FY'97 taxes on MH #11-W023585, it having been previously junked; all as recommended by the Treasurer. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Treasurer presented her semi-annual report and discussed the county's investment process. Motion by Burnside, second by Crampton, to direct the Treasurer to have the semi-annual report published in the official county newspapers. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Engineer Jon Ites discussed amendments to the fence repair/replacement policy, making no recommendations for change after review of the policies of adjacent counties--Sac, Cherokee, Clay & Pocahontas. Motion by Vail, second by Burnside, to approve the following resolution:

RESOLUTION #1997-01-20

In compliance with Iowa Administrative Code guidelines and in order to set a standard policy on right-of-way and associated costs, the Buena Vista County Board of Supervisors hereby adopts the following:

- Right-of-way purchases with a total land cost of less than \$2,500. The County will offer 2.5 times the current assessed value.
- Dirt borrow purchases for use on construction projects. The County will offer 1.75 times the current assessed value.
- Fence costs shall follow these guidelines:
 Removal of fencing by rod: \$4.50/barb, \$6.50/woven;
 Replacement of fencing by rod: \$4.50/barb, \$6.50/woven;
 Plus new material costs.
- The property owner shall have 18 months after completion of project to receive payment for replacement of fencing.

The vote on the above resolution was: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Due to another outstanding year of very few and relatively minor worker's compensation incidents, the Board of Supervisors signed a letter of congratulations and appreciation to the secondary road department for their safe record.

Ites discussed the changing formula for distribution of road use tax funds. Buena Vista County will not be substantially effected by the proposed changes.

Motion by Vail, second by Burnside, to engage the services of Darel Burns to work with the Drainage Attorney and the County Engineer to prepare the required materials for the appeal of the STC decision on commenced determinations for the drainage districts in Buena Vista County. Ayes--Burnside, Crampton, Vail. Nays--Gustafson. Abstentions--none. Carried.

It was noted that the Auditor had received notice that the IDOT Director of Maintenance Services is designated pursuant to Chapter 468.16 of the Iowa Code, as its agent upon whom service of notice shall be made with reference to any proposed drainage improvement or repair under Chapter 468 inclusive which affects in any degree the primary roads, primary road system or other state-owned lands under jurisdiction of the State Dept. of Transportation.

The Board considered issues discussed at the second secondary road employee meeting.

Sheriff Chuck Eddy, Recorder Shari O'Bannon, Treasurer Kathy Bach and Elizabeth Espanta discussed the Hispanic interpreter program which has been in place a little over 3 months. Espanta's interpretation and document translation assistance has been appreciated. She uses a pager so that she can be contacted when she is not on the premises. On her own time, she has also been called by another county by their court system. It was the consensus of the Board to continue the interpreter program as it currently operates, and to pay for it from the non-departmental area both for the remainder of the year and for FY'98.

Motion by Vail, second by Burnside, to authorize the transfer of \$422.80 from Drainage Fund 750 to 753 (DD #83 Lat 10/19). Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Board discussed the Engineer's employment contract which will soon be due for renewal.

Julie Erskine and Kim Weiland, representing the BV Co. Child Abuse Prevention Team, made a request for FY'98 funding in the amount of \$2,000. They sponsor the Happy Bear program, and conduct public awareness and education programs. They noted that 27% of the births in this county are to single women, however, teens make up only 25% of that number. This is a very high risk group.

Sally Dobson, CADA Director, requested FY'98 funding in the same amount as the current year - \$4,500.

Motion by Vail, second by Burnside, to accept the Ag Area Petition filed 1/15/97 by Norene Martin, which proposes to add on to an established ag area in Section 13, Grant Twp., and to set the date and time of public hearing for 2/4/97 at 1:15 p.m. in the Boardroom. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Joanne DeYoung and Harlan Johnson, NW IA ADTU, discussed FY'98 funding in the amount of \$16,970. The Storm Lake office of the agency will be moving into the old Pamida building in February.

Laurel Zoet and Sherry McGill of Lutheran Social Services, and 3 local Lutheran pastors, requested funding in a maximum amount of \$9,720 for their agency to open a proposed satellite outpatient counseling center in Storm Lake. LSS is the largest not-for-profit family-centered counseling agency in

Iowa. Pastor Storck noted that this type of intensive counseling, which is needed over and above pastoral counseling, is not readily available in this community.

Ed Gilliland, **Blue Cross and Blue Shield** service representative, discussed the health insurance programs that will be available to replace the current program which is due to be eliminated in the future. The Board requested a series of employee meetings on February 19 to present a replacement program.

Supervisor Gustafson left for another meeting.

Neal Kuehl, Kuehl & Payer, and Brent Mangold, Mangold Environmental Testing, discussed the **Spectra lagoon** lift station project. The county has received application approval from the DNR for the changes. Kuehl will request proposals for the equipment to be returned by Feb. 4.

Community Services Director Anita Hallquist discussed a request for an unpaid leave for one employee. Motion by Vail, second by Crampton, to grant an **unpaid leave of absence** for 6 weeks, or until receiving a medical release to return to work, to approve payment of the employee's February health insurance premium, and to agree to the employee premium reimbursement to the county over a 90 day period commencing with her return to work (Stephanie Fiedler), all terms of this action to be effective upon a signed leave request which shall include the above conditions. Ayes-- Burnside, Crampton, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Vail, to approve and to authorize the Chairman to sign the claim for Jt. **DD #274** to J.M.S. Farms, Nemaha, in the amount of \$95.00 for tile repair in Section 5, Township 98, Range 36, Sac County. Ayes--Burnside, Crampton, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to approve the following items on the consent agenda:

- * **minutes** of the 1/14/97 meeting as printed;
- * **reports** as follows--Oct. Clerk's fees amended, Dec. Clerk's fees, 2nd Qtr FY'97 Veterans Relief, Clerk's fees, daycare funding, Oct-Dec Mangold testing of Spectra lagoon; also reviewed were payroll change notices and 12/9/96 Communications Commission minutes;
- * today's **payroll claims**, subject to future audit.

The vote on the consent agenda was: Ayes--Burnside, Crampton, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Tuesday, January 28 at 9:00 a.m. for a special session to begin departmental budget reviews.

**BOARD OF SUPERVISORS
FIFTH MEETING, 1997 SESSION (5)
JANUARY 28, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, January 28, 1997, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, with Gustafson present, and with Auditor Strawn as clerk for the meeting. Absent: Burnside, Vail, and Crampton.

The Board reviewed **budget** proposals for: Clerk of Court, insurance, care facility, Board of Supervisors, Sheriff, conservation. Donna McPherron will have some research done on computerizing the law library, which could reasonably reduce the annual law library budget by half.

Vail joined the meeting.

11:45 p.m.--The time having arrived for a telephonic meeting with the Sac County Board of

Supervisors on Jt. DD #64-105, Chairman Bruns called the meeting to order with the following persons present: BV--Gustafson, Vail, Bruns, Secretary Strawn; Sac—Laura Foell, Russ Kroeger Auditor Jim Dowling. Motion by Vail, second by Foell, to approve a 25% levy on Jt. DD #64-105, due and payable September 1, 1997, delinquent October 1, 1997, the levy date being October 1, 1997, and the interest rate set at 9%, as recommended by Bud Vote. Ayes--Gustafson, Vail, Bruns, Kroeger, Foell. Nays-- none. Abstentions--none. Carried.

12:15 a.m.--The Board of Supervisors and Auditor Strawn joined the BV County Hospital Trustees (Lyle Rachuy-Vice Chair, Marcia Schaller, Bob Thompson, Mary Nehring, Jim Benson and Mike Sharar), Administrator Jim Nelson, Director of Nursing Candy Nees, and Finance Officer Tom Westrope, at the hospital for a review of their planning for a 9 million dollar addition. The Trustees will be asking for a referendum on a bond issue to pay for a portion of the addition and renovation. Also, since it is a county hospital, the county would actually be responsible for issuing the General Obligation bonds. Following the meeting, Nelson took the Supervisors on a tour of the new obstetrics wing.

Burnside joined the meeting.

County Attorney Phil Havens and Kim Johnson, Environmental Health Director, discussed interpretations and changes to the junkyard ordinance. The basic intent was to regulate junkyards operated as businesses, however, there are other considerations. The many gray areas make enforcement very difficult. Havens will draft language to add 'commercial' to the ordinance.

Motion by Vail, second by Burnside, to approve and to authorize the Chairman to sign the waste tire grant agreement with the IA DNR in the amount of \$30,000 for FY'98. Ayes--Burnside, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Vail, to approve the transfer of \$40.00 from the Mental Health Services Funds (010) to the General Supplemental fund, this amount being reimbursement for substance abuse services and having been inadvertently deposited in the wrong fund. Ayes--Burnside, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Gustafson, to approve and to authorize the Interim Boardmember to sign, the work order for repairs in Dover Township, Pocahontas Co. in the Big Cedar Main Open Ditch Jt. DD #181, at an estimated cost \$2,500.00. Ayes--Burnside, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Burnside, to approve and to authorize the Chairman to sign 2 claims to the Clay Co. Secondary Road Dept. for Jt. DD #14-42 Main in the amount of \$231.00 to remove branches, and for Jt. DD #22 Br 252 in the amount of \$182.20 for tile repair. Ayes--Burnside, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Vail, to approve the 1/3/97 minutes of the Local Emergency Management Commission which authorize EMS Coordinator Gloria Hadachek to work from her home and to use the county-owned computer at her home, for business purposes only, during that time. Ayes--Burnside, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting was continued to Wednesday, January 29 at 9:00 a.m. to proceed with departmental budget review.

WEDNESDAY, January 29—Present were: Chairman Bruns, and Burnside, Crampton, Gustafson, Vail, and Strawn as clerk. The Board reviewed the following budgets: medical examiner, custodian, non-departmental, Recorder, Homemaking Agency, and DHS administration.

THURSDAY, January 30--Present were: Chairman Bruns, and Burnside, Crampton, Gustafson, Vail, and Strawn as clerk. The Board reviewed the following budgets: communications center, weed department, general relief, veterans relief, case management, and mental health.

Motion by Burnside, second by Vail, to approve and to authorize the Chairman to sign a letter of support for the grant application of the BV Co. Solid Waste Commission-Rowley Recycle Center to the DNR for the purchase of a grinder to be used to grind solid waste materials for composting or landfill. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

FRIDAY, January 31--Present were: Chairman Bruns, and Crampton, Gustafson, Vail, and Strawn as clerk. Absent--Burnside. The Board reviewed the following budgets: attorney, data processing, environmental health, zoning, engineer, and nurse.

The Board discussed changing one assistant county attorney position to full-time to better accommodate the needs of the other county officers, including the Board. Havens is not opposed to the concept. The Board suggested considering the pros and cons and the cost.

Supervisor Gustafson left for another meeting.

Gordy Miller-SCS, Gary Pickhinke (farms the tillable acres at S. Hayes Pit), Karlton Fullenworth (farms land owned by Richard Pascoe lying adjacent to the S. Hayes Pit), and Engineer Jon Ites discussed with the Board the changes in terracing proposed by Fullenworth for the land he farms. Motion by Crampton, second by Vail, to approve and to authorize the Chairman to sign an SCS planning agreement with Fullenworth for the re-design of the terraces on ground lying adjacent to the S. Hayes Pit. Ayes--Crampton, Vail. Nays--none. Abstentions--none. Carried. The Engineer was directed to work with the Drainage Attorney to prepare a mutual tile agreement for signature by both the County and Fullenworth.

The Board completed departmental budget reviews: Treasurer, Auditor, and non-departmental.

There being no further business, the meeting adjourned to Tuesday, February 4, 1997 at 9:00 a.m. in the Boardroom for a regular session.

**BOARD OF SUPERVISORS
SIXTH MEETING, 1997 SESSION (6)
FEBRUARY 11, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 11, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following other members present: Burnside, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting, the meeting having been called to take up the business of a prior regular session which had been postponed due to a snowstorm.

Burnside reported that Chemtrol, West Des Moines, had not been able to complete the spraying of the drainage ditches last fall per their contract, but they will complete the project this spring. Either way, their guarantee for brush kill will be in effect with the \$10,800 contract price.

Head Custodian Dewyne Stucynski discussed courthouse equipment needs including a TV/VCR/videocam, overhead projector, and a courtroom sound system.

Treasurer Kathy Bach presented several properties for tax abatement. Motion by Burnside, second by Gustafson, to abate the delinquent and current taxes on MH#11-W067994, the home having been destroyed by fire. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to abate the delinquent and current taxes on parcel #251.00, the delinquent taxes being uncollectible, and the owner of the property now being the city of Marathon. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Nurse Karole Graen requested a FY'97 **budget amendment** to account for the increase in I-4 grant funds in the amount of \$215,000. The Board will include this in a budget amendment scheduled for public hearing on February 20.

Engineer Jon Ites informed the Board that in the transfer of jurisdiction of old Hwy 71 out of the state road network and into the county system, the **secondary road** 'needs' for Buena Vista County (in DOT needs studies) were reduced by the amount previously allocated for old Hwy 71. A new needs assessment for our county will be done in 1998. Ites also noted that keeping the roads up by utilizing county funds, hurts the county in terms of federal and state road funds to be received. Local option sales tax dollars are considered local effort, and also hurt the county because it reduces the county's needs.

The engineer presented **drainage** work claims payable to the secondary road fund from the various drains for work performed from July 1, 1996 through December 31, 1996 in the amount of \$9738.46.

Having received an inquiry from the Drainage Attorney regarding his attendance at BV County's state FSA appeal hearing regarding **commenced determinations** for BV County drainage districts, motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign an 'Authorization for Representation & Release of Information' and a 'Declaration of Entry of Appearance' for Buena Vista County Drainage Attorney Greg Schiller. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried. The Board has also authorized and requested that Engineer Darel Burns also attend on behalf of the county.

Ites reviewed the current **farm-to-market fund** quarterly report, and, a draft of the 'Iowa in Motion - State Transportation Plan - Investment Summary'.

Motion by Vail, second by Burnside, to approve and to authorize the Chairman to sign the payment voucher to Kuehl & Payer for design services on the C-13 **project #FM-11(34)--55-11** in the amount of \$9,608.55. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Vail, to authorize Terracon Consultants, Storm Lake, to perform soil tests at the request of Engineer Bob Payer, at a cost not to exceed \$650, for the design work on C-13, **project #FM-11(34)--55-11**. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Due to delays in the design schedule caused by early snowfall this year, motion by Vail, second by Gustafson, to approve employing Kuehl & Payer for survey work on a road running through the center of Section 2, Barnes Twp., **project #LC-103**. Ayes-- Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions-- none. Carried.

Motion by Vail, second by Crampton, to approve employing Kuehl & Payer to perform survey work on the full length of the mile located on the north side of Elk Twp., Section 24, for the following **projects: #L-G-1-97 and #BROS-11(43)**. Ayes--Burnside, Crampton, Vail. Nays--Gustafson. Abstentions--none. Carried. Gustafson was opposed to expenditure of any funds on the road without a policy on private participation in the hard-surfacing of roads not normally considered for paving. Ites noted that no additional funds are being proposed for expenditure beyond what is necessary for the grading and bridge projects which are not caused by any potential paving of the road.

Ites informed the Board that the State Improvement program incorrectly names the funding source for a bridge as STP instead of BROS. He has requested a correction.

Engineer Neal Kuehl presented 3 proposals for equipment to be utilized in the **Spectra lagoon** lift station project. Motion by Burnside, second by Gustafson, to accept, and to authorize the Chairman to sign, the quote of Pollution Control Systems, Inc., Vinton, Iowa, in the amount of \$14,804 for equipment (controls, valves, etc. and the Ebara submersible grinder pumps) for the Spectra lagoon lift station. The

equipment is designed for heavier duty and increased capacity of the facility. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Gustafson, to set March 4 at 9:00 a.m. as the deadline for accepting bids for the **Spectra lagoon** lift station project. Ayes--Burnside, Crampton, Gustafson, Vail. Nays- -none. Abstentions--none. Carried.

Brent Mangold showed the Board a blueprint for the **county line lagoons** (west side of Buena Vista County bordering Cherokee County) which shows the location of a discharge pipe. The Board has requested information regarding the clean-up of the property. The DNR is interested in cleaning up the site. The Chair will consult with the County Attorney on the County's liability for the property.

Kristina Konradi, Community Services, discussed the Veteran's Services Officer applicants. Motion by Gustafson, second by Crampton, to employ Clinton Hoferman as the BV Co. **Veterans' Services Officer** at \$9.00/hour, effective 2/17/97, with a 50 cent increase at 6 months upon favorable evaluation. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

1:00 p.m.--The time having arrived for the public hearing on the Ag Area Petition filed by Mel and Norene Martin on 1/15/97, the Chairman opened the hearing with no interested persons present. The Auditor confirmed that this hearing had been postponed from February 4 when the courthouse was closed due to bad weather, and that proper notice, both for 2/4/96 and for today's postponement, had been published. There having been no written objections filed, and no other objections received, motion by Vail, second by Burnside, to close the public hearing. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Vail, to approve the **Ag Area Petition** filed 1/15/97 by Mel and Norene Martin to add on to a previously established ag area, the description of the land to be included being described as follows: described as the W1/2 NW1/4 Section 24, Township 91, Range 36. Ayes--Burnside, Crampton, Gustafson, Vail. Nays-- none. Abstentions--none. Carried.

Motion by Burnside, second by Gustafson, pursuant to Section 427.9 of the 1995 Iowa Code, to approve the **tax suspension** of current and delinquent taxes on parcel #428.00. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Gustafson, to approve the following items on the consent agenda:

- * **minutes** of 1/20 as printed, and 1/28 as corrected;
- * **reports**--Jan Conservation Board minutes, Clerk's surcharges, budget reports, and, also reviewed--2nd Qtr FY'97 Farm to Market road fund balance, minutes of Sac BofS re: DD #274, 16-30-92, and 64-105, 11/14/96 NWIPDC minutes;
- * **late filing** for 1995 & 1996 Homestead credit on parcel #9800.00;
- * joint drainage district claims: to Sac City Surveying & Mapping \$126.54 for repairs, assessment data for Jt. **DD #64-105**, and to Sac City Surveying & Mapping \$253.65 for repairs, meeting, spray project for Jt. **DD #16-30-92**;
- * transfer from old DD#83 to new **DD #83** \$350.00;
- * to appropriate \$439.92 in forfeited FY'96 **flex benefit** funds to the **Wellness Committee**, effective with an approved 2/20/97 budget amendment.

Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Gustafson, to reconfirm the Buena Vista County Board of

Supervisors' interest and support in the BV/Crawford/Ida/Sac Cluster Board's application for the **decategorization** of child welfare funding, and to authorize the Chairman to sign a letter of support for the application. Ayes-- Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions-- none. Carried.

Motion by Gustafson, second by Vail, to approve an amendment to the 1/28/97 resolution ordering a levy on Jt. **DD #64-105:** that the levy date for the 25% assessment shall be September 1, 1997, due and payable September 1, 1997, delinquent October 1, 1997, thus allowing 30 days for payment of the assessment without interest, the interest rate to be 9%. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Due to an increase in the maximum rates allowed to be charged for the **publication of legal notices** and the official business of the county, motion by Vail, second by Burnside, to publish claims in summary form once per quarter. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Crampton, to reappoint the following persons to the **Judicial Magistrate Appointing Commission** with the terms to expire 12/31/02: Ron Haroldson, Becki Drahota, Richard Burr. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Crampton, to approve the following **raises** in wages effective 7/1/97: Secondary Roads: road employees--55 cents/hr (and an additional 45 cents/hr in FY'99), with the foremen to receive an additional 5 cents/hr differential (one time, in FY'98 only), Tom French--4.5%, Shirley Johnson--55 cents/hr, Custodians: Dewyne Stucynski--56 cents/hr, Jerry McShane--41 cents/hr, Weed Dept.: Norm Lund as department head--41 cents/hr, Roger Sievers--40 cents/hr, weed sprayers Norm Lund and Dave Wiley--38 cents/hr, driver Chris Laursen--41 cents/hr, Env Health/Zoning: Kim Johnson--5%, Lorri Wood 69% of Johnson's salary, Community Services: Anita Hallquist--50 cents/hr, Dawn Wiseman--5%, Kristina Konradi--50 cents/hr, Stephanie Fiedler--5%, Paula Guerra as GR & VA Clerk--50 cents/hr. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Wednesday, February 12 at 2:00 p.m. for a final work session on the FY'98 budget.

**BOARD OF SUPERVISORS
SEVENTH MEETING, 1997 SESSION (7)
FEBRUARY 18, 1997**

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

DHS Area Administrator Lyle Fleshner reviewed his recent meeting on decategorization, and several changes to his proposed FY'98 **budget.**

Engineer Jon Ites introduced Rick Dean, Architects Collaborative, Spencer, who presented a plan for the proposed **maintenance/storage facility** on E. Richland Ave. Motion by Vail, second by Burnside, to set the date and time for receiving bids on the secondary road maintenance/storage facility as: March 25, 1997 at 2:00 p.m. in the Engineer's office, the bids to be opened by the Engineer and the architect. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Ites alerted the Board to the damage being done to the **roads** with the current ice thaw, and the resulting additional expense to repair and re-gravel. He has requested that the media inform the public, asking them to avoid travel on the gravel roads as much as possible, and to move heavy equipment only in the morning after a freeze the previous night.

The Board discussed how to formulate a **paving policy** on a requirement for private participation in the paving of roads not otherwise scheduled for paving. Ites distributed a sample paving point

determination system.

S.H.I.E.L.D. Safety Coordinator Mike Raner joined ltes to discuss a policy for secondary road employees on personal protective equipment. The board will need to establish the items to be provided by the county, at what cost, and also finalize the PPE Policy.

Recorder Shari O'Bannon, followed by HMHA Director Marilyn Monson, discussed changes to their proposed FY'98 budgets.

Community Services Director Anita Hallquist reviewed the CPC application and co-payment procedures, and the managed care plans for MI, MR, and DD.

Clint Hoferman was introduced to the Board as the newly hired Veteran's Services Officer for Buena Vista County. He will share office space with the General/Veterans Relief Clerk.

Deputy Sheriff Doug Simons discussed contract law enforcement, including the cost and benefits of adding another officer and all required equipment.

Motion by Vail, second by Crampton, to approve the minutes of the 2/11 meeting as printed. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Crampton, to approve late filings for 1996 Homestead credit on parcel #'s 9780.00, and 9790.00, and for 1996 Military exemption on parcel #9780.00, and, to approve a transfer from old DD #83 MOD (750) to new DD#83 MOD Reclassified (752) in the amount of \$500.00. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, motion by Burnside, second by Vail, to adjourn to Thursday, February 20 at 9:00 a.m. for the 10:00 a.m. public hearing on an amendment to the current year's budget, and the 10:15 a.m. public hearing on the FY'98 proposed budget. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

**BOARD OF SUPERVISORS
EIGHTH MEETING, 1997 SESSION (8)
FEBRUARY 20, 1997**

The Buena Vista County Board of Supervisors met in special session on Thursday, February 20, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following other members present: Burnside, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Motion by Burnside, second by Crampton, to set Tuesday, March 4, 1997 at 1:15 p.m. in the Boardroom as the date and time of public hearing for the proposed road closing and vacation of a portion of a road described as follows:

The Sixteen (16) Feet North of Lot One (1), Block Eleven (11), Casino Beach, except East Thirty (30) Feet thereof, and a Thirty (30) Foot strip of land lying West and adjacent to the Sixteen (16) Feet North of Lot One (1), Block Eleven (11), Casino Beach, all being a Subdivision of Government Lots One (1) and Two (2), in Section Nine (9), Township Ninety (90) North, Range Thirty-seven (37), West of the fifth P.M., Buena Vista County, Iowa.

The vote on the motion was: ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

10:00 a.m.—The time having arrived for the Public Hearing on an amendment to the FY'97 Budget, the Chairman opened the hearing in the 2nd Floor PMR #1 with 3 interested persons present, in addition to the Board and 10 department heads and employees. The auditor confirmed that notice had

been published as required, and that no written objections had been received. The Chairman reviewed the revenues and expenditures to be amended. Hearing no objections, motion by Vail, second by Burnside to close the public hearing. Ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Burnside, second by Vail, to approved the amendment to the FY'97 budget as published, to authorize the Chairman to sign the "Record of Hearing & Determination", and to appropriate the approved expenditures as follows: activity 3040 (dept.23-PHN) increased by \$215,000; activity 8000 (dept. 02) increased by \$13,416 and activity 8010 (dept. 02) increased by \$17,267—a total of \$30,683 for SA8; activity 9030 (dept. 98) increased by \$440 and activity 0220 (dept. 02-\$4,400, dept. 52-\$29,414). Ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

10:15 a.m.—The time having arrived for the 1st of 2 Public Hearings on the Proposed **FY'98 Budget**, the Chairman opened the hearing in the 2nd Floor PMR #1 with 3 interested persons present, in addition to the board and 10 department heads and employees. The auditor confirmed that notice had been published as required, and that no written objections had been received. The Chairman proceeded with the review of the budget and analysis. Tina Donath asked what funding had been budgeted for historical societies and the genealogical society. Phil Sundblad asked for a more complete explanation of the ending fund balances which appear to be increasing. (Vail left to attend another meeting.) Comments and explanations were provided by the Board and department heads regarding restaurant inspections, Sheriff's transportation miles, etc. There being no further questions or objections, motion by Burnside, second by Crampton, to close the public hearing, with a 2nd hearing to be held Thursday, February 27, 1997 at 10:00 a.m. in the same location. Ayes—Burnside, Crampton, Gustafson. Nays—none. Abstentions—none. Carried.

There being no further business, the meeting adjourned to Thursday, February 27 at 10:00 a.m. for the 2nd public hearing on the FY'98 proposed budget.

**BOARD OF SUPERVISORS
NINTH MEETING, 1997 SESSION (9)
FEBRUARY 25, 1997**

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

BVWAC Director Cindy McIntosh updated the Board on her agency's clients and programs.

Engineer Jon Ites discussed **bridge replacement** funding.

Ites requested a part-time **inspector** for the 1997 construction season.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign a maintenance agreement for snow removal with the City of **Truesdale** for the current snow season. Ayes--Burnside, Crampton, Vail. Nays--none. Abstentions--none. Carried.

The Board reviewed an amended plan for the **E. Richland Annex** remodeling, and the Sec'y Road **PPE policy**, including what items will be required for use, under what circumstances, and any disciplinary language for the policy. Ites recommended that the policy be no more restrictive than OSHA regulations. Bruns and Crampton will prepare a proposal for the Board.

SLADC Executive Director Jim Gossett discussed the **NWIPDC Economic Development Revolving Loan fund**. A grant of \$300,000 is to be divided (based on population) by 7 counties (approximately \$40,000 for Buena Vista County). The BV Co. Board has been asked to appoint a supervisor, and another person from the county.

Rev. Dave Swinton was unable to be present to discuss Habitat for Humanity of Storm Lake.

Motion by Vail, second by Burnside, to approve and to authorize the Chairman to sign the Class C beer and Sunday sales permit application of Pronto Market, Storm Lake. Ayes--Burnside, Crampton, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Crampton, to approve the minutes of the 2/18 minutes as printed, and the 2/20 as amended. Ayes--Burnside, Crampton, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, pursuant to Section 427.9 of the 1995 Iowa Code, to approve the tax suspension of current and delinquent taxes on parcel #6327.00. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Thursday, February 27 at 9:00 a.m. for the 10:00 a.m. public hearing on the FY'98 proposed budget.

**BOARD OF SUPERVISORS
TENTH MEETING, 1997 SESSION (10)
FEBRUARY 27, 1997**

The Buena Vista County Board of Supervisors met in special session on Thursday, February 27, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following other members present: Burnside, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

The Board reviewed new budget charts to be used at the public hearing.

10:00 a.m.--The time having arrived for the 2nd Public Hearing on the proposed FY'98 budget, the Chairman opened the hearing in the 2nd Floor Public Meeting Room #1 with 6 interested persons present, in addition to department heads and employees. Bruns reviewed several charts and sample tax statements. Phil Sundblad asked about the size of the Treasurer's balance on 12/31/96. A number of transfers have not yet been made, in addition to outstanding warrants, and large expenditures delayed to the end of the year to be certain that total expenditures stay within the departmental budgets. Several other questions were received, and county personnel provided information on several services. There being no objections, motion by Vail, second by Gustafson, to close the public hearing. Ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

The Board returned to the boardroom. Motion by Vail, second by Burnside, to approve the FY'98 budget as published. Ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Crampton, second by Gustafson, to approve and to submit to the State Appeal Board, an "Application For Approval to Levy FY 97/98 County Property Taxes in Excess of the Limitations Imposed by Chapter 444" as follows:

RESOLUTION 2-28-97

WHEREAS, Chapter 444, Code of Iowa, places certain limitations on the amount of property taxes that may be levied for fiscal year 97/98; and

WHEREAS, the revenue in certain funds of the County as set out in the supporting detail is inadequate to meet necessary expenses which must be paid from said fund(s); and

WHEREAS, property taxes in excess of the limits must be for an unusual need for additional money to finance existing programs and/or a compelling need for money to finance new programs, which provide substantial benefit to county residents; and

WHEREAS, said increase must be approved by the State Appeal Board; therefore

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA, that the State Appeal Board be and is hereby petitioned for approval to levy property taxes in excess of the limitations imposed by Chapter 444 as set out below:

The fiscal year 97/98 **Buena Vista** County budget proposes the following increases:

General Fund: \$470,659 over the maximum tax dollars calculated on line 21 of the Chapter 444 Property Tax Worksheet.

The unusual needs for additional money for existing programs are:

- increased staff in the Community Services Dep't to implement Managed Care & the CPC program as required by law;
- increases in nursing and homecare hours resulting from Managed Care implementation;
- increased space needs for the additional Comm. Services, Nursing and Homecare staff (and loss of space to Court system);
- partial funding for 1 additional Sheriff's deputy hired under the federal Cops Fast grant program;
- increased staff for Environmental Health/Zoning for more comprehensive inspections and additional programs (toxic waste clean-up and waste tires)
- re-design and retrofit waste treatment lagoon at Spectra Health Care, Inc.;
- re-design and modernize Spectra building cooling system;

The compelling needs for money for new programs are:

- part-time Hispanic interpreter to improve county services (this county has a large new Hispanic immigrant population);
- data processing equipment for vital statistics program (previously handled by Clerk of Court - a state office, now by County Recorder's office);
- implement electronic record management equipment and update data processing equipment for mapping project.

Alternatives considered and rejected:

- lowering the ending fund balance;
- delaying several under-budgeted projects including lagoon, cooling system, and imaging noted above (delay would have created more cost).

The vote on the above resolution was--ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Tuesday, March 4 at 9:00 a.m. for regular meeting.

**BOARD OF SUPERVISORS
ELEVENTH MEETING, 1997 SESSION (11)
MARCH 4, 1997**

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

Buena Vista County Hospital Finance Director Tom Westrope discussed the hospital's building plan including the plans, the certificate of need process, the bond election, and the bond sale. At their meeting on February 27, the Hospital Trustees selected bond counsel and bond advisor, and, adopted a resolution requesting an April 29, 1997 date for the election.

The Board of Supervisors then proceeded to discuss the matter of calling a special county election. Board Member Gustafson introduced the following Resolution entitled "RESOLUTION CALLING A SPECIAL COUNTY ELECTION", and moved its adoption, subject to review by the County Attorney. Board Member Burnside seconded the motion to adopt. The roll was called and the vote was: Burnside-aye, Crampton-aye, Gustafson-aye, Vail-aye, Bruns-aye. Nays: none. Whereupon, the Chairperson declared the following Resolution duly adopted:

RESOLUTION CALLING A SPECIAL COUNTY ELECTION

WHEREAS, the Board of Trustees of Buena Vista County Hospital have requested that the County issue its General Obligation Bonds for the purpose of remodeling and expanding the existing facilities of the Buena Vista County Hospital and construct, furnish and equip an addition for use as an outpatient facility.

WHEREAS, the Board of Supervisors in response to said request, proposes to contract indebtedness and issue General Obligation Bonds to provide funds to pay costs thereof as a general county purpose project; and

WHEREAS, Section 331.442 of the Code of Iowa, provides that before the Board may institute proceedings for the issuance of bonds for a general county purpose, it shall call a special county election to vote upon the proposition of issuing said bonds in accordance with the provisions of said statute; and

WHEREAS, neither the proposal for the issuance of the bonds hereinafter set forth, nor any other proposal incorporating any portion of it, has or will have been submitted to the electors of the County for a period of more than six months prior to the date of election hereinafter provided; and

WHEREAS, the "Pilot Tribune", "The Times", and the "Buena Vista County Journal" are legal newspapers printed wholly in the English language, as defined by Section 618.3 of the Code of Iowa, and is published in said County and of general circulation therein;

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

Section 1. That there is hereby called a special county election on Tuesday, the 29th day of April, 1997, at which there shall be submitted to the registered voters of said County the following question, to-wit:

"Shall the County of Buena Vista through the Buena Vista County Hospital Board of Trustees, State of Iowa, be authorized to remodel and expand the existing facilities of Buena Vista County Hospital and construct, furnish and equip an addition for use as an outpatient facility at a total cost not exceeding \$9,000,000 and the County issue its general obligation bonds in an amount not exceeding \$6,000,000 for that purpose?"

Section 2. That the voting place or places for said election, and the hours the polls shall be opened and closed shall be as set out in the notice of election, said notice to be prepared and approved by the County Commissioner of Elections.

Section 3. That the form of ballot to be used at said election shall be of the type authorized by the Code of Iowa that will permit the use of electronic counters and will be in substantially the form set forth in the Notice of Election. That, if more than one public measure shall be submitted to the electors at the time of the said election, all such measures shall be printed upon one ballot.

Section 4. That the Election Board for the voting precinct or precincts shall be appointed by the County Commissioner of Elections, not less than 15 days before the date of said election.

Section 5. That the Auditor of Buena Vista County, Iowa, being the County Commissioner of Elections, is hereby directed to publish the notice of election once in the "Pilot-Tribune", "The Times", and the "Buena Vista County Journal", being legal newspapers, printed wholly in the English language, as defined by Section 618.3 of the Code of Iowa, published in said County and of general circulation therein, said publication to be not less than four clear days nor more than twenty days prior to the date of said election.

Section 6. That the County Commissioner of Elections shall cause to be prepared all such ballots

and election registers and other supplies as may be necessary for the proper and legal conduct of said election.

Section 7. That the Auditor is hereby directed to file a certified copy of this Resolution in the office of the County Commissioner of Elections, which filing shall also constitute the "written notice" to the County Commissioner of Elections of the election date required to be given by the governing body under the provisions of Chapter 47 of the Code of Iowa.

Motion by Vail, second by Crampton, to approve the resolutions of the BV Co. Hospital Trustees selecting Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C., Des Moines, as bond counsel, and Kirkpatrick Pettis, Omaha, Nebraska, as bond advisor, for the \$6,000,000 **general obligation bonding** for the hospital building project, and with the expenses for each to be paid for by the hospital. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Deputy Auditor Sue Kennedy provided a 12/31/96 financial report for the BV County **drainage districts**. The Board considered the need for levies in the various districts.

Neal Kuehl of Kuehl & Payer Ltd., opened 3 bids received for the **Spectra lagoon lift station** project from: Dave & Willie Lange d.b.a. D & L Enterprises, Storm Lake, Lundell Construction Co., Inc., Cherokee, and Sorenson Farm Drainage, Hartley. Motion by Vail, second by Crampton, to accept the low bid from D & L Enterprises, Storm Lake, in the amount of \$7,189.18, for the Spectra lagoon lift station project. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The City of Alta has requested the use of a couple county dump trucks, and to purchase gravel from the county's stockpile, to gravel a path to the concession stand at the **Alta ballfields**. The Board will consult the Engineer before authorizing the usage.

Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign, an agreement with the **Fitness & Health Center** for a corporate membership, at no cost to the County, on a 1 year trial basis, and to provide notice of the membership to employees with the next payroll. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign, a **substance abuse grant** application with the Division of Substance Abuse & Health Promotion for FY'98 in the amount of \$4,266.75. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Crampton, to set the date and time of public hearing on the **MH-MR-DD Managed Care Plan** as 10:00 a.m., Thursday, March 13, 1997 in the 2nd Floor Public Meeting Room #1. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried. Hallquist reviewed the merged plan, which included a progress report.

Motion by Crampton, second by Gustafson, to approve the changes to, and the merger of the **MI/CMI/MR/DD Managed Care Plan**, and to authorize the Chairman to sign a cover letter for submission to the Iowa Department of Human Services stating the Board's approval of the plan. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Vail, to approve and to authorize the Chairman to sign the contract, contractor's bond and certificate of insurance of Graves Construction Co., Inc., Melvin, for **project BROS-9011(5)--5F-11** in the amount of \$276,086.19, which is for replacement of a bridge over the Raccoon River approximately 1 mile east of M50 in Section 23-91-36. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

1:15 a.m.--The time having arrived for the public hearing on the closing and vacation of a portion

of a road in Casino Beach, the Chair opened the hearing with 7 interested persons present, plus 1 from the media. The auditor verified that the notice had been published, and had been provided by mail to adjacent landowners as required by law. Besch stated that he would like to acquire a 15' piece of property from the county to provide a larger lot for building a home. Concerns were voiced about the lack of drainage for water that stands on the road and on private property. There was also concern expressed about losing the road, however, Besch stated that he wanted only to swap one strip of land for another, and that the existing road would be merely be moved, not eliminated. A letter received from William Klumper regarding the subject of the hearing, requested a continuation for 3 weeks so that he could gain additional information, and provide additional input on his objection. Motion by Vail, second by Gustafson, to continue this hearing until Tuesday, March 25 at 10:30 a.m. in the 2nd Floor PMR #1. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Gary Armstrong, Attorney for the BV Co. Solid Waste Commission, reviewed the federal requirement for providing funding for closure and post-closure expenses of the county landfill. Those regulations require providing funding in an amount adequate to pay for the most expensive method of closure. Several methods of securing the funds are possible, with the most desirable being the pledging of bonding authority by one of the governmental jurisdictions involved. BV County has both the bonding capacity and the required bond rating to qualify as the governmental jurisdiction providing the guaranty. Both obtaining a surety bond, and setting aside 10% per year of the total cost \$1,200,000 were both considered and rejected as less fiscally sound than a pledge by the county. In effect, if the BV County landfill went out of business, the responsibility for it would fall back on the county anyway. BV County Solid Waste Commission is requesting a letter of assurance from the County that the County would bond, if necessary. In actuality, the entire amount would not be needed at once, but would need to be paid out over a 30 year period, so would possibly not require bonding after all. Armstrong will draft a letter of guaranty for the Board's consideration.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign the 'authorization for representation' letter naming Drainage Attorney Greg Schiller, and Attorney Robert Clements, Oskaloosa, Iowa, to represent Buena Vista County drainage districts in their appeal of the FSA wetland determinations. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Gustafson, to approve the minutes of the 2/25, and 2/27 minutes as printed. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Thursday, March 13 at 9:00 a.m. for a special session.

**BOARD OF SUPERVISORS
TWELFTH MEETING, 1997 SESSION (12)
MARCH 13, 1997**

The Buena Vista County Board of Supervisors met in special session on Thursday, March 13, 1997, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Gustafson and Vail, and with Auditor Strawn as clerk for the meeting. Absent: Crampton to attend 2 other meetings.

HM/HHA Director Marilyn Monson reported to the board on the status of the computer at Public Health which is due for replacement July 1. She will proceed with replacement of a monitor, and will get updated bids on the new system.

10:00 a.m.—The time having arrived for an informational public hearing on the MH-MR-DD Managed Care Plan, the Chairman opened the hearing in the 2nd Floor PMR #1 with 2 interested persons present. CPC Anita Hallquist reviewed the contents of the plan and answered questions. There being no written or oral objections, the Chair closed the public hearing and returned to the boardroom.

The Board reviewed the financial status of the drainage districts, but took no action at this time. Bruns and Burnside reported on the 3/11/97 hearing on the county's wetland determinations appeal.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign a letter of support for SLADC's USDA Rural Development Rural Business Enterprise Grant application. Ayes-- Burnside, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Tuesday, March 18, 1997 at 9:00 a.m. in the Boardroom for a regular session.

**BOARD OF SUPERVISORS
THIRTEENTH MEETING, 1997 SESSION (13)
MARCH 18, 1997**

The Buena Vista County Board of Supervisors met in regular session on March 18, 1997, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson and Vail, and with Auditor Strawn as clerk for the meeting.

Motion by Gustafson, second by Burnside, to approve the request of the Alta School District for use of secondary road trucks for hauling gravel, with the school to pay for the cost of the fuel, and with the labor to be volunteered by secondary road personnel. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Engineer Jon Ites reviewed the extraordinary costs of this year's winter season including snow blades, fuel and overtime. It was the consensus of the Board to continue paying overtime to road employees, rather than banking the hours as compensatory time.

Motion by Vail, second by Burnside, to approve an interim payment to Kuehl & Payer Ltd. for designwork on C-13 in the amount of \$15,606.50. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Upon receipt of a letter from the county's insurance agent, motion by Vail, second by Gustafson, to approve and to purchase "builder's risk" coverage for the maintenance facility to be constructed on the E Richland site at a cost of \$692.00. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Sioux Central School District has requested a 'stop sign ahead' sign for a location west of Rembrandt on C-29. Motion by Vail, second by Crampton, to establish a 'stop sign ahead' sign location at a point 3/4 mile west of Rembrandt on C-29, the sign to be for east-bound traffic. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Gustafson, to approve the underground utility application of MFS Network Technologies, Inc., Des Moines, to install fiber optic cable to facilitate the ICN for the Newell-Fonda Schools, through a connection from the Storm Lake High School, using M-54 and 600th St. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to approve the underground utility application of MFS Network Technologies, Inc., Des Moines, to use county road right-of-way for utility purposes at a location beginning at the intersection of 250th St. and C-29 Section 13, and proceeding toward Albert City to the city limits. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Landfill Attorney Gary Armstrong presented a draft of an guaranty of financial assurance for closure/post-closure expenses at the BV Co Landfill. Motion by Burnside, second by Crampton, to approve, to authorize the Chairman to sign, and to enter into the following Financial Assurance Guaranty, subject to satisfactory review of the County Attorney:

**GUARANTY OF FINANCIAL ASSURANCE FOR
CLOSURE, POST CLOSURE AND CORRECTIVE ACTION
AS CONTEMPLATED BY IOWA CHAPTER 111 OF
THE IOWA ADMINISTRATIVE CODE IN CONFORMANCE
WITH IOWA CODE SECTION 456B.304(8) AND 456B.306(8)**

Guaranty made this 18th day of March, 1997, by Buena Vista County, Iowa (hereinafter referred to as "County"), and the Buena Vista County Solid Waste Commission (hereinafter referred to as "Commission").

RECITALS

A. The County and the Commission have determined that it is in the best interests of the citizens of Buena Vista County that the financial assurance for closure, post closure and corrective action as is required by Chapter 111 of the Iowa Administrative Code be met through a local government guaranty made by the County in conformance with Section 111.6(7) of the Iowa Administrative Code.

B. The County is a local government having a substantial government relationship with the Commission pursuant to and in furtherance of the objectives of an agreement between said parties entered into under Iowa Code Chapter 28E.

C. This guaranty is issued as an act incident to that agreement.

D. The County:

- 1. Has an unenhanced Aa Moody's rating.
- 2. Has bonding capacity in excess of \$35 million.

Attached hereto is a letter of the Buena Vista County Auditor attesting to the above-referenced facts.

GUARANTY

NOW, THEREFORE, in consideration of the mutual covenants made herein, it is agreed that the County grants a local government guaranty as contemplated by Section 111.6(7) of the Iowa Administrative Code for the purpose of demonstrating financial assurance for closure, post closure and corrective action in connection with the landfill owned and operated by the Commission.

A. Obligation. The County agrees that if the Commission fails to perform closure or post closure care or corrective action in accordance with the appropriate plan or permit whenever required to do so, the County shall do so or establish a standby trust fund in the name of the Commission.

B. Term. This guaranty remains in force unless the County sends notice of cancellation by certified mail to the Commission and the Director of the Department of Natural Resources. Cancellation may not occur, however, during 120 days beginning on the date of receipt of the notice of cancellation by the Director of the Department of Natural Resources as evidenced by the return receipt.

C. Notice. All notices contemplated by this agreement shall be made as follows:

- If to County: County Auditor
Buena Vista County Courthouse
Storm Lake, Iowa 50588
- If to Commission: Chairman, Harold Rowley Recycling Center
Rural Route 1
Storm Lake, Iowa 50588
- If to DNR: Director, Department of
Natural Resources
Wallace Building
Des Moines, Iowa 50319

D. Governing Law. This agreement shall be governed exclusively and be construed in accordance with the laws of the State of Iowa. Specifically, this agreement, whenever possible, shall be read to conform to the requirements of Section 111.6(7) of the Administrative Code.

E. Severability. If any part of this agreement shall be adjudged invalid or unenforceable, such adjudication shall not affect the validity or enforceability of this agreement as to any part thereof not adjudged invalid or unenforceable.

/s/ Doug Bruns, Chairman of the Board /s/ Dave Wiley, Chairman of the BV Solid Waste Commission

The vote on this guaranty agreement was: ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The engineer discussed a petition signed by a number of residents from the Albert City area who have concerns about timely snow removal. Gustafson believes that the start time in the snow policy should be moved back to an hour earlier. Motion by Gustafson, second by Burnside, to direct the Engineer to investigate a proposal to start motorgraders 1/2 hour earlier when clearing snow from hard surfaced roads. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Weed Commissioners Norm Lund and Roger Sievers discussed the county's spray program and chemical needs for FY'98. Motion by Burnside, second by Gustafson, to set the time for receiving weed chemical quotes as April 1st at 4:30 p.m. in the Engineer's office. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried. Lund and Sievers asked the board how their raises for FY'98 were determined.

Motion by Gustafson, second by Burnside, to approve the following items on the consent agenda:

- minutes of the 3/4/97 and 3/13/97 meetings as printed;
- the following reports--Dec & Jan E911 minutes, Feb Clerk's surcharges and fines, budget reports; also reviewed were: a signed copy of a DOT bridge replacement contract, Feb. NWIPDC minutes, 3/5/97 De-Cat project update;
- Class C, Outdoor Sales, and Sunday Sales liquor license application of Little Sioux Golf & Country Club, Sioux Rapids;
- Class C and Sunday Sales beer license application of Casino Beach Marina, Storm Lake;
- appoint Supervisor Bruns, with Gustafson as alternate, (and, with 1 additional person to be appointed at a later time) to serve as the county's representatives on the "Child Welfare De-Cat" project;
- appoint Charlene Anderson as the lay representative on the NW IA ADTU Board;
- appoint Supervisor Crampton, and Jim Gossett-SLADC Executive Director, as the county's representatives on the NWIPDC Economic Development Revolving Loan Fund board;
- appoint Emergency Management Coordinator Gloria Hadachek to the Safety Committee.

The vote on this motion was: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Ken Hach, Zond Systems, briefed the board on status of the wind turbine project.

Custodian Dewyne Stucynski and Engineer Jon Ites reviewed plans for remodeling the E. Richland Annex. They will advertise for a contractor.

The board reviewed the report of the auditor regarding the FY'96 audit and approved the responses.

There being no further business, the meeting adjourned to Tuesday, March 25, 1997 at 9:00 a.m. in the Boardroom for a special session.

**BOARD OF SUPERVISORS
FOURTEENTH MEETING, 1997 SESSION (14)
MARCH 25, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 25, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following other members

present: Burnside, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Emergency Management Coordinator Gloria Hadachek and Storm Lake Fire Chief Ron Wilson met with the Board to discuss **Hazmat** planning by the Region III Local Emergency Planning Committee. The county is responsible for planning for access to containment and clean-up professionals in the event of hazardous material spills within the county. The Board is considering entering into an agreement with the City of Sioux City to provide those services. Gustafson asked that a list be made of the items and questions on the current draft of the proposal.

10:30 a.m.—The time having arrived for the continuation of the 3/4/97 public hearing on the closing and vacation of a road in Casino Beach as requested by Ted & Mary Besch, the Chairman reopened the hearing in the 2nd Floor Public Meeting Room #1 with 23 interested persons present including 9 supervisors and staffmembers.

Thomas Klumper, addressed the Board regarding the letter from his father requesting continuation of the hearing. Their concerns were about the road encroaching upon a line of trees which had been planted and cared for by his family, and, changes that would make the current drainage problems worse. He suggested making the slope of the ditch more steep. Klumper then stated that he had spoken with the Beschs and had come to an agreement under which the Klumpers would acquire a long narrow piece adjacent to lot 2, block 11.

Others present discussed the drainage problems of the road and of the adjacent lots. Engineer Jon Iles explained that property owners have the right to petition for drainage relief. Bob Bergendoff complained that nothing has been done about the drainage problems despite the issue having been discussed previously. The Chairman suggested that the concerns be brought to the Board at another time as they are not the purpose of today's hearing.

Motion by Burnside, second by Vail, to close the public hearing. In further discussion, Bergendoff again asked when the drainage would be addressed since Besch's building could impact the drainage. He was directed to make an appointment with the Auditor to meet with the Board on that subject. There being no further objections raised to closing and vacating the road, the Chairman called for the vote to close the hearing which was: ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Vail, second by Gustafson, to adopt the resolution entitled "Resolution Vacating a Public Road" as follows:

RESOLUTION

WHEREAS, Ted and Mary Besch have requested the exchange of a strip of land approximately 15' wide for a strip of land approximately 16' wide owned by the county in Casino Beach, and
WHEREAS, at a public hearing held March 4, 1997 and continued to today, March 25, 1997, objections to closing and vacating the road were heard, and
WHEREAS, the Buena Vista County Board of Supervisors now finds that the below described portion of the real estate designated for public road on the plat of Casino Beach serves no public benefit and should be vacated,

The Sixteen (16) Feet North of Lot One (1), Block Eleven (11), Casino Beach, except East Thirty (30) Feet thereof, and a Thirty (30) Foot strip of land lying West and adjacent to the Sixteen (16) Feet North of Lot One (1), Block Eleven (11), Casino Beach, all being a Subdivision of Government Lots One (1) and Two (2), in Section Nine (9), Township Ninety (90) North, Range Thirty-seven (37), West of the Fifth P.M.

BE IT THEREFORE RESOLVED, that the ABOVE-DESCRIBED public way is vacated.

The vote on the above resolution was: ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign the contract with Dave and Willie Lang dba D & S Enterprises, Storm Lake, for the **Spectra lagoon lift station** project in a total amount of \$7,189.18. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Board reviewed several of the meetings they attended at last week's **ISAC session**.

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

**BOARD OF SUPERVISORS
FIFTEENTH MEETING, 1997 SESSION (15)
APRIL 1, 1997**

The Buena Vista County Board of Supervisors met in regular session on April 1, 1997, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Engineer Jon Ites and Rick Dean, Architect from Architects Collaborative-Spencer, reported with a bid resume on the bids received for the **Radio Road maintenance building**. Motion by Crampton, second by Burnside, to accept the low **bids** of Haselhoff Construction-Cherokee \$345,415-general contractor; Bodholdt Brothers- Storm Lake \$70,896-mechanical contractor; J & J Electric-Carroll \$17,600-electrical contractor; for a total project cost of \$433,911, and to direct the architect to prepare contracts for same. Ayes--Burnside, Crampton, Gustafson, Vail. Nays-- none. Abstentions--none. Carried.

Motion by Burnside, second by Gustafson, to purchase builder's risk **insurance** from the Colburn & Elk Agency for the Radio Road maintenance building to begin June 1, 1997, for a premium of \$692, to be paid from the general basic fund. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Ites reported that the City of Storm Lake will not waive the building permit fees for construction of the **Radio Road maintenance building** and for the remodeling of the **E. Richland Annex**.

Motion by Vail, second by Burnside, to approve and to authorize the Chairman to sign a payment voucher in the amount of \$56.25 for reproduction services on **project #BROS-9011(5)--5F-11** to be paid from the farm-to-market fund. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Ites received approval to advertise a **part-time seasonal position** to mow the county roadsides. He also discussed the pay rate for a part-time inspector position for construction projects.

Ites proposed changes to the ice control **materials price schedule** was last updated in 1994. Motion by Gustafson, second by Vail, to approve the new Rates Charged to Municipalities for Ice Control Materials, effective 4/1/97. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions-- none. Carried.

Ites presented the IDOT budget and 5-year construction program for the Board's consideration. Motion by Vail, second by Crampton, to approve and to authorize the Chairman and the Auditor to sign the **IDOT budget and 5-year construction program**, the submission deadline being April 15. Gustafson stated that he did not want to be on record approving the paving of the Mellowdent road as part of the 5-year plan, without a private participation policy in place. Ayes--Burnside, Crampton, Vail. Nays--Gustafson. Abstentions--none. Carried.

Having received approval as to form from Assistant County Attorney Dave Patton on the Financial Assurance Guaranty for closure/postclosure costs of the **landfill**, and the Board having previously

approved signing of the guaranty, if approved by one of the County Attorneys, the Chairman and the Auditor signed the guaranty. The agreement will now be submitted to the Buena Vista Solid Waste Commission for their Chairman's signature.

Sheriff Chuck Eddy requested hiring Sioux Rapids Officer Chad Leonard at \$11.00/per hour on a part-time employee basis as needed to fill in for deputy vacations and absences. Paying Leonard at \$11/hr instead of deputy at overtime rates will save the county money. The wage expense is within the Sheriff's budget. The consensus of the Board was to approve. Eddy will consult with the county's insurance agent on any additional liability that the county might incur. After checking, he reported that there will be no additional liability cost.

Eddy requested consideration of a 28D/28E drug task force agreement with 9 other counties. The board have the county attorney review the proposed agreement and resolution.

Eddy also updated the board on current departmental activity, including PBT equipment purchased, and subsequently reimbursed to the county.

Buena Vista Work Activity Center Executive Director Cindy McIntosh updated the Board and asked for an indication of the board's level of support.

Blue Cross & Blue Shield Representative Ed Gilliland discussed voluntary disability insurance which could be paid with flex dollars. An option which could be available to the county is to have a choice in employee health insurance deductibles. Choosing a plan with a higher deductible would give an employee some flex dollars for alternative benefits. However, Gilliland explained that once an employee chooses a higher deductible plan, making a subsequent change to a lower deductible would not be possible without an open enrollment period.

Four interested persons (Sid & Judy Krebs, Bob Willadsen and Jack Oatman), Zoning Director Kim Johnson, and Engineer Ites, were present for a discussion of Casino Beach road drainage. Ites explained that the Code of Iowa does not permit him to drain water to any location that where it would not go naturally on its own. The lake is the natural drainage location of storm water in Casino Beach. A number of ideas for solving the problem were mentioned, discussed and discarded. Gustafson asked if a beginning point of solving the problem would be to smooth out the high spot along the shoulder of the road. The engineer was asked to develop some alternative solutions for consideration at the April 22 meeting. The auditor asked if the cost of moving the road is separate from or a part of the cost of correcting the drainage of the road. The response was that they are separate. The original agreement with Beschs' was to agree to vacating a portion of the road and deeding it to the Beschs' as long as they agreed to pay all of the costs of moving the road.

Motion by Crampton, second by Burnside, to appoint Lou Gaffney to the Buena Vista County Board of Health for a 5-yr. term expiring 12/31/01. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Burnside, to approve the following items on the consent agenda:

- minutes of the 3/18 as amended, and 3/25 meetings as printed;
- the following reports-Mar Conservation, 3/7 & 3/19 Mangold environmental testing of Spectra lagoons. Also reviewed was: 3/7 Mangold report on county line lagoon;
- the bid of Chemtrol-Des Moines, in the amount of \$2,691.50 for weed control on 7.69 miles in jt. Drainage District #181 Big Cedar Open Ditch area 1, and, the bid of Lawn Manicurists-Algona, in the amount of \$1,090.50 for weed control on 7.27 miles in joint drainage district #181 Big Cedar Open Ditch area 2; and to authorize the Interim Boardmember to sign.

Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions-- none. Carried.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign the **Warranty Deed** to Theodore J. Besch & Mary L. Besch from Buena Vista County for the following described property:

The Sixteen (16) Feet North of Lot One (1), Block Eleven (11), Casino Beach, except East Thirty (30) Feet thereof, and a Thirty (30) Foot strip of land lying West and adjacent to the Sixteen (16) Feet North of Lot One (1), Block Eleven (11), Casino Beach, all being a Subdivision of Government Lots One (1) and Two (2), in Section Nine (9), Township Ninety (90) North, Range Thirty-seven (37), West of the Fifth P.M., subject to covenants and easements of record.

Ayes—Bruns, Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions-- none. Carried.

Burnside left the meeting.

Motion by Vail, second by Gustafson, to designate the BC&BS Alliance Select as the **employee health insurance program** effective 7/1/97. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions-- none. Carried. There will be no changes to the Delta Dental program.

The Chairman reported on the meeting with secondary road employees regarding the **personal protective equipment policy** (PPEP). The Board's response will be taken to tomorrow's safety committee meeting.

There being no further business, the meeting adjourned to Tuesday, April 8, 1997 at 9:00 a.m. in the Boardroom for a special session.

**BOARD OF SUPERVISORS
SIXTEENTH MEETING, 1997 SESSION (16)
APRIL 8, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 8, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following other members present: Burnside, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

With CPC Anita Hallquist, the Board heard an **appeal** of a managed care-CPC decision. A decision will be made, and the appellants will be notified in writing within 10 days of this meeting.

The Board reviewed and approved a news release regarding the decision of the State Appeal Board on the county's FY'98 **budget**.

Engineer Jon Ites and the Board discussed **private participation** in the cost of paving a road which has not previously been in the construction program as a paving project. Ites has surveyed other counties for similar types of policies (changing the surfacing or the classification of the road). There are very few policies on changing the surfacing of a road from gravel to paved.

Environmental Health Director Kim Johnson reported that she has reservations for removal on April 12 of a total of 10,499 **waste tires**. Motion by Vail, second by Burnside, to apply for the renewal of the waste tire grant for FY'98, the project to be scheduled for the fall of 1997. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Board acknowledged receipt of FSA's decision to deny **wetland determinations** for county drainage districts. Motion by Burnside, second by Vail, to direct Drainage Attorney Greg Schiller to contact Robert Clements, Attorney, who has experience in this type of case, for the purpose of engaging him to appeal this decision. Gustafson is opposed to taking action until a good estimate of the cost of continuing the appeal is known. Ayes--Burnside, Vail and Bruns. Nays--Gustafson. Abstentions --Crampton.

Carried.

The Board discussed the decision of the State Appeal Board which denied the county's application to levy in the General Basic fund in excess of Chapter 444 of the Iowa Code. The Chairman and the Auditor reported on their conversation with personnel in the Department of Management and State Auditor's office regarding their questions on the decision. For the purpose of complying with state law to certify a budget and taxes, within 7 days of the decision, which do not exceed the limits imposed by the State Appeal Board's decision, motion by Vail, second by Crampton, to approve and to adopt the revised FY'98 budget which requests taxes in the General Basic fund of \$2,071,428, in the Mental Health fund of \$234,678, and in the Rural Basic fund of \$1,030,526, and to authorize the Chairman and the Auditor to sign both the "**Budget Adoption & Certification of Taxes**" and "Certification of MH-DD Services Fund Levy Dollars Before and After Application of Property Tax Relief Payment", and to direct the Auditor to file all of the appropriate documents with the Department of Management. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions --none. Carried.

The Board considered the proposed **Personal Protective Equipment Use Policy**. Burnside and Crampton reported on their research of options for providing equipment (gloves, glasses, etc.). Motion by Gustafson, second by Vail, to adopt the "Personal Protective Equipment Policy For Buena Vista County Employees", and, to approve the Safety Committee's recommendation of paying 100% of the cost of safety glasses, to be replaced on a case by case basis, or no more often than every 3 years, and to pay 100% of the cost of safety-toed shoes, to be replaced no more often than every 2 years, both to be effective 7/1/97 with compliance by October 1, 1997. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail second by Burnside, to approve payment from farm to market funds the payment voucher to Kuehl & Payer Ltd. in the amount of \$5,559.82 for engineering and surveying services on C-13, **project #FM-11(34)--55-11**. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Burnside, to replace the **eyeglass** lenses of Tony Weber, the new lenses having damaged while working with all of the appropriate protective equipment being worn including goggles and helmet with face shield. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Board acknowledged a letter received today from R.C. Kleveland, owner of K-Webb, requesting the change of a service **level B** road to service level A. The engineer will investigate.

Motion by Vail, second by Gustafson, to amend the Resolution (adopted 4/1/97) to vacate a portion of a **Casino Beach road**, by adding the following language: ...is vacated "and the chairperson's execution of the deed of conveyance presented to the board is hereby approved, as is the Secretary's acknowledgment thereof.", and to authorize the Chairman and Auditor to sign the amended resolution. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Gustafson, having received bids from Terra International, Cargill-Alta (did not include a certified check or bid bond as required), and Mike's Lawn Service-Storm Lake, to accept the low bid and award the contract to Terra International, Merrill, IA, for the season's supply of **weed chemicals** in the amount of \$6,000.00; and to return the check to the unsuccessful bidder. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Vail, to approve the following items on the consent agenda:

- * **minutes** of the 4/1/97 meeting as amended;
- * receive the **ag area petition** of Dennis Gerke, etal. filed 4/4/97, for approximately 500 acres in Newell Township, and to set the date and time of public hearing as April 29, 1997 at 1:15 p.m. in the Boardroom;

* approve and to authorize the Chairman to sign, with Sac and Crawford Counties, the application for **decategorization** of child welfare funds.

Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Tuesday, April 15 at 9:00 a.m. for a regular session.

**BOARD OF SUPERVISORS
SEVENTEENTH MEETING, 1997 SESSION (17)
APRIL 15, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 15, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following other members present: Burnside, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Motion by Burnside, second by Gustafson, to approve the following **proclamation**:

(Resolution 1997-4-15.1)

WHEREAS, the National Association of Counties has established April 13-19, 1997, as the week to observe National County Government Week, and,

WHEREAS, the Board of Supervisors wishes to recognize its employees for their work and dedication to providing excellent services to the residents of Buena Vista County, and,

WHEREAS, the Board of Supervisors desires to make known to the citizens of Buena Vista County its mission of providing timely, cost-efficient public services,

NOW THEREFORE BE IT RESOLVED BY THE BUENA VISTA COUNTY BOARD OF SUPERVISORS, that, April 13-19, 1997, shall be known and celebrated as National County Government Week in Buena Vista County, Iowa. Further, that all county employees are hereby acknowledged for their work and dedication. And, finally, that all citizens of Buena Vista County, Iowa, are hereby invited this week, and throughout the year, to visit the various county departments and learn more about the services provided.

Passed and approved this date, April 15, 1997, at Storm Lake, Iowa. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Board moved to PMR #1 to recognize employees and present certificates to those with 15 or more years of county service during this **National County Government Week**.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman and members to sign a **employment contract** with Engineer Jon Ites for the remainder of the current year, FY'98, and FY'99. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Burnside, to approve and to authorize the Chairman to sign, the following "**Secondary Road Employee Work Classification Upgrade Policy**":

- The Board of Supervisors and the County Engineer recognize the advantages of retaining skilled employees.
- Advancement by promotion is possible through a change in work assignment and/or assuming additional responsibilities.
- Advancement within a work assignment due to increased skill level, additional responsibilities and length of service should also be possible.

- The Board of Supervisors, on recommendation of the County Engineer, may authorize a one step upgrade for an employee who upon attaining 10 years of service at his present job classification, has shown a combination of increased skills and a willingness to accept responsibility outside his basic job requirement. This upgrade will only be available once per employee. This would allow an Equipment Operator I to advance to Equipment Operator II, and Equipment Operator II to advance to Equipment Operator III, and a Mechanic I to advance to Mechanic II.

the policy to become effective 7/1/97. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Board reviewed drafts of "A **Policy** to Upgrade Existing County Roads to Permanent Hard Surfacing" and "A Policy to Upgrade Roads from Level of Service B to Level of Service A.

Regarding a request from Rod **Kleaveland**, motion by Vail, to change the road on the west side of Section 6, Poland Township from Level B service to Level A service. Vail stated that he made the motion because he does not want to adopt a policy with the appearance that the policy was developed based on that request. He prefers to take action on this request first. Gustafson suggested asking Kleaveland to participate in the costs of the change which may include gravel, brush removal, etc. Second by Burnside. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Recorder Shari O'Bannon requested an amendment to her FY'97 budget in the total amount of \$4,500, for additional hours for the part-time employee, and for a software upgrade.

Motion by Crampton, second by Burnside, to approve and to authorize the Chairman to sign **Public Health's** application for state funding for FY'98. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Nurse Administrator Karole Graen reviewed **Board of Health minutes** from January and March.

Veterans Services Officer Clint Hoferman requested keeping his office in the courthouse instead of moving to the E. Richland Annex, due to his need for access to recorded documents. The Board approved. Motion by Burnside, second by Vail, to establish a budget for the V.S.O.-department 27, appropriating a total of \$1,100 for the remainder of FY'97 for expenses incurred beginning 4/12/97, and to reduce the appropriation of the Veteran's Affairs Admin & Services by the same \$1,100. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

HM/HHA Marilyn Monson advised the Board that 1718 persons (8.6%) in BV County are eligible for Title XIX. Monson requested an amendment to her FY'98 **budget** in the amount of \$ 26,700, from the \$80,000 4-county grant already received, the remainder to be spent in FY'98.

Jim Gossett, SLADC Executive Director, was present for the Board's discussion of the proposed Urban Renewal Plan.

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 Industrial Park Urban Renewal Area and on that plan. Accordingly, Supervisor Burnside moved the adoption of the following resolution entitled "Resolution setting date for a public hearing on designation of the Industrial Park Urban Renewal Area and on urban renewal plan," and the motion was seconded by Supervisor Crampton.

Following due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes: Burnside, Crampton, Gustafson, Vail. Nays: Bruns. Bruns stated that either a company is viable or not. If not, we don't want them. Or, if they are viable, why do we want to help them. He believes that government handing out incentives has to come to a halt.

Whereupon, the Chairperson declared the resolution duly adopted as follows:

RESOLUTION NO. 1997-4-15.2

Setting date for a public hearing on designation of the Industrial Park Urban Renewal Area and on urban renewal plan

WHEREAS, studies have been conducted which show the desirability of designating a portion of Buena Vista County as the Industrial Park Urban Renewal Area, pursuant to the provisions of Chapter 403, Code of Iowa; and

WHEREAS, a proposal has been submitted to the Board of Supervisors 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 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;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Buena Vista County, Iowa, as follows:

Section 1. This Board will meet at the 2nd Floor PMR #1 of the Courthouse, Storm Lake, Iowa, on the 20th day of May, 1997, at 9:00 o'clock a.m., at which time and place it will hold a public hearing on the designation of the proposed Industrial Park Urban Renewal Area described in the preamble hereof and on the proposed urban renewal plan 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. Pursuant to Section 403.5 of the Code of Iowa, the County Auditor is hereby designated as the county's representative in connection with the consultation process which is required 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 April 15, 1997. /s/ Doug Bruns, Chairperson, Board of Supervisors Attest: /s/ Karen M. Strawn, Auditor & Clerk to the Board of Supervisors

Environmental Health Director Kim Johnson requested an amendment to her FY'98 **budget** to allow expenditure of the \$15,000 in waste tire grant funds, and to cover the difference in wage and benefits between a full-time and part-time employee, for a total of \$35,821.

Motion by Gustafson, second by Vail, to approve the following items on the consent agenda:

- **minutes** of the 4/8 meeting as printed;
- **reports** as follows--Jan & March Board of Health minutes, March budget reports, Jan-March reports for Spectra lagoon by Mangold, Mangold's report of Spectra lagoon sampling 4/1 and 4/2, 3rd Qtr FY'97 Sheriff's fees, certificate of insurance for Spectra Health Care, Inc., 1/2/97 assessment roll for 105 acres in Brooke Twp.; also reviewed were 3/13 minutes of NWIPDC;

- **late filings** for 1996 homestead on the following parcels: #3046.00, 9423.00 and 4424.00;
- approve and authorize the Chairman and Auditor to sign the following resolution:

Resolution 1997-4-15.3

WHEREAS, it is in the mutual interest of counties and municipalities to coordinate drug law investigation, enforcement, awareness, education, intervention, and prosecution and to share resources available through various sources of funding; and

WHEREAS, Iowa Code Chapter 28E provides guidelines and a mechanism for such coordination through a 28E agreement; and

WHEREAS, in the course of agencies' and officers' investigation and enforcement of drug laws, it may become necessary for officers to act outside their normal jurisdiction and/or it may be advantageous for law enforcement agencies to share resources on a request-for-assistance basis; and

WHEREAS, it is necessary and desirable to stipulate the scope of participating agencies' and officers' authority pursuant to Iowa Code Chapter 28D; and

WHEREAS, the below named county desires to enter into the 28E/28D Agreement for purposes of coordinating drug law investigation, enforcement, awareness, education, intervention, and prosecution efforts and stipulating their respective rights and responsibilities in conjunction therewith.

NOW THEREFORE, BE IT RESOLVED THAT this political subdivision has in its possession, and understands the contents of, the **Region 5 Task Force 28D/28E** Agreements, and wishes to become a member of such Task Force.

FURTHERMORE, BE IT RESOLVED THAT the Board of Supervisors authorizes its Chairperson to sign the 28D/28E Agreement for this political subdivision.

The vote on the consent agenda was ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Gustafson, to deny the Managed Care-CPC decision **appeal** heard by the Board one week ago. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried. The auditor was directed to prepare the written notice, including the reasons given by the Board. The County has a standard deduction for everyone, with the same deduction having been applied to the appealed case. The Board has to be consistent with everyone for the services provided by the county.

The Chairman reported on the April 3rd **Hazmat** meeting in Spencer. Counties in Region 3 prefer to have the region be responsible for collection costs rather than have each county stand on its own for its spills. Other concerns in the proposed agreement have been addressed, with Region 3 nearly ready to enter into an agreement with the City of Sioux City. (Woodbury, Monona, Ida and Cherokee Counties are involved in a separate agreement, and will each be responsible for the spills in their particular counties).

For further consideration of the county's **wetland determination appeal**, the Auditor provided budgetary information, indicating what funds had been set aside for that purpose.

There being no further business, the meeting adjourned to Wednesday, April 23 at 9:00 a.m. for a special session.

Secondary Road Employee Work Classification Upgrade Policy

- The Board of Supervisors and the County Engineer recognize the advantages of retaining skilled employees.
- Advancement by promotion is possible through a change in work assignment and/or assuming additional responsibilities.
- Advancement within a work assignment due to increased skill level, additional responsibilities and length of service should also be possible.
- The Board of Supervisors, on recommendation of the County Engineer, may authorize a one step upgrade for an employee who upon attaining 10 years of service at his present job classification, has shown a combination of increased skills and a willingness to accept responsibility outside his basic job requirement. This upgrade will only be available once per employee. This would allow an Equipment Operator I to advance to Equipment Operator II, and Equipment Operator II to advance to Equipment Operator III, and a Mechanic I to advance to Mechanic II.

Approved by the Board of Supervisors on April 15, 1997.

Attest:

Doug Bruns, Chairperson

Karen M. Strawn, Auditor

**BOARD OF SUPERVISORS
EIGHTEENTH MEETING, 1997 SESSION (18)
APRIL 23, 1997**

The Buena Vista County Board of Supervisors met in special session on Wednesday, April 23, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following other members present: Burnside, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Present for the Engineer's discussion of Casino Beach road drainage were Ted Besch, Bob Willadsen, Sid Krebs, Bob Bergendoff, Zoning Director Kim Johnson, and media. Engineer Jon Ites reviewed the findings of his study of the problem. The process for forming a drainage district was reviewed. Bergendoff made a suggestion to deepen the ditch when the road is moved. However, Ites noted that solution would put him in violation of the Code. He will investigate further with DNR and with the County Attorney about utilizing the 16' wide lake access to drain the water.

Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign contracts with J & J Electric in amount of \$17,600, Bodholdt Plumbing in the amount of \$70,896, Hazelhoff Construction in the amount of \$345,415, and the payment and performance bonds of Haselhoff and Bodholdt, all for the Radio Road maintenance building. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Board proceeded with discussion of a draft of the policy to "Upgrade Existing County Road to Permanent Hard Surfacing".

11:00 a.m.--The time having arrived for a meeting on Iowa Select and the Humboldt County ordinances relating to livestock production, the Board moved to the 2nd Floor PMR #1. 47 interested persons were present. The Chairman announced the purpose of the meeting, and requested that speakers introduce themselves, tell where they are from, and speak briefly to ensure that all present could be heard.

Jim Gustafson, who had placed this issue on the agenda, told those assembled for the meeting that he was speaking out as a taxpayer over the number of Iowa Select locations planned for construction in his immediate area. He first drew a map of the area with the locations of existing hog raising facilities, then indicated the 3 new locations where Iowa Select plans to build units to raise 10,000 hogs each per year. He is concerned about water quality with that density, and will be requesting the County Environmental Health Director to begin monitoring the water in the nearby creek. Gustafson indicated that the state's \$50,000 indemnity fund is inadequate to clean up all of the sites that will be abandoned.

The Chairman asked if anyone knew why these new sites are just 4 acres (no response), and noted that the state's fund, which accumulates at the rate of 2 cents/hog, is inadequate.

Larry Aronson and Dave Maxon both stated that it is a mistake to assume that there will be many abandoned sites in light of the fact that BV County has had only 1 abandonment in 20 years.

Randy Geyerman stated that Iowa Select is not in business to invest 2.4 million dollars in this county, and then abandon the sites in the future. Geyerman spoke again stating that the increase in pork production here is actually needed in order to keep the 5 company market that is currently available

Lyle Mosbach is concerned because his proximity to the new sites will devalue his property.

Don Cress, also concern about devaluation of his property, said one of the sites will be just 140 rods from his house.

Ken Rassler asked why wait until someone bad happens. Why not taken action before we have a problem. And later, he said that he agrees to mandates from the state level, but that all 99 counties are different. Each county should have some input.

Phil Sundblad, who had attended the gathering at the State Capitol, informed the Board that the state fund has \$58,000, and there are \$250,000 in uncollected and delinquent DNR fines. He favors laws and regulations at the state level for uniformity amongst counties.

Supervisor Burnside agrees that regulations should be at the state level. She has become informed on the disastrous situation created with local control in Minnesota where rules/laws have been enacted at the township level in some locations. Also, there seem to be only 2 producers that are causing the problem - Iowa Select and DeCoster - so the state should regulate them.

Gustafson spoke again suggesting that the small produce will be hurt by the large producer when it comes to marketing hogs since the packing houses pay a premium to get the larger numbers. Steve Jorgensen noted that is why producers are working together and forming marketing alliances so that they don't lose out with the smaller numbers.

Dale Arends noted that he has 2 concerns: 1) He doesn't want BV County to do what Humboldt County did - hold a public hearing, waive and the second and third, and enact the ordinance all on the same day. 2) Arends believes that we have to define 'small farmer'. It is not the same as it was years ago. How do you determine what is 'fair' to the small producer and the persons who live nearby.

Dave Kier supports state control as opposed for local, and is concerned about the number of assumptions being made rather than discussions utilizing facts.

Gary Worthan believes we need to keep the conversation and law writing at the state level - we need to focus our efforts there.

Bill Lanphere is concerned about the odor and the frequency of manure application. He suggested that the county should know what all producers have for manure management plans.

Burnside believes that the biggest concern has to do with odor, and that very soon Iowa State

University will have that issue resolved. Several pilot projects are currently in progress in this area. Gustafson asked if Burnside would like it if she was living in an area with as many new facilities proposed as are for his residential area. She responded that no, she would not like it, but that she still believes that the control should come at state level.

Marion Martin has seen the odor control projects on TV. They will soon be available.

The discussion having been limited to 1 hour, the Chairman thanked all those present for their participation.

Burnside left the meeting to attend a funeral.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign the **utility construction** application of Iowa Lakes Electric to install a 3 phase distribution line for the C-63 grading project on the south side of Sections 4, 5, & 16, Maple Valley Township, to be installed in private R.O.W. except for services. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign the **utility construction** application of Iowa Lakes Electric to install a 3 phase distribution line to replace failing cable on the north side of Section 7, Washington Twp. and on the north side of Section 12, Nokomis Township, to be placed in the south shoulder. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign the **utility construction** application of Iowa Lakes Electric to install a 3 phase underground distribution line to replace failing cable on the west side of Sections 9 & 16, Fairfield Township, in private R.O.W. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign the **utility construction** application of Iowa Lakes Electric to install a single phase underground distribution line for a new account on the west side of Section 26 to the east side of Section 27, Washington Township. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign the **utility construction** application of Iowa Lakes Electric to install a single phase underground distribution to a new account across the road the center of Section 14, Grant Township. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign the **utility construction** application of Iowa Lakes Electric to install an overhead distribution line to replace underground line, along C-25, 2 miles west of Rembrandt from M-44 to M-36, crossing to the SW corner of section 34, Barnes Township thence west on the north R.O.W. to the west side of Section 31 and then crossing to the south side and into Section 6, Scott Township. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign the proposal of Equity Contracting, Adel, Iowa, to do **bridge sealing** with an epoxy sealant on 12 bridges in the county in a total amount of \$8,672.96. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Gustafson, to contract with Calhoun-Burns & Associates, West Des Moines, in a total amount of \$2,840, to do design work for rehabilitation and repair of a **bridge** over M-50 near the NW ¼, Grant Township. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Tuesday, April 29 at 9:00 a.m. for a

regular session.

**BOARD OF SUPERVISORS
NINETEENTH MEETING, 1997 SESSION (19)
APRIL 29, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 29, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following other members present: Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting. Absent—Burnside for an ISAC sponsored meeting on targeted strategies for effective government.

Proposals for remodeling of the E. Richland Annex were received from Steve Robb Construction-Storm Lake \$11,890; K & D Construction-Storm Lake \$9,875; Harold Geisinger-Storm Lake \$8,979; Ron Bultje-Storm Lake \$6,350 for construction only with no mechanical and electrical. Motion by Gustafson, second by Vail, to set aside the proposal of Ron Bultje as it did not meet specs, and to accept the proposal of Harold Geisinger for remodeling of the **E. Richland Annex** in a total amount of \$8,979, with a completion date of 6/23, payable after July 1. Ayes-- Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

IDOT has requested sites for testing **'super-pave'** construction which uses a different size aggregate and has a higher performance grade of A/C. There is a cost sharing, but also higher construction cost. Engineer ltes will request additional information.

Motion by Crampton, second by Gustafson, to approve and to authorize the chairman to sign an application for funding from the Living Roadway Trust fund for the **Integrated Roadside Vegetation Management** program. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Vail, to approve the request of Ben Malcom to install a **water line** to be buried 5.5' deep for a distance of 80' running through the south ditch in the SW 1/4 of Section 32, Fairfield Township. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Kuehl and Payer has reported on their findings for the **C-13 project**, that 208' at the city end of the project is actually within the city limits, and an agreement needs to be signed with the City of Sioux Rapids before commencing.

The Board approved the **Weed Commissioner's** request to rent a building from Newell Coop for the summer months for storage of the spray rig.

Motion by Vail, second by Gustafson, to set the date of public hearing on a **FY'97 budget amendment** for May 20 at 8:50 a.m. in the Boardroom. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to set the date and time of public hearing on an **Ag Area Petition** filed 4/28/97 by Ben Malcom, etal., for a location in Sections 28, 29, 32, and 33 Fairfield Township, as May 20 8:30 a.m. in the Boardroom, the location of the proposed ag area being more specifically described as follows:

Commencing at the NW corner of Section 32, Township 92 North, Range 35 West of the Fifth P.M. in Fairfield Township of Buena Vista County, go East 3/4 mile, then North 1/2 mile, then East 1/4 mile, then North 1/2 mile, then East 1/2 mile, then South 1/2 mile, then Southwest along the North side of the drainage ditch to the West section line of section 28, then South to the NW corner of section 33, then East 1/2 mile, then South 1/2 mile, then West 1 mile, then South 1/2 mile, then West 1/2 mile, then North 1 mile to the point of beginning.

Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to set the date and time of public hearing on an **Ag Area Petition** filed 4/28/97 by Arvid Baughman, etal., for a location in Section 14, Newell Township, as May 20 at 8:40 a.m. in the Boardroom, the location of the proposed ag area being more specifically described as follows:

Commencing from the NW corner of Section 22, Township 90 North, Range 35 West, of the fifth p.m., Go East 1/2 mile, then North 1/4 mile, then East 1/2 mile, then South 1/4 mile, then West 1/4 mile, then South 1/4 mile, then West 1/4 mile, then South 3/4 mile, then West 1/2 mile, then North 1 mile to the point of beginning.

Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Deb Witt met with the Board to discuss the type of building construction sold by the Witts. Their customers are generally young area farmers, not corporations, etc. She explained that the way the building layout is designed, multiple **farm driveways** is preferable. Layout decisions take into account several things including disease prevention. Currently, the county does not have a policy. She is asking that the Board not prohibit consideration of requests for multiple driveways. She further requests that the board continue the practice of having requests be made through the county engineer, and that farmers check to see if, and what type of tile is needed.

Engineer Jon Ites explained that the more driveways, the more maintenance costs, and the more hazards to the traveling public due to sight distance. Decisions are made individually and based on safety considerations.

Deputy Auditor Sue Kennedy discussed a **meal reimbursement claim**. Motion by Gustafson, second by Crampton, to establish a policy prohibiting employee's use of credit cards for payment of meals when away at meetings or conducting other county business which does not involve an overnight stay. This policy is intended to reduce audit time spent contacting employees for verification. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

1:15 p.m.--The time having arrived for the public hearing on the **Ag Area Petition** filed by Dennis Gerke, etal. on 4/4/97, the Chairman opened the hearing with no interested persons present. The Auditor confirmed that legal notice had been published as required, and that no written objections had been filed on this petition. There being no objections to the petition, motion by Gustafson, second by Vail, to close the public hearing. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Crampton, to approve the Ag Area Petition of Dennis Gerke, etal. filed 4/4/97, for approximately 369 acres in Newell Township, with a boundary description as follows:

Beginning at a point where the North line of the East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section Eight (8) intersects with Drainage Ditch No. 1, thence along the centerline of said Drainage Ditch on the following courses: South 00°12'59" East, 860.09 feet; thence South 21°20'27" East, 216.44 feet; thence South 30°34'27" East, 235.07 feet; thence South 36°51'53" East, 752.74 feet; thence South 65°07'15" East, 395.28 feet to the East line of said Southeast Quarter (SE 1/4); thence South 00° 04' 12" East, along the East line of said SE 1/4 628.32 feet; thence due South one-half mile on the West line of Section 16; thence due East to the centerline of Drainage Ditch no. 1; thence Northerly along the centerline of said Drainage Ditch No. 1 to a point where Drainage Ditch No. 1 intersects with the South line of the North Half of the Northwest (N 1/2 NW 1/4) of Section 16; thence due East to the West line of the Northeast Quarter (NE 1/4) of Section 16, thence South to the South line of the North Fifty-five (55) acres of the West half of the Northeast Quarter (W 1/2 NE 1/4) of said Section 16; thence one-fourth mile East; thence North to the North line of said Section 16; thence one-fourth mile West; thence one-half mile North; thence due West on the North line of the Southwest quarter (SW 1/4) of Section nine (9) one-half mile; thence further West on the North line of the East half of the Southeast quarter (E 1/2 SE 1/4) of Section Eight (8), to the Point of Beginning, all in Township Ninety (90) North, Range Thirty-five (35) West of the Fifth p.m., in Buena Vista County, Iowa.

Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Susan Hoss, **Child Support Recovery Unit**, met with the Board regarding renewal of its contract. They are working on new avenues for reaching delinquents including sanctioning driver's licenses. Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign the FY'98 contract for services with the Child Support Recovery Unit. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Vail, to approve the **minutes** of the 4/15 and 4/23 meetings as printed, and the following **reports**: April Conservation Board minutes, 3rd Qtr FY'97 Veterans' Relief, 4/8/97 Mangold Env. Test of Spectra lagoon, 3rd Qtr FY'97 Farm to Market road fund. Also received were Certificates of Insurance from: Bodholdt Plumbing & Heating, and Gary A. Reese. Ayes-- Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Tuesday, May 6 at 9:00 a.m. for a special session to canvass today's Buena Vista County Special Election.

**BOARD OF SUPERVISORS
TWENTIETH MEETING, 1997 SESSION (20)
MAY 6, 1997**

The Buena Vista County Board of Supervisors met in special session on May 6, 1997, at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Engineer Jon Ites reported that only 4 applications were received for the roadside mower position. Motion by Vail, second by Burnside, to **employ** Curtis Johnson as a roadside mower in the Secondary Road Department at \$8.54/hour, effective 5/19/97. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign the **utility construction** application of Iowa Lakes Electric Cooperative to install new single phase underground service to Harlan Grau from Section 32, Coon Township to Section 5, Newell Township, to be bored under the road, with this line crossing the new fiber optic line. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign the **utility construction** application of Iowa Lakes Electric Cooperative to install new single phase underground service to K-Webb Inc. on the south side of Section 6, Poland Township, west to the corner and then south to new buildings. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Crampton, second by Vail, to approve and to authorize the Chairman to sign the **utility construction** application of Iowa Lakes Electric Cooperative to install a single phase underground service to replace existing, failing service to Rodney Hatlin from the SW corner in Section 3, Scott Township, across to the south into Section 10, then south to the customer. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign the **utility construction** application of GTE to install fiber optic cable on the roadway at a depth of 30" east from Newell along the south side of Sections 16, 15, 14, 13 to Pocahontas Co. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Pursuant to Chapter 50.24 of the 1997 Iowa Code, motion by Gustafson, second by Burnside, to declare the results of the **Canvass** of the 4/29/97 hospital general obligation bond election (amount to

issue - \$6,000,000 for expanding, constructing, furnishing and equipping an addition) as follows: total votes cast-2,409; Yes-1,517, No-892; 62.97% in favor with 60% minimum required, and to direct the Commissioner to prepare an abstract as required. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Crampton, to approve the 4/29 minutes as amended, and to authorize an operating transfer in the amount of \$50,000 from the General Basic to the General Supplemental Fund, retroactive to 4/30/97. Ayes--Burnside, Crampton, Gustafson, Vail. Nays-- none. Abstentions--none. Carried.

Barry Christensen of the U.S. Dept. of Interior, Fish & Wildlife Service, and Tom Neal of the Iowa Dept. of Natural Resources, discussed Iowa's Prairie Pothole Joint Venture and the federal Open Spaces plan which called for significant acquisition of public lands. The push in 1987 was to get 10% of Iowa's land into public ownership. This goal was considered unrealistic in Iowa because it has so much prime agricultural land. The goal was modified to double the number of acres in public ownership. The Legislature's REAP funding has fallen short, preventing Iowa from reaching the reduced goal. For land that has been put in public ownership through U.S. Fish & Wildlife, the federal government makes payments to local government. The formula used for calculating the payment is based on entitlement, and is not intended to replace property taxes in full. Christensen presented a refuge revenue sharing check in the amount of \$375. Christensen's and Neal's purpose in meeting with the Board was to create awareness about their programs, activities and goals.

Burnside left the meeting.

Motion by Vail, second by Gustafson, to authorize the Engineer to sign all change orders and interim pay estimates on the Radio Road maintenance building. Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned to Tuesday, May 13, 1997 at 9:00 a.m. in the Boardroom for a regular session.

**BOARD OF SUPERVISORS
TWENTY-FIRST MEETING, 1997 SESSION (21)
MAY 13, 1997**

The Buena Vista County Board of Supervisors met in regular session on May 13, 1997 at 9:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Motion by Burnside, second by Vail, to approve and to authorize the Chairman to sign the universal pay voucher for work advanced, to Kuehl & Payer on the C-13 project in the amount of \$3,863.50. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Engineer Jon Ites discussed his meeting with Supervisor Crampton and a representative of Vision Care Associates regarding the PPE policy. Prescriptions are good for only 2 years. The county's policy would replace them every 3 years. Vision Care has a number of frames to choose from.

Motion by Gustafson, second by Burnside, to approve, to authorize the Chairman to sign, and to adopt the following resolution #1997-05-13 "Agreement Pursuant to Iowa Code Chapter 28E for the Delivery of Services" by which the county will contract with the Iowa DHS for provider rate-setting `services for FY'98 as follows:

RESOLUTION #1997-05-13

**AGREEMENT PURSUANT TO IOWA CODE CHAPTER 28E
FOR THE DELIVERY OF SERVICES**

WHEREAS: The State of Iowa wishes to assure access to a service delivery system to those in need of and eligible for mental health, mental retardation and developmental disabilities services;

WHEREAS: The Counties are required under Iowa law to develop a County Management Plan describing how the County plans to deliver services for the mentally ill, mentally retarded and developmentally disabled;

WHEREAS: The Counties as part of the individual County Management Plans are required to contract with service providers for services;

WHEREAS: The State of Iowa wishes to aid the Iowa Counties in developing a service delivery system to those in need of and eligible for mental health, mental retardation and developmental disabilities services within funds and staff resources currently available to the Department of Human Services;

WHEREAS: The Iowa Counties seek the aid and services of the State of Iowa in developing a service delivery system to those in need of and eligible for mental health, mental retardation and developmental disabilities services;

WHEREAS: The Iowa Counties are in need of the services of the State of Iowa in developing contractual agreements with providers of services to those in need of and eligible for mental health, mental retardation and developmental disabilities services;

WHEREAS: The Iowa Counties desire to enter into an Agreement between the State of Iowa and the particular County:

WHEREAS: This Agreement is entered into freely and willingly between the County and the State of Iowa;

The parties hereby agree and covenant pursuant to Iowa Code chapter 28E that:

- 1) The Iowa Department of Human Services will negotiate contracts between the State of Iowa and providers of services for the mentally ill, mentally retarded and developmentally disabled for clients who are eligible for services pursuant to the approved County management plan of the County signing this Agreement.
- 2) The Iowa Department of Human Services will negotiate the contracts between the State of Iowa and providers of services for the mentally ill, mentally retarded and developmentally disabled for clients who are eligible for services pursuant to the approved County management plan of the County signing this Agreement based on the premise that the County signing this Agreement is a third party beneficiary pursuant to Iowa law.
- 3) The Iowa Department of Human Services, in negotiating the contracts between the State of Iowa and providers of services for the mentally ill, mentally retarded and developmentally disabled for clients who are eligible for services pursuant to the approved County management plan of the County signing this Agreement, will inform the provider that any contract between the State of Iowa and the provider is being entered into in part or in whole for the benefit of the County
- 4) In negotiating contracts between providers of services for the mentally ill, mentally retarded, and developmentally disabled, the State of Iowa will establish the contracts based on current Iowa Administrative Rules which include current administrative rule definitions of services for adults.
- 5) In negotiating contracts between providers of services for the mentally ill, mentally retarded and developmentally disabled, the State of Iowa will negotiate provisions within the contract which require client eligibility to be based on the County Management Plan of the County signing this Agreement.

- 6) In order that providers of services for the mentally ill, mentally retarded and developmentally disabled will understand the County Management Plan's definition of eligibility, the County signing this Agreement agrees to provide adequate education and training to providers under contract with the State of Iowa in order to ensure that providers understand the eligibility requirements of the particular County Management Plan. The Central Point of Coordination established pursuant to the County Management Plan shall establish eligibility of persons in need of and eligible for mental health, mental retardation and developmental disabilities services from providers under contract with the State of Iowa pursuant to this 28E Agreement.
- 7) In negotiating contracts with providers, the State of Iowa will ensure that there are sufficient provisions in the contract to address the following functions:
 - a) Contract Administration, which shall include provisions relating to contract management; contract amendment; contract renewal; and contract termination;
 - b) Conditions of Participation which shall include provisions relating to licensure; signed contract; civil rights laws; Title VI compliance; Section 504 compliance; affirmative action; abuse reporting; confidentiality; client appeals and grievance; services provided; client reports (client records); financial and statistical records; reports on financial and statistical records; maintenance of client records; provider charges; special-purpose organization; certification by Public Transit Division; indemnity; insurance; and renegotiations;
 - c) Conditions concerning financial and statistical reporting; accounting procedures; failure to maintain records; submission of reports; rate modification; payment of new rate; exceptions to costs; census data; opinion of accountant; and revenues;
 - d) Client eligibility and referral; client fees; billing procedures; reviews of Departmental and County actions; and review of financial & statistical reports.
- 8) Once a contract between the provider of services to the mentally retarded, mentally ill, and developmentally disabled and the State of Iowa has been agreed upon, it will be signed by the Provider and the party designated by Administrative Rule to sign on behalf of the Department of Human Services.
- 9) By signing this 28E Agreement, the undersigned County agrees that it shall be bound by the terms and conditions of this 28E Agreement and the contract negotiated between the State of Iowa and the Provider of services for the mentally ill, mentally retarded, and developmentally disabled.
- 10) By signing this 28E Agreement, the undersigned County agrees that it shall be responsible for provider reimbursement for services rendered to clients pursuant to the approved County management plan and this Agreement.
- 11) By signing this 28E Agreement, the undersigned parties to this Agreement acknowledge responsibility for their respective duties, which include but need not be limited to those specified below.

The County shall be responsible for:

- determination of client eligibility and referral of the client for services
- monitoring services to the individual clients referred by the County to ensure that the services are provided in accordance with the provider service plan
- determination that the provider maintains documentation to support the claims for services rendered, as determined necessary by the County

- reimbursement of providers for services rendered
- establishment of rates, if the County has selected the option for the County rather than the State of Iowa to establish rates

The Department shall be responsible for:

- administration of provider contracts, which shall include contract management, contract amendments, and contract termination
 - monitoring compliance with the conditions of participation set forth in the provider contract, which may include monitoring of provisions relating to licensure; civil rights; Title VI compliance; Section 504 compliance; affirmative action; abuse reporting; confidentiality; policies and procedures for client appeals and grievances; services provided in accordance with the applicable rules regarding local purchase found in 441 IAC 153.35 as well as other rules found in the Iowa Administrative Code for the particular service and the description of the service as set forth in the provider contract; client records and reports; financial and statistical records; financial and statistical reports, if the rate is to be determined by the Department; provider charges; special-purpose organizations; certification by the Public Transit Division; and indemnity and insurance
 - establishment of rates, if the County has selected the option for the State of Iowa rather than the County to establish rates
- 12) By signing this 28E Agreement, the undersigned parties agree that the terms and conditions of this Agreement will not cause the Department of Human Services to increase the total number of contracts for local purchased services or the level of monitoring of compliance with the conditions of participation pursuant to administrative rules beyond the level carried out by the Department of Human Services for State Fiscal Year 1997. If a County requests the Department of Human Services to contract with a provider with which the Department is not currently contracting on behalf of any County, the Department will make an assessment, in good faith, of the impact the negotiation of the contract would have on fiscal and staff resources and whether the Department has adequate fiscal and staff resources to negotiate and monitor the contract. If the Department makes the determination that there are not adequate resources, the Department will coordinate with the County to identify reasonable alternatives.
- 13) The State will negotiate a provision within the provider contract allowing either the State of Iowa or the County paying for services provided by the provider to assure that the services billed for by the provider are proper and accurate. The County shall be responsible for verification that services billed were provided and the provider shall cooperate with the County in providing information necessary for such responsibility.
- 14) The State of Iowa will negotiate a provision within the contract between the provider and State, which addresses whether the State of Iowa will be responsible for negotiating rates for services provided under the contract or whether that responsibility lies with the County. Attached hereto and incorporated herewith is Attachment A which identifies the providers to which this Agreement applies and decisions regarding who has the responsibility for establishing rates for the services delivered.
- 15) The County agrees that all appeals regarding consumer services shall be heard and decided pursuant to the County's County Management Plan. The State of Iowa agrees that it shall require the provider to be bound by the appeals and grievance procedure found in the County management plan. In the event that the County establishes rates to be paid to the providers, the parties agree that the provider shall be bound by the appeals and grievance procedure found in the County Management Plan and shall have no appeal rights pursuant to the Department of Human Services' rules and regulations regarding the establishment of rates.

16) The County agrees that the provider shall be responsible for reports required by law.

17) By signing this 28E Agreement the undersigned parties agree:

The County shall indemnify, defend, and hold the State of Iowa harmless from any and all claims, actions, damages, liabilities, costs and expenses including reasonable attorney's fees and expenses, arising out of the death, bodily injury or damage to property of any person, as a result of the County's negligence, receiving services from a provider under agreement with the State of Iowa to deliver services to a person, enrollee, agent, employee, business invitee or business visitor of the of the party under contract with the Department.

The state shall indemnify, defend, and hold the County harmless from any and all claims, actions, damages, liabilities, costs and expenses including reasonable attorney's fees and expenses, arising out of the death, bodily injury or damage to property of any person, as a result of the State's negligence, receiving services from a provider under agreement with the State of Iowa to deliver services to a person, enrollee, agent, employee, business invitee or business visitor of the party under contract with the Department.

18) If a County has a question or concern about an action taken by the Department of Human Services, the County may submit to the Department a written description of the issue and the resolution being sought. The Department will have 15 working days from receipt to provide a written response unless extended by mutual agreement of the parties. If the situation is not resolved to the satisfaction of the County, the County may ask for reconsideration of the Department's position whereby the parties agree to meet in good faith and attempt to resolve the conflict. The parties expressly agree that this Agreement shall not be subject to arbitration or mediation unless both parties mutually agree. In the event that the parties cannot reach a resolution to the conflict between the parties, either party may terminate this Agreement in accordance with the provisions of this Agreement.

The parties hereby agree that IAC 441, Chapter 7 is not applicable to this Agreement.

19) This Agreement may be terminated upon 90 days written notice by either party. Termination may occur for any reason. The 90-day notice may be waived by mutual agreement of the parties to this 28E Agreement.

20) Upon termination of this Agreement, the parties agree that any property, real or otherwise, shall become the property of the party with physical custody of such property. In the event that intellectual property is developed as a result of this Agreement, the party developing such property shall retain ownership thereof upon the termination of this Agreement.

21) The parties agree that each party shall be responsible for establishing and maintaining any budget which may be necessary as a result of this Agreement.

22) The parties agree that upon execution of this Agreement, the Department of Human Services shall appoint an Administrator who shall be responsible for the day to day administration of this Agreement.

23) This Agreement shall not be subject to amendment. If, however, a County wishes to make a change to the providers with whom the Department is contracting on the County's behalf, the County shall notify the Department, in writing of the desired change. Any changes shall be made in accordance with Paragraph 12 of this Agreement.

24) By signing this 28E Agreement, the undersigned parties acknowledge that this 28E Agreement shall not be assigned unless mutually agreed upon by both parties.

25) The term of this Agreement shall be for one year commencing on July 1, 1997 and terminating on June 30, 1998. This Agreement may be renewed upon mutual agreement of both parties.

State of Iowa acting by and through the IA Dept. of Human Services /s/ Charles M. Palmer, Dir.
Buena Vista County, Iowa, /s/ Doug Bruns, Chairman of the Board of Supervisors
Attest: /s/ Karen M. Strawn, Buena Vista County Auditor

The vote on the resolution was: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Gustafson, to approve and to authorize the Interim Boardmember to sign the work order on Jt. **DD #181** Main Big Cedar Open Ditch for a site in Section 4, Williams Township, Calhoun County for an estimated cost of \$350.00. Ayes-- Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Interpreter Elizabeth Espanta met with the Board regarding her program. In addition to interpreting, she has assisted in translating forms and a video. For Public Health and for the hospital (paid by the hospital) she has made home visits.

Motion by Gustafson, second by Vail, to approve a 3% increase in pay rate for the **interpreter** retroactive to her 6 month anniversary as interpreter, and with an additional 5% increase beginning July 1, 1997. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Burnside, to approve the **minutes** of the 5/6/97 meeting as printed. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

There being no further business, the meeting adjourned at 12:15 p.m. until Tuesday, May 20, and 8:30 a.m. for a special session.

**BOARD OF SUPERVISORS
TWENTY-SECOND MEETING, 1997 SESSION
MAY 20, 1997**

The Buena Vista County Board of Supervisors met in special session on May 20, 1997 at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail, who was ill.

8:30 a.m.--The time having arrived for the Public Hearing on the **ag area** petition filed 4/28/97 by Ben Malcom etal., the Chairman opened the hearing with 4 interested persons present. The Auditor confirmed that notice of hearing had been published as required, and that no written objections had been filed. The Board discussed the proposal with Malcom noting that it contains over 700 acres. There being no objections, motion by Burnside, second by Gustafson to close the public hearing. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Gustafson, to approve the **Ben Malcom** Ag Area as filed 4/28/97, the area being approximately 700 acres and described as follows:

Commencing at the NW corner of Section 32, Township 92 North, Range 35 West of the Fifth P.M. in Fairfield Township of Buena Vista County, go East 3/4 mile, then North 1/2 mile, then East 1/4 mile, then North 1/2 mile, then East 1/2 mile, then South 1/2 mile, then Southwest along the North side of the drainage ditch to the West section line of section 28, then South to the NW corner of section 33, then East 1/2 mile, then South 1/2 mile, then West 1 mile, then South 1/2 mile, then West 1/2 mile, then North 1 mile to the point of beginning.

Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

8:40 a.m.--The time having arrived for the Public Hearing on the ag area petition filed 4/11/97 by Arvid Baughman et al., the Chairman opened the hearing with 3 interested persons present. The Auditor confirmed that notice of hearing had been published as required, and that no written objections had been filed. The Board discussed the proposal with Baughman noting that it contains over 500 acres. There being no objections, motion by Crampton, second by Burnside to close the hearing. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Crampton, to approve the Arvid Baughman Ag Area as filed 4/11/97, the area being approximately 500 acres and described as follows:

Commencing from the NW corner of Section 22, Township 90 North, Range 35 West, of the fifth p.m., Go East 1/2 mile, then North 1/4 mile, then East 1/2 mile, then South 1/4 mile, then West 1/4 mile, then South 1/4 mile, then West 1/4 mile, then South 3/4 mile, then West 1/2 mile, then North 1 mile to the point of beginning.

Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Two additional ag area petitions having been filed, motion by Burnside, second by Gustafson, to set the date and time for public hearing as 9:45 a.m. on 6/4/97 for the Patricia Albrecht ag area petition, filed 5/19/97, to add on to the Ben Malcom ag area approved today (5/20/97), the boundary of the land to be included being described as follows:

Commencing from the Northwest corner of the Southeast ¼ of Section 32, Township 92 North, Range 35 West go ½ mile East, then South 340.35 feet, then West 400 feet, then South 235 feet, then East 400 feet, then South 744.65 feet to the Northeast corner of the Southeast ¼ of the Southeast ¼ of said section, then ¼ mile west, then ¼ mile south, then ¼ mile west, then ½ mile North to the point of beginning.

Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Crampton, to set the date and time for public hearing as 9:55 a.m. on 6/4/97 for the Dale Schumann ag area petition filed 5/16/97, the boundary of the land to be included being described as follows:

Beginning at the Southeast (SE) corner of the Southeast Quarter (SE ¼) of Section Twenty-Seven (27), Township Ninety-One (91) North, Range Thirty-Five (35) West of the Fifth P.M. Buena Vista County, Iowa, thence West 1/8 mile, thence North ½ mile, thence West 1/8 mile, thence North 1 mile, thence West 3/8 mile, thence West ¼ of 1/8 mile, thence North ½ mile, thence East ¼ of 1/8 mile, thence East 1/8 mile, thence South ¼ mile, thence East ½ mile, thence South 1 ¾ miles to the point of beginning.

. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

8:50 a.m.--The time having arrived for the public hearing on the second FY'97 budget amendment, the Chairman opened the hearing with 2 interested persons present. The auditor reported that notice had been published as required, and that no written objections had been received. The Chairman reviewed the details of the amendment. There being no objections, motion by Burnside, second by Crampton to close the public hearing. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Crampton, to approve the second FY'97 budget amended as published, and to appropriate the funds as follows:

| | | | |
|--------------------|----------------|-------------|--------------|
| increase dept. 05, | activity 1060, | by \$7,500 | in fund 001; |
| increase dept. 28, | activity 1110, | by \$7,000 | in fund 001; |
| increase dept. 23, | activity 3020, | by \$31,343 | in fund 001; |

| | | | |
|--------------------|----------------|-------------|--------------|
| increase dept. 23, | activity 5300, | by \$26,400 | in fund 001; |
| increase dept. 98, | activity 6320, | by \$25,000 | in fund 027; |
| increase dept. 53, | activity 6300, | by \$4,478 | in fund 011; |
| increase dept. 07, | activity 8110, | by \$4,500 | in fund 001; |
| increase dept. 41, | activity 9100, | by \$4,346 | in fund 001; |
| increase dept. 98 | activity 9030, | by \$12,000 | in fund 001; |
| increase dept. 21, | activity 0220, | by \$17 | in fund 030; |
| increase dept. 56, | activity 0220, | by \$17 | in fund 030; |
| increase dept. 61, | activity 0220, | by \$17 | in fund 030; |
| increase dept. 62, | activity 0220, | by \$17 | in fund 030; |
| increase dept. 26, | activity 0220, | by \$47,367 | in fund 030; |
| decrease dept. 01 | activity 0220 | by \$70,000 | in fund 030; |
| increase dept. 41, | activity 0220, | by \$70,000 | in fund 030; |
| decrease dept. 41, | activity 9100, | by \$30,000 | in fund 001; |
| increase dept. 41, | activity 0220, | by \$30,000 | in fund 030; |
| increase dept. 41, | activity 0220 | by \$15,171 | in fund 030; |
| increase dept. 41, | activity 0220 | by \$4,220 | in fund 030; |
| increase dept. 52 | activity 0220 | by \$2135 | in fund 030; |
| increase dept. 98 | activity 0220 | by \$3,526 | in fund 030; |
| increase dept. 98 | activity 0220 | by \$1,050 | in fund 030; |

Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

The Auditor introduced Craig Camerer, an Alta High School student, who was present to observe a portion of the **Supervisors's** meeting.

9:00 a.m.--The time having arrived for the public hearing on the designation of an **Urban Renewal Area**, and on a proposed urban renewal plan and project. The Board investigated and found that notice of the intention of the Board to conduct a public hearing on the designation of the Industrial Park 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 (none) 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: (none)

Jim Gossett stated that in considering approval of the Urban Renewal Area, the Board of Supervisors is providing an opportunity to assist with development through a Tif district. Further, by completing the lengthy process now, the Board can avoid a delay at a future time when negotiating with a prospective company considering a Storm Lake as a site. The proposed plan is based on a 10 year period for the prorated tax program. The area can be annexed, but if annexed, it pays off the project sooner due to the city levy being higher than the rural levy. Then, the county would see tax revenue sooner. Kim Johnson, Zoning Director provided copies of the minutes of the Zoning Commission meeting at which the commission approved the plan.

There being no further objections, comments, or evidence offered, motion by Gustafson, second by Burnside, to close the public hearing. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. The Chairperson announced the hearing closed.

Supervisor Burnside 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 Industrial Park Urban Renewal Area", seconded by Supervisor Crampton.

After due consideration, the Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: ayes—Burnside, Crampton, Gustafson. Nays—Bruns. Abstentions—none. Carried.

Whereupon, the Chairperson declared the resolution duly adopted and signed approval thereto.

RESOLUTION NO. 1997-05-20a

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 Industrial Park 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, Section 403.17 of the Code of Iowa requires an agreement between a county and a city with respect to an urban renewal area located within two miles of the city limits of a city; and

WHEREAS, the property proposed to be included in the urban renewal area is located within two miles of the city limits of the City of Storm Lake;

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 Industrial Park 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 Industrial Park 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.

Section 6. The agreement between the County and the City of Storm Lake set out as Exhibit B to this Resolution is hereby approved, and the Chairperson and County Auditor are hereby authorized and directed to execute said agreement on behalf of the County.

Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Supervisor Bruns introduced an ordinance entitled "Ordinance No. 1997-05-20. An Ordinance providing for the division of taxes levied on taxable property in the Industrial Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa." It was moved by Supervisor Gustafson, and seconded by Supervisor Crampton that the aforementioned ordinance be given its first consideration and that it be adopted.

ORDINANCE NO. 6.8

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Industrial Park 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 Industrial Park 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 Industrial Park 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 May 20, 1997:

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.

The Chairperson put the question on the motion and the roll being called, the following named Supervisors voted: Ayes—Burnside, Crampton, Gustafson. Nays—Bruns. Abstentions—none. Whereupon, the Chairperson declared the motion duly carried, and declared that said ordinance had been given its initial consideration.

Motion by Crampton, second by Burnside, to set the date and time for the 2nd reading of **Ordinance 6.8** as May 27 9:15 a.m., and the 3rd reading of Ordinance 6.8 as June 4 at 10:00 a.m. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Crampton to approve and to authorize Storm Lake Area Development Corporation (**SLADC**) as the designated agency to submit applications from Buena Vista County to NWIPDC for **rural economic development funding**. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Curtis Johnson, the newly hired **roadside mower**, introduced himself to the Board of Supervisors.

Mental Health Director Anita Hallquist reported that the Dept. of Human Services has recommended an amendment to the Managed Care plan. Motion by Gustafson, second by Burnside, to revise the BV County **Managed Care Plan for the Mentally Retarded & Developmentally Disabled**, by adding the following language as suggested by Chuck Palmer, Director, Iowa DHS: "Nothing in this plan shall supersede the county's responsibilities to pay for services under Iowa Code, sections 229, 230 and 232.", and to authorize the Chairman to sign a letter of notice to Palmer to that effect. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Zoning Director Kim Johnson advised the Board of a new Attorney General's Opinion which states that the Code of Iowa cannot regulate election sign placement by imposing time limitations. She also discussed another AGO that states that a county may not conclusively utilize a minimum acreage test in establishing the definition of a 'farm' for the purpose of exempting farms from county zoning.

Motion by Gustafson, second by Burnside, to approve 2 **utility construction** permit applications submitted by People's Telephone Co., Aurelia, Iowa, subject to the approval of the engineer, for the following projects: 1) to install underground 6-pair cable to serve the residence of Mike Alkire, from the

southwest corner of Section 8, Elk Township, east along the north ROW and then south across 500th St. to the residence; 2) to install underground 6-pair cable to serve the Arlen Carlson residence from the southwest corner of Section 32, Elk Township, south in the east ROW and then east into Section 5 to the residence. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Gustafson, to approve the following items from the consent agenda:

- minutes of the 5/13 meeting as printed;
- 28D/28E Region 5 Task Force (for drug control, signed 3/4/91) Addendum (Addition of Parties), and to authorize the Chairman to sign;
- acknowledge receipt of certificate of insurance (G/L, auto, umbrella, and worker's compensation) for Spectra Health Care, Inc. for 12/31/96 to 12/31/97.

Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Crampton, to approve and to authorize the Auditor to have published, in all of the county newspapers, a notice stating the county's policy on **encroachment** on county road right-of-way. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

A letter was received from the BV Co. **Conservation** Board requesting the Board to request re-consideration of a variance decision on a strip of land proposed for purchase by the Conservation Board. Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign a letter requesting reconsideration of the variance decision. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Supervisor Crampton **reported** on Regional Transit Authority and De-cat meetings he had recently attended.

Motion by Burnside, second by Crampton, to authorize the Auditor to **void warrant** #87727, which had been issued for a meeting registration, there being no more seats available. Ayes--Burnside, Crampton, Gustafson. Nays--none. Abstentions--none. Carried.

Deputy Auditor Jean Chindlund and Treasurer Kathy Bach discussed progress on the **courthouse computer network**. By consensus, the Board authorized them to proceed with the installation of the new software during the 2nd week of June.

There being no further business, the meeting adjourned to 8:30 a.m. on Tuesday, May 27 to canvass the 5/20/97 Alta School Election, and for a regular session.

**BOARD OF SUPERVISORS
TWENTY-THIRD MEETING, 1997 SESSION (23)
MAY 27, 1997**

The Buena Vista County Board of Supervisors met in regular session on May 27, 1997 at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

8:30 a.m.--The time having arrived for the **canvass** of a 5/20/97 election, the Board proceeded with the canvass. Motion by Burnside, second by Gustafson, pursuant to Chapter 50.24 of the Iowa Code, to declare the results of the canvass of the 5/20/97 Alta Special School Election as follows: total votes cast: 774, Public Measure A to issue \$4,100,000 in G.O. bonds, Yes-423 54.9%, No-348 45.1%, the measure, requiring a 60% majority to carry, was declared failed; on Public Measure B to levy annually in excess of \$2.70 and not exceeding \$3.05 per thousand of assessed valuation, Yes-405 53.1%, No-358 46.9%, the measure, requiring a 60% majority to carry, was declared failed; and to direct the Auditor to prepare an abstract accordingly. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Burnside, to appoint Bob Rebhuhn to the **Zoning Commission** to fill the vacancy created by Rollie Kruse's resignation. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Burnside, to appoint Supervisor Herb Crampton to serve on the **De-Cat Governing Board**. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Burnside, to approve today's **payroll claims** subject to future review. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Chair reported on a recent finance meeting of the **Season's Center**.

The Chairperson announced that on May 20, 1997, the Board of Supervisors had given its initial consideration and had adopted an ordinance entitled "**Ordinance No. 6.8**. An Ordinance providing for the division of taxes levied on taxable property in the Industrial Park Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa".

It was moved by Gustafson and seconded by Crampton 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--Burnside, Crampton, Gustafson, Vail. Nays--Bruns. Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its second consideration.

Engineer Jon Ites discussed a Pocahontas County survey on **edge-line striping** on hard surfaced roads. Ites is working on a written program for the County. Burnside suggested that feedback from the public on this subject would be useful.

Motion by Gustafson, second by Burnside, to approve the City of **Truesdale's** request for "Children At Play" sign at the south entrance to Truesdale. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

A letter from the City of Rembrandt requests a payment plan for the resurfacing of 477th St. from the East corporate limits to Broadway Ave. Motion by Vail, second by Gustafson, to approve negotiating a 3 year payment plan with the City of **Rembrandt** for the city's portion of 477th St. inside the city limits. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Ites discussed the current year's **slurry leveling** program. It was the consensus of the Board to proceed with negotiating a price with last year's contractor for the current year's work.

It was noted by the Engineer that the 2 **utility construction** permit applications submitted by People's Telephone Co., Aurelia, which were approved by the Board of Supervisors on 5/20/97, had been reviewed and approved by him.

Motion by Burnside, second by Vail, to authorize the Chairman to sign, and to approve as Supervisors for the County, as well as the Board of Trustees of DD #'s 67 & 171, the **utility construction** permit application of Iowa Lakes Electric Cooperative, Estherville, Iowa, to replace an existing failing cable with a single phase underground 7200 volt distribution line, beginning at the NW corner of Section 25 Fairfield Township, west across 250th Ave, then west in private ROW to IA Hwy 197, the installation being in both DD #67 and DD#171. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign the **utility construction** permit application of US West Communications, Sioux City, Iowa, to replace existing underground cable along the south side of M-31 (50th Ave.) in the west ROW, this area being within the

corporate limits of Alta, but along the road for which, by agreement with the City of Alta, the County is responsible for maintenance. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Assessor Ted Van Grootheest discussed making the County's **Sidwell** mapping database available to the City of Storm Lake at no cost to the county. The security arrangements would be set-up by Sidwell. It was the consensus of the Board to approve the sharing of the information, as long as the County does not incur any cost.

Head **Custodian** Dewyne Stucynski discussed a bill submitted by Dave Anderson, Alta, whose equipment was damaged while performing work for the County. The consensus of the Board was to pay for the equipment replacement.

Mental Health Director Anita Hallquist and Case Manager Dawn Mentzer appeared before the Board. Mentzer gave a **case management** report, highlighting a number of clients whose changes in placement have resulted in improved quality of life and independence, in addition to savings for the county. She has started working with AEA to write programming for students leaving the K-12 school system.

Hallquist discussed the proposed agreement for services with the **Season's Center** for FY'98. She is not satisfied with the language which includes services not previously provided by the county and included in the county's managed care plan. The agreement is currently being reviewed by the County Attorney.

Burnside left the meeting.

Motion by Gustafson, second by Vail, to approve the following items on the consent agenda:

- minutes of the 5/20 meeting as printed;
- application for a fireworks display permit submitted by the City of Truesdale for July 4th, 1997, with the City to assume all responsibility for safety and liability;
- Jt. DD #150 Br 14 claim in the amount of \$118.88 to the Pocahontas County Secondary Roads for labor & equipment rental expended in the district;

Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Vail, second by Crampton, to set the public hearing date for the Dan Sievers, etal **Ag Area** Petition, filed 5/20/97, as June 10 at 11:15 a.m. in the Boardroom. Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

There being no further business, the Board and Auditor traveled to Spencer for a joint meeting with the Boards, engineers, clerks and auditors of Clay, Kossuth & Palo Alto Counties. At its conclusion, the BV Co. Board adjourned to 6/4 at 9:30 a.m. for a special session.

2:00 p.m.—The time having arrived for a joint meeting of the BV, Clay, Kossuth and Palo Alto Boards of Supervisors, the meeting was called to order by Clay County Board Chair Sylvia Schoer. Present were:

- Buena Vista: Boardmembers-Brunns, Burnside, Crampton, Gustafson, Vail & Auditor Strawn.
- Clay: Boardmembers-Schoer, Challstrom, Zinn, Brockhus, Auditor Hurst, Frank Rouse-Drainage, Engineer Clark.
- Kossuth: Anderson, Cink, Rahm, McGregor, Reilly, Auditor Thilges, & the Drainage Clerk.
- Palo Alto: Greene, Naig, Goeders, Simonson, Miller, Auditor Leonard.
- Engineer Don Etlar.
- Attorney Robert Clements & 1 staffperson.
- One person from the media.

The first order of business was to select a Chair and a Secretary for the meeting. Schoer and

Hurst were selected.

All 4 counties present are involved in appeals of FSA decisions denying a commenced determination status to each of the over 740 drainage districts located in the counties. Mr. Clements, having been recommended for his experience in these matters, has been engaged by the 4 counties.

Clay County Auditor Phil Hurst reviewed the open meetings law which allows for closed sessions when pending litigation is discussed. A resolution must be adopted to close the hearing, the proceedings must be taped, and a complete set of written minutes shall be prepared and stored under lock and key with the tape recording of the meeting.

Schoer called upon Clements to provide background information and explanation of the NAD appeal process for the benefit of the media: Congress passes legislation, which is signed into law by the President. The appropriate department is charged with the task of writing and developing regulations to carry out the law. Those procedures allow for public input through public hearings, etc. Clements' recommendation is to waive the right to an appeal hearing in 45 days, and to consolidate all of the counties' appeals and including several others not present for today, which would be a cost advantage to the counties. The expected date of a consolidated hearing would be in the 1st or 3rd week of July.

A resolution was passed to go into closed session to discuss the details of the case. The meeting concluded at 4:00 p.m. with no further discussion and no action taken in the re-opened session.

**BOARD OF SUPERVISORS
TWENTIETH MEETING, 1997 SESSION (24)
JUNE 4, 1997**

The Buena Vista County Board of Supervisors met in special session on June 4, 1997, at 10:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

The Chairperson announced that, on May 20, 1997, and on May 27, 1997, the Board of Supervisors had given initial and second consideration to an ordinance entitled "**Ordinance No. 6.8**, An Ordinance providing for the division of taxes levied on taxable property in the Industrial Park Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa". It was moved by Supervisor Burnside 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--Burnside, Crampton, Gustafson, Vail. Nays--Bruns. Whereupon, the Chairperson declared the motion duly carried and declared that said ordinance had been given its final consideration and had been adopted.

ORDINANCE NO. 6.8

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Industrial Park 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 Industrial Park 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 Industrial Park 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 May 20, 1997:

A Tract of Land Located in the Northwest Quarter of the Northwest Fractional Quarter (NW $\frac{1}{4}$ NW Frac $\frac{1}{4}$) of Section 7, Township 90 North, Range 36 West of the 5th P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Northwest (NW) Corner of the Northwest Fractional Quarter (NW Frac $\frac{1}{4}$) of said Section 7; Thence on a recorded bearing of South 00°15'24" East, along the West line of said Northwest Fractional Quarter (NW Frac $\frac{1}{4}$), 368.52 feet to the South Right-of-Way line of the Chicago, Central and Pacific Railroad; Thence South 77°02'30" East, along said South line, 174.47 feet to the Point of Beginning. Thence continuing along said South line, South 77°02'30" East, 1,361.93 feet to the East line of the Northwest Quarter of said Northwest Fractional Quarter (NW $\frac{1}{4}$ NW Frac $\frac{1}{4}$); Thence South 00°03'06" West, along said East line, 606.00 feet to the Southeast (SE) Corner of said Northwest Quarter of the Northwest Fractional Quarter (NW $\frac{1}{4}$ NW Frac $\frac{1}{4}$); Thence South 89°54'57" West, along the South line of said Northwest Quarter of the Northwest Fractional Quarter (NW $\frac{1}{4}$ NW Frac $\frac{1}{4}$) 1,402.52 feet to the East Right-of-way line of U.S. Highway No. 71; Thence along said East line the following described courses: North 00°15'24" West, 471.55 feet; Thence North 07°20'17" East, 151.33 feet; Thence North 00°15'24" West, 239.79 feet; Thence North 89°44'36" East, 60.00 feet; Thence North 00°15'24" West, 51.88 feet to the Point of Beginning. Tract contains 24.54 Acres 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.

Passed and approved by the Board of Supervisors of Buena Vista County, Iowa, on the 4th day of June, 1997.

/s/ Doug Bruns, Chairperson, Board of Supervisors

Attest: /s/ Karen M. Strawn, County Auditor

Pursuant to a letter of request from the City of **Truesdale**, motion by Burnside, second by Vail, to approve an agreement for repayment of the cost of repaving the extension of the state stub road within the corporate limits of the City, as follows: to repay \$7,000 upon completion of the project and a final payment of \$3,489.87 on June 1, 1998. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to concur with the City of Truesdale's request to IDOT for installation of a **directional/locator sign** to Truesdale, to be placed on Hwy 71, and to authorize the Chairman to sign the city's application for same. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Burnside, to approve and to authorize the Chairman to sign, a universal pay voucher in the amount of \$4,053.50 to Kuehl & Payer for design services advanced on the C-13 **project FM-11(34)--55-11**. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Board set June 17 at 9:00 a.m. for an informational meeting on 2 proposed **Secondary Road policies**: 1) Policy to Upgrade a Level of Service B Road to a Level of Service A Road; and, 2) Policy to Upgrade Existing County Roads to Permanent Hard Surfacing (includes a provision for participation in the cost of upgrade by private industry or individuals).

The Board set the deadline for receiving proposals on the season's supply of **diesel fuel** as June 20 at 4:30 p.m. in the Engineer's office, with the Board to receive and select a proposal at their June 24

meeting. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Crampton, second by Vail, to approve amendments to the **Personal Protective Equipment Policy**: 1) Add "*Hard hats shall be worn*" to begin paragraph B under Head Protection. 2) Merge paragraph D under Head Protection with paragraph C. 3) Change indentation and label "*Employees shall wear...*" under Eye and Face Protection as paragraph D. 4) Change the timing for replacement of eyeglasses to prescription lenses-2 years, and frames-4 years. Clarify that the exam will be paid for by the employee. Clarify the statement regarding more expensive frames. 5) Change--Employees will be reimbursed up to \$100 for boots. 6) Add a section noting that safety vests, hard hats and hearing protection will be provided by the employer. The vote on this motion was ayes—Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

The Board reassembled in PMR#1 for a work session on **juvenile judicial costs**. The Chair called upon Supervisor Gustafson, who had requested the topic be placed on the agenda, for opening remarks and to moderate the discussion. In past years, Buena Vista County has paid a great share of the cost of operating the YES Center in Cherokee by having such high usage. Recent statements from the Center indicate that our usage may be increasing again. We have 2 situations—a large number of juveniles placed there, and the length of stay, both effecting our total cost. What is the process that sends the juveniles to the YES Center, and what determines their length of stay?

Judge Timko—The usual process is that a juvenile is taken into custody for an offense. When processing is completed, if the juvenile is to be released, the officer looks for someone to release them to. Often, there is no one at home, or no phone, or perhaps wrong telephone and address information is received, making it impossible to find an adult to release them to and to be responsible to see that they show up for their hearing. If an adult is found, perhaps they don't want to accept responsibility. Officers also find some juveniles with only one, or even no adults responsible. The judge, officers, etc. have a responsibility to the community for safety of citizens and security of property, and they need to be sure that the juvenile will be available at the time of the hearing, usually 4-7 days after arrest. Detention is often the only option.

Attorney Brown—This group may not include the right people to ask about why Buena Vista County's usage is high. However, it all comes down to a parental problem. Parents aren't present to provide guidance, exert any type of control over the time and activities of the juveniles, and then aren't present to deal with the juvenile after arrest. An interesting point is that many of the parents don't want responsibility for the children, because they can no longer control the youth. Brown believes he has seen a decline in parental control from previous years.

Bob Fritz—Though individuals in the judicial system try to keep juveniles out of detention, that is the only place for those with multiple, serious felonies. Adults with the same types of records would be in jail/prison.

Captain Hoye—By definition, a gang is a group of people acting together, and under that definition, the city has seen some gang activity. However, here, this activity is not necessarily what is typically understood as gang activity in metropolitan areas.

Gustafson—When it is time for the Board to defend the county's budget to the public, the public has little information on many areas including this one. What comes after detention?

Brown—After arrest and detention comes an adjudicatory hearing and disposition. Depending on the findings of the court, the juvenile may be placed in some type of program.

Gustafson—With the county's de-cat project due to start July 1st, is there a possibility that this could be the source of funding for some program?

Lyle Fleshner—Certainly this is the type of issue that might be addressed - the program is intended to cross traditional lines between human services and judicial areas. Fleshner noted that he

would do some research on the area.

Gustafson—thanked the participants and concluded that this issue will not go away on its own. The Board returned to the Boardroom for the remainder of the meeting.

Motion by Crampton, second by Vail, to appoint Rhonda Christensen as Buena Vista County's "at large" representative to the **DHS De-Categorization Governing Board**. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Sanitarian Kim Johnson reported that the State has approved the Joint Buena Vista County/Cherokee County application for a FY'98 **waste tire** grant in the amounts of \$20,000-BV, \$10,000-Cherokee.

County Attorney Phil Havens and CPC Anita Hallquist reviewed the current draft of the agreement for services for FY'98 from the **Season's Center**. Havens will discuss several changes to the agreement with the attorney for Seasons.

Havens also discussed his review of the proposed 28E agreement for **Hazmat** services. No action was taken on the current draft.

Motion by Vail, second by Gustafson, to approve the **minutes** of the 5/27 meeting as amended. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Burnside, second by Crampton, to close the account at First Federal Savings of the Midwest and deposit the ending balance of the **Partial Self-funding** for Health Insurance Account (\$4,418.36) in the General Basic fund, and designate it's use at some future time for employee benefits.

There being no further business, the meeting adjourned to Tuesday, June 10, 1997 at 8:30 a.m. in the Boardroom for a regular session.

**BOARD OF SUPERVISORS
TWENTY-FIFTH MEETING, 1997 SESSION (25)
JUNE 10, 1997**

The Buena Vista County Board of Supervisors met in regular session on June 10, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Zoning Director Kim Johnson reported that the **public hearing** scheduled for 8:30 a.m. this morning had been canceled since Harlan Grau had withdrawn his request for rezoning a parcel in located Newell Township.

Jeff Spielman with Attorney Hugh Perry were present for a discussion of a property located on the north end of Lake Creek Country Club. He currently does not have right of egress for access to his property. Spielman is proposing a re-subdivision of the property which would include a road. The Zoning Commission recommended approval of the re- subdivision. Since the item was not on the agenda, no action was taken, with the matter to be taken up at the June 17 meeting.

Motion by Gustafson, second by Burnside, to set the time of 1:30 p.m. on today's agenda to take up discussion of the resignation/filling the vacancy created by the resignation of Ted Brown as **Assistant Co. Attorney** handling juvenile matters. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Engineer Jon Ites presented final drafts of the **proposed road policies** for upgrading Level B to Level A and upgrading to permanent hard surfacing. The Board has scheduled an informational meeting on these proposed policies for June 17 at 9:00 a.m.

Construction of the **Radio Road maintenance facility** is due to begin next week. The Board considered disposition of the buildings on the east side of the Hudson St. site. There may be interest from the public in the buildings.

Due to the resignation of one of the **diesel mechanics**, the Board approved advertising for the position.

Ites requested a decision on his request to re-classify the secretary as **Administrative Assistant to the Engineer** at the same rate of pay as a Technician II. Motion by Burnside, second by Vail, to re-classify Shirley Johnson as Administrative Assistant to the Engineer on the same pay scale as a Technician II. Gustafson noted that at the time raises were determined for all other employees, he stated he would entertain no further actions on raises which are scheduled to begin 7/1/97. Burnside commented that the job responsibilities of the position had changed. Ayes--Burnside, Crampton, Vail. Nays--Gustafson. Abstentions--none. Carried.

The Engineer commented that he has had a lot of feedback from the public on the white **edge-lines** on county roads, most in support of the program. Boardmembers have also received feedback, with the majority of persons being in favor of the lines.

Nurse Administrator Karole Graen reviewed April and May **Board of Health minutes**. Supervisor Gustafson asked how many property tax dollars fund Public Health each year.

11:00 a.m.--The time having arrived for the Public Hearing on the **Albrecht Ag Area** petition, the Chairman opened the hearing with no interested persons present. The Chair stated that notice of the hearing had been published as required. No written objections had been received. Hearing no objections, motion by Burnside, second by Vail, to close the public hearing. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Vail, second by Crampton, to approve a petition to expand the Malcom ag area, filed 5/19/97 by Patricia Albrecht, to include the area within the following boundary description in Fairfield Township: Commencing from the Northwest corner of the Southeast $\frac{1}{4}$ of Section 32, Township-92-North, Range-35-West, go $\frac{1}{2}$ mile East, then South 340.35 feet, then West 400 feet, then South 235 feet, then East 400 feet, then South 744.65 feet to the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said section, then $\frac{1}{4}$ mile West, then $\frac{1}{4}$ mile South, then $\frac{1}{4}$ mile West, then $\frac{1}{2}$ mile North to the point of beginning, consisting of approximately 118 acres. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

11:10 a.m.--The time having arrived for the Public Hearing on the **Schumann Ag Area** petition, the Chairman opened the hearing with no interested persons present. The Chair stated that notice had been published as required, and that no written objections had been received. Hearing no objections to the petition, motion by Gustafson, second by Burnside, to close the public hearing. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Vail, to approve the Ag Area petition filed by Dale Schumann, etal., filed 5/16/97, to establish an Ag Area in Coon Township with the following described boundaries: beginning at the Southeast (SE) corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-Seven (27), Township Ninety-one (91) North, Range Thirty-Five (35) West of the Fifth P.M., Buena Vista County, Iowa, thence West $\frac{1}{8}$ mile, thence North $\frac{1}{2}$ mile, thence West $\frac{1}{8}$ mile, thence North 1 mile, thence West $\frac{3}{8}$ mile, thence west $\frac{1}{4}$ of $\frac{1}{8}$ mile, thence North $\frac{1}{2}$ mile, thence East $\frac{1}{4}$ of $\frac{1}{8}$ mile, thence East $\frac{1}{8}$ mile, thence South $\frac{1}{4}$ mile, thence East $\frac{1}{2}$ mile, thence South $1\frac{3}{4}$ miles to the point of beginning, which includes approximately 327 acres. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

11:15 a.m.-- The time having arrived for the Public Hearing on the **Sievers Ag Area** petition, the Chairman opened the hearing with 3 interested persons present. The Chair stated that legal notice had

been published as required, and that no written objections had been received. Receiving no comments in opposition to the establishment, motion by Crampton, second by Burnside, to close the public hearing. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions-- none. Carried.

Motion by Burnside, second by Gustafson, to approve the petition to establish an ag area filed 5/20/97 by Dan Sievers, et al., with the following described boundaries: from the Northwest corner of Section 22, East ½ mile to the midpoint of the Northern boundary of Section 22 then South ½ mile to the middle of Section 22. Then East on this midsection line just less than 1 mile to the Eastern boundary of the parcel located in the Southwest Quarter of Section 23. Then proceeding South along this Eastern boundary ½ mile to the southern boundary of Section 23. Then West just less than 2 miles to the midpoint of the Northern boundary of Section 27 then south 1 mile on this Half section line to the Southern boundary of section 27. Then proceeding West ½ mile to the Southwest corner of Section 27, then North for 2 miles to the Northwest corner of Section 22. All of the proposed area lies in Providence Township, Buena Vista County, and consisting of approximately 889 acres. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Having received a request for a street name change at Casino Beach from **Bob Gard**, the Board discussed information provided by E911 Coordinator Nancy Brady, and the County Attorney's review of the request. Supervisor Gustafson reported that he had spoken to Gard suggesting that evidence of substantial report would be necessary for the Board to consider the request. The Chair will draft a letter of response to Gard.

Motion by Burnside, second by Vail, to approve the following items on the consent agenda:

- * **minutes** of the 6/6/97 meeting as printed;
- * the following **reports**: 5/13 and 5/28 Conservation Board minutes, waste tire grant report review, and Election Commissioner's bill to BV Co. Hospital for their special election;
- * **late filings** as follows--for 1996 military exemption-parcel #9362.00; for 1996 homestead credit-parcel #'s 2132.28, 2234.00, 5358.00.

Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions-- none. Carried.

Case Management Supervisor Anita Hallquist discussed the reporting requirements for **case management** which are used to establish the case management service rate. Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign certification of the Case Management Financial & Statistical Report for Purchase of Services Contract. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Hallquist requested approval to lease a cellular phone for **case management**. The Board approved.

The Board approved purchase of 2 used office **chairs** by Comm. Services employees for \$20 each.

The Board reviewed a letter from County Attorney Phil Havens which reported the resignation of **Assistant County Attorney** Ted Brown effective July 1, 1997 and requested approval of the appointment of Paul Havens to fill the vacancy. On the issue of conflict of interest, since Paul Havens also serves as City Attorney for Storm Lake, all members were agreed that this potential conflict was not acceptable. The Chair asked how Havens might be able to get the juvenile work done until he is able to find another attorney willing to serve. The Chair also suggested that now might be the time to consider making the assistant attorney's position full-time. Motion by Burnside, second by Gustafson, to deny the request of County Attorney Phil Havens to appoint Paul Havens as Assistant County Attorney to fill the vacancy created by the resignation of Ted Brown. Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Gustafson favors a full-time assistant, in addition to the current part-time assistant, due to the overwhelming caseload and the needs of the departments, including the Board. All of the boardmembers agreed. The Board requested that a letter be sent to Ted Brown commending him for his 18 years of service to the county in his capacity of Assistant County Attorney, handling juvenile matters.

There being no further business, the meeting adjourned to Tuesday, June 17, 1997 at 8:30 a.m. in the Boardroom for a regular session.

**BOARD OF SUPERVISORS
TWENTY-SIXTH MEETING, 1997 SESSION (26)
JUNE 17, 1997**

The Buena Vista County Board of Supervisors met in special session on June 17, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

Motion by Burnside, second by Vail, to amend the agenda by adding: discussion and ordering of levies on various drainage districts. Carried.

Jeff Spielman and Zoning Director Kim Johnson met with the Board to discuss Spielman's re-subdivision request. Motion by Vail, second by Crampton, to concur with the Zoning Commission's 5/13/97 decision on Jeff Spielman's re-subdivision request and to adopt the following resolution:

RESOLUTION #1997-06-17

WHEREAS, Jeff Spielman has presented the Plat of Survey, Access Drive Easement and Extension and Private Road Agreement, and Easement (for Turnaround) for the Re-subdivision of Lot 37 of the Auditor's S/D of the SW FR Qtr (SW Fr. ¼), Section Thirty (30), T-91-N. R-37-W of the 5th P.M., Buena Vista County, Iowa, further described as:

A part of Lot Thirty-Seven (37), Auditor's Subdivision of the Southwest Fractional Quarter (SW Fr. ¼) of Section Thirty (30), Township Ninety-One (91) North, Range Thirty-Seven (37) West of the 5th P.M., Buena Vista County, Iowa, more particularly described as follows: Commencing at the Northwest Corner of the SW Fr. ¼ of Section 30, Township 91 North, Range 37 West of the 5th P.M., thence South 89°48' East along the North line of said SW Fr. ¼ a distance of 372.00 feet to the Northeast Corner of Lot 28A of said Auditor's Subdivision of SW Fr. ¼, said point being the point of beginning; thence South along the East line of said Lot 28A a distance of 150.00 feet to the Southeast corner of said Lot 28A; thence south 37°22'; East a distance 19.27 feet; thence North 71°33'00" East a distance of 93.09 feet; thence North a distance of 35.51 feet to the North line of said Lot 37 and said SW Fr. ¼ thence North 89°48" West along the North line of said Lot 37 and said SW Fr. ¼ a distance of 100.00 feet to the point of beginning and containing an area of 0.3472 Acres. This description is based on the assumption that the West line of the SW Fr. ¼ of Section 30 has a true North to South bearing, and;

WHEREAS, The final plan meets with the approval of the Board of Supervisors subject to the execution and filing of a private road agreement between all of the property owners on said road;

NOW, THEREFORE BE IT RESOLVED by the Buena Vista County Board of Supervisors that the final plan of Jeff Spielman is hereby accepted subject to the above paragraph.

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plan and copies of said final plan shall be filed of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 17th day of June, 1997.

/s/ Doug Bruns, Chairman, Board of Supervisors
Carried.

Attest: /s/Karen M. Strawn, Co. Auditor

Johnson reported on a meeting with the Recorder, Auditor, & Ass't Co. Attorney Patton, about the requirements of Iowa's platting law and the county's subdivision ordinance regarding the division of land in the unincorporated area. A letter is being developed to be sent to surveyors, realtors, attorneys, abstractors, etc., to notify them of the processing changes that will be implemented.

Motion by Gustafson, second by Burnside, to approve the minutes of the 6/10/97 meeting as printed. Carried.

The Board recessed to PMR#1 for an informational meeting on new proposed road policies for changing "Level B to Level A", and for upgrading roads to "Permanent hard-surface". 8 interested persons were present. The Chair allowed attendants a few moments to read the "Level B to A" policy and then invited comments.

Dean Baughman asked if the intent was to have the resident, tenant or landowner pay for the upgrade, even if it is only part of a mile. (Yes) The policy appears to have a punitive effect on those persons seeking to improve their operations. He stated that it is extremely difficult to find additional crop ground to rent or buy, so that a young farmer starting out has to find an additional revenue producer in order to make a living on a single farm. This means the farmer needs livestock, livestock needs feed trucks, and getting the trucks to the farm requires good roads.

Marlyn Schuman stated that the landowner has been paying for Level A service, but receiving only Level B service. The owner has, does, and will continue to pay the same as all others including those receiving Level A service.

Engineer Jon Ites answered that the savings which the Board had hoped to find in reducing the service level of a number of roads, is going to be lost in the cost of building the level back up to A. Retaining those savings is necessary to enable the County to keep up its road system of 1000 miles, and even at that, the funding is going to come up short. The County has to find its savings where it can.

Supervisor Burnside noted that despite the intent, creating the service level system 10+ years ago did not change the driving habits of people. 9 months of the year, the level B's continue to be used, with traffic still entering the Level B's that haven't been cleared of snow in the remaining 3 months. The result is that the farmer is asked to pull that driver out of the snow.

Ites believes that a road with just 30 vehicles a day, over time deteriorates, which eventually causes a reduction in the daily traffic count. In 10-20 years we may have an 800 mile system instead of 1,000. The Legislature has just created an additional Level - C - which provides for installing limited, gated access to roads with no maintenance. He sees problems - who left the gate open? where is the key? etc.? He also noted that approximately 70% of the funding for the roads comes from Road Use Tax, not property taxes. BV Co. does do some maintenance on level B's. Answering a question about the white signs, these are used to identify 1st, 2nd and 3rd priority for snow removal. 85-90% of the county's roads are 1st priority. As roads close in the future, residents, owners, and tenants will just have to take the long way around to their destination.

Baughman asked what the distribution of A's and B's is around the county. (About even in the four quadrants - NE, NW, SW, SE.

George Bruns stated he would not object to a little increase in taxes if it were used for maintenance of the level B's which can be used by everyone, not just those residents, owners, and

tenants.

The Chair confirmed that the Engineer's property tax asking over the past 5 years has changed only minimally. The increased spending has come from RUT. Ites explained that the distribution of RUT taxes starts with a cut off the top for DOT administration, before being divided according to the new formula which reduces funding to counties. Also, this year, the Highway Patrol and some other uses were transferred to the General fund from the RUT fund. And, cities are continually pushing for per capita distribution.

Burnside asked those present if the secondary road budget should be increased? (no response)

The Chair asked how the maintenance cost would be effected if a road was changed from B to A. Ites—that would be different for every road since all B's are not in the same stage of deterioration, and signs, gravel, etc. could be involved. The current expenditure on B's right now would average \$1,000/yr.

Schumann said that when farms become larger, roads become less important but the quality of the road becomes more important. At harvest time, a quality road is critical.

Ruth Mickelson said she didn't see how the county could punish those who are working to provide value added products to the state's economy.

Supervisor Gustafson asked if we lose the savings that we were planning to realize on B roads by upgrading to A, where is that money going to be made up?

Gene Sievers asked what factors would be considered in making a decision to upgrade to level A. (traffic, number of homes on the road). Supervisor Vail reviewed the process that was used for designating Level B's by stating that once the original list was developed of roads proposed for Level B service, public hearings were held to receive feedback. Those roads identified by the public as being used and needing A service were dropped from the final list of roads to be designated B. In addition to the savings on lower maintenance, the level B system was intended to discourage development on what already were the poorer roads.

Bob Rehnstrom stated that the young farmer needs more access without more cost (paying for the B to A upgrade).

Baughman suggested that a public hearing be held when a bridge or culvert is involved since upgrading that type of structure could increase the cost substantially. He also suggested that perhaps the county could pay the entire cost when no structure was involved.

The Chair concluded the discussion on the "Level B to A" policy, and opened discussion on the "Permanent Hard-Surfacing" policy.

Schumann asked whether additional ROW would be needed to upgrade - would it be a 66 or 100' roadway? (66)

Gustafson asked for opinions on whether the county should pay for all of the dirtwork, and have the tenant, landlord, business or residents share in the cost of hard-surfacing, or, should they share in the entire cost including grading? Schumann responded -- share all of the cost. He also said that the county could deviate based on other factors such as the number of jobs provided by a business, or other factors of benefit to the county.

The time for the informational meetings having expired, the Chair announced a continuation to June 30 at 2:30 p.m., and recessed the meeting, with the Board returning to the Boardroom for the next appointment.

The Engineer informed the Board that disaster funding through SF 542 was available to Buena Vista County (to be paid out prior to 6/30/97) as one of the counties declared a disaster area (due to heavy

snowfall this past winter) by the Governor but not receiving a federal declaration. Ites had budgeted \$200,000 for snow clearing, but the cost was actually \$215,577. The difference is the amount to be requested. Motion by Burnside, second by Vail, to approve the following resolution:

RESOLUTION #1997-06-17b

BE IT RESOLVED BY the Buena Vista County Board of Supervisors, THAT Jon L. Ites is hereby authorized to execute in behalf of Buena Vista County, this (State of Iowa, Department of Public Defense Emergency Management Department Designation of Applicant's Authorized Representative) application, and to file it with the Iowa Emergency Management Division (EMD) for the purpose of obtaining State financial assistance pursuant to emergency due to severe winter storms.

Passed and Approved this 17th day of June, 1997.

/s/ Douglas Bruns, Chairman Carried.

The engineer also advised the Board that he has received reports that drivers aren't using the posted detours, causing a problem with dust on the alternate routes that they select. He requested direction on handling these complaints.

County Attorney Phil Havens brought the Board up to date on filling the assistant county attorney vacancy. He has asked if Ted Brown might consider continuing on for a short time until the position is filled, but Havens hasn't yet received a response. Havens has made no further plans pending today's discussion.

Regarding a full-time assistant, Havens believes that a full-time assistant could be good --- depending on what the Board means. In lieu of 2 part-time assistants, he believes 1 full-time would not be sufficient manpower for the job. Havens asked where would the person be located? how would it be financed? Would the funds come by reducing his overhead? The concept of a full-time assistant can be done depending upon how much the county is willing to pay. Brown's current salary could be sufficient for a full-time right out of law school. However, he would have to train a new attorney, meaning that he/she would not be any help for a while. In a short time the assistant would not be happy at that salary, and then would move on unless more money were offered. Fayette Co. is on their 2nd full-time, the 1st stayed about a year before looking for a higher wage.

For a part-time position, he/she would have to be here already or be willing to come and establish their practice while taking on their part-time assistant duties. Havens has done the bulk of the civil work. Patton has done some too, along with ag areas, zoning, etc. Gustafson asked if Patton could take over the juvenile work. Havens noted that to do so, he would have to relieve Patton of some other duties. Havens said that there has been some interest in the position, but it may take a little time to see what works. The Chair asked if the department could get by without someone for awhile. Havens said that would not be a very good situation, not easily done. He can't make any real plans or discuss specifics with anyone because he doesn't have any yet. The Chair stated that regardless of the budget situation, Havens needs someone who can step in without alot of training.

Burnside asked if the consensus reached at the last meeting (favoring a full-time assistant) had any time frame (no). She asked if this situation presents the need/reason for long range planning/goal-setting, with Department Heads involved to help develop the plan to address whatever needs they may have. Vail stated that Havens needs someone on board right away to handle the workload, and then do some planning for the future. Gustafson wants to make the decision now and forget long range planning, since it hasn't done any good in the past. "Haven't we ever amended a budget?" Burnside responded that maybe we've amended due to a lack of long range planning.

Havens stated that it would be the Board's decision, if it believes the county should change from a

part-time to a full-time county attorney, and he believes that is what Gustafson's intent is -- to have someone available at all times and answerable to the Board. However, it is not appropriate for an assistant county attorney to be under the direction of Board, instead of the county attorney. The county can't afford to pay rent all over town, so if his overhead were to go to the assistant, he couldn't afford to stay in business. If the county provides funds to have the county attorneys' office in the courthouse, then he loses. However, if the Board chooses to increase the budget, that's different.

Vail asked how Havens would handle the assistant giving opinions that he would later have to defend. Havens answered that he would expect questions to be given to him for his review, and then he would assign an assistant to the issue. Gustafson stated that he is in favor of a full-time assistant now, and the Chair agreed. Crampton might agree with a full-time assistant later after study. Burnside is not interested without input from other department heads. Further, Havens has not asked for a full-time assistant yet. That should be his decision. Havens might want to look at how a new person is working out prior to making the person full-time, again his decision. Gustafson is opposed to part-time on a permanent basis. The Board can make the decision, and doesn't need additional input. Burnside stated, that is micro-management which is not the Board's function. Gustafson responded that she was in favor last week, but is not now. Burnside said that she is in favor of doing some long-range planning.

The Chair concluded the discussion by directing Havens, for the time being, to proceed with finding a part-time assistant.

Havens reported that he had reviewed his concerns over the Season's agreement with Mike Houchins, Attorney. He expects to have a revised agreement by June 30.

Havens also reported on his conversation with Russ Behrens about the proposed 28E Hazmat agreement between the City of Sioux City and BV County. He provided some proposed language changes. The Chair noted his concern that if the agreement is dissolved early, equipment purchased with funds contributed by the county would be the property of Sioux City. The offset is that it would cost BV County far more to equip and train personnel on our own. Havens will send a letter to the city of Sioux City. The agreement is expected to be ready for signing on June 30.

By consensus, the board approved Veterans Services Officer Clint Hoferman's request to purchase VIMS (Veterans Information Management System) software, paying 1/2 in FY'97 and 1/2 in FY'98 in the amount of \$1,000.00, with annual maintenance cost of \$300.00.

Motion by Vail, second by Burnside, that due to a significant increase in approved legal publication rates, and to trim the publication costs of board minutes and claims, claims will be published quarterly and in paragraph form. Carried.

Motion by Gustafson, second by Crampton, to amend FY'97 appropriations as follows: reduce activity 4161, dept. 60 by \$3,000; increase activity 4222, dept. 61 by \$3,000; reduce activity 0220, dept. 02 by \$3,000; increase activity 0220, dept. 41 by \$3,000. Carried.

Motion by Vail, second by Burnside, to order the following drainage district levies for collection with FY'97-98 taxes, to be due and payable 9/1/97 without interest, delinquent 10/1/97 with interest at 1½% per month, the levy date being 6/17/97, and 9% interest on waivers where offered: #12—38% (with 5 year waiver option); #50—6%; #50 sub1—8%; #56—13.5%; #61—7%; #85—11.5%; #104—14%; #126—20% (with 2 year waiver option); #131—10% (with 2 year waiver option); #132—27.5% (with 2 year waiver option); #166—16.5% (with 2 year waiver option); #172—3%; 186—4.5%. Carried.

Motion by Gustafson, second by Crampton, to approve the tax suspension (any delinquent and current) request on parcel #4715.00, pursuant to Iowa Code 427.9. Carried.

Motion by Vail, second by Gustafson, that due to overpayment in FY'97, the 1st FY'98 allocation to NW IA ADTU will be reduced by 10cents/capita (\$1,996.50), the purpose being to avoid amending our

FY'98 grant agreement with the State of Iowa. Carried.

There being no further business, the meeting adjourned to Tuesday, June 24, 1997 at 8:30 a.m. in the Boardroom for a regular session.

**BOARD OF SUPERVISORS
TWENTY-SEVENTH MEETING, 1997 SESSION (27)
JUNE 24, 1997**

The Buena Vista County Board of Supervisors met in regular session on June 24, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting. Absent--Burnside.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

Vail informed the Board that the Env. Health/Zoning Dept. had purchased a 1989 Dodge Caravan.

Bud Myers, Co-Chair of the BV County Sesquicentennial Committee, reviewed the 3 1/2 years of activities of the committee, and presented a display designed and constructed by Richard lehl, with the interior designed by Berny Schleusener. The display will be shown in the Courthouse lobby for the next month. The Board thanked the committee for an excellent job. Buena Vista County came in 15th in the state for percent of Sesquicentennial license plates sold, which was the source of revenue provided by the state to the county committees. The county had also provided \$205 for a video history workshop held at the Allee Mansion. A number of videos were produced including one called "Buena Vista - A Tribute to Our Name".

HM/HHA Director Marilyn Monson discussed a grant workshop she had attended. She emphasized two important issues: 1) grant money is available that could pay for some of what property tax dollars currently pays; 2) department heads currently receive information about grant information. Monson suggested bringing the presenter to BV County for the benefit of our community, perhaps involving the city and the school. The Board asked her to bring the information to the department heads at their next meeting.

Motion by Vail, second by Gustafson, to amend the agenda by adding Rhonda Christensen at 10:30 a.m. Carried.

There being only one bid received, Engineer Ites read the bid for season's supply of diesel fuel submitted by Farm Service, Storm Lake. Motion by Vail, second by Gustafson, to accept the quote from Farm Service for the season's supply of diesel fuel. Carried.

Ads have been placed for the position available as a diesel mechanic.

Motion by Vail, second by Crampton, to appoint Engineer Jon Ites to the County Functional Classification Board. Carried.

Ites recommended for their consideration that the Board of Supervisors request additions to the county's farm-to-market road system: 1) add the extension of Hwy 110 north to C-49, which is a local road, to the farm to market system because of its usage; 2) add old Hwy 71 from C-49 west to M-31.

Acting as Trustees of DD #82, motion by Gustafson, second by Crampton, to direct the Auditor to notify John Peters, Alta, that placement of a structure in the waterway may cause a problem and require reconstruction of the drainage district, and that he may be liable for damages, should reconstruction be necessary. Carried.

The request by the city of **Truesdale** for a locator sign on Hwy 71 has been received and approved by IDOT.

Motion by Crampton, second by Vail, to approve the City of **Alta's** request for signing on the north/south blacktop on the east side of and adjacent to the ball diamonds. Carried.

Ites recommended clearing and grubbing an additional 400-500' (to complete the stretch) **in DD #34-Lat #1** at the location of the BROS Bridge project in Grant 23. The Board approved by consensus.

A complaint has been received about mulberry bushes in the ditch in **DD#1-Lat 1**. It was noted that this drainage district is on the list of those to be treated in July.

Motion by Vail, second by Gustafson, to approve the **utility construction** permit application of Iowa Lakes Electric Cooperative, Estherville, Iowa, to install an underground 3 phase 7200/12,470 volt distribution line to upgrade the Marathon substation from Section 3, Poland Township to Section 10, Poland Township, and from Section 9, Poland Township, to Section 10, Poland Township and then east to the substation, all crossings to be bored. Carried.

Motion by Gustafson, second by Vail, to approve the **utility construction** permit application of Iowa Lakes Electric Cooperative, Estherville, Iowa, to install an underground single phase 7,200 volt new service to Ben Malcom, from Section 5, Coon Township, to Section 32, Fairfield Township, the crossing to be open trench. Carried.

Motion by Crampton, second by Vail, to approve the **utility construction** permit application of Iowa Lakes Electric Cooperative, Estherville, Iowa, to install an underground single phase 7,200 volt distribution line to convert service to Pat Trammel from Section 7, Grant Township to Section 8, Grant Township, the crossing to be open trench. Carried.

Motion by Gustafson, second by Crampton, to approve the **utility construction** permit application of Iowa Lakes Electric Cooperative, Estherville, Iowa, to install an underground single-phase 7,200 volt distribution line to convert service for Randy Fehr, from Section 18, Maple Valley Township to the Cherokee County line, the crossing to be open trench. Carried.

BV Co. ISU Extension Director Rhonda Christensen discussed an invitation to Buena Vista County to be 1 of 5 counties in a pilot project for a discussion of **livestock issues**. The other counties invited are Butler, Davis, Dallas, and Hamilton Counties. A panel of interviewers would meet with each of the Boards to develop a list of questions, concerns, and issues on this topic. The list would go back to Iowa State University for review and research. Each county board will receive a return visit to provide the best information and answers that can be found. Iowa State Association of Counties is cooperating with ISU Extension in this project. All boardmembers were in favor of participating. Christensen will set-up the meeting.

Christensen also advised the Board that Storm Lake has been selected for another ISU study--on **Family Well-Being**. Community leaders, welfare agencies and family members will be interviewed regarding the safety of the family as it is affected by Welfare reform. The results of this study will be provided to decision makers who impact these services.

Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign certification of affiliation with **Season's Mental Health Center** pursuant to Chapter 225C.8 of the Iowa Code. Carried.

After July 1st, **case management** claims will be submitted electronically to Consultec. Motion by Vail, second by Gustafson, to authorize Anita Hallquist to sign the license agreement for the electronic filing processing of Medicaid claims. Carried.

Case Management Supervisor Anita Hallquist reviewed the **employee evaluation** of 1 person.

Cindy McIntosh-BVWAC Exec. Director, Brent Mangold-Boardmember, Terry Johnson-Genesis Exec. Director, and Ken Converse-President elect of BVWAC Board of Directors met with Boardmembers to inform them of the merger of BVWAC with Genesis in early fall. McIntosh discussed the activity of the BVWAC board for the past year in looking for the best way to serve its clients in the changing managed care market. The organization will remain a 501(c)3 agency providing services to the disabled.

Motion by Vail, second by Gustafson, to approve the rental of a Gateway computer to the Buena Vista County Local Emergency Management Commission for \$1,175.30 per year for each of 3 years. Carried.

Motion by Gustafson, second by Vail, to approve the employment of Don Piercy Sr., as a part-time driver in the Weed Department, effective 6/13/97, at \$6.34/hr. Carried.

Motion by Vail, second by Crampton, to set the date and time of public hearing on the Ag Area Petition filed 6/2/97 by Michael Christiansen, etal. as July 8, 1997 at 8:30 a.m. in the Boardroom. Carried.

Motion by Crampton, second by Vail, to approve and to authorize the Chairman to sign the agreement with NWIPDC for the S.H.I.E.L.D. program for FY'97-98. Carried.

All claims submitted for payment at this regular meeting were held for payment on the last day of the fiscal year - June 30, 1997.

There being no further business, the meeting adjourned to Monday, June 30, 1997 at 1:00 p.m. in the Boardroom for a special end-of-fiscal-year session.

**BOARD OF SUPERVISORS
TWENTY-EIGHTH MEETING, 1997 SESSION (28)
JUNE 30, 1997**

The Buena Vista County Board of Supervisors met in special session on Monday, June 30, 1997 at 1:00 p.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting. Absent: Burnside.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Crampton, Gustafson, Vail. Nays--none. Abstentions--none. Carried.

Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign the FY'98 services agreement with Season's Mental Health Center. Carried.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign the 28E agreement, for the provision of Hazmat services, with the City of Sioux City, Iowa. Carried.

Motion by Crampton, second by Vail, to concur in the County Attorney's appointment of Richard Kimble as a part-time assistant county attorney effective 7/1/97 at a salary of \$26,500. Carried.

Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign custodial services agreements with Cindy Hildreth for the E. Richland Annex and the DHS Annex for FY'98. Carried.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign the claim of Palo Alto County Secondary Roads in the amount of \$194.71 for work on Jt. DD #22, Lat 19-9 Tile. Carried.

Motion by Vail, second by Gustafson, to approve the minutes of the 6/17 meeting as amended, and the 6/24 meeting as printed, and also the following reports: May Clerk of Court surcharges, 4/14 and

5/12 Communications Commission meeting minutes. Also reviewed were: 1st Qtr 1997 FloCrit financial report, 3rd Qtr FY'97 Child Support Recovery incentives, 5/19/97 minutes of NWIPDC, and Western Iowa Tourism annual report. Carried.

Motion by Gustafson, second by Vail, to amend **appropriations** in the FY'97 budget as follows:

| | | | | |
|----------|---------------|----------|-------------|---------|
| increase | activity 0220 | fund 030 | dept. 52 by | \$6,900 |
| decrease | activity 0220 | fund 030 | dept. 51 by | \$6,900 |
| increase | activity 0220 | fund 030 | dept. 20 by | \$5,000 |
| decrease | activity 0200 | fund 020 | dept. 20 by | \$5,000 |
| increase | activity 1060 | fund 001 | dept. 05 by | \$3,425 |
| decrease | activity 1050 | fund 001 | dept. 29 by | \$3,425 |
| increase | activity 4222 | fund 010 | dept. 61 by | \$2,350 |
| decrease | activity 4161 | fund 010 | dept. 60 by | \$2,350 |
| increase | activity 9000 | fund 001 | dept. 01 by | \$325 |
| decrease | activity 9030 | fund 001 | dept. 98 by | \$325; |

and, to authorize the **transfer** as of this date, \$190,965 from Rural Basic to Secondary Road fund, representing 70% of the local option sales tax dollars collected in the county between 7/1/95 and 6/30/96, and received from the Iowa Dept. of Revenue and Finance prior to the adjusting payment. Carried.

Motion by Gustafson, second by Crampton, to **abate** all taxes, penalties and interest on MH VIN# P97140, Title #11-WO73434 pursuant to Chapter 321.24 of the 1995 Code of Iowa. Carried.

2:30 p.m.--The time having arrived for continuation of the meeting on proposed road policies, the Chair opened the discussion with 6 interested persons present. **Level B to Level A policy**--Responding to a question from the Chair, Engineer Jon Ites estimated the cost of maintaining a gravel road at \$1,300 per year.

Martin Broich suggested that if it encourages farmers to locate hog units off the main roads, upgrading a Level B to A would be a good move. It might create less controversy. He sees that as a positive move. Gustafson noted that people like to locate the hog units on the hard-surface roads too.

Gustafson also stated that to remove the dollar amount from the policy, would result in making decisions on a case by case basis which negates the need for a policy in the first place. Engineer Jon Ites has written the policy in 2 drafts at both extremes: landowner participation at 50%, and landowner participation with no specified percent. He stated that any manner of middle ground could be used instead of the two extremes.

Many levels and methods of dividing the cost were discussed. Ites believes that if the landowner cost is small, that the number of requests to upgrade to Level A would be significant, and would have quite an impact on the road budget for annual maintenance thereafter. The Chair wondered at what point would there be the need to add another operator and motorgrader.

Ites restated that the purpose of having the policy was to take the 'politics' out of a decision by having a procedure to turn to when a request is received for an upgrade. The policy would assist the Board in being objective with each request. The policy could be an economic one---to share the cost of the upgrade, or political---to provide a great deal of leeway in making a decision on each request. Gustafson noted that to pay for the services provided the county already charges fees for specific services such as driveways, etc.

Orville Sievers stated that he believes his road was included in the Level B system in error in the first place. The mail carrier has been using the road for over 75 years.

The Chair asked whether landowners would be agreeable to paying more tax generally for these types of requests instead of charging the adjacent landowner/rentor/resident. There was some agreement

with this suggestion.

Phil Sundblad liked the idea calling for the county to upgrade with the landowner paying 50% for structures. Gustafson suggested that the another idea would be to have the county pay the first expenditure for an upgrade (perhaps \$500), then dividing the remainder between county and landowner.

Regarding the policy for **Permanent Hard Surfacing**--the Chair reviewed the provisions of the proposed policy. Ites referred to the Code of Iowa requirements which have been incorporated into the policy. Gustafson asked Ites to define "the project" as it is referenced in the policy--is it paving only, or grading and paving. He asked if a road could just be paved using local funds without doing any grading. Ites said that such a project would not be up to the local road minimum standards.

Whereupon, the Board set a date for reaching a decision on these policies -- 1:30 p.m. on Tuesday, July 8.

There being no further business, the meeting adjourned to allow for the count of cash in the various departments by Supervisors Crampton and Bruns.

**BOARD OF SUPERVISORS
TWENTY-NINTH MEETING, 1997 SESSION (29)
JULY 8, 1997**

July 8, 1997 at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with t The Buena Vista County Board of Supervisors met in regular session on Tuesday, he following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

By consensus, late filings for homestead credit, and, June Conservation Board minutes were added to the agenda.

8:30 a.m.--The time having arrived for the public hearing on the **ag area** petition filed by Mike Christiansen, etal., on 6/20/97, the Chair opened the hearing with Dick Christiansen and Attorney Ted Brown present. The proposed area includes approximately 480 acres. The Chair noted that the notice of public hearing had been published as required. There being no written or oral objections, motion by Burnside, second by Vail, to close the public hearing. Carried.

Motion by Burnside, second by Vail, to approve the petition to establish an ag area filed 6/20/97 by Mike Christiansen, etal. for the following described area:

Beginning at the Northwest Corner of the East One-Half of the Northeast Quarter of Section Thirty-Three (33), Township Ninety (90) North, Range Thirty-Five (35) West of the 5th P.M., Then East to the Northeast Corner of the Northwest Quarter of Section Thirty-Four (34), Township Ninety (90) North, Range Thirty-Five (35), Then South to the Southeast Corner of the Southwest Quarter of Section Thirty-Four (34), Township Ninety (90) North, Range Thirty-Five (35) West, Then West to the Southwest corner of the East Half of the Southeast Quarter of Section Thirty-Three (33), Township Ninety (90) North, Range Thirty-Five (35) West, Then North to the Northwest Corner of the East Half of the Northeast Quarter of Section Thirty-Three (33), Township Ninety (90), Range Thirty-five (35) West, in Buena Vista County.

Carried.

The Board discussed adding an adoption leave section to the **personnel policy**. Consultant Renee Von Bokern will be asked to review a proposal before Board approval.

The Board reviewed several applications received for the diesel mechanic **opening**.

The Board received a copy of a petition signed by 37 persons objecting to any expansion of the hog facilities owned by **Kleveland Brothers Farms** south of Linn Grove. The petitioners would like to see odor reduction and better disposal of manure in the present manure management plan. The Board took no action on the petition since they have no jurisdiction in the matter.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign, an interim pay voucher in the amount of \$2,677.50 from farm-to-market funds to Kuehl & Payer for engineering and surveying services, on project **#FM-11(34)--55-11** (C-13). Carried.

Motion by Burnside, second by Crampton, to send a letter of thanks to Senators Mary Lou Freeman, Patty Judge, and Tom Vilsack for their legislation making disaster funding available to those counties declared by the Governor to be in a state of **disaster emergency** due to severe winter storms during FY'96-97. Carried. Buena Vista County received \$1,546.00.

Engineer Ites has viewed the **detour routes** used by IDOT during their construction periods. The preliminary IDOT report assessing the additional wear due to being used for detours is not satisfactory.

Since the city representative has moved away and can no longer serve, the Chairman of the Board will call a meeting of all of the mayors in the county on July 15 to appoint a replacement to the **IDOT Functional Classification Committee**.

The engineer discussed the acquisition of several pieces of **equipment**. Several boardmembers will travel with the engineer to view the equipment.

Rhonda Christensen, BV Co. ISU Extension Director, introduced Jim Johnson, Steve Padgitt, and Kris Kohl all from Iowa State University. Buena Vista County has been chosen to participate in a **pilot project** to identify and to suggest solutions to concerns and problems surrounding **livestock issues**. Also, 2 members of the public were present for the discussion.

Johnson, also a member of the Hardin County Board of Supervisors, reviewed how ISU has come to be involved in the project, noting that this is a joint effort with the Iowa State Association of Counties. They will examine environmental, economic, and social issues as requested by the Board.

Gustafson-Is it true in Hardin County that new industries are bringing in low paying jobs and increasing the number of people on food stamps. Johnson-can't attribute to this to the hog industry, but perhaps to poultry.

Bruns-As large producers increase productivity with gains in the economies of scale, are we in effect forcing out the smaller producer which leads right back to larger operations?

Gustafson-Hasn't the independent farmer's profit gone down due to the mega-producer shutting out the competition? Market access has changed to the benefit of the large producer, helping to force out the independent producer.

Burnside sees the benefit of bringing members of all parts of the community together for a discussion of the issues. Padgitt responded that a public dialogue following the gathering of answers has been discussed as a potential outcome of the project.

Gustafson-Why are hog plots put on small acreages? Why are the hog buildings located at some distance away from the owner's home instead of that building site? Is an attorney recommending this placement? Will this placement result in easier future abandonment? From a public relations point of view, it makes the neighbors angry. Does the county have any liability for plowing the snow quickly on a level B road where 10,000 hogs are being raised? Other issues are odor and water quality.

Burnside-Technology to handle the odor problem is available. Why is odor control not being fully

utilized?

Bruns-What is the real economic and physical life of these facilities? Is it still a tax write-off? Do they still offer an incentive for outside investors to come in? Does the law help invite the outside investor in? This makes an unequal playing field between small local and large outside investors.

Gustafson-Has ISU done any research on the chicken industry down south? Can this activity be studied and the study be utilized in this hog issue study? Kohl stated that the Campbell's chicken plant in Minnesota is closing, with the farmer's only just getting their money out of the buildings. This could be 1 area for study.

Bruns-As farm cooperatives lose the smaller farmer customers, is their purpose changing---to build buildings to raise hogs to secure their feed market? What is the future of coop law?

Burnside-There is a local merger of a public corporation and a private cooperative being considered. What are the implications of that merger?

Bruns-Why was the limiting factor nitrate instead of phosphorus in the development of the state's regulation? DNR chose it probably to preserve surface water quality.

Gustafson-How much research has been done on manure application over at least a 10 year period? What long term impact will there be with long term manure application? Can the ground be over-saturated with manure to the point of it being unproductive? Are we looking far enough in the future as to the effects on other issues-i.e. roads?

Bruns-How fast does the nutrient value of manure disappear? After 4-5 years, how much is left? The odorous part of manure is the ammonia or nitrogen (fertilizer), which is constantly dissipating. The phosphorous & potash are still in the solids.

Burnside-Why are open feedlots not regulated by DNR? There are known areas of contamination in the state, but no regulation of them.

Gustafson noted that the industry has done a good job of developing the hog raising technology, but the manure handling systems are still in the 60's.

Bruns-What is Nebraska's corporate law? How does this law effect their hog industry?

Burnside stated that so far no one has discussed the role of the consumer in wanting a low fat, easy to fix product.

Crampton-Why are the positions of the various livestock organizations so different from one to the other?

Padgitt summarized by highlighting the issues discussed: production technology, environmental concerns, role of governmental policies (local, corporate, etc.), and social impact (i.e. siting issues). The Board indicated their interest in subsequent meetings on these issues.

Ken Hayes, Director of Lutheran Family Services, and Community Services Director Anita Hallquist, discussed the services provided by LFS to BV County clients. Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign service contracts with Lutheran Family Services for FY'98. Carried.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign the final report and claim for reimbursement for the state of Iowa FY'97 substance abuse grant. Carried.

The time having arrived for reaching a decision on the proposed road policies, the Chairman called for discussion of the policy to upgrade from Level B to Level A. Vail-if 50% is such a large amount

as to be prohibitive to cost share, perhaps the upgrade shouldn't be done in the first place. The county also may not want to have to negotiate each and every request, as it would if the policy does not have a set cost share. After all we are trying to save the taxpayer money.

Burnside discussed the upcoming construction of the windfarm north of Alta. If the idea on the table is 50% cost share for both gravel and structures, she would instead favor having the applicant for the upgrade pay for 50% of the structure, with the county paying all of the gravel cost.

The Chair noted that perhaps the rural taxpayer has always paid a disproportionate share of the tax which supports schools, social programs, etc., and is due a break on the road upgrade.

Motion by Gustafson, second by Vail, to approve resolution "1997-7-8-a" (below). Ayes--Crampton, Gustafson, Vail. Nays--Burnside, Bruns. Abstentions--none. Carried.

RESOLUTION 1997-7-8a

A Policy to Upgrade Roads from Level of Service B to Level of Service A

The Board of Supervisors is empowered under authority of the Code of Iowa to classify secondary roads on the area service system as Level Service A, B, or C.

The Board of Supervisors has established said Level B system by Ordinance 4.3 and the Board recognizes that changing land use may create unforeseen demands upon all parts of the county road system and that residents and property owners may request a designated Level B road or a portion of a Level B road be brought into the Level A system.

Therefore, the Board of Supervisors of Buena Vista County establishes the following policy for evaluating requests for upgrades on the county Level B system.

Situation A: Recommendation of the County Engineer

In some cases, economy to the secondary roads system operation can be achieved by upgrading a segment of road from Level B to Level of Service A. Upon presentation of the County Engineer of the economic benefits of improving a road, the County Board of Supervisors may, after a public hearing, choose to upgrade the road at the county's full expense. This upgrade will be of economic benefit to Buena Vista County. This upgrade will be of economic benefit to Buena Vista County.

Situation B: Request by resident, landowner or tenant

At locations where residents, landowners, or tenants request the Board of Supervisors to improve or upgrade a segment of a Level of Service B road, the Board will direct the County Engineer to prepare an estimate of costs to upgrade the road to Level of Service A. These costs shall include, but not be limited to—

1. Adequate drainage and grade to allow the aggregate surface to survive field conditions without excess maintenance.
2. Signing of road in compliance with MUTCD. This may include removal of present signs.
3. Culverts and bridges must meet legal load and width requirements.
4. Minimum road top of 22 feet.
5. Aggregate surfacing needed to bring road into reasonable compliance with

adjoining Level of Service A roads.

The judgment of the County Engineer on the adequacy of right of way and road bed will be final.

Adjacent property owners may donate any additional right of way to the county necessary to accomplish these standards.

After receiving the estimate the estimate of costs, the Board of Supervisors will determine if the upgrade is necessary and in the long term best interests of the county.

The Board of Supervisors will establish the percentage of participation by the petitioners in the costs of upgrading the road segment from Level of Service B to Level to Service A. In no case shall this percentage be less than 50 percent.

The resident, landowner, or tenant shall enter into an agreement with the county as to payment of these costs prior to reclassification of the road segment. The agreement shall also establish repayment if the reason for the upgrade (residence, livestock, etc.) changes within a certain time limit (5 years). If the requesting party is a tenant or resident, the landowner shall also sign the agreement. Once the road segment has been reclassified and improved as stated maintenance of the road will be the continuing responsibility of the county.

After a public hearing, the Board of Supervisors may choose to upgrade the road with stipulations.

The Chair opened discussion on the second policy to **Upgrade to Permanent Hard Surfacing**. Motion by Vail, second by Crampton, to approve resolution "1997-7-8b" (below). Discussion: Gustafson questioned the definition of the project--is grading a project in itself? Or is grading a part of the entire project which include paving? The definition needs to be clear. Vail stated that he believed Gustafson's question goes back to the Mellowdent road discussion a few years ago. The Board has since voted to grade the Mellowdent road as a project in and of itself. And, that the decision to put the paving into the 5-year Construction Program was also previously made by the Board, with no petition of request having been received. There being no further discussion, the following votes were cast: ayes--Burnside, Crampton, Vail, and Bruns. Nays—Gustafson. Abstentions—none. Carried.

RESOLUTION 1997-7-8b

A Policy to Upgrade Existing County Roads to Permanent Hard Surfacing

The Board of Supervisors is empowered under the Code of Iowa with jurisdiction over its secondary roads. The Board has the responsibility to property maintain secondary roads and under the direction of the County Engineer to improve the secondary road system.

The Code provides, that after consultation with the County Engineer, the County Supervisors approve a secondary road construction program.

In accordance with the code, the County Engineer designates roads that are considered in need of construction and recommends roads or parts thereof that the county omit or add to a particular project.

The Code of Iowa, under Chapter 311 provides an additional means for making improvements to public thoroughfares.

The previous statements allow for two procedures that would provide a means to upgrade a secondary road.

Situation 1: The County Engineer would designate a road segment in need of upgrade

(construction). The Board of Supervisors, after reviewing the costs and benefits and determining the availability of funds within the secondary road budget would approve the programming of the project in the Secondary Road Construction Program. Advancement and construction would be dependent on availability of funds and ability of County Engineer to undertake project.

Situation 2: The Board of Supervisors may accept a petition signed by owners of adjacent lands as provided in Section 311 of the Code of Iowa and place a project in the Secondary Road Construction Program. Emphasis should be placed on the "may". The following conditions shall be considered and relied upon in making any decision concerning accepting this petition. Section 311 of the Code of Iowa provides that adjacent property owners may petition the board to upgrade a particular road segment. Cost of the improvement is shared by the petitioners and the county.

A criteria is needed to justify an upgrade requested by petition. Satisfying the criteria (minimum number of points) in itself does not require the county board to approve the project or to cost share in the project.

Criteria for Upgrade of Road in Secondary Road Construction Program by Petition

1. Functional Classification of Road:

- a) Trunk or FAS route 35 points
- b) Trunk collector or FMO route with termination at a community or higher road system 25 points
- c) Trunk collector 20 points
- d) Area service with major business or industrial development 15 points
- e) Area service providing a link to existing system to create a continuous segment 10 points
- f) Area service providing service to a residential area 5 points
- g) Area service level B 0 points

2. Current Year ADT

- a) One point per 10 ADT up to a maximum of 40 points 40 points
- b) New development area may use projected ADT

3. Percent Trucks

Use 1 point for each % of trucks up to a maximum of 15%. Specify reason and method used to determine any percentages in excess of 9%.

4. Adequacy of existing roadway

- a) No improvements necessary prior to upgrade 25 points
- b) Minor grade or drain improvements 15 points
- c) Reconstruction of roadbed but not major drainage structures 5 points
- d) Reconstruction of roadbed and improvement of major drainage structure (culverts or bridges) 0 points

5. Closest paved parallel route

- a) Less than one mile 0 points
- b) One mile 5 points
- c) Two miles 10 points
- d) Three miles 15 points
- e) Four miles or greater 20 points

* Any additional ROW must be provided by petitioners.

A minimum of 50 points must be met to justify an upgrade. Meeting 50 points does not mean that the County Board of Supervisors will be obligated to approve the petition or cost share on the project.

After reviewing the criteria and considering the availability of funding in the Secondary Road Fund or from assessment or donation, the Board of Supervisors may proceed with a public hearing and thereafter accept or reject the petition.

Motion by Gustafson, second by Burnside, to approve the following items on the consent agenda:

- **minutes** of the 6/30 meeting as printed;
- **reports**--6/30/97 cash counts for all departments, 4th Qtr FY'97 Sheriff's fees, and June Conservation Board minutes;
- **appropriation resolutions** 1997-7-8c and 1997-7-8d as shown in full below;
- **late filings** for 1996 homestead credit on parcel #'s 227.00 and 9474.00.

Carried.

APPROPRIATION RESOLUTION 1997-7-8c

It was moved by Gustafson, second by Burnside, 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, 1997 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 1997-98 are hereby appropriated at 100% from the resources of the funds, to the department or office listed in the 1997-98 budget.

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 county funds effective July 1, 1997.

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 1997-98 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 1997-98 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, 1998.

RESOLUTION FOR INTERFUND OPERATING TRANSFERS 1997-7-8d

It was moved by Gustafson, second by Burnside, 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 \$113,179 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, 1997 and the last one-half to be transferred no earlier than January 1, 1998. The sum of \$105,321 is ordered transferred from the General Basic Fund to the Secondary Road Fund with one-half the amount transferred no earlier than July 1, 1997 and the last one-half transferred no earlier than January 1, 1998. The sum of \$924,679 plus \$263,277 is ordered transferred from the Rural Services Basic Fund to the Secondary Road Fund (levy and local option sales tax) with one-half the amount transferred no earlier than July 1, 1998 and the last one-half transferred no earlier than January 1, 1998. Note: county assistance/personal property receipts from the state of Iowa shall be deposited in General Basic for expenditure in that fund .

Section 2. The total maximum transfer from the General Basic Fund to the Secondary Road Fund shall not exceed \$113,179 (levy) and the total maximum transfer from the Rural Basic Fund to the Secondary Road Fund shall not exceed \$1,187,956 (levy) plus 70% of the estimated local option receipts for the tax collected in FY'97, all for the fiscal year beginning July 1, 1997.

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.

Motion by Vail, second by Burnside, to appoint Marilyn Monson to the **Safety Committee**. Carried.

Motion by Burnside, second by Vail, to approve and to authorize the Chairman to sign a letter of support for **Upper Des Moines Opportunity's** grant application for Family Development Services funding. Carried.

Gustafson left the meeting.

Motion by Vail, second by Burnside, to approve **payroll claims** subject to future audit. Ayes—Burnside, Crampton, Vail. Nays—none. Abstentions—none. Carried.

There being no further business, the meeting adjourned to Tuesday, July 15 at 8:30 a.m. to canvass today's special City of Alta election.

**BOARD OF SUPERVISORS
THIRTIETH MEETING, 1997 SESSION (30)
JULY 15, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, July 15, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

Upon completion of the **Canvass** of the July 8 special City of Alta election, and pursuant to Chapter 50.24 of the Iowa Code, motion by Vail, second by Burnside, to declare the results of the election as follows: total number of votes cast--278; Public Measure D-to establish a cable communications system by the City of Alta--Yes--247, No--31, approved; and, Public Measure E-to put management and control of the system in the Board of Trustees of Alta Municipal Utilities--Yes--219, No--48, approved. The motion carried.

By conference call, the Board discussed with Consultant Renee Von Bokern a **proposed adoption leave** policy. The Board will ask department heads for input in this discussion at the next meeting, on July 21.

IDOT has acknowledged receipt of the county's application for Living Roadway Trust funding for the FY'98 for the county's **IRVM project**.

Motion by Burnside, second by Gustafson, to accept as successfully completed as of this date the contract with Christensen Bros., Cherokee, for **project # L-B-102**, and to approve final payment in the amount of \$2,761.46. Carried.

Motion by Vail, second by Gustafson, to accept as satisfactorily completed as of this date the contract with Kooiker, Inc., LeMars, for project **# "culverts '97"**, and to approve final payment in the amount of \$13,480.00. Carried.

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign the **utility construction permits** submitted as follows:

- by Iowa Lakes Electric Cooperative, Estherville, to install a single phase 7200 volt underground line to provide new service to Pat Trammel, from the NE ¼ Section 8, Grant Twp, across the roadway to NW ¼ Section 7, Grant Twp.;
 - by GTE, Grinnell, Iowa, to install an underground fiber optic telephone cable from Linn Grove south along the east shoulder of M-36 to C-13, then east on north shoulder of C-13 to U.S.Hwy 71;
 - by GTE, Grinnell, Iowa, to install an underground fiber optic telephone cable from the intersection of M-54 and C-49 north 1.1 mile, the cable to be placed in the west ditch bottom approximately 10' from the R.O.W. line, from the NE ¼ Section 32, Coon Twp., then north to the SE ¼ of Section 20, Coon Twp.;
 - by Iowa Lakes Electric Cooperative, Estherville, for a single phase 7200 volt overhead distribution line to Steve White from the SE ¼ Section 22, Providence to the SW ¼ Section 23, Providence Twp.;
 - by Iowa Lakes Electric Cooperative, Estherville, to install a single phase 7200 volt overhead distribution line to Brent Ehlers from the SE ¼ Section 16, Grant Twp., east across the SW ¼ Section 15, then south across the roadway to NW ¼ Section 22 Grant Twp.
- Carried.

Motion by Vail, second by Burnside, to approve the following items on the consent agenda:

- **minutes** of the 7/8 meeting as corrected;
- FY'98 agreement for services with **Regional Transit Authority**, and authorize the Chairman to sign;
- equity **transfer** in the amount of \$33.05 from the FEMA fund (075) to the General Basic fund (001);
- set the public hearing for the Lenhart **Ag Area** petition filed 7/14/97 for July 21 at 8:30 a.m. in the Boardroom;

- amend the **medical examiner payment policy** as follows:
pursuant to Chapter 331.801 of the 1995 Code of Iowa, the Buena Vista County Board of Supervisors hereby re-appoints David Crippin, M.D., as the Buena Vista County Medical Examiner; Kevin Peterson, Tom Vandenberg, Rick Roberts, and Tim Speers, EMT's employed by Buena Vista County Hospital; Mark Kirkholm, Storm Lake Police officer; and Doug Simons, BV County Deputy Sheriff; as Deputy Medical Examiners through December 31, 1997, with the following fee schedule: \$125.00 per call, plus \$150.00 per hour for each additional hour over the first hour, and mileage of 25 cents per mile; further it is understood and agreed that Peterson, Vandenberg, Roberts, and Speers are Hospital employees covered by the Hospital's liability and worker compensation policies; finally that Dr. Crippin and Buena Vista County Hospital will prepare billings on a monthly basis for the County, and that the Hospital will pay the Deputy Medical examiners for their services from the funds received from the County.

Carried.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign the Class C **beer and Sunday sales permits** submitted by Sparky's One Stop, Storm Lake. Carried.

Ites reported on the interviews with candidates for the **Mechanic 2** position.

There being no further business, the meeting adjourned to Tuesday, July 15 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
THIRTY-FIRST MEETING, 1997 SESSION (31)
JULY 21, 1997**

The Buena Vista County Board of Supervisors met in regular session on Monday, July 21, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting. (The regular day of the meeting was moved up to permit boardmembers to attend the FSA appeal hearing for the county's drainage districts.)

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

8:30--The time having arrived for the public hearing on the Ned Lenhart **ag area** petition, the Chair opened the hearing with no interested persons present. It was noted that a notice of hearing had been properly published, and that no written objections have been filed. There being no objections, motion by Vail, second by Crampton, to close the hearing. Carried.

Motion by Burnside, second by Vail, to approve the Ned Lenhart, etal. ag area petition filed 7/14/97, establishing an ag area of approximately 313.79 acres for the area whose boundaries are: beginning at the Northeast corner of Section 21, Township 91, Range 37, then South 598.74 feet, then west 425.86 feet then north 598.90 feet, then east 417.08 feet. Then north 1 mile along the west line of Section 15, then ½ mile east then 1 mile south, then ½ mile west to the point of beginning. Carried.

Several department heads were present to discuss the addition of "**adoption leave**" to the personnel policy.

Engineer Jon Ites discussed personnel needs in the secondary road shop. Ites also gave a road and project report.

The Chair reported that Al Winders, City Administrator for Storm Lake, had been selected by a majority of mayors at a July 15 meeting, to be the city representative for the IDOT **Functional Classification Committee**. Present at the meeting were Mayors: Gene Mandernach-Lakeside, Alan Sorenson-Sioux

Rapids, Stuart Genson-Linn Grove, Charles Witter-Newell, Carl Erickson Jr.-Albert City, Lois Olson-Marathon.

Deputy Auditor Jean Chindlund discussed the new process for depositing federal withholdings from **payroll**. As of July 1st, the county is required to send these payments by electronic transfer. To meet the new time requirements, it was the consensus of the Board to approve dating the paychecks with the date they are distributed, instead of the date of the board meeting at which they were approved. Today's payroll claims were approved for the period ending July 18th.

Spectra Administrator Sue Morrow discussed the repairs needed on the roof of the residence. This project will be budgeted in the FY'99 budget.

Treasurer Kathy Bach presented her semi-annual report and discussed current investments. Deputy **Auditor** Sue Kennedy discussed the FY'97 cash flow report.

Assessor Ted Van Grootheest discussed a project to provide **Internet** access to all departments on the courthouse computer network. The Board had no objection to proceeding with the project.

Motion by Gustafson, second by Burnside, to amend section 6.3 of the current personnel policy by adding (after 6.3 'Maternity leave shall be treated as sick leave.') that "**Adoption leave** shall be treated the same as maternity leave." Gustafson asked to have the board polled. Burnside-aye, Crampton-aye, Gustafson-aye, Vail-aye, Bruns-nay. Carried.

Mental Health Director Anita Hallquist discussed the bill for installation of the new phone system at the Annex. Hallquist is working on service rates with the director of Genesis-Terry Johnson, of which BVWAC is now a part.

Motion by Vail, second by Gustafson, to take the following action on items from the consent agenda:

- * approve **minutes** of the 7/15 meeting as printed;
- * approve **reports** --FY'97 year end budget reports, April-June Mangold monitoring report for Spectra lagoon, June Clerk's fines and surcharges, 4th Qtr FY'97 Clerks surcharges and fines, Treasurer's semi-annual, also reviewed were--6/6/97 Communications Commission minutes, MHI Baseline data for MHAP, FY'97 annual accounting of funds held by Bankers Trust Co. for Solid Waste Commission general obligation bond, election expense claim for May 20 Alta Special School Election;
- * accept as completed as of this date, and authorize the Chairman to sign the completed contract with D & S Enterprises for the **Spectra lift station** project;
- * approve and authorize the Chairman to sign the Class B beer, outdoor sales, and Sunday Sales **liquor license** application of C.V.Lear's, Storm Lake;
- * appoint Sheriff Chuck Eddy-representative, and Doug Simons-alternate to the **Region V Task Force**.

Carried.

There being no further business, the meeting adjourned to Tuesday, July 29 at 8:30 a.m. for a special session.

**BOARD OF SUPERVISORS
THIRTY-SECOND MEETING, 1997 SESSION (32)
JULY 29, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, July 29, 1997, at

8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

Upon completion of the **canvass**, motion by Burnside, second by Gustafson, to declare the results of the July 22, 1997 Special Storm Lake City Election (public measure "F" to authorize 7% hotel-motel tax) as follows: total voters--784, Yes--216, No--568, and to declare the public measure defeated. Motion carried.

Zoning Director Kim Johnson, discussed the Iowa Code **plating** chapter and the county's 1965 **subdivision ordinance**. There are currently at least 3 pending divisions of land in the unincorporated area that may be subject to the subdivision ordinance and plating law. A building permit can't be issued until the land is legally subdivided which includes receiving both Zoning Commission and Board of Supervisors approval. Land Surveyor Scott Shevel asked for some method for resolving the current pending transactions, since many questions need to be answered. Land Surveyor Chuck Tapley suggested allowing the current transactions to go through, and proceed with developing the new rules.

Assistant County Attorney Dave Patton joined the meeting. He advised that the P & Z be called to consider the pending transactions, and to allow the P & Z to follow the subdivision ordinance, under the hardship provision, to approve the transactions without further action or filing. Their recommendation would then be considered by the Board of Supervisors. Relative to the entire process, work needs to progress on the amendment to the subdivision ordinance, and on the process of review which will be utilized by the county. By consensus, the Board approved.

Engineer Jon Ites discussed several sign locations. Rick Anderson is interested in extending his lease for the crop ground at the **Whitney Pit** for \$75 per acre. By consensus, the Board agreed to \$75/acre for a single year.

The City of Sioux Rapids requested an amendment to their road **maintenance agreement** with the County. Motion by Vail, second by Burnside, to approve and to authorize the Chairman to sign the amended 28E road maintenance agreement. Carried.

Motion by Vail, second by Burnside, to approve the **employment** of Ron Reckamp as a trainee for Mechanic II effective 7/28/97 at \$11.02/hr, \$2 under the Mechanic II wage, to advance to the Mechanic II level in increments of 6 months over 2 years, with successful performance evaluation. Carried.

Ites reported that former secondary road employee Dave Wiley will fill in as a **mechanic** for 2 weeks in August, to help cover employee absences so that for safety purposes, no one would be on duty in the shop by himself.

Motion by Vail, second by Crampton, to accept an offer of \$950 worth of telephone technical support from Werner Malone Computer Solutions, Inc. in exchange for surplus **computer equipment**. Carried.

Motion by Gustafson, second by Crampton, to approve the **minutes** of the 7/21/97 meeting as printed. Carried

Motion by Vail, second by Burnside, to approve the **employment** of Lisa Kenny and Marlys Waters as part-time jailers effective 7/18/97 and 7/29/97 respectively, each at \$6.75/hr, and to change the status of Mel Riesberg from a part-time to a full-time jailer at \$8.21/hr (no benefits) for a temporary period of time until another employee returns from sick leave. Carried.

The Chair reviewed several upcoming meetings with boardmembers.

The auditor distributed review copies of a new draft of the **personnel policy** to boardmembers and department heads. Discussion of the draft will be taken up at the 8/26 meeting.

There being no further business, the meeting adjourned to Tuesday, August 5 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
THIRTY-THIRD MEETING, 1997 SESSION (33)
AUGUST 5, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 5, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

Pursuant to Chapter 427.8 of the 1997 Code of Iowa, motion by Vail, second by Gustafson, to approve a tax suspension on parcel #9112.00 due to medical hardship. Carried.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign a renewal of the 28E Mutual Aid Agreement (Joint Exercise of Intercounty Law Enforcement) with: Calhoun, Cherokee, Clay, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties. Carried. Sheriff Chuck Eddy updated the Board on the activity in his department, including the size of the current jail population, and the numbers being held in other adjacent facilities.

Engineer Jon Ites and Jim Zeigler, Rohlin Construction, met with the Board to discuss liquidated damages for the number of working days to be charged against the contractor on the three local asphalt surfacing jobs (which were let in June 1996). Motion by Gustafson, second by Vail, to charge 8 days against Rohlin Construction, Rohlin to reimburse the county by check in the proper amount. Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign a contract with Beck Excavating, Inc., Estherville, for maintenance shoulder re-hab on M-27 from Hwy 3 north to the county line in the amount of \$47,153.75. Carried.

Ites has received a letter from the Alta School District requesting a number of loads of black dirt to be used for fill at the new ball field. He is concerned about the amount of chemical residue potential in the dirt which may prevent the growth of grass. The engineer will check further.

Ites discussed personnel assignment. The open position has one of the more difficult routes and runs both a truck and a motorgrader. Several employees have expressed an interest in the position.

Community Services Director Anita Hallquist requested the signature of the Chairman on a letter to Iowa Dept. of Human Services stating that the county's managed care plan is in compliance with Chapter 331.439 Section 24, Subsection 8 of the 1997 Code of Iowa.

Motion by Burnside, second by Vail, to approve the following items from the consent agenda: minutes of the 7/29 meeting as printed; reports—4th Qtr FY'97 Recorder's fees, FY'97 mental health expenditures by provider, FY'97 annual report of BV Co. Ag Extension, and bank reconciliation, FY'97 report of day care expenditures, FY'97 Veterans Relief expenditures. Carried.

Ites presented secondary road statements for the various drainage districts for work done during the period 1/1/97 to 6/30/97.

Motion by Vail, second by Burnside, to approve and to authorize the Chairman to sign a universal pay voucher in the amount of \$1,045.00 to Kuehl & Payer Ltd. for engineering and surveying services on C-13 **project #FM-11(34)--55-11**. Carried.

It was noted that the Board signed the cover sheet for the maintenance shouldering project on **N-14** from Albert City to Hwy 10, and that 9/16/97 is hereby tentatively set for receiving quotes on the project.

Zoning Director Kim Johnson advised the Board that on 8/4/97, the Buena Vista County Zoning Commission conducted a meeting at which 3 proposed **subdivisions** were considered. She noted that at the recommendation of Assistant County Attorney Dave Patton, these subdivision requests were being considered under the hardship provision of the county's subdivision ordinance to avoid further considerable delay while interpretation of the ordinance and Iowa platting law is resolved, and procedures confirmed. Johnson reported that the Zoning Commission had considered the subdivision requests as required, and had approved same. Pursuant to the county's ordinance requiring review of proposed subdivisions by the Board of Supervisors, Supervisor Burnside moved the adoption of Resolutions 1997-08-05a, b, and c approving subdivision plats of survey for the 3 subdivisions, seconded by Supervisor Vail. After consideration, the Chair put the question on the motion with the following vote results: Ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

RESOLUTION 1997-08-05a

WHEREAS, Bruce Edwards, has presented a preliminary and final plat (of survey) on a tract of land located in the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) of Section 32, 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 Southwest (SW) Corner of the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of said Section 32; Thence on an assumed bearing of North 89° 29' 22" East, along the South line of said Northwest Quarter of the Northeast Quarter (NW¼ NE ¼), 249.91 feet to the Point of Beginning. Thence North 00° 00' 00" East, 119.05 feet; Thence North 89° 29' 22" East, 189.34 feet; Thence North 00° 48' 20" West, 364.00 feet; Thence North 89° 29' 22" East, 462.88 feet; Thence South 00° 29' 00" East, 483.04 feet to the South line of said Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼); Thence South 89° 29' 22" West, along said South line, 651.17 feet to the Point of Beginning. and

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any: that the property remain zoned agricultural, and

WHEREAS, the final plat meets with the approval of the Board subject only to the following if any: that the property remain zoned agricultural.

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa, Board of Supervisors that the final plat of Lot B of the Northwest Quarter of the Northeast Quarter (NW¼ NE¼) of Section 32, Township 92 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa is hereby accepted subject to the following if any: that the property remain zoned agricultural.

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of said Lot B of the Northwest Quarter of the Northeast quarter (NW¼ NE¼) of Section 32, Township 92 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa and copies of said final plat shall be of record in the appropriate County offices.

RESOLUTION 1997-08-05b

WHEREAS, Steve and Carole White, have presented a preliminary and final plat (of survey) on a tract of land located in the West Half of the Southwest Quarter (W½ SW¼) of Section 23, Township 90 North, Range 36 West of the 5th P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Northwest (NW) Corner of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 23; Thence on a previously recorded bearing of South 00°00'00" West, along the West line of said Southwest Quarter (SW $\frac{1}{4}$), 1319.40 feet to the Point of Beginning. Thence South 89°28'50" East, 435.00 feet; Thence South 00°00'00" West, 442.51 feet to the North line of a previously described parcel; Thence North 89°28'50" West, along said North line, 435.00 feet to the West line of said Southwest Quarter (SW $\frac{1}{4}$); Thence North 00°00'00" East, along said West line, 442.51 feet to the Point of Beginning.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any: that the property remain zoned agricultural, and

WHEREAS, the final plat meets with the approval of the Board subject only to the following if any: that the property remain zoned agricultural.

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa, Board of Supervisors that the final plat of Lot A of the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 23, Township 90 North, Range 36 West of the 5th P.M., Buena Vista County, Iowa is hereby accepted subject to the following if any: that the property remain zoned agricultural.

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of said Lot A of the West half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 23, Township 90 North, Range 36 West of the 5th P.M., Buena Vista County, Iowa and copies of said final plat shall be of record in the appropriate County offices.

RESOLUTION 1997-08-05c

WHEREAS, Wade and Cheri Nehring have presented a preliminary and final plat (of survey) on a tract of land located in the Northwest Quarter of the Northwest Fractional Quarter (NW $\frac{1}{4}$ NW Frac $\frac{1}{4}$) of Section 31, Township 91 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Northeast (NE) Corner of the Northwest Fractional Quarter (NW Frac $\frac{1}{4}$) of said Section 31; Thence on an assumed bearing of North 90°00'00" West, along the North line of said Northwest Fractional Quarter (NW Frac $\frac{1}{4}$), 1343.40 feet to the Point of Beginning. Thence South 00°28'57" West along the West line of the East 1343.40 feet of said Northwest Fractional Quarter (NW Frac $\frac{1}{4}$), 471.94 feet; Thence North 90°00'00" West, 295.12 feet; Thence North 00°00'00" East, 194.00 feet; Thence North 90°00'00" West, 335.29 feet; Thence North 00°00'00" East, 277.93 feet to the North line of said Northwest Fractional Quarter (NW Frac $\frac{1}{4}$); Thence South 90°00'00" East along said North line, 634.38 feet to the Point of Beginning, and

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any: that the property remain zoned agricultural and

WHEREAS, the final plat meets with the approval of the Board subject only to the following if any: that the property remain zoned agricultural.

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa, Board of Supervisors that the final plat of Lot A of the Northwest Quarter of the Northwest Fractional Quarter (NW $\frac{1}{4}$ NW Frac $\frac{1}{4}$) of Section 31, Township 91 North, Range 35 West of the 5th P.M., Buena Vista county, Iowa is hereby accepted subject to the following if any: that the property remain zoned agricultural.

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of said Lot A of the Northwest Quarter of the Northwest Fractional Quarter (NW $\frac{1}{4}$ NW Frac $\frac{1}{4}$) of Section 31, Township 91 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa and copies of said final plat shall be of record in the appropriate County offices.

Johnson informed the Board that the State of Iowa may soon be offering counties the authority for **Environmental Health** Coordinators to do tanning bed and funeral home inspections.

There being no further business, the meeting adjourned to Monday, August 11 at 8:30 a.m. for a special session.

**BOARD OF SUPERVISORS
THIRTY-FOURTH MEETING, 1997 SESSION (34)
AUGUST 11, 1997**

The Buena Vista County Board of Supervisors met in special session on Monday, August 11, 1997, at 8:30 a.m. in the Boardroom with Vail presiding in the absence of the Chairman, and with the following others present: Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Chairman Bruns.

Boardmember Gustafson introduced the following Resolution entitled "**RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$6,000,000 IN HOSPITAL FACILITIES GENERAL OBLIGATION BONDS**", and moved its adoption. Board Member Burnside seconded the motion to adopt. The roll was called and the vote was, Ayes: Burnside, Crampton, Gustafson, Vail, Nays: none. Whereupon, the Chairperson declared the Resolution duly adopted as follows:

"RESOLUTION (#1997-08-11) DIRECTING THE ADVERTISEMENT FOR SALE OF \$6,000,000 IN HOSPITAL FACILITIES GENERAL OBLIGATION BONDS"

WHEREAS, at an election duly called, noticed and held on April 29, 1997, the electors of Buena Vista County, Iowa, authorized the issuance of not to exceed \$6,000,000 (in) Hospital Facilities General Obligation Bonds of said County for the purpose of providing funds to pay costs of acquiring the constructing and equipping additions and improvements to the Buena Vista County Hospital (the "Hospital").

WHEREAS, none of said bonds have been issued and it is deemed advisable and necessary by this Board that said bonds to the extent of \$6,000,000 be now offered for sale for the aforesaid purpose.

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

Section 1. That Hospital Facilities General Obligation Bonds (Buena Vista County Hospital Project) Series 1997 of Buena Vista County, Iowa, in the amount of \$6,000,000, to be issued as referred to in the preamble of this Resolution and to be dated September 1, 1997, be offered for sale pursuant to published advertisement.

Section 2. That the County Auditor be and is hereby authorized and directed to publish notice of the sale of said bonds at least once, the last one of which shall be not less than 4 clear days nor more than 20 days before the date of the sale. Publication shall be made in the Pilot-Tribune, a legal newspaper, reprinted wholly in the English language, published within the County in which the bonds are to be offered for sale or an adjacent County. Sale notice is given pursuant to Chapter 75 of the Code of Iowa and shall state that bids will be received at 11:00 o'clock a.m., on the 26th day of August, 1997, and such notice to be in substantially the following form:

NOTICE OF BOND SALE

Time and Place of Sealed Bids: Sealed bids for the sale of Bonds of Buena Vista County, Iowa, will be received at the office of the County Auditor, in the City of Storm Lake,

Iowa (the "Issuer") at 11:00 o'clock a.m. on the 26th day of August, 1997. The bids will then be publicly opened and referred for action to the meeting of the Board of Supervisors as stated below.

Sale and Award: The sale and award of the Bonds will be held in the Board of Supervisors Room, Buena Vista County Courthouse at a meeting of the Board of Supervisors on the above date at 12:00 o'clock p.m.

The Bonds. The bonds to be offered are the following:

HOSPITAL FACILITIES GENERAL OBLIGATION BONDS (BUENA VISTA COUNTY HOSPITAL PROJECT) SERIES 1997, in the principal amount of \$6,000,000, to be dated September 1, 1997 (the "Bonds").

Official Statement: The Issuer has issued an Official Statement of information pertaining to the bonds to be offered, including a statement of the Terms of Offering and an Official Bid Form, which is incorporated by reference as a part of this notice. The Official Statement may be obtained by request addressed to the County Auditor, Buena Vista County Courthouse, Storm Lake, Iowa 50588, Telephone (712)749-2542 or the County's financial Consultant, Kirkpatrick Pettis, 745 Craig Road, Suite 220, St. Louis, Missouri 53141, Telephone (314) 872-8871.

Terms of Offering: All bids shall be in conformity with and the sale shall be in accord with the Terms of Offering as set forth in the Official Statement.

Legal Opinion: Said Bonds will be sold subject to the opinion of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C., Attorneys of Des Moines, Iowa, as to the legality and their opinion will be furnished, together with the Bonds, without cost to the purchaser and all bids will be so conditioned. Except to the extent necessary to issue their opinion as to the legality of the Bonds, the attorneys will not examine or review or express any opinion with respect to the accuracy or completeness of documents, materials or statements made or furnished in connection with the sale, issuance or marketing of the Bonds.

Rights Reserved: The right is reserved to reject any or all bids, and to waive any irregularities as deemed to be in the best interests of the public.

By order of the Board of Supervisors of Buena Vista County, Iowa.

/s/ Karen M. Strawn, County Auditor, Buena Vista County, Iowa

(end of notice)

Section 3. That all resolution or parts of resolutions in conflict herewith be and the same are hereby repealed.

PASSED AND APPROVED THIS 11th day of August, 1997.

/s/ Richard Vail, Chairperson, pro-tem

ATTEST: /s/ Karen M. Strawn, County Auditor

Zoning Director Kim Johnson received approval to hire part-time help to assist in taking **waste tire** calls reservations.

Engineer Jon Ites discussed terms for the **S Hayes Pit** farm lease. He will prepare a lease for signatures.

The Board reviewed several parts of the proposed personnel policy.

There being no further business, the meeting adjourned to Tuesday, August 19th for a regular session.

**BOARD OF SUPERVISORS
THIRTY-FIFTH MEETING, 1997 SESSION (35)
AUGUST 19, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 19, 1997, with Burnside, Crampton and Gustafson present, and with Auditor Strawn as clerk for the meeting. The auditor called for nominations for Chairman Pro-Tem for the meeting, as neither Chairman Doug Bruns, nor Vice-Chair Dick Vail were present. Motion by Burnside, second by Crampton, that Gustafson serve as Chairman Pro-tem of today's meeting. Ayes—Burnside, Crampton, Gustafson. Nays--none. Abstentions—none. Carried.

All actions taken by the Board at this meeting had the following vote activity unless otherwise noted: Ayes—Burnside, Crampton. Nays--none. Abstentions—none. Carried.

Engineer Jon Ites reported that he had billed MFS Network Technologies, Des Moines, (utility construction agreement approved 3/18/97) for restoration of gravel and tile repair following installation of their utility in the county's ROW (M-54 and 600th St.). The company has responded, disagreeing over the total that was requested. The Engineer was authorized to negotiate for settlement.

Motion by Crampton, second by Burnside, to accept as complete as of this date, project #BROS-9011(5)—5F-11 for replacement of a bridge in Grant Township, Section 23, the contract amount being \$276,086.19. Carried.

Regarding the Hwy 3 & 71 intersection, Hwy 3 is now open to traffic, and Hwy 71 is scheduled to open 9/5/97. The DOT is requesting a PSI test (damage test) on the roads used for the detour route during the Hwy 71 bypass construction project.

Motion by Crampton, second by Burnside to accept the proposal of Equity Contracting (formerly known as the Dallas Co.) in the amount of \$832.23 (for road closing and flaggers) for sealing a bridge deck in Grant Township, Section 10, the sealing needed to protect the deck from salt and chloride damage.

Motion by Burnside, second by Crampton, to amend Secondary Road departmental rules by allowing the probationary period for an Equipment Operator 2 to be counted toward a merit increase for an Equipment Operator 3. Carried.

Motion by Burnside, second by Crampton, to accept the proposal of Becker Gravel, Stratford, Iowa, to replenish the gravel stockpile at Newell for \$3.79/ton on 7,500 ton, the Maple Valley stockpile for \$3.79/ton on 7,500 ton, and the Hayes pit at \$1.65/ton on 60,000 ton. Carried.

The Board discussed the open position in the secondary road department, and approved advertising for a motorgrader operator position.

Greg Kooker, Architects Collaborative, Ron Neulieb and Marty Popp, Control Systems Specialists, reported to the Board on the cooling system project at Spectra. Kooker reported that installation is going well and properly, with several items yet to be completed. The project was expected to be done in May. Crampton discussed some concerns voiced by Spectra staff. Some of the problems were not addressed in the original project, including the cooling in the activity coordinator's office. Neulieb agreed to include a change order for that item with no additional amount to be added to the contract amount. Other concerns will be resolved with training of Spectra staff in how to operate and modulate the new system.

Motion by Crampton, second by Burnside, to approve the following items on the consent agenda: minutes of the 8/5 and 8/11 meetings as printed; reports—July Clerk’s fees, July budget reports, 7/15 Farm to market road fund balance; also reviewed were the FloCrit financial statement for 2nd Qtr 1997, and Actual 1996 David Griffiths Cost Allocation Plan; Jt.DD #14-42 Lat. 198 claim to Clay Co. Secondary Roads for tile repair in the amount of \$117.90, and Jt. DD #22 Br 252 to Clay Co. Secondary Roads for tile repair in the amount of \$317.00, and to authorize the Chairman Pro-tem to sign; subject to the Engineer’s concurrence, approve the Sioux Central School request for a school stop ahead sign in Brooke Twp. at the intersection just north of the Midwest Christian Children’s Home;

- authorize the Chairman Pro-tem to sign the certification, and approve the 1996 Cost Allocation Plan prepared by David Griffith’s and Associates for submission to the IA Dept. of Human Services;
- approve and authorize the Chairman Pro-Tem to sign the Emergency Medical Services Training Money Contract with the State of Iowa for FY’98 in the amount of \$6,752.00.

Carried.

There being no further business, the meeting adjourned to Tuesday, August 26 for a special session.

**BOARD OF SUPERVISORS
 THIRTY-SIXTH MEETING, 1997 SESSION (36)
 AUGUST 26, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 26, 1997, with Chairman Bruns presiding, and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

All actions of the Board taken at this meeting had the following vote activity unless otherwise noted: Ayes—Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Genesis Exec. Director Terry Johnson, and Barry Goettsch-site administrator for the Storm Lake site (fka BVWAC) met the board and discussed the history of Genesis, and how they expect to operate with the addition of the site in Buena Vista County. Their goal is efficiency, but more important, they seek to provide the kind of services that the county wants provided to the clients. They hope to build a partnership with the Board.

Bill Lyster, representing Alceco/Ag Partners, met with the Board to discuss construction of an anhydrous ammonia storage facility just north of Albert City where ammonia tanks have previously been located. Motion by Burnside, second by Vail, to approve the construction of a proposed anhydrous ammonia facility at the following location: an irregular parcel in the W½ of SW¼, W of the RR in Section 11, T92N, Range 35 West. It was noted that the required notice of this item of business was provided on both the August 5 and August 19 agendas. Carried.

Engineer Jon Ites reported on the effects of the heavy rain received at Casino Beach. As discussed at a meeting earlier this year, some changes are needed to correct the drainage. Ites recommended consulting with the County Attorney and preparing an agreement which develops the county’s easement rights and determines who will be the payor on the project.

The following department heads met with the Board to discuss the draft of the proposed personnel policy amendment. Treasurer Kathy Bach, HM/HHA Director Marilyn Monson, Engineer Jon Ites, Zoning Director Kim Johnson, Comm. Center Supervisor Nancy Brady and Recorder Shari O’Bannon.

The County Auditor of Buena Vista County, Iowa, met with the County’s financial advisor in the Auditor’s office, Buena Vista County Courthouse, Storm Lake, Iowa, at 11:00 o’clock a.m., on the above date, to open sealed bids received and to refer the sale of the Bonds to the best and most favorable bidder for cash, subject to approval by the Board of Supervisors at 12:00 o’clock p.m. on the above date.

The following persons were present at said meeting: from Kirkpatrick Pettis--Arlan Dohrmann and Roger Pyburn, from Buena Vista County Hospital—Jim Nelson, Tom Westrope, Lyle Rachuy, Bob Thompson, and Dick Christiansen, and Supervisors Chairman Bruns, and members Burnside, Crampton, Gustafson, Vail, Treasurer Kathy Bach, and Joel Hermann.

This being the time and place for the opening of bids for the sale of Hospital Facilities General Obligation Bonds in the principal amount of \$6,000,000, the meeting was opened for the receipt of bids for the Bonds.

Sealed bids were filed and listed in the minutes while unopened from the bidders shown on the attached bid tabulation.

Whereupon, the County Auditor declared that the time for filing of sealed bids to be closed.

Whereupon, the County Auditor declared the sealed bids be opened. The sealed bids were opened and the best sealed bid was as follows:

Bidder: Piper Jaffray, Inc.
Address: 222 S 9th St., 15th Floor
Minneapolis, MN 55402 Net Interest Rate: 5.14997631% Net Interest: \$3,832,345.05

Whereupon, all bids were referred to the Board of Supervisors for action at its meeting at 12:00 o'clock p.m. on the date hereof.

The Board of Supervisors of Buena Vista County, Iowa, met in special session, in the Board of Supervisors Room, Buena Vista County Courthouse, Storm Lake, Iowa, at 12:00 o'clock p.m., on the above date. There were present Chairperson Bruns, in the chair, and the following named Board Members: Burnside, Crampton, Gustafson and Vail. Absent: none

The following Resolutions were considered by the Board of Supervisors:

**RESOLUTION DIRECTING THE SALE OF \$6,000,000
HOSPITAL FACILITIES GENERAL OBLIGATION BONDS**

WHEREAS, pursuant to advertisement of sale, bids have been received for Hospital Facilities General Obligation Bonds (the "Bonds") in the principal amount of \$6,000,000, and the best bid received is determined to be the following:

| | | | |
|--------------------|---------------|--------------------|----------------|
| Bidder: | Piper Jaffray | Purchase Price: | \$5,940,883.73 |
| Net interest Rate: | 5.1499631% | Net Interest Cost: | \$3,832,345.05 |

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

Section 1. That the bid for the Bonds as above set out is hereby determined to be the best and most favorable bid received and, the Bonds are hereby awarded based on said bid.

Section 2. That the statement of information for Bond bidders and the form of contract for the sale of the Bonds are hereby approved and the Chairperson and Auditor are authorized to execute the same on behalf of the County.

Section 3. That the notices of the sale of the Bonds heretofore given and all acts of the County Treasurer and the County Auditor done in furtherance of the sale of the Bonds are hereby ratified and approved.

PASSED AND APPROVED, this 26th day of August , 1997.

/s/ Doug Bruns, Chairperson
ATTEST: Karen M. Strawn, Auditor

**RESOLUTION AUTHORIZING THE ISSUANCE OF HOSPITAL FACILITIES
GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$6,000,000 AND
LEVYING A TAX FOR THE PAYMENT THEREOF**

WHEREAS, the County of Buena Vista, Iowa, is a political subdivision duly organized and existing under and by virtue of the laws and constitution of the State of Iowa; and

WHEREAS, the Issuer is in need of funds to pay costs of (i) acquiring, constructing and equipping additions and improvements to the Buena Vista County Hospital, a county public hospital (the "Hospital"), (ii) funding capitalized interest for the Bonds, and (iii) paying costs of issuance for the Bonds, a general county purpose, and it is deemed necessary and advisable that general obligation bonds in the principal amount of \$6,000,000 be issued for the foregoing purposes; and

WHEREAS, this Board, pursuant to Section 331.442 of the Code, did legally call a County election, fixing the time and place thereof, and did legally submit to the qualified electors of the County the proposition of issuing General Obligation Bonds of the County in an amount not exceeding \$6,000,000, and caused to be given legal sufficient and timely notice of election and the time, place and purpose thereof; and

WHEREAS, the County election was duly and legally held and conducted on April 29, 1997 pursuant to call and to a legal notice duly given by publication in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County, appearing on a date not less than 4 clear days nor more than 20 days prior to the date of the election, all in strict compliance with the law and the orders of the Board of Supervisors and the County Commissioner of Elections; and, the affirmative vote on the proposition being equal to more than 60% of the total vote cast for and against the proposition at said election; the proposition having been declared and at all times certified to have been duly adopted, no contest thereof having been made; and

WHEREAS, pursuant to the provisions of Chapter 75 of the Code of Iowa, the above-mentioned Bonds were heretofore sold at public sale and action should now be taken to issue the Bonds conforming to the terms and conditions of the best bid received at the advertised public sale; and

WHEREAS, the form of Tax Exemption Certificate and the form of the Continuing Disclosure Certificate are placed on file for approval.

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:

- (a) "Beneficial Owner" shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant or such person's subrogee;
- (b) "Bond Fund" shall mean the fund required to be established by Section 4 of this Resolution;
- (c) "Bonds" shall mean \$6,000,000 Hospital Facilities General Obligation Bonds, Series 1997 authorized to be issued by this Resolution;
- (d) "Cede & Co." shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds;
- (e) "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the Issuer and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.
- (f) "DTC" shall mean the Depository Trust Company, a New York corporation, New York, New York.

- (g) "Hospital" shall mean Buena Vista County Hospital, a county public hospital, or a successor to its functions;
- (h) "Issuer" and "County" shall mean Buena Vista County, Iowa;
- (i) "Participants" shall mean those broker-dealers, banks and other financial institutions for which DTC holds Bonds as securities depository;
- (j) "Paying Agent" shall be the County Treasurer, or such successor 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 Bonds as the same shall become due;
- (k) "Project" shall mean the costs of (i) acquiring, constructing and equipping additions and improvements to the Hospital, (ii) funding capitalized interest for the Bonds, and (iii) paying costs of issuance for the Bonds,
- (l) "Project Agreement" means the Project Agreement dated as of September 1, 1997, between the County and the Hospital;
- (m) "Project Fund" shall mean the fund required to be established by this Resolution for the deposit of the proceeds of the Bonds;
- (n) "Rebate Fund" shall mean the fund so defined in and established pursuant to the Tax Exemption Certificate;
- (o) "Registrar" shall be the County Treasurer, or such successor 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 Bonds. Unless otherwise specified, the Registrar shall also act as Transfer Agent for the Bonds;
- (p) "Representation Letter" shall mean the Blanket Issuer Letter of Representations from the Issuer to DTC with respect to the
- (q) "Tax Exemption Certificate" shall mean the Tax Exemption Certificate executed by the Treasurer and delivered at the time of issuance and delivery of the Bonds; and
- (r) "Treasurer" shall mean the County Treasurer or such other officer as shall succeed to the same duties and responsibilities with respect to the recording and payment of the Bonds issued hereunder.

Section 2. (a) The form of the Tax Exemption Certificate in substantially the form attached to this Resolution is hereby approved and authorized to be executed and delivered on behalf of the Issuer by the Treasurer.

(b) The form of the Continuing Disclosure Certificate in substantially the form attached to this Resolution is hereby approved and authorized to be executed and delivered on behalf of the Issuer by the Chairperson of the Board of Supervisors and attested by the Auditor.

(c) The form of Project Agreement with the Hospital in substantially the form attached to this Resolution is hereby approved and is authorized to be executed and issued on behalf of the Issuer by the Chairperson of the Board of Supervisors and attested by the Auditor.

Section 3. Levy and Certification of Annual Tax; Other Funds to be Used.

(a) Levy of Annual Tax. That for the purpose of providing funds to pay the principal of and interest on the Bonds hereinafter authorized to be issued, there shall be levied for each future year the following direct annual tax on all of the taxable property in Buena Vista County, Iowa, to-wit:

| <u>AMOUNT</u> | <u>FISCAL YEAR (JULY 1 TO JUNE 30)</u> | <u>AMOUNT</u> | <u>FISCAL YEAR (7/1 TO 6/30)</u> |
|---------------|--|---------------|----------------------------------|
| \$ | 1998/1999 (see paragraph(b)below) | | 1999/2000 |
| | 2000/2001 | | 2001/2002 |
| | 2002/2003 | | 2003/2004 |
| | 2004/2005 | | 2005/2006 |
| | 2006/2007 | | 2007/2008 |
| | 2008/2009 | | 2009/2010 |
| | 2010/2011 | | 2011/2012 |
| | 2012/2013 | | 2013/2014 |
| | 2014/2015 | | 2015/2016 |
| | 2016/2017 | | |

(Note: For example the levy to be made and certified against the taxable valuations of January 1, 1998, will

be collected during the fiscal year commencing July 1, 1999).

(b) Additional County Funds Available. Bond proceeds are available to pay interest on the Bonds coming due on March 1, 1998 and funds are expected to be available to pay principal and interest on the Bonds in each fiscal year while the Bonds are outstanding. Principal and interest coming due at any time when the proceeds of said tax on hand shall be insufficient to pay the same shall be promptly paid when due from current funds of the County available for that purpose and reimbursement shall be made from such special fund in the amounts thus advanced.

Section 4. Bond Fund. Said taxes shall be assessed and collected each year at the same time and in the same manner as, and in addition to, all other taxes in and for the County, and when collected they shall be credited to a special fund within the Debt Service Fund to be known as the "Hospital Facilities General Obligation Bond Fund 1997" (the "Bond Fund"), which is hereby pledged for and shall be used only for the payment of the principal of and interest on the Bonds hereinafter authorized to be issued.

Section 5. Application of Bond Proceeds. The County shall cause the Hospital to establish a fund to be known as the "Hospital Facilities Project Fund 1997" (the "Project Fund"). Proceeds of the Bonds, other than accrued interest, shall be credited to the Project Fund and expended only for the purposes of the Project. Any amounts on hand in the Project Fund shall be available for the payment of the principal of or interest on the Bonds at any time that other funds shall be insufficient for 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 not inconsistent with limitations provided by law, the Tax Exemption Certificate, or this Resolution. Accrued interest, if any, shall remain in the Project Fund.

Section 6. Investments of Bond Fund Proceeds. All moneys held in the Bond Fund and the Project Fund shall be invested in investments permitted by Chapter 12B Code of Iowa (formerly Chapter 452, Code of Iowa, as amended) or deposited 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 payment of principal of or interest on the Bonds as herein provided.

Section 7. Bond Details, Execution and Redemption.

(a) Bond Details. Hospital Facilities General Obligation Bonds, Series 1997, of the County in the total amount of \$6,000,000, shall be issued pursuant to the provisions of Section 331 .442 of the Iowa Code, as amended, for the aforesaid purpose. The Bonds shall be issued in one or more series and shall be on a parity and secured equally and ratably from the sources provided in Section 3 of this Resolution. The Bonds shall be designated "HOSPITAL FACILITIES GENERAL OBLIGATION BOND, SERIES 1997", be dated September 1, 1997, and bear interest from the date thereof, until payment thereof, at the of office of the Paying Agent, said interest payable on March 1, 1998, and semiannually thereafter on the first day of September and March in each year until maturity or earlier redemption at the rates hereinafter provided.

The Bonds shall be executed by the manual or facsimile signature of the Chairperson and attested by the manual or facsimile signature of the County Auditor, and impressed or printed 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 the Paying Agent by mailing of a check to the registered owner of the Bond. The Bonds shall be in the denomination of \$5,000 or integral multiples thereof and shall mature and bear interest as follows:

| <u>Interest Rate</u> | <u>Principal Amount</u> | <u>Maturity September 1</u> | <u>Interest Rate</u> | <u>Principal Amount</u> | <u>Maturity September 1</u> |
|----------------------|-------------------------|-----------------------------|----------------------|-------------------------|-----------------------------|
| | 205,000 | 1999 | | 215,000 | 2000 |
| | 220,000 | 2001 | | 230,000 | 2002 |
| | 240,000 | 2003 | | 250,000 | 2004 |

| | | | |
|---------|------|---------|------|
| 265,000 | 2005 | 275,000 | 2006 |
| 290,000 | 2007 | 300,000 | 2008 |
| 315,000 | 2009 | 335,000 | 2010 |
| 350,000 | 2011 | 365,000 | 2012 |
| 385,000 | 2013 | 405,000 | 2014 |
| 430,000 | 2015 | 450,000 | 2016 |
| 475,000 | 2017 | | |

(b) Redemption. Bonds maturing after September 1, 2007, may be called for redemption by the Issuer and paid before maturity on said date or any date thereafter, from any funds regardless of source, in whole or from time to time in part, in any order of maturity and within an annual maturity by lot. The terms of redemption shall be par, plus accrued interest to date of call. Thirty days' notice of redemption shall be given by registered mail to the registered owner of the Bond.

Failure to give such notice by mail to any registered owner of the Bonds or any defect therein shall not affect the validity of any proceedings for the redemption of the Bonds. All Bonds or portions thereof 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.

If selection by lot within a maturity is required, the Registrar shall designate the Bonds to be redeemed by random selection of the names of the registered owners of the entire annual maturity until the total amount of Bonds to be called has been reached.

Section 8. Registration of Bonds: Appointment of Registrar: Transfer: Ownership: Delivery: and Cancellation.

(a) Registration. The ownership of Bonds may be transferred only by the making of an entry upon the books kept for the registration and transfer of ownership of the Bonds, and in no other way. The County Treasurer 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 Bonds for the payment of principal of and interest on the Bonds as provided in this Resolution. All Bonds shall be negotiable as provided in Article 8 of the Uniform Commercial Code subject to the provisions for registration and transfer contained in the Bonds and in this Resolution.

(b) Transfer. The ownership of any Bond may be transferred only upon the Registration Books kept for the registration and transfer of Bonds 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 Bond (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 Bond, a new fully registered Bond, of any denomination or denominations permitted by this Resolution in aggregate principal amount equal to the unmatured and unredeemed principal amount of such transferred fully registered Bond, 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 Bonds. In all cases of the transfer of the Bonds, the Registrar shall register, at the earliest practicable time, on the Registration Books, the Bonds, in accordance with the provisions of this Resolution.

(d) Ownership. As to any Bond, 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 Bonds 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 Bond, including the interest thereon, to the extent of the sum or sums so paid.

(e) Cancellation. All Bonds which have been redeemed shall not be reissued but shall be cancelled by the Registrar. All Bonds which are cancelled 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 cancelled Bonds to the Issuer.

(f) Non-Presentation of Bonds. In the event any payment check representing payment of principal of or interest on the Bonds is returned to the Paying Agent or if any Bond is not presented for payment of principal at the maturity or redemption date, if funds sufficient to pay such principal of or interest on Bonds 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 Bonds 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 Bonds 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 Bonds. 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 Issuer, whereupon any claim under this Resolution by the Owners of such interest or Bonds of whatever nature shall be made upon the Issuer.

(g) Registration and Transfer Fees. The Registrar may furnish to each owner, at the Issuer's expense, one Bond for each annual maturity. The Registrar shall furnish additional Bonds in lesser denominations (but not less than the minimum denomination) to an owner who so requests.

Section 8.1. DTC - Registration. (a) All of the Bonds shall initially be registered in the name of Cede & Co., as nominee for DTC. Payment of semiannual interest for any Bond registered in the name of Cede & Co. shall be made by wire transfer or New York Clearing House or equivalent next day funds to the account of Cede & Co. On the interest payment date for the Bonds at the address indicated in or pursuant to the Representation Letter.

(b) The Bonds shall be initially issued in the form of separate single authenticated fully registered Bond in the amount of each separate stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the registry books of the County Treasurer kept by the Paying Agent and Registrar in the name of Cede & Co., as nominee of DTC. The Paying Agent and Registrar and the Issuer may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal or redemption price of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to registered owners of Bonds under the Resolution of the Issuer, registering the transfer of Bonds, obtaining any consent or other action to be taken by registered owners of the Bonds and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the Issuer shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the Issuer shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant; with respect to the payment by DTC or any Participant of any amount in respect of the principal or redemption price of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under the Resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. The Paying Agent and Registrar shall pay all principal of and premium, if any, and interest on the Bonds only to Cede & Co. in accordance with the Representation Letter, and all such payments shall be valid and effective to fully satisfy and discharge the Issuer's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the Issuer to make payments of principal of and premium, if any, and interest. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with Section 8. L (g) hereof.

(c) In the event the Issuer determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bond certificates, the Issuer may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event, the Bonds will be transferable in accordance with Section 8.1(g) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the Issuer and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with Section 8.1(g) hereof.

(d) Notwithstanding any other provision of the Resolution to the contrary, so long as any Bond is

registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively to DTC as provided in the Representation letter.

(e) In connection with any notice or other communication to be provided to Bondholders by the Issuer or the Paying Agent and Registrar with respect to any consent or other action to be taken by Bondholders, the Issuer or the Paying Agent and Registrar, as the case may be, shall establish a record date for such consent or other action and give DTC notice of such record date not less than 15 calendar days in advance of such record date to the extent possible. Notice to DTC shall be given only when DTC is the sole Bondholder.

(f) The execution and delivery of the Representation Letter to DTC by the Chairperson and County Treasurer, in the form presented at this meeting with such changes, omissions, insertions and revisions as the Chairperson shall deem advisable is hereby authorized and execution of the Representation Letter by the Chairperson and County Treasurer, shall be conclusive evidence of such approval. The Representation Letter shall set forth certain matters with respect to, among other things, notices, consents and approvals by Bondholders and payments on the Bonds.

(g) In the event that any transfer or exchange of the Bonds is permitted under Section 8.1 (b) or 8.1 (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar from the registered owners thereof of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee. In the event Bond certificates are issued to holders other than Cede & Co., its successor as nominee for DTC as holder of all the Bonds, or other securities depository as holder of all the Bonds, the provisions of the Resolution shall also apply to, among other things, the printing of such certificates and the method of payment of principal of and interest on such certificates.

(h) The officers of the Issuer are hereby authorized and directed to prepare and furnish to said purchaser, and to the attorneys approving the legality of said Hospital Facilities General Obligation Bonds, certified copies of such proceedings, ordinances, resolutions and records and all such certificates and affidavits and other instruments as may be required to evidence the legality and marketability of said Bonds, and all certified copies, certificates, affidavits and other instruments so furnished, including any heretofore furnished, shall constitute representations of the Issuer as to the correctness of all facts stated or recited therein.

Section 9. Reissuance of Mutilated, Destroyed Stolen or Lost Bonds. In case any outstanding Bond shall become mutilated or be destroyed, stolen or lost, the Issuer shall at the request of Registrar authenticate and deliver a new Bond of like tenor and amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond to Registrar, upon surrender of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, upon filing with the Registrar evidence satisfactory to the Registrar and Issuer that such Bond has 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 10. Record Date. Payments of principal and interest, otherwise than upon full redemption, made in respect of any Bond, shall be made to the registered holder thereof or to their designated Agent as the same appear 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 in respect of such Bonds to the extent of the payments so made. Payment of principal shall only be made upon surrender of the Bond to the Paying Agent.

Section 11. Execution, Authentication and Delivery of the Bonds. The Chairperson and Auditor shall execute and deliver the Bonds to the Registrar, who shall authenticate the Bonds and deliver the same to or upon order of the Purchaser. No Bond 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 Bond a Certificate of Authentication substantially in the form of the Certificate herein set forth. Such Certificate upon any Bond executed on behalf of the Issuer shall be conclusive evidence that the Bond so authenticated has been duly issued under this Resolution and that the holder thereof is entitled to the benefits of this Resolution.

No Bonds 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 issuance of the Bonds;
2. A written order of Issuer signed by the County Treasurer directing the authentication and delivery of the Bonds 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 all the Bonds proposed to be issued.

Section 12. Right to Name Substitute Paving Agent or Registrar. Issuer reserves the right to name a substitute, successor Registrar or Paying Agent upon giving prompt written notice to each registered Bondholder.

Section 13. Form of Bond. Bonds shall be printed in substantial compliance with standards proposed by the American Standards Institute substantially in the form attached hereto as Exhibit A.

Section 14. Designation as Qualified Tax Exempt Obligations. In order to qualify the Bonds as "qualified tax exempt obligations" within the meaning of Section 265(b)(3) of the Code, the Issuer hereby makes the following factual statements and representations:

(a) The Issuer hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;

(b) The reasonably anticipated amount of tax-exempt obligations (other than obligations described in clause (ii) of Section 265(b)(3)(c) of the Code) which will be issued by the Issuer (and all entities whose obligations will be aggregated with those of the Issuer) during this calendar year 1997 will not exceed \$10,000,000; and requirements paragraph.

(c) Not more than \$10,000,000 of obligations issued by the Issuer during this calendar year 1997 have been designated for purposes of Section 265(b)(3) of the Code.

The Issuer shall use its best efforts to comply with any federal procedural requirements which which may apply in order to effectuate the designation made by this paragraph.

Section 15. Contract Between Issuer and Purchaser. This Resolution shall constitute a contract between said County and the purchaser of the Bonds.

Section 16. Non-Arbitrage Covenants. The Issuer reasonably expects and covenants that no use will be made of the proceeds from the issuance and sale of the Bonds issued hereunder which will cause any of the Bonds to be classified as arbitrage bonds within the meaning of Section 148(a) and (b) of the Internal Revenue Code of the United States, and that throughout the term of the Bonds it will comply with the requirements of said statute 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 Bonds will be used in a manner that would cause the Bonds 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 Bonds to certify as to the reasonable expectations and covenants of the Issuer at that date.

Section 17. Severability Clause. If any section, paragraph, clause or provision of this Resolution be held invalid, such invalidity shall not affect any of the remaining provisions hereof, and this Resolution shall become effective immediately upon its passage and approval.

Section 18. Continuing Disclosure. The Issuer hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, and the provisions of the Continuing Disclosure Certificate are hereby incorporated by reference as part of this Resolution and made a part hereof. Notwithstanding any other provision of this Resolution, failure of the Issuer to comply with the Continuing Disclosure Certificate shall not be considered an event of default under this Resolution; however,

any holder of the Bonds or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the Issuer to comply with its obligations under the Continuing Disclosure Certificate. For purposes of this Section, "Beneficial Owner" means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bonds for federal income tax purposes.

Section 19. Additional Covenants, Representations and Warranties of the Issuer. The Issuer certifies and covenants with the purchasers and holders of the Bonds from time to time outstanding that the Issuer through its officers, (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 Bonds; (c) consult with Bond Counsel (as defined in the Tax Exemption Certificate); (d) pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits relating to the Bonds; (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, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the Issuer in such compliance.

Section 20. Amendment of Resolution to Maintain Tax Exemption. This Resolution may be amended without the consent of any owner of the Bonds if, in the opinion of Bond Counsel, such amendment is necessary to maintain tax exemption with respect to the Bonds under applicable Federal law or regulations.

Section 21. Repeal of Conflicting Resolutions or Ordinances. All ordinances and resolutions and parts of ordinances and resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED this 26th day of August, 1997.

/s/ Doug Bruns

Chairperson

ATTEST:

/s/ Karen M. Strawn

County Auditor

Gustafson reported that the YES Center Board of Directors had voted not to raise the per diem rate for member counties.

There being no further business, the meeting adjourned to Tuesday, September 2, 1997 for a regular session.

**BOARD OF SUPERVISORS
THIRTY-SEVENTH MEETING, 1997 SESSION (37)
SEPTEMBER 2, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 2, 1997 at 8:30 a.m. in the Boardroom, with Chairman Bruns presiding, and the following other members present: Burnside, Crampton, Gustafson and Vail, and with Auditor Strawn as clerk for the meeting.

All actions of the Board taken at this meeting had the following vote activity unless otherwise noted: Ayes—Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Communications Center Supervisor Nancy Brady reported on the damage done to a computer on the communications system by a lightning strike last Monday, and the required upgrade of their communications network to ethernet from token ring to accommodate NCIC and the Iowa System. The repair and upgrade expenditures will require a budget amendment. Brady also discussed the need to evaluate the radio tower on the courthouse. It may need some type of stabilizing due to the rusting of bolts. A decision on repair and stabilization of the tower will be made after further study.

The Auditor reported on other lightning damage and the county's **insurance** coverage with property, electronic data processing equipment, and inland marine policies. A single deductible of \$1,000 applies since this was a 'single occurrence' loss. Department heads have been asked to keep records of repair and replacement costs, and recovery time. Known to have been damaged are: Engineer's phone system, controller card for Recorder's phone system, Assessor's printer cards, Communications Center radios and computer, Clerk of Court printer, and Treasurer's printers and hard drive on at least 1 computer. An estimate of these losses will be used for budget amendment purposes.

Engineer Jon Ites introduced 2 persons from the Cherokee County Engineer's office who were present to get to have the contract signed for the replacement of a bridge on the Cherokee/Buena Vista County line. Motion by Vail, second by Burnside, to approve and to authorize the Chairman to sign a contract with Graves Construction, Melvin, Iowa, for **project #-L-JB-201-98—73-11** in the amount of \$174,382.04 for the replacement of a bridge on the Cherokee/Buena Vista County line in Elk Township. Carried.

Weed Commissioners Norm Lund and Roger Sievers discussed the problem with the uncontrolled growth of **purple loose strife** which is not on the State's noxious weed list. The Board has the option to designate it as a noxious weed in this county. If the county designates it for destruction, the county would have an obligation to treat it in the drainage ditches. This would have implications for individual farmers also. Gustafson suggested a test area first. Ites noted that no control can be obtained if the DNR and DOT don't also treat their ROW. Burnside favors declaring it noxious and proceeding with treatment. The final consensus was to delay consideration of designating purple loose strife a weed in this county until a meeting can be arranged with the DNR. However, the weed commissioners were directed to proceed with treatment at several locations where there is no standing water, using Garlon at twice the usual strength.

Ire Jensen stopped in to ask about a **ditch tile** problem, and was provided with information on how to proceed to get a correction.

Engineer Ites presented farm leases for approval. Motion by Burnside, second by Gustafson, to approve, to authorize the Chairman to sign, and to enter into a 50-50% 3-year farm lease with Gary Pickhinke for the tillable acres at the **S. Hayes Pit**. Carried.

Motion by Vail, second by Crampton, to approve, to authorize the Chairman to sign, and to enter into a cash rent agreement for \$7,800 for 1-year rent of 104 tillable acres at the **Whitney Pit** @\$75/acre with Rick and Jon Anderson. Carried.

Buena Vista County's application for Living Roadway Trust Fund funding has been approved. Motion by Gustafson, second by Burnside, to authorize the Chairman to sign the grant agreement #90-11-LRTF-801 with the State of Iowa in the amount of \$4,500 for the completion of the **IRVM inventory** project to be completed by 12/31/97. Carried.

Ites reported that effective September 1st, Rich Noll has agreed to take the district **motorgrader operator** position for Sioux Rapids.

Motion by Gustafson, second by Burnside, to **promote** Tim Cavanaugh to Technician II effective September 1, 1997. Carried.

The Board authorized the engineer to accept **bids** until September 30 at 9:30 a.m. for 3 pickups.

Nurse Administrator Karole Graen reviewed June, July and August Board of Health minutes.

Burnside left the meeting for a meeting at the hospital.

Engineer Ites reported on several traffic investigations offering recommendations which were accepted by the Board in the following 2 motions. Motion by Gustafson, second by Crampton, to establish a **stop condition** for traffic from the south at the intersection of 170th Ave. and 570th St. (NW corner of Section

23 Grant Township). Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Vail, second by Gustafson, to establish **stop conditions** as follows:

for east and west bound traffic at the intersection of Expansion Blvd. & Hwy 71 (610th St. and Hwy 71);

• for east and west bound traffic at the intersection of E. Milwaukee Ave & Hwy 71 (600th St. & Hwy 71);

for east and west bound traffic at the intersection of C-49 and Hwy 71, (590th St. & Hwy 71);

• for east and west bound traffic at the intersection of 580th St. & Hwy 71;

• for east and west bound traffic at the intersection of 570th St. & Hwy 71;

• for east and west bound traffic at the intersection of 560th St. & Hwy 71;

for east and west bound traffic at the intersection of C-43 & Hwy 71 (Old Hwy 71 connection to Bypass, (550th St & Hwy 71)).

Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Gustafson, second by Vail, to approve the following **utility construction permit applications**:

from Iowa Lakes Electric, Estherville, to install a single phase 7200 volt underground cable to replace overhead service to Dale Sleezer from the NW¼ of Section 30 to SW¼ Section 19, Elk Twp.;

• from Iowa Lakes Electric, Estherville, to install a 7200 volt underground cable to provide new service to Zond Development at the NW¼ Section 10 to SW¼ Section 3, Nokomis Twp. just east of Arnold Kjolhede;

• from Iowa Lakes Electric, Estherville, to install single phase 7200 volt and 7200/12470 volt 3-phase overhead distribution to replace failing underground cable at the NW¼ Section 30 Newell north to the SE¼ Section 13, Providence Twp, then north to the NE¼ Section 1, Providence Twp.;

from Iowa Lakes Electric, Estherville, to install single phase 7200 volt overhead distribution to upgrade existing line and provide new tie along the north line of Section 17, Lee Twp.

Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Vail, second by Crampton, to approve **payroll claims** subject to audit. Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Gustafson, second by Vail, to **establish funds**: 003-Jail Payphone, 004-PHN Grants, and 005-HM/HHA Grants. Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Vail, second by Gustafson, to **appoint** Bill Lanphere as Buena Vista County's representative to the Governor's September 16 Town Meeting for the **Governor's Conference on Volunteerism and Community Service**. Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Gustafson, second by Vail, to authorize the County Attorney to request payment **of trial related expenses** on an emergency basis, and the County Auditor to issue warrants for same, without formal pre-approval by the Board of Supervisors, with the claims being subject to subsequent audit. Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Burnside returned to the meeting.

Motion by Gustafson, second by Crampton, to approve the following items on the consent agenda: **minutes** of the 8/19 and 8/26 meetings as amended;

reports—June, July, and August Board of Health minutes;

work orders on **Jt. DD #181** at sites 97-3 (Calhoun Co., Williams Twp.) and 97-4 (Pocahontas Co., Marshall Twp.), and on the Little Cedar Open Ditch (Pocahontas Co., Marshall Twp.), and to authorize the Interim Committee member to sign.

Carried.

Motion by Vail, second by Burnside, to approve registration of 2 staff from the **Engineer's office** in a 'Road-Calc' class in Sioux City, at a total cost of \$1,995.00. Ayes—Burnside, Crampton, Vail. Nays—Gustafson. Abstentions—none. Carried.

Motion by Vail, second by Gustafson, to direct the Auditor to void warrant #90272 issued for a radio operator's chair in the Communications Center, the order having been cancelled. Carried.

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

**BOARD OF SUPERVISORS
THIRTY-NINTH MEETING, 1997 SESSION (39)
SEPTEMBER 12, 1997**

The Buena Vista County Board of Supervisors met in special session on Friday, September 12, 1997 at 8:30 a.m. in the Boardroom, with Chairman Bruns presiding, and the following other members present: Crampton, Gustafson and Vail, and with Auditor Strawn as clerk for the meeting. Absent: Burnside.

All actions of the Board taken at this meeting had the following vote activity unless otherwise noted: Ayes—Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Having completed the canvass pursuant Chapter 50.24 of the 1997 Code of Iowa, motion by Gustafson, second by Crampton, to declare the results as follows:

Alta Community School District: total voters: 440

| | | |
|----------------------|-----|---------|
| Jerry Braunschweig | 171 | elected |
| Myron D Hinkeldey | 166 | |
| Rokk Ridout | 80 | |
| Dan Sliefert | 240 | elected |
| Desiree Suter | 121 | |
| Tony Weiland | 85 | |
| Write-ins (1 person) | 2 | |

Albert City-Truesdale Community School District: total voters: 172

| | | |
|-----------------------|-----|---------|
| Chris Nielsen | 78 | |
| Jerry J. Nixon | 121 | elected |
| James Peterson 117 | | elected |
| Write-ins (3 persons) | 5 | |

Newell-Fonda Community School District: total voters: 46

| | | |
|--|----|---------|
| <u>District 1</u> - Steven A. Williams | 42 | elected |
| Write-ins (1person) | 1 | |
| <u>District 2</u> - Craig Seagre n | 44 | elected |
| Write-ins (1 person) | 2 | |

Sioux Central Community School District: total voters: 363

| | | |
|----------------------------------|-----|---------|
| <u>District #2</u> -Paul Thomsen | 322 | elected |
| Write-ins (5 persons) | 8 | |
| <u>District #3</u> -Gary Axdahl | 110 | |
| Michael R. Rebhuhn | 252 | elected |
| Write-ins (1 person) | 1 | |

Storm Lake Community School Distrct: total voters: 100

| | | |
|-----------------------|----|---------|
| Jan E. Patton | 91 | elected |
| Peter Steinfeld | 94 | elected |
| Write-ins (4 persons) | 4 | |

Iowa Central Community College: total voters: 712

| | | |
|------------------|-----|---------|
| Melvin Samuelson | 385 | elected |
|------------------|-----|---------|

Write-ins (persons) 4
and to direct the Auditor to prepare abstracts accordingly. Carried.

Engineer Jon Ites presented his FY'97 IDOT Official Report on Road and Bridge Work to the Board.

There being no further business, the meeting adjourned to Tuesday, September 16 at 8:30 a.m. for regular session.

**BOARD OF SUPERVISORS
FORTIETH MEETING, 1997 SESSION (40)
SEPTEMBER 16, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 16, 1997 at 8:30 a.m. in the Boardroom, with Chairman Bruns presiding, and the following other members present: Burnside, Crampton, Gustafson and Vail, and with Auditor Strawn as clerk for the meeting.

All actions of the Board taken at this meeting had the following vote activity unless otherwise noted: Ayes—Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions—none. Carried.

Engineer Jon Ites updated the Board on applications received for the open secondary road position in his department. Interviews will begin this week. Ites requested consideration of changing the part-time mower position to a full time swing position. This position would also be responsible for a skipper route (snow season), and for filling in when other employees are on vacation. For purposes of continuing the discussion, motion by Vail, second by Burnside, to add a fulltime position to the secondary road department. Gustafson suggested that that the county shouldn't make hiring decisions on worst case winter conditions. Vail noted that besides the snow season, we have summer crews that don't function due to lack of personnel because of vacations. S.R. employees are required to take vacation leave in the summer, not winter. Gustafson believes that the county grades too many roads in the summer which increases the dust, and could cut there to make up crews that are short. Vail disagrees, stating that the grading reduces the washboarding which is equally if not more of a problem than the dust. The question was called. Ayes—Burnside, Vail. Nays—Crampton, Gustafson. Defeated.

Treatment of the purple loosestrife on county right-of-way has been completed.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign, the universal pay voucher to Kuehl & Payer, Ltd. for engineering services on project #FM-11(34)—55-11 on C-13 in the amount of \$4,360.98 to be paid from farm-to-market funds. Carried.

Motion by Crampton, second by Burnside, to set October 28 at 10:00 a.m. as the date and time for bid letting of a box culvert project in Hayes Township, NE1/4 Section 34. Carried.

Motion by Vail, second by Gustafson, to table awarding the bid for project #L-FM-MS-103-97—73-11 until September 23 to allow the Engineer time to review the bid which came in over his estimate, there having been just a single bid received. Carried.

Motion by Vail, second by Crampton, to approve the following items on the consent agenda: minutes of the 9/2 as amended, 9/9 and 9/12 meetings as printed;

- August budget reports;
 - approve and authorize the Sheriff to administer a grant from the State Criminal Alien Assistance Program in the amount of \$9,000, and to authorize the Chairman to sign, there being funds available to assist the county in the jail expense for alien non-resident inmates;
- Carried.

Motion by Vail, second by Burnside, to approve today's payroll and expense claims subject to future audit. Carried.

Community Services Director Anita Hallquist reviewed the FY'97 Actual Financial and Statistical case management report. The reimbursement rates established are \$170.75 for MR-DD and \$170.73 for MI. Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign the FY'97 Case Management report. Carried.

Hallquist also presented the results of a consumer survey regarding the Central Point of Coordination (CPC) process and services.

Motion by Gustafson, second by Bruns, to establish fund #32—Hospital Bond Proceeds Fund, as recommended by the county's local audit firm, for proper accounting of the general obligation bond proceeds. Carried.

There being no further business, the meeting adjourned to Tuesday, September 23 at 8:30 a.m. for regular session.

**BOARD OF SUPERVISORS
FORTY-FIRST MEETING, 1997 SESSION (41)
SEPTEMBER 23, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, September 23, 1997 at 8:30 a.m. in the Boardroom, with Chairman Bruns presiding, and the following other members present: Crampton, and with Auditor Strawn as clerk for the meeting. Absent: Burnside, Gustafson, Vail.

No official action could be taken due to the lack of a quorum.

There being no further business, the meeting adjourned to Tuesday, September 30 at 8:30 a.m. for regular session.

**BOARD OF SUPERVISORS
FORTY-SECOND MEETING, 1997 SESSION (42)
SEPTEMBER 30, 1997**

The Buena Vista County Board of Supervisors did not meet on Tuesday, September 30, 1997, for their regular meeting, as it was known in advance of the meeting, that there were not enough boardmembers available to make a quorum. The Board's Clerk, pursuant to Chapter 331.213(2) 1997 Code of Iowa, announced that the public hearing for an amendment to the FY'98 budget, which was scheduled for 8:30 a.m., would be postponed until Thursday, October 2, 1997, at 8:30 a.m., which was determined to be the earliest time that a quorum of boardmembers could be assembled. The remaining agenda items for the September 30 meeting were rescheduled for October 2.

**BOARD OF SUPERVISORS
FORTY-THIRD MEETING, 1997 SESSION (43)
OCTOBER 2, 1997**

The Buena Vista County Board of Supervisors met in a re-scheduled regular session on Thursday, October 2, 1997 at 8:30 a.m. in the Boardroom, with Chairman Bruns presiding, and the following other members present: Gustafson and Vail, and with Auditor Strawn as clerk for the meeting. Absent: Burnside, Crampton.

All actions of the Board taken at this meeting had the following vote activity unless otherwise noted: Ayes—Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Vail, second by Gustafson, to amend today's **agenda** by adding an appointment for Roger Baker concerning trees in a drainage district. Carried.

8:30 a.m.—The time having arrived for the **public hearing** on a budget amendment for FY'98, the Chairman opened the hearing with 12 department heads/employees present. It was noted that the notice of public hearing had been published as required, and that due to lack of a quorum for the appointed time, and pursuant to Chapter 331.213(2) of the 1997 Code of Iowa, the hearing had been postponed to the current date and time, this being the earliest time for which a quorum could be assembled. The Auditor reviewed the amendment. There being no written or oral objections received, motion by Vail, second by Gustafson, to close the public hearing. Carried.

Motion by Gustafson, second by Vail, to approve the **budget amendment** as published, and to authorize the Chairman and Auditor to sign the amendment. Carried.

The meeting proceeded with discussion between boardmembers and **department heads** about topics of general interest including: lightning damage, the interpreter program, the employee deferred compensation program, employee benefit purchases by payroll deduction, FY'98 budget issues and the November ISAC conference. No official actions were taken. The details of this discussions are recorded in the October 2, 1997, department head minutes. Regarding the interpreter program - the consensus of the Board was to continue the program, with the next step being to identify someone to supervise the program.

Engineer Jon Ites discussed an upcoming, 10/28/97, informational meeting on the proposed installation of an **electric transmission line** by IES Utilities, Inc. in Barnes and Brooke Township.

Motion by Vail, second by Gustafson, to approve the following **utility construction permit** applications:

from People's Telephone Co., Aurelia, to install a telephone cable on the Buena Vista/Cherokee County line road from the SW corner of Section 6, Elk Township, south to the SW ¼ of Section 7, Elk Township;

- from Iowa Lakes Electric Cooperative, Estherville, to construct an overhead 7200 volt single phase distribution line to Iowa Select Pork along the east right-of-way line of the road through Section 32, Scott Township;

from Iowa Lakes Electric Cooperative, Estherville, to convert underground to overhead 7200 volt service for Richard Glienke, from Section 11 to Section 12, Maple Valley Township;

from Iowa Lakes Electric Cooperative, Estherville, to install three phase 7200/12470 volt cable underground to replace existing, failing cable on the south side of the road in private right-of-way, other than the road crossing, on the north side of Section 15, Grant Township;

from Iowa Lakes Electric Cooperative, Estherville, to install three phase 7200/12470 underground cable to replace existing failing cable along the east right-of-way on the west side of Section 29, Newell Township in private right-of-way;

- from Iowa Lakes Electric Cooperative, Estherville, to install three phase 7200/12470 underground cable to replace existing failing cable in the shoulder of the gravel road on the west side of Sections 2 and 11, Newell Township;
- from Iowa Lakes Electric Cooperative, Estherville, to install three phase 7200/12470 underground cable to replace existing failing cable along the east right-of-way on the west side of Section 17 and the south right-of-way on the north side of Section 17, Washington Township.

Carried.

It was the consensus of the Board to approve the sale of **excess secondary road equipment** - a slide-in sander.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign the previously approved **contract** with Becker Gravel, Stratford, Iowa, for gravel stockpiling at the Hayes Pit (\$99,000), Newell Stockpile (\$28,425), and Maple Valley Stockpile (\$27,525). Carried.

Motion by Gustafson, second by Vail, to accept the following **quotes**: Rasmussen Ford for a ¼ ton extended cab pick-up (without the A/C option) in the amount of \$15,906, Rasmussen Ford for a ¾ ton pick-up in the amount of \$14,445, and Fitzpatrick Chevrolet for a ½ ton extended cab pick-up in the amount of \$20,626. Carried.

Veterans Services Officer Clint Hoferman requested that the Board send a letter encouraging the Veterans Affairs Commissioners to attend the October 14-17 training school in Des Moines. The training will be an update on benefit changes. He also presented a proposal to obtain a cellular phone to be used by those persons who transport veterans to medical facilities and medical appointments. There is a concern amongst the drivers about transporting persons who are ill and are without access to emergency communication in the event of medical crisis. CommNet Cellular has a \$9.99/mo. and 75 cents per minute for actual usage plan which the county could utilize if 6 months usage shows that the number of calls is minimal. The consensus of the Board was to approve the request to obtain the cellular phone. The phone will be checked in and out at the Auditor's office, and will be available for use by any county employee if not already reserved for veterans.

Mark Schutt, the new **Storm Lake Watershed** Coordinator with the NSCS, introduced himself to the Board. A grant application has been submitted to extend the watershed project for an additional 3 years, and will hopefully include the dredging of Storm Lake.

Tom Neal, DNR, and Weed Commissioner Norm Lund, joined Schutt in the discussion of **purple loosestrife**, and the possibility of declaring it a noxious weed in Buena Vista County. Purple loosestrife is hard to eliminate, is primarily a wetland plant, and tends to dominate wherever it grows. Due to the massive number of seeds produced by the plant, and having no chemical available which effects only that plant, chemical treatment is not the most appropriate treatment. Round-up and Rodeo are the only 2 chemicals that kill it. The DNR has been supporting a project to control the weed. There has been some success in controlling it with beetles which feed on the plant. Gustafson asked if there was additional funding available to increase the efforts to control it, and where the funding could come from. Schutt stated that it would be in his job description to write a grant application for the project. It was noted that the county has sprayed for it this year.

Engineer Ites discussed the drainage problem which **Roger Baker** will be bringing to the Board later in the meeting. Ites and Supervisor Vail have visited the site which is in Poland Township.

The board discussed a request from Ranco for access over the county's road at the **Angier Pit** to farm ground north and east of the pit. The question needs an answer prior to the upcoming sale of the farm ground.

Ites reviewed the status of the interviews for the **secondary road** 'Operator' position at Sioux Rapids, and asked for consideration again of adding a swing shift position.

Roger Baker appeared before the board to inquire about brush/tree removal to prevent damage to the drainage in Sections 25-26, Poland Township. Vail explained that the site has been checked and that the county has a contract for tree/brush treatment this year in a number of Buena Vista County drainage districts. He also stated that there is very little fall from the problem area to the outlet, causing slow drainage of the water. Baker said he was also concerned about a location south of that area, which the engineer will further investigate.

Motion by Vail, second by Gustafson, to approve the following items on the consent agenda:

minutes of the 9/16, 9/23, and 9/30 meetings as printed;

reports: May 14 E911 Service Board minutes, June 6 and Sept. 8 Communications Commission, Aug Clerk's surcharges, Sept Mangold ET-Spectra lagoon, Cert. Of insurance for Lawn Manicurists, Sept. 29 Board of Adjustment minutes (Other reports reviewed: June NWIPDC Policy Council minutes); set October 14 at 8:30 and 8:40 a.m. as the date and respective times for **public hearings** on the Curtis & Phyllis Haraldson (filed 9/25/97) and Donald & Sharon Patten (filed 9/15/97) **ag area** petitions.

Carried.

Motion by Vail, second by Gustafson, to approve and to authorize the Chairman to sign the Mutual **Agreement** Terminating Easement entered into by and between Buena Vista County and Ted Brown on April 1, 1990, with Fritcher Abstract Company, Inc. being the successor in interest to Ted Brown. Carried. (Complete text of agreement on filed in the Auditor's office.)

Motion by Gustafson, second by Vail, to approve a 50 cent **increase in pay** for Clint Hoferman, Veterans Services Officer, following a 6 months favorable evaluation. Carried.

Motion by Vail, second by Gustafson, to **void warrant** #92095 which was issued incorrectly on 9/2/97, and issued correctly on 9/9/97 as warrant #92311. Carried.

Motion by Gustafson, second by Vail, to **void warrant** #31461 issued to Ann Smeltzer 5/13/86 for R.O.W. damages, in the amount of \$1,961.67, and to re-issue a new warrant in the same amount. Carried. The original warrant with a cover letter from Smeltzer's conservator was recently received with a request to re-issue the warrant.

It was noted by the Board that Veteran's Day, a **holiday** observed by the county, falls on the date of a regular board meeting this year-November 11. The Board will post-pone that regular meeting to the next day, Wednesday, November 12.

The meeting adjourned to Tuesday, October 7 at 8:30 a.m. for special session.

**BOARD OF SUPERVISORS
FORTY-FOURTH MEETING, 1997 SESSION (44)
OCTOBER 7, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, October 7, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

With the Department Heads, the Board continued their review of the **personnel policy**.

Engineer Jon Ites introduced Chad Widemann, from Ziegler Caterpillar, who was present to discuss his company's hydraulic excavator (M-318) which is available with a brush-cutter and Helac Powertilt swing attachment. Ziegler has one in stock (with 100-120 hours on it), so could install the additional equipment and deliver in 6-8 weeks. The quote on the **secondary road equipment** was \$204,422 with a \$10,500 trade-in on the county's 1982 Gradall, (\$214,922 without trade-in).

Motion by Gustafson, second by Vail, to approve and to authorize the Chairman to sign the **utility construction** permit application of U.S.West, Sioux City, to bury a fiber optic cable in road right-of-way from a manhole located on the south side of E. Milwaukee Ave., (Storm Lake) at Radio Road to a cabinet located on the south side of C-49 approximately 139' west of M-54 with crossings to be bored, (following E. Milwaukee, Radio Road and C-49), the project to connect U.S.West and G.T.E. Carried.

The board discussed the **bid** of Becker Construction, Estherville, for the project which exceeded the Engineer's estimate by approximately \$30,000.

As Trustees for Organized Drainage Districts in Buena Vista County, motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign the **utility construction** permit application

#DD2-92 of Northwestern Bell, a U.S.West company, Sioux City, to bury a fiber optic cable through drainage districts located within the route from a manhole located on the south side of E. Milwaukee Ave. to Radio Road, along Radio Road to C-49, on C-49 from Radio Road to approximately 139' west of its intersection with M-54, connecting U.S.West and G.T.E. Carried.

The Board again discussed the engineer's proposal of creating a fulltime secondary road position by adding snow removal and crew work responsibilities to the part-time mower duties. Bruns is opposed. Burnside is appreciative of the extra mowing which improves visibility of other cars and of deer. Gustafson is not in favor. No motions were offered.

Ites has received an inquiry about lighting on new Hwy 71. The DOT has a policy of not paying for that type of lighting. The county would have to pay the expense.

S.H.I.E.L.D. Safety Coordinator Mike Raner proposed a program and Policy on Hearing Conservation for the Board's consideration. IOSH requires a noise exposure program with inspections, employee training, and a written program. The cost of testing employees is usually \$10-15 per employee. Employees in the secondary road and conservation departments would be included.

Bill Lanphere, as BV County's representative, reported on the town meeting he had attended, planning for a 1998 Summit on Volunteerism - America's Promise.....Iowa Style. Additional meetings will be scheduled within the county to discuss ways to improve life in our communities, and to focus on the ways to make fundamental resources available to Iowa's youth. Lanphere asked the Board to provide some input as to what it would like to see the county group address or accomplish, and what resources may be available to the group.

Zoning Director Kim Johnson reviewed proposed changes to the junkyard ordinance which the Board found to be satisfactory. Motion by Vail, second by Gustafson, to set the date and time of the 1st Reading of a proposed Amendment to Ordinance 6.5 (Junkyards) for November 4, 1997 at 8:30 a.m. Carried.

After consideration, motion by Vail, second by Crampton, to approve a request to use the county's roadway at the Angier Pit for access to the property described as: SW¼ NE¼ Section 5, T93 R36, Lee Township, subject to the approval of the adjacent landowner, and with the understanding that any upgrading of the road will not be at county expense. Carried. This request was received from Paul Krile, President, Ranco, Sioux Rapids.

Motion by Vail, second by Gustafson, to approve the minutes of the 10/2 meeting as amended. Carried.

There being no further business, the meeting adjourned to Tuesday, October 14 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
FORTY-FIFTH MEETING, 1997 SESSION (45)
OCTOBER 14, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 14, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

Nurse Karole Graen reviewed 9/16/97 Board of Health minutes and the FY'97 Annual Report of BV Co. Public Health Nursing. She discussed the various programs which her department provides.

Supervisor Gustafson reported that the ceiling tiles haven't yet been replaced at **Spectra**, and the a/c project is not satisfactorily completed. Both Control Systems Specialists and Architects Collaborative will be contacted.

Communications Center Supervisor Nancy Brady updated the Board on their newest program - **emergency medical dispatch**. The program provides a standardized set of questions for gathering information. The program will not increase the county's liability. The system selected is the "Advanced Priority Medical Dispatch System". Brady believes that the Comm. Center is currently adequately staffed and that the system is not anticipated to increase the workload.

Amerihost Inn has inquired about the **rumble strips** located at the M-44/C-49 (sale barn intersection) which cause a significant amount of noise. The engineer will investigate.

Motion by Vail, second by Burnside, to approve and to authorize installation of **stop signs** to stop the north-south traffic at the northwest corner of Section 6, Poland Township. Carried.

Motion by Vail, second Gustafson, to enter into an agreement with the City of **Rembrandt** for snow removal for the 97-98 snow season, and to authorize the Chairman to sign. Carried.

The county's **Farm to market** report shows a 1st Qtr FY'98 balance of \$538,747.76 in currently unobligated funds.

The staged construction **on C-63** is showing more wear than expected. The engineer requested that the Board view the road prior to the next meeting.

Medical Examiner Dr. David Crippin has submitted a letter requesting extraordinary payment for ME expense due to the unusually large number of hours involved in 2 ME investigations (B.E. & N.T.). It was the consensus of the Board to approve fees exceeding \$250/case for these 2 cases.

Homemaker Home Health Aide Agency Director Marilyn Monson presented the annual report for her agency for FY'97 and reviewed the status of the Merit grant. She is pursuing a Merit contract for respite services for her agency. These services would help to keep home life stable during a mental illness crisis. Homecare is the least expensive type of service in preventing premature institutionalization for both mentally ill and elderly clients. 22 persons have volunteered and have been trained to act for the Payee Program for persons needing assistance with handling finances.

Sheriff Chuck Eddy and Jail Administrator Don McClure reported that the current average daily **jail** population is 21 people. In order to minimize overcrowding, persons serving by court judgment have to schedule their time when numbers are down. Eddy distributed materials about a proposed program to charge inmates for their time in jail. The Sheriff also requested use of a building at the Hudson St. site for storage and to work on department vehicles, if it is no longer going to be used by secondary roads.

Due to the number of persons in attendance (18 plus media, Conservation Director, and Engineer), the meeting was moved to the 2nd Floor Public Meeting Room. Environmental Health & Zoning Director Kim Johnson reported on last Thursday's (10/9) **manure spill** in **DD#3**. Robert Butler, an independent contractor hired to move the manure by Bruce Edwards, experienced a break in his lines resulting in a DNR estimate of 750 gallons of effluent being spilled near an intake. The effluent was being pumped from the source through piping to a field where it was to be knifed in. Estimated fish kill along a 1 ½ miles of stream is being calculated by DNR. She has taken both water and soil samples after the spill, not all of which have yet been returned with results.

Speaking on behalf of his neighbors, Supervisor Gustafson stated that this was an inappropriate use (private use) of public facilities (ditch right-of-way and district drainage ditches) which have been paid for by all of the landowners (for the road ditches) and the landowners in the drainage districts. Misjudgment on the placement of the manure lines has caused destruction of the quality of life - just a little, but its just a little each

time.

Responding to the question about the outcome of the DNR investigation, Johnson stated that it is not official, but there may be administrative fines to both the owner and the independent contractor.

Several persons questioned the reported amount of the spill, estimating it to be much greater than 750 gallons.

If manure were not transported through piping, but instead were hauled away, an additional problem is created. Hauling causes substantial damage to the roads because the equipment is hauling very heavy loads. Engineer Ites noted that so far the legislature has refused to regulate maximum weights and road ditch use for the agriculture industry.

With regard to work done in the past on an ordinance covering hog lots, Chairman Bruns stated that it was the county's belief that the Attorney General would rule against the county's authority to adopt regulations on the subject. He believes that state law is inadequate.

Gustafson pointed out the location of several current and proposed locations near where the spill occurred last week. He stated that the concentration of hog numbers is far too dense. Owners of these confinement facilities concentrate too much on too little ground. They often don't even have sufficient land available for the kind of traffic they need to receive feed deliveries, and to accept and load out the hogs. The owners should have adequate land for the type of operation they are engaged in.

Motion by Gustafson: as Supervisors, and as Trustees for the Drainage Districts of Buena Vista County, that manure lines in road right-of-way and district drainage ditches shall be prohibited. Supervisor Burnside seconded the motion for purposes of discussion. She would prefer not to take action today in this setting. Even though it was known that the subject was to be on today's agenda, no proposed remedies were advanced, and no prior opportunity for input from others was possible. Before taking action, she would like a broader base of information. Gustafson stated that he thinks for himself and does not need Farm Bureau or anyone else making his decisions for him. Supervisor Vail stated that he would like some research time. Chairman Bruns asked about how this proposal effects lines not running through them, but instead, crossing ditches, etc. Gustafson said his proposal would prohibit all, remembering that the Boardmembers are trustees for the drainage districts. Supervisor Crampton offered a motion to table action on this motion or amend the motion setting at a later effective date so that the Board could check on the legality of the action proposed. After some additional discussion, Crampton withdrew his motion to table/amend and the question was called. Ayes—Gustafson, Crampton, Bruns. Nays—Burnside, Vail. Carried.

After returning to the boardroom, the Board directed the Auditor to schedule Assistant Co. Attorney Dave Patton (if possible) for the special session on Tuesday, October 21 at 9:30 a.m. to proceed with drafting an ordinance to implement the intent of the motion, including setting penalties.

Engineer reported on his meeting with Bob Rye, Field Coordinator for IDOT, regarding lighting on Hwy 71. Also discussed was signing at the intersections and paving of the remainder of Expansion Boulevard to Hwy 71.

There being no further business, the meeting adjourned to Tuesday, October 21 at 8:30 a.m. for a special session.

**BOARD OF SUPERVISORS
FORTY-SIXTH MEETING, 1997 SESSION (46)
OCTOBER 21, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, October 21, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present:

Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

Sheriff Chuck Eddy and Deputy Sheriff Kelly Snyder met with the Board to promote Red Ribbon Week (beginning October 23) to raise public awareness of the dangers of drugs and alcohol. Snyder, the county's crime prevention officer, presented the Board with red awareness ribbons. Crank, the most prevalent drug in our community, can be made locally and can be used in many forms. The level of crime in the community is linked to the high cost of the drug. Motion by Burnside, second by Crampton, to proclaim October 23-31 as Red Ribbon Week in Buena Vista County, and to authorize Snyder to distribute the ribbons to all county employees. Carried.

The board continued with personnel policy review.

With 18 interested persons present for the discussion of writing an ordinance prohibiting manure lines on road ROW and drainage districts, and providing a penalty, the Board moved to the 2nd Floor PMR. Assistant Co. Attorney Dave Patton noted that with home rule authority, the county may enact an ordinance and provide for a penalty. The county has the authority to enjoin, to stop activity.

The Chair asked for feedback from the audience on an ordinance to prohibit manure lines. Dale Arends asked what alternative the county was going to provide for manure removal, if manure lines are going to be prohibited. He noted that the county engineer has stated that the heavy 'honeywagons' are undesirable on the roads due to the damage they cause. The county can embargo the road, but can't stop implements of husbandry from using them. Engineer Ites: manure lines on road ROW are less damaging than honeywagons on the road. Gustafson: the Supervisors' job is to protect citizens, property and the environment, and the neighbors believe that manure lines are unsafe.

Vince Davis asked what had caused the leak - a break in the line at a coupling. Merrill Rehnstrom stated that the DNR representative said the spill was avoidable.

There is no limit to the distance that manure lines can be used if a sufficient number of pumps are added. In fact distances less than 2 miles are probably not as efficient as longer ones.

Frank Fabrizio stated that with the larger number of hogs being raised in confinement buildings, this is no longer farming but is industrial and should be regulated. There is disagreement over the definition of 'corporate farming' with some people using 'corporate' loosely to refer to large numbers.

Dean Baughman stated that the addition of permit fees, clean-up bonds, etc. in both cost and frustration, are forcing the younger farmer out of business. The farmer has to make a living, but can't find land to rent or lease, so chooses to raise hogs to fill the gap. Furthermore, farmers like himself aren't about to jeopardize the health and safety of their families - they want to do things the right way, and suggesting otherwise is ridiculous.

Arends: If a mistake was made, penalize the guy who made it, not everyone else.

Gustafson suggested that manure lines can be used, but should be used on the farmer's own land, not in the ROW.

Polly Fabrizio: we need a little local control, and this is not a small problem. We have to start somewhere. If the spill had been from a honeywagon into the ditch, the spill would be of a known quantity.

Dale Arends: the Board's proposal is a ban on one method of manure removal. If a honeywagon spills, will the county ban the honeywagon? Instead, why can't we improve the manure line method?

Attorney Patton asked if there were any proposals from the audience for the board to consider. No

formal plan was offered, but Baughman suggested that the lines be regulated in how they are used.

Gary Worthan believes that the action of the Board following the recent spill is based on emotion. (Patton disagreed saying that the action of the Board is based upon an event.) Manure lines are viable with restrictions. A ban is too restrictive, and good law shouldn't be positioned on emotion. Regulations could include requiring a number of inspectors to keep watch during the piping based on the length of the line, capping intakes, limiting where lines can be placed, time of day, how far to pipe, etc. Arends continued: banning the process shuts off the discussion and any chances to improve the process. None of us knows enough facts on which to ban the lines.

Gustafson asked Patton what the county's future liability would be in the event of environmental problems. Patton: no one really knows, except that anyone with a deep pocket always gets sued. There are some places in this country where you can't do everything.

Supervisor Burnside noted that some people find it cheaper to pay the \$100 fine on noxious weeds than to spray. Is this a similar situation?

Supervisor Vail asked how does anyone feel about a requiring a permit and regulating the distance. He favors this type of regulation, and would prefer to limit the distance to 1-2 miles. Margaret Koch asked who and how can the county regulate in the ditches in the winter. Environmental Health Director Kim Johnson stated that it takes the farmer about 3 days to empty his pit, and it is emptied 2 times each year since you can neither spread nor inject in winter and summer.

Polly Fabrizio spoke of the great environmental regulation cost which has been passed on to the public in the form of higher product prices by American industry. If contamination of the environment by farming activities is permitted, the cost of cleaning up the environment after the fact, and resulting regulation, will force the farmers out of business. The concerned neighbors don't want to force anyone out of business. This ban would effect independent and corporate producers differently. The large producer can spread the cost over their larger operation.

Dale Arends asked how many producers are using the manure lines in the county? This is unknown. Gustafson stated that he still has an obligation to the citizens in his membership on the Board. The Chair called the discussion to an end, and the board returned to the boardroom.

Motion by Burnside, second by Vail, to reappoint Dale Arends as one of the Supervisors' representatives on the **Buena Vista County Compensation Commission**. Carried.

Motion by Burnside, second by Crampton, to **appoint** Alan Winders, Storm Lake City Administrator, as Buena Vista County's city representative to **NWIPDC**. Carried.

Motion by Vail, second by Burnside, to re-schedule the public hearings on the Haroldson and Patten **Ag Area Petitions** as November 4, 1997 at 11:30 and 11:40 a.m. respectively. Carried.

Motion by Vail, second by Burnside, to **employ** Richard Greene as a full time secondary road motorgrader operator I at \$10.42/hr. (\$2.00 under the base wage) effective October 31st. Carried.

Motion by Crampton, second by Burnside, to approve the following items on the consent agenda:

minutes of the 10/7 and 10/14 meetings as printed;

reports: Sept. Clerk's fines and surcharges (2), 9/7 Conservation Board minutes, 9/8 Comm. Commission minutes, 9/16 Board of Health minutes, 1sr Qtr '97 Sheriff's fees, FY'97 annual reports of Homecare and Public Health; other reports to be reviewed: 9/11 NWIPDC minutes.

Carried.

It was noted that the sheriff's department has need for a storage area, and that the green building at the Hudson site may be available. The engineer noted that if it was transferred to the Sheriff's department, there would need to be a payment to the secondary road fund since the building was built with secondary road funds. The weed rig could also be stored there.

There being no further business, the meeting adjourned to Tuesday, October 28 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
FORTY-SEVENTH MEETING, 1997 SESSION (47)
OCTOBER 28, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 28, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

Sheriff Chuck Eddy and Deputy Don McClure, Jail Administrator, discussed staffing problems in the jail due to illness of several full-time jailers. They also discussed the jail population growth and the design requirements for any additional cell space. To enlarge the booking room, a wall will be removed. Motion by Gustafson, second by Burnside, to employ Melvin Reisberg, as a full-time jailer, effective 10/12/97 at \$8.21/hr. Carried.

Nurse Administrator Karole Graen has agreed to manage the interpreter program. It was the consensus of the board to set the beginning wage of the interpreter at \$7.50/hr.

Engineer Jon Ites and Chad Weidemann, Caterpillar Equipment, priced a new excavator with factory installed options including brushcutter. The board had previously looked at a machine already in inventory to which the options would have been added. Delivery of the new machine would be in the spring. After negotiations, motion by Burnside, second by Gustafson, to purchase a new Caterpillar excavator for \$193,000 plus trade-in of the Gradall (valued at \$10,500), and, leaving the county with an option to find an outside purchaser within 30 days for the Gradall. Carried.

Bids were received from 5 contractors for culvert project #L-C-1-98—73-11: Dixon Construction, Estherville; Christensen Bros., Cherokee; Glen Jordan Construction, Casey; Graves Construction, Melvin; Godbersen-Smith, Ida Grove. Motion by Burnside, second by Crampton, to accept the low bid of Godbersen-Smith in the amount of \$63,847.01, subject to audit review of the bids. Carried. The engineer's project estimate was \$75,500.00.

Motion by Vail, second by Crampton, to adopt and to authorize the Chairman and Auditor to sign, the following resolution:

RESOLUTION NO. 1997-10-28

Be it hereby resolved that as per Section 321.471, Code of Iowa, the Buena Vista County Board of Supervisors prohibits the operation of vehicles with gross weights in excess of 10 tons upon the highway known as C-63 from the Cherokee County line east 3 miles. This restriction shall be in force until removed by the County Engineer.

Date: 10/28/97; /s/ Doug Bruns, Board of Supervisors Chairman; /s/ Karen Strawn, County Auditor.

Carried.

Motion by Vail, second by Burnside, to accept the proposal of Kuehl & Payer Ltd. to provide surveying services in the total amount of \$6,250.00, and to authorize the Engineer to sign the proposal, for **project #L-G-303** along the east line of Section 6-93-36. Carried.

Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign the following **utility construction permit** applications:

IES, Cedar Rapids, IA, to install a 120/240 volt underground cable to a new fertilizer plant located in Sections 10-11, Fairfield Township, to be bored under county road N-14;

IES, Cedar Rapids, IA, to install an underground primary feed from the new substation under N-14 in Sections 34-35, Poland Township;

Iowa Lakes Electric Cooperative, Estherville, to install an underground single phase 7200 volt distribution line to replace existing failing cable along the road through Section 1, Barnes Township from the Rich Noll house north and east to the east side of Section 1, Barnes Township.

Carried.

Motion by Gustafson, second by Vail, as the Board of Supervisors who are responsible for county road right-of-way, and as Trustees for the various Drainage Districts of the county, to approve the **utility construction permit** application of US West to install an underground telephone cable to serve the hog facility in the NE $\frac{1}{4}$ Section 9, Washington Township, changing the location to 12 feet from centerline on gravel. Carried.

Motion by Vail, second by Gustafson, to reject the single **bid** previously received from Beck Excavating, Estherville, for the N-14 re-shouldering project, north of Albert City. Carried.

Environmental Health Director Kim Johnson discussed the well testing, re-hab and closure programs. The amount of funding available is down from previous years, however, the county has many wells yet that have not been serviced by the grants. Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign the **Well Testing, Re-hab & Closure** funding applications for FY'99 in the total amount of \$21,523. Carried.

Motion by Vail, second by Crampton, to set the date and time of 2 public hearings on **subdivision requests** as follows: November 4 at 10:30 a.m. for Norene Martin, and Brian & Sandy Martin, Newell; and November 4 at 10:40 a.m. for Chet Brecher, Storm Lake. Carried.

Buena Vista County's application to hold another **toxic clean-up day** has been approved for spring, 1998. It was filed jointly with Clay County's application, but Clay's was not approved. The county will contribute \$.50/rural household, plus manpower.

Johnson reported that the 1995 Food Code is much more comprehensive than the one previously in place. Legislative proposals may require more frequent inspections of **food service** locations. This will result in increased cost to the county, since the fees are not high enough to cover the inspections.

Spectra Administrator Sue Morrow discussed several deficiencies in the care facility building which were cited in the most recent site review by the IA Dept. of Inspections & Appeals. The air conditioning project was finished too late to be properly tested this year. Ceiling tiles in the women's restroom need to be replaced. Motion by Gustafson, second by Vail to accept the quote of Daniel Waites, Alta, in the total amount of \$808.12 to remove and replace ceiling tiles in the women's central bathroom. Carried.

Motion by Burnside, second by Crampton, to **employ** Barb Henrich as a temporary full-time clerk in the auditor's office effective 10/27/97 at \$6.75/hour. Carried.

The **engineer** discussed staffing levels and project load in his department.

Supervisor Burnside left the meeting.

General Relief Director Paula Guerra met with the Board to review her findings regarding the 1:30 p.m. appeal hearing. Then, the board heard the information provided by the appellant. He was referred to DHS to investigate the 'dependent person program'. The board took no action at this time.

Supervisor Crampton left for a 'De-cat' meeting in Sac City.

Motion by Vail, second by Gustafson, to make the following changes in **appropriations**: reduce activity 3020, fund 001, dept. 23 by \$3,500, and increase activity 0220, fund 030, dept.23 by \$3,500. Ayes—Gustafson, Vail. Nays—none. Abstentions—none. Carried.

It was noted by the Auditor that, Ina Hansen, representing the Storm Lake Senior Citizens, had stopped to renew her group's funding request for the **FY'99 budget** in the amount of \$1,700 for taxi service through the Regional Transit Authority.

Motion by Gustafson, second by Vail, to approve the following items from the consent agenda:

- minutes** of the 10/21 meeting;
- **reports**: Sept. budget reports, Jul-Aug MET reports on Spectra lagoon;
- approve and authorize the Chairman to sign the 1997 **Weed Commissioner's report**.

Ayes—Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Treasurer Kathy Bach discussed with the board some of the likely costs for implementation of **HF726** which calls for changing the tax statement design, requires more to be prepared, requires more people to receive them, etc.

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

**BOARD OF SUPERVISORS
FORTY-EIGHTH MEETING, 1997 SESSION (48)
NOVEMBER 4, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, November 4, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

The Board proceeded with review of the **personnel policy**. The next work session will be Tuesday, November 18, at 8:30 a.m.

Motion by Vail, second by Burnside, to approve the 1st Reading of the Amendment to **Ordinance 6.5** (Junkyards). Burnside-aye, Crampton-aye, Gustafson-aye, Vail-aye, Bruns-aye. Carried.

By consensus, the Board directed the Auditor to have published a **snow removal notice** to rural residents in the official papers, plus the Sioux Rapids Bulletin-Press, and the Alta Advertiser.

Engineer Jon Ites presented a request for the **Truesdale snow removal agreement**. Motion by Gustafson, second by Burnside, to approve a snow removal agreement with the city of Truesdale for the 97-98 snow season, and to authorize the Chairman to sign. Carried.

The board continued discussion on the hours of operation for **snow and ice removal**. Currently, trucks go out at 5 a.m., and motorgraders at 6:00 a.m. Gustafson suggested ½ hour earlier for each. Considerable discussion was had, with the topic being put on the 11/18 agenda at 9:30 a.m. for a final discussion and decision.

10:30 a.m.—the time having arrived for the public hearing on the Marion Martin **subdivision request** for a property located in Grant Township, Martin and Zoning Director Kim Johnson were present. It was noted that the notice of this public hearing had been published as required by law, the 10/29/97 issue of the Storm Lake Pilot-Tribune. Johnson reported that it was the recommendation of the Zoning Commission to approve the request which would permit the 3rd division, 2 parcels within the subdivision, and the 3rd outside. There were no comments from the public. Motion by Gustafson, second by Vail, to close the public hearing. Carried.

Motion by Burnside, second by Crampton, to adopt Resolution 1997-11-4a as follows:

RESOLUTION 1997-11-4a

WHEREAS, Norene Martin and Brian and Sandy Martin have presented a final plat (of survey) on:

DESCRIPTION: LOT A: A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW ¼ NW ¼) OF SECTION 24, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Northwest Quarter (NW ¼) of said Section 24; Thence on an assumed bearing of North 00° 00' 00" East, along the West line of said Northwest Quarter (NW ¼), 351.85 feet to the Point of Beginning. Thence South 89° 55' 53" East, 513.56 feet; Thence North 00° 05' 45" East, 90.85 feet; Thence South 89° 54' 15" East, 102.00 feet; Thence North 00° 05' 45" East, 10.00 feet; Thence North 89° 54' 15" West, 102.00 feet; Thence North 00° 05' 45" East, 138.09 feet; Thence North 88° 04' 06" West, 514.25 feet to the West line of said Northwest Quarter (NW ¼); Thence South 00° 00' 00" West, 255.66 feet to the Point of Beginning.

DESCRIPTION: LOT B: A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW ¼ NW ¼) OF SECTION 24, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Northwest Quarter (NW ¼) of said Section 24; Thence on an assumed bearing of North 00° 00' 00" East, along the West line of said Northwest Quarter (NW ¼), 315.47 feet to the Point of Beginning. Thence continuing along said West line, North 00° 00' 00" East, 36.38 feet; Thence South 89° 55' 53" East, 513.56 feet; Thence North 00° 05' 45" East, 90.85 feet; Thence South 89° 54' 15" East, 102.00 feet; Thence North 00° 05' 45" East, 10.00 feet; Thence South 89° 54' 15" West, 102.00 feet; Thence North 00° 05' 45" East, 62.09 feet; Thence South 90° 00' 00" East, 283.32; Thence South 01° 17' 33" West, 318.28 feet; Thence North 89° 42' 22" West, 225.85 feet; Thence North 00° 31' 04" West, 117.66 feet; Thence North 89° 55' 53" West, 563.06 feet to the Point of Beginning.

WHEREAS, the final Plat meets with the approval of the Zoning Commission subject to the following if any:

WHEREAS, the final plat meets with the approval of the Board of Supervisors subject only to the following if any:

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa, Board of Supervisors that the

final plat of LOT A: A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW ¼ NW ¼) OF SECTION 24, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA. AND LOT B: A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW ¼ NW ¼) OF SECTION 24, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, is hereby accepted subject to the following if any:

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of said LOT A: A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW ¼ NW ¼) OF SECTION 24, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA. AND LOT B: A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW ¼ NW ¼) OF SECTION 24, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 4th day of November, 1997.
/s/ Doug Bruns, Chair, Board of Supervisors /s/ Karen M. Strawn, Auditor
Carried.

10:40 a.m.—the time having arrived for the public hearing on the Chet Brecher subdivision request for a property located in Hayes Township, the chairman opened the hearing. It was noted that notice of this hearing had been published as required by law in the 10/29/97 issue of the Storm Lake Pilot-Tribune. Kim Johnson and Real Estate Clerk Leigh Madsen were present. It was the recommendation of the Zoning Commission to approve the request. There being no comments from the public, motion by Gustafson, second by Burnside to close the public hearing. Carried.

Motion by Vail, second by Gustafson, to adopt resolution #1997-11-4b as follows:

RESOLUTION 1997-11-4b

WHEREAS, Chet Brecher have presented a final plat (of survey) on A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE ¼ NW ¼) OF SECTION 8, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Northwest Quarter (NW ¼) of said Section 8; Thence on a previously recorded bearing of South 00° 00' 00" West, along the East line of said Northwest Quarter (NW ¼), 1493.40 feet to the Point of Beginning. Thence North 89° 48' 19" West, 415.57 feet; Thence South 00° 01' 35" West, 172.00 feet; Thence South 89° 48' 19" East, 415.65 feet to the East line of said Northwest Quarter (NW ¼); Thence North 00° 00' 00" East, along said East line, 172.00 feet to the Point of Beginning.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any:

WHEREAS, the final plat meets with the approval of the Board of Supervisors subject only to the following if any:

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa, Board of Supervisors that the final plat of A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE ¼ NW ¼) OF SECTION 8, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA is hereby accepted subject to the following if any:

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of said A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE ¼ NW ¼) OF

SECTION 8, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 4th day of November, 1997.
/s/ Doug Bruns, Chair, Board of Supervisors /s/ Karen M. Strawn, Auditor
Carried.

Johnson requested another public hearing date. Motion by Burnside, second by Vail, to set November 12, 1997 at 1:00 P.M. as the date and time of public hearing date for a **subdivision request** submitted by Steve Mummert, Alta. Carried.

Motion by Crampton, second by Burnside, to approve the **minutes** of the 10/28 meeting as printed. Carried.

Motion by Burnside, second by Vail, to deposit the forfeited flex benefit funds for FY'97 in the total amount of \$3.90 into the General Fund for use by the **Wellness Committee**. Carried.

Motion by Gustafson, second by Vail, to appoint Frank Fabrizio as the Board of Supervisors second representative on the BV Co. **Compensation Board**. Carried.

11:30 a.m.—the time having arrived for the public hearing on the ag area petition filed 9/25/97 by Curtis Haroldson, etal, the Chairman opened the hearing with no interested persons present. The auditor noted that this was a rescheduled hearing, originally set for 10/14/97, and republished for today's date and time, in the 10/29/97 Sioux Rapids Bulletin Press. No written or oral comments were received. Motion by Vail, second by Burnside, to close the public hearing. Carried.

Motion by Vail, second by Burnside, to approve the **Ag Area Petition** filed 10/25/97, by Curtis Haroldson, etal. with the following boundary description:

Beginning at the Northeast Corner of the Northeast Quarter of Section Seventeen (17), Township Ninety-three (93) North, Range Thirty-seven (37) West of the Fifth P.M., Buena Vista County, Iowa, thence south one-fourth mile, thence west one-half mile, thence north one-fourth mile, thence west one-eighth mile, thence north to a point 82.5' south of the north line of the Southwest Quarter of Section Eight (8), thence east 952.9', thence north 330.0', thence east 863.89', thence south one-fourth mile, thence east one-fourth mile, thence south one-fourth mile to the point of beginning.

Gustafson commented that the original ag area law was not set up for the larger operations being built today. He stated that since the Board has received objections to ag areas in that part of the county, not this petition in particular, but in general to the large operations, that he will vote nay to reflect those objections. Originally, the law was to protect the farmer from the potential location of a commercial development in the middle of an agricultural operation, such as the 1st one in BV County approved for Jim McKenna. Ayes—Burnside, Crampton, Vail. Nay—Gustafson. Abstentions—none. Carried.

11:40 a.m.—the time having arrived for the public hearing on the ag area petition filed 9/15/97 by Don Patten, etal, the Chairman opened the hearing with Don and Sharon Patten present. The auditor noted that this was a rescheduled hearing, originally set for 10/14/97, and republished for today's date and time in the 10/29/97 issue of the Sioux Rapids Bulletin Press. Patten and his son will be building a 1200 sow operation. He will not be required by the DNR to have a manure management plan, but plans to do so anyway (which includes all injection application). They will use concrete manure storage under the buildings, and for outside, an uncovered concrete storage facility. Their lender has required the ag area application. Two letters of objections were read by the Chairman. The Pattens stated that not all of the claims in the letters were true. There being no other objections. Motion by Crampton, second by Vail to close. Carried.

Motion by Vail, second by Burnside to approve the ag area petition filed 10/15/97 by Donald Patten, etal., the boundary description generally being:

Beginning at the intersection of the Little Sioux River and the North Section line of Section 5, thence East to the Northeast Corner of the Northwest Quarter (NW¼) of Section Four (4), thence South to the Northwest corner of the Southeast Quarter (SE¼) of Section Four (4), Thence East to the Northeast corner of the Southeast Quarter (SE¼) of Section Four (4), thence South to the Southeast corner of the North 74 acres of the Southeast Quarter (SE¼) of Section Four (4), thence West to the East line of the Southwest Quarter (SW¼) of Section Four (4), thence south to the South Line of Section 4, thence West to the Southwest corner of Section Four (4), thence North to a point 192.73' North of the Southeast corner of the Northeast Quarter (NE¼) of Section Five (5), thence North 79°39'10" West, 267.77 feet; thence North 52°00'23" West, 250.20 feet; thence South 69°05'17" West, 173.54 feet; thence North 70°09'12" West 258.71 feet; Thence North 01°22'51" East, 240.37 feet; Thence North 01° 27'25" East 213.26 feet; Thence North 12°07'54 East. 545.43 feet; Thence North 44°47'08" East, 72.36 feet; North 04°08'30" East, 418.18 feet. Thence West to the Little Sioux River, then following the western boundary of the Little Sioux River northerly to the point of beginning.

Vail noted that approved or not, the owner has the right to build. Burnside supports it because it is a family operation. Gustafson will not object, but he does have concerns about the river if large rains cause overflow of the outside storage facility. Patten described the landscaping which was designed to prevent this problem. There being no further comments, the motion was called. Carried.

There being no further business, the meeting adjourned to Monday, November 10 at 8:30 a.m. for a special session to canvass the November 4, 1997 city elections.

**BOARD OF SUPERVISORS
FORTY-NINTH MEETING, 1997 SESSION (49)
NOVEMBER 10, 1997**

The Buena Vista County Board of Supervisors met in special session on Monday, November 10, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

Motion by Burnside, second by Crampton, to approve the following as a departmental rule for the Custodial department: "in addition to the regular holiday pay provided for in the personnel policy, custodians shall be paid at time and one-half for the actual hours worked whether or not they work 40 additional hours in the pay week". Carried.

Environmental Health Director Kim Johnson reported on the DNR findings regarding the manure spill by the Bruce Edwards confinement operation.

The Board proceeded with the Canvass of the November 4 City Elections, after which, and pursuant to Chapter 50.24 of the Iowa Code, motion by Gustafson, second by Burnside, to declare the results as follows:

Alta: total voters-331 (30.14% turnout)
for Mayor

| | | |
|---|----------|---------|
| Edwin E. Buckendahl | 266 | elected |
| Robin Miller | 50 | |
| <u>Scattering -write-ins (5 people)</u> | <u>8</u> | |

| | | | |
|--|---|-----------|----------------------|
| for Councilperson-elect 2 | Ronald L. Gullickson | 117 | |
| | Bruce McGowan | 246 | elected |
| | Jimmy Peterson | 80 | |
| | Brian Walsh-write-ins | 151 | elected |
| | <u>Scattering-write-ins (11 persons)</u> | <u>13</u> | |
| for Park Board-elect 1 | Tony Weiland-write in | 23 | elected |
| | <u>Scattering-write-ins(17 persons)</u> | <u>26</u> | |
| <u>Albert City: total voters-89 (16.79% turnout)</u> | | | |
| for Mayor | Carl N. Erickson Jr. | 83 | elected |
| | <u>Scattering-write-ins (2 persons)</u> | <u>2</u> | |
| for Councilperson-elect 2 | Keith Moe | 78 | elected |
| | Dale J. Skog | 82 | elected |
| | <u>Scattering -write-ins (6 people)</u> | <u>16</u> | |
| <u>Lakeside: total voters-43 (15.30% turnout)</u> | | | |
| for Mayor | Gene Mandernach | 43 | elected |
| for Councilperson-elect 3 | Burton E. Bonebrake | 40 | elected |
| | Dennis Fisher | 41 | elected |
| | <u>Warren F. Wilson</u> | <u>35</u> | <u>elected</u> |
| <u>Linn Grove: total voters-33 (24.63% turnout) (all votes were cast by write-in)</u> | | | |
| for Mayor | Stuart Genson | 26 | elected |
| | <u>Scattering (4 people)</u> | <u>5</u> | |
| for Councilperson-elect 5 | Glenn Ellis | 23 | elected |
| | Stewart Jessen | 26 | elected |
| | Herschel Morse | 20 | elected |
| | Roger Warkentin | 25 | elected |
| | Darlene Wise | 23 | elected |
| | Jeff Genson | 7 | |
| | Steven Jessen | 5 | |
| | <u>Scattering -write-ins (12 people)</u> | <u>19</u> | |
| <u>Marathon: total voters-86 (40.00% turnout)</u> | | | |
| for Mayor | Rosie Coleman | 41 | |
| | <u>Lois Olson</u> | <u>45</u> | <u>elected</u> |
| for Councilperson-elect 2 | Jeff Elbert | 51 | elected |
| | Donna M. Johnston | 43 | elected |
| | Larry Robinson | 9 | |
| | Grace Weaver | 40 | |
| | Michael White | 28 | |
| | <u>Scattering -write-in</u> | <u>1</u> | |
| <u>Newell: total voters-296 (49.17% turnout)</u> | | | |
| for Mayor | Rod Johnson | 203 | elected |
| | Charles Witter | 64 | |
| | Bob Jorgensen | 25 | |
| | <u>Scattering -write-ins (3 people)</u> | <u>3</u> | |
| for Councilperson-elect 3 | William D. Thompson | 230 | elected |
| | Michael Schnell | 199 | elected |
| | David A. Wiley | 144 | elected |
| | Tim Kier | 137 | |
| | <u>Scattering - write-ins (24 people)</u> | <u>27</u> | |
| for Park Board | Bob Jensen-write in | 5 | |
| | Kent Wolcott-write in | 5 | - won the tiebreaker |
| | <u>Scattering - write-ins (17 people)</u> | <u>32</u> | |
| <u>Rembrandt: total voters-37 (31.62% turnout)</u> | | | |
| for Councilperson-elect 3 | Damon Hickman | 12 | |
| | Michael Kelly | 37 | elected |
| | Sydney Peterson | 13 | elected |
| | Doyle Engebretson | 20 | elected |

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|---|--|-----------|---------|
| | Sharon Harrington | 7 | |
| | <u>Scattering -write-ins (3 people)</u> | <u>5</u> | |
| <u>Sioux Rapids: total voters-225 (45.45% turnout)</u> | | | |
| for Mayor | David Althaus | 2 | |
| | Allen Sorenson | 149 | elected |
| | Duane Ludwig-write in | 64 | |
| | <u>Scattering -write-ins (1 person)</u> | <u>3</u> | |
| for Councilperson-elect 2 | Nicole Bauerly | 48 | |
| | Janet Herrig | 154 | elected |
| | Dennis McHugh | 161 | elected |
| | Bruce Ferguson-write in | 50 | |
| | <u>Scattering -write-ins (7 people)</u> | <u>7</u> | |
| <u>Storm Lake: total voters-903 (16.64% turnout)</u> | | | |
| for Mayor | Sandra Madsen | 723 | elected |
| | <u>Scattering -write-ins (19 people)</u> | <u>21</u> | |
| for Councilperson-elect 2 | Louis E. Henderson | 97 | |
| | Jon Kruse | 566 | elected |
| | Keith Madsen | 358 | |
| | Jim Treat | 661 | elected |
| | <u>Scattering -write-ins (5 people)</u> | <u>6</u> | |
| <u>Truesdale: total voters-24 (40% turnout)</u> | | | |
| for Mayor | Steve C. Buchholz | 16 | elected |
| | Jessie Meusburger | 5 | |
| | <u>Scattering -write-ins (2 people)</u> | <u>2</u> | |
| for Councilperson-to fill vacancy-elect 3 | Stan Buchholz | 19 | elected |
| | Jim Weiland | 24 | elected |
| | Mike Paulsen | 5 | elected |
| | <u>Scattering -write-ins (8 people)</u> | <u>11</u> | |
| for Councilperson-elect 2 | Jessie Meusburger | 21 | elected |
| | Michael Meusburger | 24 | elected |
| | <u>Scattering-write-ins (1 person)</u> | <u>3</u> | |

and to direct the commissioner to prepare abstracts accordingly. Carried.

SLADC Executive Director Jim Gossett updated the board on the spec building for which construction has started, and the marketing program for 1998. The spec building will be the major emphasis. The types of industries SLADC will be pursuing include: value added agriculture, rubber and plastic products, industrial machinery and equipment, electrical and electronic equipment, instruments and medical equipment.

Deputy Assessor Kim Carnine presented signed **family farm credit** applications. Motion by Gustafson, second by Vail, to approve family farm credit applications for 1997 as recommended by the Assessor, and to disapprove the following applications as recommended by the Assessor: parcel #'s 10179.00, .10, 10750.75, 10721.00, 10750.00, .10, 10751.00, .10, 10751.25, 50, .60, 10814.00, .10, 9052.00, 7700.00, .10, 8290.00, .10, .20, .30, 10122.00, .10, .20, .30. Carried.

Carnine also discussed the possibility of adding drainage ditches to the **mapping** files on the computer. Completing the project would require researching information located in the engineer's office. All agreed that it would be a useful project that could be completed over time. Without an early deadline, the engineer's staffperson could look up the information as he has time. The Board was favorable to the project.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign a universal pay voucher in the amount of \$1,545.40 for **C-13** design work advanced by Kuehl & Payer. Carried.

The engineer provided assessment values for the buildings at the **Hudson St.** site.

There being no further business, the meeting adjourned to Wednesday, November 12 at 8:30 a.m. for a regular session (rescheduled from November 11, Veteran's Day, a holiday).

**BOARD OF SUPERVISORS
FIFTIETH MEETING, 1997 SESSION (50)
NOVEMBER 12, 1997**

The Buena Vista County Board of Supervisors met in regular session on Wednesday, November 12, 1997, (postponed from November 11 to observe Veteran's Day) at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

With 54 interested persons present in the district courtroom, the Chair opened the discussion on a proposed ordinance regulating umbilical manure pumping lines, by asking Ass't County Attorney Dave Patton to review his draft of the ordinance. After noting that any number of alternatives could be considered, he had included two: 1) to prohibit the lines on roads and in ditches, and, on drainage ditch right-of-way, or, 2) to regulate the pumping process by setting minimum distances for locating junctions, coupling, and/or splices. Patton also stated that it is unclear whether or not the state has regulations on commercial cleaners of private waste facilities and sets standards on same, which may preempt the county from establishing regulations. It would be the county's board of health who would be responsible for enforcing those standards. As trustees of the drainage districts, the board has the power to outlaw travel or agricultural practices in drainage district right-of-way which is injurious or interferes with preservation, operation or maintenance. (Q=question, C=comment, R=response)

Q--If gas lines are permitted in ditches, why wouldn't manure lines also be permitted since gas is not biodegradable and more harmful in the water supply than diluted effluent? Gas is a contaminant.

C--The problem is the size of operation. Make them put the manure on their land. R--Not everyone has land that is contiguous. If the manure was all put on the land adjacent to the site, they would be out of compliance for applying it too heavily.

C--Maybe the owner whose land is crossed by the lines should be able to expect something from the livestock producer who needs to cross the land.

C--Since the window of opportunity for applying the manure is a few weeks in the spring after the ground is thawed and before the crops are planted, and a few weeks in the fall between harvest and the ground freezing again, the livestock producer has a limited number of days to empty the storage facility. If wet weather causes gravel roads and shoulders to get soft, hauling manure in a honeywagon damages those roads which are paid for by all landowners. In reviewing the operation which produced the spill, there were precautions that could have been taken to reduce the effects, or eliminate the spill in the first place.

C--Umbilical manure pumping lines are not new. They have been on the market here for 7 years.

Suggestion: The county could require a permit which would show the plan and route. Intakes could be located and a deposit paid for intake plugs to protect water sources. When completed and the plugs returned, the deposit would be refunded.

Q--If that process were followed, and there was a broken tile, who would be liable?

R--The county has the responsibility of serving its citizens economically and environmentally. This includes the livestock producer.

C—In this dialogue, manure has been elevated to a hazardous material. However, it doesn't begin to be as hazardous as the standard practice of large cities which dump untreated human sewage directly into the river each spring.

C—As the landowner between the producer's facility and the land upon which the producer will apply the manure, perhaps the landowner would like some of the manure in exchange for the privilege of permitting manure lines across his property.

C—This spill is only the 3rd in 6½-7 years, and the only one where injection was the method of application. By comparison, we don't have any statistics on honeywagon spills. The economics of pumping lines go away after about 1½ miles, and they save the roads.

C—When roads are bad and honeywagons can't be used, pumping prevents over-application on the land adjacent to the facility.

C—Farm Bureau's research would indicate that manure lines are not prohibited in any other county or state.

Dave Patton—If the county has the responsibility to protect, receives a complaint, and does nothing, then it may have some liability. However, he was not sure that the county is at a point that we know we have a liability with only a single accident.

Burnside—was pleased to see the turnout and to hear a good discussion, but would also like to involve the contractor in the process.

Crampton—noted that he lives in the city but has lived on the farm in the past. He also appreciated the discussion and the suggestion of a permit and intake plugs. He would like to see that any action to be taken by the Board, is legal and sound.

Vail—noted that no one present for this meeting wants to hurt the environment. Discussions like today's can mean that the product is mutually agreeable.

Gustafson—feels that a permit which allows lines to cross the road would be ok. They should be sleeved, and intakes should be plugged. It is for everyone's' benefit to protect the ditches and creeks. When we lose fish, we lose fur-bearing animals, and then we lose the Eco-system. We need a permit system to ensure that the pumping is done the right way. If there are errors/problems, then the permit can be revoked. The big guys are abusing the system and causing the problem, and hurting us all.

The Chair summarized that the consensus of the Board was to have Patton amend the ordinance to allow no crossing or running lines contiguous to drainage ditches, to permit crossing of roads with lines enclosed in sleeves, to establish a permit system, and to require intake plugs.

Other questions left unanswered were: what is a sleeve and where can they be purchased? If the line goes through the culverts, how many times is crossing ok? Will the angle of the turns be regulated since sharp turns increase the pressure and spill potential?

Patton was asked to have the draft completed at least some time in advance of the meeting at which it is discussed to permit interested persons time to review. That meeting will be November 25 at 11:15 a.m. One final recommendation to the board was to slow down in approving all of the ag areas. These petitioners should be out talking to their neighbors.

The Chair thanked those present, and the Board returned to the Boardroom.

Due to the length of the previous appointment, and the timing of the next, it was the consensus of the Board to postpone the 2nd reading of the Amendment to Ordinance 6.5 (Junkyards) until after the 1:00 p.m. public hearing on the Mummert subdivision zoning request. Whereupon, the Board recessed until

1:00 p.m. to attend a legislative coffee at the E. Richland Annex with area providers and legislators to discuss mental health budget, issues, diagnosis and transportation.

1:00 p.m.—The time having arrived for the public hearing on the Steve Mummert requests for **subdivision** and **rezoning** for his property in Alta, the Chairman opened the hearing with Zoning Director Kim Johnson and Mummert present. Johnson confirmed that the notice had been published as required, and that no written objections had been filed. Johnson reported that the Zoning Commission has recommended in favor of approval. Mummert would like to reserve the center lot for residential purposes. He plans a commercial storage facility on one of the other lots. No further division is possible on the corner lot. Having received no objections, motion by Vail, second by Burnside to close the public hearing. Carried.

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

RESOLUTION 1997-11-12

WHEREAS, Steve Mummert has presented a final plat (of survey) on A PART OF LOT THREE (3) OF THE AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼) OF SECTION 26, TOWNSHIP 91 NORTH, RANGE 38 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of said Section 26; Thence on an assumed bearing of South 00° 55' 57" West, along the East line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 295.90 feet; Thence North 89°23'38" West, 657.05 feet to the West line of said Lot Three (3); Thence North 00°50'41" East, along said West line, 295.90 feet to the North line of said Northeast Quarter or the Northeast Quarter (NE¼ NE¼); Thence South 89°23'38" East, along North line, 657.50 feet to the Point of Beginning.

WHEREAS, the final plat meets with the approval of the Zoning commission subject to the following if any:

WHEREAS, the final plat meets with the approval of the Board of supervisors subject only to the following if any:

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa, Board of Supervisors that the final plat of A PART OF LOT THREE (3) OF THE AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) OF SECTION 26, TOWNSHIP 91 NORTH, RANGE 38 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, is hereby accepted subject to the following if any:

BE IF FURTHER RESOLVED that this Resolution shall be affixed to the final plat of said A PART OF LOT THREE (3) OF THE AUDITOR'S SUBDIVISION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) OF SECTION 26, TOWNSHIP 91 NORTH, RANGE 38 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 12th day of November, 1997.

/s/ Doug Bruns, Chair, Board of Supervisors

/s/ Karen M. Strawn, Auditor

The vote on the above resolution was Carried.

Motion by Vail, second by Burnside to approve the 2nd reading of the amendment to **Ordinance 6.5 (Junkyards)**. Burnside-aye, Crampton-aye, Gustafson-aye, Vail-aye, Bruns-aye. Carried. By consensus, the board approved the date and time of the 3rd Reading as 8:30 a.m., November 25 in the Boardroom.

By consensus, the board approved the date and time of the 1st Reading of **Ordinance 5.9-Hazardous Material and Substance** as November 25 at 8:40 a.m. in the Boardroom.

Motion by Vail, second by Crampton, to set the date and time of public hearing on the **Ag Area Petition** filed November 11, 1997 by Bob Skog, etal. as December 2, 1997 at 8:30 a.m. in the Boardroom. Carried. It was the consensus of the Board to notify the applicant of the public hearing and to request his presence for the hearing.

Motion by Gustafson, second by Crampton, to approve the **minutes** of the November 4 meeting as printed. Carried.

There being no further business, the meeting adjourned to Tuesday, November 18 at 8:30 a.m. for a special session.

**BOARD OF SUPERVISORS
FIFTY-FIRST MEETING, 1997 SESSION (51)
NOVEMBER 18, 1997**

The Buena Vista County Board of Supervisors met in special session on Tuesday, November 18, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail. Nays--none. Abstentions--none.

8:30 a.m.—Motion by Burnside, second by Vail, to approve the 3rd Reading of the amendment to **Ordinance 5.7 (Junkyards)** as shown below. Burnside-aye, Crampton-aye, Gustafson-aye, Vail-aye, Bruns-aye. Carried.

BUENA VISTA COUNTY ORDINANCE NO. 5.7

Title: An amendment to limit the applicability of Ordinance 5.7, pertaining to junkyards and junk dealers, to persons who deal with junk for commercial purposes.

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

SECTION 1. Purpose. The purpose of this amendment to Ordinance 5.7, which pertains to junkyards and junk dealers, is to limit the applicability of such Ordinance to persons who deal with junk for commercial purposes.

SECTION 2. Repeal of Section 2 of Ordinance 5.7. Section 2 of Ordinance 5.7 is hereby repealed.

SECTION 3. Section 2 of Ordinance 5.7 as Amended. The following new Section 2 of Ordinance 5.7 is hereby adopted:

Section 2. Definitions. Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Ordinance:

“**Person**” means any person, firm, partnership, association, corporation, company or organization of any kind, except that “person” shall not include an entity established or designated to operate a sanitary landfill, a recycling center, or both, under an agreement authorized by Chapter 28E of the Code of Iowa to which Buena Vista County is a party.

“**Junkyard**” means a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a commercial purpose, or any place where more than two inoperable motor vehicles, or used parts and materials thereof, when taken together equal the bulk of two motor vehicles, are stored or deposited for a commercial purpose; but “junkyard” shall not include any enclosed building were the only junk that is bought, kept, processed or sold is paper, redeemable bottles, redeemable cans, or a combination thereof; and “junkyard” shall not include a sanitary landfill or recycling center operated by any entity established or designated to operate it under an

agreement authorized by Chapter 28E of the Code of Iowa to which Buena Vista County is a party.

“Junk dealer” means 1) any person who, for a commercial purpose, buys, sells, transfers, delivers or stores junk, including all persons who carry on such business at a junk shop or junkyard or as a peddler; 2) any person who by advertisement, sign, or otherwise holds himself or herself out as a junk dealer or dealer in articles included within the definition of junk above, including a person engaged in the activity known as “Auto salvage”; and 3) any person who is an employee or agent of a junk dealer while such person is in or on the junkyard operated by the person’s employer or principal who is a junk dealer or while such person is acting within the scope of such person’s authority as such employee or agent or under color of such authority. However, “junk dealer” shall not include businesses engaged in the towing, repairing, or storing of wrecked motor vehicles where sales of such wrecked motor vehicles are only incidental to the collection of repair and storage charges; and “junk dealer” shall not include persons whose junk that is bought, sold, transferred, delivered or stored (1) includes only paper, redeemable bottles, redeemable cans or a combination thereof, and (2) if stored, is stored in an enclosed building.

“For a commercial purpose” means for the purpose or with the intent of generating income from the depositing, storage, processing, selling, transferring, delivering, remanufacturing, repairing, or use of junk.

“Contaminant” means any material or liquid which soils, stains, corrupts or infects anything organic or inorganic by contact or association or which may render anything unfit for use by introduction of one or more elements that taint, pollute, or defile it or make it impure or unclean.

“Business premises” or “premises” means the area of a junk yard as described in a junk dealer’s license or application for license, as provided in this Ordinance.

SECTION 4. When Effective. This amendment shall be in effect after its final passage and publication as provided by law.

Adopted by the Board of Supervisors on this 18th day of November, 1997.

/s/ Chairperson, Supervisors, and Auditor

Motion by Crampton, second by Burnside, to set the date and time of public hearing on a **subdivision request** in Section 11, Lee Township, by Brian Waldstein, as November 25, 1997, in the Boardroom at 1:30 p.m. Carried.

Motion by Burnside, second by Vail, to set the date and time of public hearing on the **subdivision request** of NutraTech, in Coon Township, for November 25 at 2:00 p.m. in the Boardroom. Carried.

Bruce Nordmann, Chem-trol, Inc., reported to the Board on the **brush control work** completed in 1996-97 on several **drainage ditches** (Step 1: DD #1, 1-Lat 1, 20, 274, 14 Ext., 184, 3, 83, DD34 Lat’s 6 & 9, 101, 183, 32, 205, 106, 180.) The Board had indicated they wanted to divide the total project into thirds, to be done in consecutive years. By consensus, the Board approved work in the following: Step 2--Laterals 1, 2, 3, 4, 5, 7, & 8, of DD #34, and also DD #49, to be started in the next couple weeks. Next year’s step 3 will include: DD #34 Main.

8:40 a.m.—Motion by Gustafson, second by Burnside, to approve the 1st Reading **of Ordinance 5.9 Hazardous Waste and Substance**. Burnside-aye, Crampton-aye, Gustafson-aye, Vail-aye, Brunside-aye. Carried. The 2nd Reading was scheduled for 9:00 a.m. November 25, 1997, in the Boardroom.

In consideration of the work to be done by volunteers regarding the President’s youth project, It was the consensus of the Board to pay mileage and meals for any Des Moines meetings to persons serving on the **Summit on Volunteerism** Committee, currently chaired by Bill Lanphere.

Engineer Jon Ites reviewed the current policy on start-times for **snow removal**, and, a draft of a resolution changing those hours. He noted that each storm is different, and so each is treated individually due to current conditions, and the expected later conditions. Some of the variables include wind speed, amount of snowfall, ice/no ice on the ground, time of day, amount of daylight, etc.

Scott Darrow would like to see the schedule changed back to what it was 2-3 years ago. He suggested locating a motorgrader in each town.

Discussed were several suggestions to clear certain roads first, with pros and cons being given. Darrow emphasized that he is not alone in his concerns, that many other people from the Albert City area also want to see the roads cleared sooner.

Ites stated that running motorgraders on hard surface roads does not make for an efficient operation, and that he can't pick and choose a road here and there from all over the county, and get those cleared before clearing all of the others. Not everyone can have theirs cleared first.

Motion by Gustafson, second by Burnside, to start both truck mounted snow plows & chemical/abrasive spreaders, and motorgraders with snow removal equipment, at the same time, and to instruct the Engineer to design a route for motorgraders on hard surfaced roads for the 1st hour of operation. Ayes—Burnside, Crampton, Gustafson. Nay—Vail. Carried.

Engineer Bob Payer and Engineer Ivan Droessler, both from Kuehl & Payer Ltd., visited with the Board about the possibility of doing **drainage work** for the county. Payer also discussed their bridge inspection services.

Sheriff Chuck Eddy and Engineer Jon Ites discussed transferring a **secondary road building** at the Hudson site to the Sheriff's department. Ites has investigated the value of the building and found that it has an assessed value of \$15,120. This does not include the value of the land the building sits on. Besides the Sheriff's dept., the weed department is also interested in a heated space. Ites recommended that the county attorney draw up the appropriate agreements. There needs to be shown a transfer of the building to general county operations, a transfer of funds from General Basic to Sec'y Road funds, and, a lease of the land from Sec'y Roads to general county purposes.

Fundco, a county **bridge construction fund**, again has money available. Ites reviewed a map of 8 bridges with the highest needs count for replacement. It was a consensus of the board to submit a funding application for the bridge between Sections 1 & 12, Providence Twp., over the Raccoon River and south of C-49.

Ites requested and received approval to disposal of **used equipment** -- 2 1985 Chevrolets -- by advertising in the newspaper and taking the highest sealed bid. One has 119,000 miles, the other 103,000.

Two sealed offers were received for (**used equipment**), a truck box. A 3rd offer was received after the deadline. It was the consensus of the Board to not open the 3rd offer.

Motion by Burnside, second by Gustafson, to approve the following items on the consent agenda:
minutes of the 11/10 and 11/12 meetings as printed;
reports—Oct. Conservation minutes, Communications Commission minutes; FY'97 annual Conservation Board report, 3rd Judicial District Dept. of Corrections; also—Oct NWIPDC Policy Council minutes.

Carried.

Safety Coordinator Mike Raner and Engineer Ites discussed the merits of a **hearing conservation program**. Ites questioned starting out in the middle of things, with people who have been employed for some time. OSHA regs call for an inventory of noise levels, and in those pieces of equipment where noise exceeds 85 decibels, operators must have annual retesting. Because all secondary road employees move around to different equipment, everyone must be tested. Motion by Crampton, second by Gustafson, to adopt the hearing conservation program as prepared by Safety Coordinator Mike Raner. Carried.

Raner is working on a program to schedule all safety training for a single day or 2 each year, rather than schedule an hour or two, now and then.

With the Board's approval, ltes will ask the IDOT to review the functional classification of Hwy 7 from Cherokee to Fort Dodge. He will draft a letter for the 11/25/97 meeting.

There being no further business, the meeting adjourned to Tuesday, November 25 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
FIFTY-SECOND MEETING, 1997 SESSION (52)
NOVEMBER 25, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 25, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Burnside, Crampton, Gustafson. Nays—none. Abstentions—none.

Assistant County Attorney Rick Kimble provided the Board with information about a program to clean up a Albert City property, which may have underground fuel storage contamination in its soil due to previous use. Taxes on the property are delinquent, and John Hopkins (from Albert City) had inquired about clean-up so that the property could eventually be put back on the tax rolls. Funding from the state is available for clean-up. Taking title to the property is required. Kimble will investigate further, the consequences of acquiring title. The Board took no action at this time.

Ass't County Attorney for Juvenile Matters, Kimble discussed juvenile activity, including placements at the juvenile detention center in Cherokee, which are up.

Recorder Shari O'Bannon reported to the Board on the condition of several books containing many of the earliest birth and death records. She will contract for binding services with US Records, St. Cloud, MN, who provided the lowest quote, the services to be paid from the Recorder's management fund.

Kimble discussed resolving a drainage problem at Casino Beach, and the need for entering into a drainage agreement. He will review how the county's subdivision code effects this matter.

County Attorney Phil Havens discussed changing the usage of a secondary road building to Sheriff's purposes. It was built with Secondary Road Funds, and the Code of Iowa prescribes reimbursement to the Secondary Road Fund for services or property not used for secondary road purposes. Havens will prepare a transfer agreement.

On the subject of delinquent taxes, a building with delinquent taxes, located on leased land, was discussed. The county can't sell it at tax sale because that process can't be used for a building. The county would have to sue the owner of record. If the county were to win the suit, it could reach into all current and future assets. The Board has the authority to compromise the delinquent taxes before going to a personal judgment suit. Treasurer Kathy Bach suggested that the Board address all properties that are delinquent.

Spectra Administrator Sue Morrow reviewed the progress on the installation of a central air conditioning system at the facility. Installation, which was to be completed in the spring of 1997, was not done until fall. When it was tested, leaking was detected, but the cause has not been conclusively determined. A true test is not possible since the weather is now too cold. Ceiling tiles were water

damaged from leaking. Due to the tile problem, Inspections and Appeals, and the State Fire Marshall, both cited the facility for disrepair. Also, none of the staff has been trained on control of the new system, and even the computer has not been installed. Havens asked if there was a denial by the architect or contractor that they were responsible, or that they believed the work was completed. This is not the case, but repeated requests to finish the project have not produced results. Gustafson suggested that a letter be sent demanding completion first thing next summer. Havens will draft letters to both the architect and the contractor demanding completion.

Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign, the **utility construction** permit application of GTE Telephone to provide service to JWC Swine by boring under C-49 between Sections 30 and 31, Coon Township. Carried.

Motion by Burnside, second by Gustafson, to accept the high sealed bid, for **excess equipment**, received from Jim Eaton, Alta, in the amount of \$11,657.50 for a 1982 Gradall excavator. Carried

Motion by Burnside, second by Gustafson, to approve, to accept, and to authorize the Chairman to sign the contract, contractor's bond, and certificate of insurance of Godberson-Smith, Ida Grove, for the culvert **project #L-C-1-98—73-11**, the total amount of the project accepted having been \$63,847.01. Carried.

Ites drafted a letter to Rich Michaelis, IDOT, Sioux City regarding the functional classification of **Highway 7** between Hwy 71 and Hwy 4. Motion by Burnside, second by Crampton, to authorize the chairman to sign the letter to Rich Michaelis, IDOT, requesting a functional classification upgrade of Hwy 7 between Hwy 71 and Hwy 4. Carried.

Ites also read a letter from IDOT Engineer Clyde Bartel, who had performed a "Present Serviceability Index Survey", regarding **detour reimbursement** for county roads C-65, 120th Ave and M-44 used as detours by IDOT during re-construction of US 71. His findings resulted in a reimbursement figure of \$56,417, the value of the loss of service life, repairable damage and anticipated increased maintenance. Ites read a similar letter from Bartel finding \$15,343 as the estimate for reimbursement for using M-44, C-25, & M-50 as detours during the Hwy 71 and Hwy 3 intersection reconstruction project. Motion by Burnside, second by Crampton, to accept and to authorize the Chairman to sign acceptance of \$56,417 and \$15,343 from IDOT as reimbursements for county roads used as detours during re-construction of Hwy 71, and the Hwy 71-Hwy 3 intersection. Carried.

11:15 a.m.—The time having arrived for the 1st Reading of an **Ordinance Regulating the Use of Umbilical Pumping Lines in County Secondary Road Ditches or Rights of Way and Providing Criminal Penalties**, the Board moved to the District Courtroom for the reading and discussion. In addition to 2 county employees and media, 32 interested persons were present. Copies of the most recent draft of the ordinance were distributed to all present. The Chair began by announcing that Assistant Co. Attorney Dave Patton was detained, but would be arriving in about 15 minutes, and then proceeded to point out the sections of this draft that were new or revised from the last draft. (S=statement, Q=question, A=answer)

Q-why does Section 8(H) refer to human waste? S-if you want that, you should regulate all human waste. The city of Storm Lake hauls over our roads with human waste all of the time.

Q-if chemicals are added to the manure to neutralize it, does this change the ordinance? This is no more toxic than what IBP produces, and it goes on the ground.

The Board was requested to adopt an ordinance that regulates human waste.

Q-how do you define "drip" (Section 8(E))? There will be some drip at the disconnect, but quantify drip so that we know what your intent is.

Patton arrived for the discussion.

S-if you stay on private property, you don't need a permit but you could be as close as 5 feet from the ROW. C-depending on the location of the building or storage facility being emptied, you might be able to place the coupling 100 feet from ROW. If a coupling is necessary, you might be less than 100 feet from ROW.

S-this language could cut 30 days off the window when pumping can be done. If you cross a neighbors field and his endrows are closer to the ROW than 100 feet, you can't get started until he harvests.

The Chair noted that the whole purpose of ordinance is to keep the effluent from the low spots which include the ditches, to keep the number of junctions to a minimum, and to sleeve the pipes to catch any spills or leaks at the couplings.

S-to comply with the minimum coupling distance from the ROW, a length of 266' or more of impermeable pipe will be needed (100' to the ROW, plus the width of the road 66' or more, plus another 100' on the other side of the ROW). The double walled pipe currently only comes in short lengths.

Gustafson-this is an overreaction. We need to develop a method to cross the road safely.

Q-who has the liability for intakes not identified prior, but found during the pumping operation?

Q-in Section 8(F), who provides the bond, the applicant or the pumper?

Q-regarding Section 10(A), if you do your own pumping you aren't mandated to stay 100' feet from ROW with couplings, but if you hire it out you do?

Q-who owns the ditches? A-an Iowa Farm Bureau memo says the code says the county doesn't, and that the county can't prohibit lines unless it interferes with the ROW.

S-this ordinance was drafted without any input by us. It apparently was developed in a vacuum. We are not criminals. This just won't work.

Burnside-I believe we should use this draft as a starting point, and bring together a task force which includes supervisors, owners, pumpers, environmentalists, etc., and even non-producers, to create an ordinance agreeable to all.

S-the farmers here, are here because they are good stewards of the land. The impetus for this ordinance was a spill. This ordinance should address that only, not make it worse than it was. This one is headed for courtroom action.

Gustafson-you weren't at the creek the day of the spill, perhaps I should have called all of the Supervisors out, and the Farm Bureau and Pork Producers as well. I have known Brooke Creek all my life. The other day a trapper called to say that Brooke Creek is dead all the way to the Sioux River. There is nothing left alive. We're just asking for a little protection here. We want protection for our ROW.

Motion by Gustafson to approve the 1st Reading of **Ordinance Regulating the Use of Umbilical Pumping Lines in County Secondary Road Ditches or Rights of Way and Providing Criminal Penalties** as printed except for Sections 8(F), and Section 10(A) which should be deleted.

Answering a question about whether an amended ordinance has to start over again with the 1st reading, Patton said that the ordinance can be modified at each the 1st, 2nd and 3rd readings as long as it stays reasonably the same, with the same focus.

Crampton seconded the motion. Motion by Crampton to amend the main motion by adding "and, to call a task force, to be appointed by the Chair, to work on a private basis on the 2 sections (8[F] and 10 [A]) not approved in the main motion, and then bring their language back to be offered at the 2nd reading of

the ordinance". The vote on the amendment was: Burnside-nay, Crampton-aye, Gustafson-aye, Bruns-aye. Carried.

The roll was called on the amended motion (to approve the 1st Reading of an **Ordinance Regulating the Use of Umbilical Pumping Lines in County Secondary Road Ditches or Rights of Way and Providing Criminal Penalties** as printed except for Sections 8(F), and Section 10(A) which should be temporarily deleted and reviewed by the task force, and, to call a task force, to be appointed by the Chair, to work on a private basis on the 2 sections not approved in the main motion, and then bring their language back to be offered at the 2nd reading of the ordinance) as follows: Burnside-nay, Crampton-aye, Gustafson-aye, Bruns-aye. Carried. It was the consensus of the Board to wait to schedule the 2nd reading until the Task Force completes its work.

Gary Woodward, **JTPA** (Job Training Partnership Act), met with the board to discuss JTPA and Promise Jobs services. There are changes to be made in who provides JTPA services to BV County. Previously it was in Region 3, with NWIPDC providing the services. Now services will come from community colleges, bringing a change to BV County since it is in the Iowa Central Community College region - Region 5. Woodward asked for BV County to enter into a 28E agreement to accomplish this change. Through another agreement, NWIPDC will contract with ICC, and continue to provide the actual services in BV County. Motion by Gustafson, second by Burnside, to table approval of the agreement until the next meeting. Carried.

1:30 p.m.—The time having arrived for the public hearing on the subdivision request filed by Brian Waldstein, the hearing was opened by the Chairman with Env. Health Inspector Lorri Wood and Waldstein present. It was noted that notice of hearing was published as required by law, and that no written comments had been received. There being no objections, motion by Gustafson, second by Crampton, to close the public hearing. Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign the following resolution:

RESOLUTION 1997-11-25a

WHEREAS, Brian Waldstein has presented a preliminary and final plat (of survey) on A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER (E ½ NW ¼) OF SECTION 11, TOWNSHIP 93 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the Northwest Quarter (NW ¼) of said Section 11; Thence on an assumed bearing of South 00° 15' 48" East, along the East line of said Northwest Quarter (NW ¼), 2632.13 feet to the Southeast (SE) Corner of said Northwest Quarter (NW ¼); Thence South 89° 47' 25" West, along the South line of said Northwest Quarter (NW ¼), 137.97 feet; Thence North 00° 15' 48" West, 2382.63 feet; Thence North 90° 00' 00" West, 290.17 feet; Thence North 00° 00' 00" East, 250.00 feet to the North line of said Northwest Quarter (NW ¼); Thence South 90° 00' 00" East, along said North line, 427.00 feet to the Point of Beginning.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any:

WHEREAS, the final plat meets with the approval of the Board subject only to the following if any:

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa Board of Supervisors that the final plat of A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER (E ½ NW ¼) OF SECTION 11, TOWNSHIP 93 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA is hereby accepted subject to the following if any:

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of said A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER (E ½ NW ¼) OF SECTION 11, TOWNSHIP 93 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 25th day of November, 1997.

/s/ Doug Bruns, Chairman, Board of Supervisors

Attest: /s/ Karen M. Strawn, County Auditor

Carried.

Upon inquiry of Environmental Health Inspector Lorri Wood, it was the consensus of the Board to approve Kim Johnson (**Env Health and Zoning Director**) doing some work at her home while recuperating from a car accident.

2:00 p.m.—The time having arrived for the public hearing on a **subdivision request** filed by Nutra-Tech, the Chairman opened the hearing with Env. Health Inspector Lorri Wood and Rusty Kosky present. It was noted that notice of hearing had been published as required by law, and that a letter favoring approval of the request, received from David Richter, had been received. There being no objections, motion by Crampton, second by Burnside, to close the public hearing. Carried.

Mr. and Mrs. Dick Lambert, came into the meeting. Mrs. Lambert wished to comment on the Nutra-Tech subdivision request. Even though the public hearing had been closed, the Board gave her the opportunity to speak. She is very strongly opposed to having a hog facility built there because of her investment in her property. Her investment in the property since leaving Boston has been sizable. She believes that her property has already been devalued by another hog facility, and that permitting this one would cause irreparable harm. The Board noted that this was a relatively small facility, considering others being built elsewhere in the county. The board having heard her objections, Mr. and Mrs. Lambert left the meeting.

Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign the following resolution:

RESOLUTION 1997-11-25b

WHEREAS, Nutra-Tech has presented a preliminary and final plats (of survey) on TWO TRACTS OF LAND LOCATED IN THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 21, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5TH PRINCIPAL MERIDIAN, BUENA VISTA COUNTY, IOWA, MORE COMPLETELY DESCRIBED AS FOLLOWS:

PARCEL A

Commencing at the Northeast (NE) Corner of the NE ¼ of said Section 21; thence N 90° 00' 00" W 2400.87 feet along the North Line of the NE ¼ of said section 21; thence S 00° 00' 00" E 295.28 feet to the Point of Beginning; thence S 00° 02' 19" E 194.14 feet; thence N 89° 56' 32" W 49.51 feet; thence N 00° 30' 25" E 193.22 feet; thence N 88° 56' 17" E 47.68 feet to the Point of Beginning. Said tract #1 contains 0.22 acres including all easements of record and is monumented as shown on the plat hereon.

PARCEL B

Commencing at the Northeast (NE) Corner of the NE ¼ of said Section 21; thence N 90° 00' 00" W 2511.36 feet along the North Line of the NE ¼ of said Section 21; thence S 00° 00' 00" E 294.22 feet to the Point of Beginning; thence S 00° 46' 39" E 194.85 feet; thence S 89° 29' 10" W 49.78 feet; thence N 00° 23' 40" W 194.25 feet; thence N 88° 46' 45" E 48.49 feet to the Point of Beginning.

Said tract #2 contains 0.22 acres including all easements of record and is monumented as shown on the plat hereon.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any:

WHEREAS, the final plat meets with the approval of the Board subject only to the following if any:

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa, Board of Supervisors that the final plat of TWO TRACTS OF LAND LOCATED IN THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 21, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5TH PRINCIPAL MERIDIAN, BUENA VISTA COUNTY, IOWA is hereby accepted subject to the following if any:

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of said TWO TRACTS OF LAND LOCATED IN THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 21, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5TH PRINCIPAL MERIDIAN, BUENA VISTA COUNTY, IOWA and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 25th day of November, 1997.

/s/ Doug Bruns, Chairman, Board of Supervisors Attest: /s/ Karen M. Strawn, County Auditor

Carried.

Sue Fitzpatrick, agent for Live Investors health insurance, discussed a letter she had sent the Board regarding **employee health insurance** coverage. She believes that the county could save a considerable number of dollars in a comparable program with her company. She requested the opportunity to review 3 years' utilization reports. The Board agreed.

Having received a request from Doreen Loefelholz, **Catholic Charities**, to change the days she shares an office with the General Relief Director at the **E Richland Annex**, it was the consensus of the Board to approve her use on Mondays and Wednesdays, beginning January 1, 1998.

Motion by Burnside, second by Crampton, to approve the **minutes** of the 11/18 meeting as printed and the following **report**: 1st Qtr FY'98 Recorder's fees. Carried.

There being no further business, the meeting adjourned to Tuesday, December 2 at 8:30 a.m. for a special session and to canvass the 11/25/97 Special Alta Community School Election.

**BOARD OF SUPERVISORS
FIFTY-THIRD MEETING, 1997 SESSION (53)
DECEMBER 2, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 2, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Burnside, Crampton, Gustafson. Nays—none. Abstentions—none.

8:30 a.m.—The time having arrived for the public hearing on the Bob Skog, etal. Ag Area Petition, the Chair opened the meeting with Mr. and Mrs. Skog present. It was noted that the notice was published as required, and that no objections had been received. Skog answered the Board's questions about his plans. The buildings are completed. There being no objections, motion by Crampton, second by Burnside, to close the public hearing. Carried.

Motion by Burnside, second by Gustafson, to approve the Ag Area petition filed by Bob Skog for approximately 353 acres located in Section 36 of Fairfield Township, with the following boundary description: Commencing from the Northwest corner of the Northeast ¼ of Section 36, Township 92N, Range 35W, go ¾ mile South, then west to the railroad, then southeast along east side of the railroad to the South section line of 36, then approximately ¾ mile East, then 1 mile north, then ½ mile west to the point of beginning. Carried.

Motion by Gustafson, second by Burnside, to authorize the Chairman to sign the 1998 FSA production flexibility contract for Gary Pickhinke on the S. Hayes Pit farm. Carried.

Gary Woodward, Director of JTPA Services for Iowa Central Community College, was present for any questions the board might have about the proposed 28E agreement for BV County to join Service Area Delivery Region 5. Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign the 28E agreement joining JTPA Service Area Delivery Region 5. Carried.

Treasurer Kathy Bach reviewed delinquent tax sale certificates. If the county takes title, it then has all liability, including for street assessments, etc. However, if the county does not proceed, the properties will continue to accumulate delinquent taxes, and not be put back on the rolls. Personal property with delinquent taxes are pursued under a different procedure. County Attorney Phil Havens suggested hiring outside his office to do the work due to their criminal load. Havens will secure an attorney so that the county can go forward with the delinquent properties.

Upon completion of the canvass of the November 25th election, motion by Burnside, second by Gustafson, to declare the results as follows: total voters-899; on Public Measure G (to authorize the issuance of General Obligation Bonds, not to exceed \$4,500,000 to provide funds to build and furnish a Middle School addition to the Elementary School, and to remodel, repair and improve the Elementary and High School Buildings) there were 449 YES votes, and 450 NO votes; on Public Measure H (authorizing an annual levy exceeding \$2.70, but not exceeding \$3.65 per thousand dollars of the assessed value of the taxable property within the school corporation) there were 424 YES votes and 463 NO votes; and to declare both measures failed. Carried.

Motion by Gustafson, second by Burnside, to approve the 2nd Reading of Ordinance 5.9 Hazardous Waste and Substance. Burnside-aye, Crampton-aye, Gustafson-aye. Bruns-aye. Carried.

Regarding a letter received from Bill Kruse, Storm Lake School Superintendent, it was the consensus of the Board to allow employees to participate in the school visitation program on a non-paid basis, if department heads approve.

Motion by Crampton, second by Burnside, to approve the minutes of the 11/25 meeting as amended. Carried.

Sue Fitzpatrick discussed the county's last 3 employee health insurance utilization reports, concluding that with our high usage, more favorable rates are not available from her company. She answered other questions of the Board.

There being no further business, the meeting adjourned to Tuesday, December 9 at 8:30 a.m. for a regular session.

DECEMBER 9, 1997

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 9, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson and Vail, and with Barb Henrich as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none.

The Chair reported on the meeting of the **Manure Line Ordinance Task Force** held December 4.

Weed Commissioner Norm Lund, with Assistant Commissioner Roger Sievers and Dave Wiley, presented the 1997 annual **weed report** and a list of the prairie flowers and grasses they have observed in road right-of-way.

Regional Transit Authority Exec. Director Rose Lee presented her FY'97 annual report. RTA's 3 year funding request was \$10,017.00 for each FY'99, FY'00 and FY'01.

Engineer Jon Ites discussed joining the **proposed Iowa County Engineers Association Service Bureau** which would provide technical assistance and training for administration of TPMS. Motion by Vail, second by Burnside, to adopt, and to authorize the Chairman to sign the following resolution:

RESOLUTION 1997-12-9

WHEREAS, certain Iowa Counties desire to use the Iowa County Engineers Association Service Bureau for the purpose of administering the TPMS and providing bulletin board services, data interchange, and other similar services; and

WHEREAS, these services would be more efficient and economical if provided jointly rather than individually; and

WHEREAS, the County Engineer recommends that the County enter into this agreement; and

WHEREAS, each County is a public agency with authority to enter into agreements pursuant to Iowa Code Chapter 28E (1997):

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, that this County does hereby enter into THE SERVICE BUREAU AGREEMENT with other Counties, to form a separate legal entity known as THE SERVICE BUREAU, to provide technical assistance, training and other similar services, and the Chairperson of the Board of Supervisors is hereby empowered and directed to execute the SERVICE BUREAU AGREEMENT on behalf of this County.

/s/ Doug Bruns, Chairperson, Board of Supervisors of Buena Vista County

/s/ Karen M. Strawn, County Auditor

Date: December 12, 1997

Carried.

The board discussed paying the proposed Service Bureau dues of \$1,250 in two payments. Motion by Gustafson to pay only \$250.00 now, waiting to commit with the remainder until the county knows that the project will get off the ground. The motion died for lack of a second. After further discussion, motion by Gustafson, that of the \$1,250 proposed for **Service Bureau dues**, to pay \$250.00 now, and to wait to commit the remaining \$1,000 until July 1, 1998 pending at least 50 counties being enrolled. Burnside seconded the

motion. Carried.

Burnside proposed a change to the recently approved **snow removal start time policy**. Gustafson stated that he was going with public opinion, and didn't want to muddy it all up. Burnside replied that the proposal was only to add the time. Gustafson stated that he didn't want that. Lots of people have complained, and that it was a small thing to ask for the equipment to move a little faster.

Motion by Burnside, second by Vail, that the snow removal start-time policy be as follows: When conditions warrant and permit, both trucks (with mounted snow plows and chemical/abrasive spreaders) and motorgraders (with snow removal equipment) will be called out at 5:00 a.m. Operation on paved routes by motorgraders shall follow Ordinance 4.2, Section 4.A(5) which states: "Truck plows will normally be used to open the paved roads. When required due to heavy snow or large drifts, motorgraders may be used to open paved roads, and the opening of gravel roads may be delayed." Note: additional working hours during the work week, weekends and holidays will be at the discretion of the Engineer or his authorized representative. Ayes—Burnside, Crampton, Vail, Bruns. Nay—Gustafson. Abstentions—none. Carried.

The engineer showed a video from the Iowa County Engineers Association which examined the **damage to roads and bridges** caused by larger farm equipment, manure tank honeywagons, and other heavy vehicles. Gustafson asked if the county was going to start billing those who damage roads. He believes the county needs to establish a policy, because it can't continue to absorb all of the cost. The engineer noted that a person would first need to be notified that if they don't stop they could be charged. He will research the idea and bring the information to another meeting.

The Board reviewed the completed **C-13** re-construction and re-surfacing plans. It was the consensus of the Board that the first 200' in the city of Sioux Rapids will be included in the project, with the city participating in the cost on a 50/50 share, the same as other towns in the county have participated.

The funding previously designated for N-14, will now be used for **M-27 guardrail upgrade**, seal coatings on roads (per map), and **M-50 bridge rehab**. Preliminary plans have been completed, and contractors will be sought this spring.

Motion by Gustafson, second by Burnside, to accept the proposal of Kuehl & Payer, Ltd. to do the **1998 bridge inspections** for \$14,950 for 1998, and to authorize \$75.00 per bridge for 1999 inspections. Carried.

The IDOT response to a request regarding **detour reimbursements** was that the IDOT has rules and guidelines to follow in determining the amount of reimbursement. Gustafson requested that the engineer ask Mr. Dwight Rohrholm to meet with the board on the matter and on Highway 7 programming.

For two vehicles that the Board had decided to dispose of, two **bids** were received for each. Motion by Burnside, second by Crampton, to accept the high bids as follows: for the 1985 Chevrolet VIN#1G1BL69H9FX166005 - \$476 from Bob Beal, and, for the other 1985 Chevrolet VIN #1G1BL69Z1FY181682 - \$276 from Bob Beal. Carried. The engineer will notify him.

Nurse Administrator Karole Graen reviewed Oct. and Nov. Board of Health minutes.

Motion by Burnside, second by Gustafson, to approve the following items on the consent agenda: **minutes** of the 12/2 meeting as printed; **reports**--Oct. Board of Health minutes as printed, and Nov. minutes as amended. Carried.

Motion by Gustafson, second by Crampton, to approve **employment** of Fany Gonzales as an interpreter, part-time, effective 12/3/97 at \$7.50/hr. for 25 hrs. per week, and under supervision of Nurse Administrator Karole Graen. Carried.

The board discussed the mileage reimbursement rate which is currently 25 cents, while the federal rate is 31.5 cents. The state of Iowa reimburses at 24 cents. Gustafson suggested using 27 cents for budget purposes.

Recorder Shari O'Bannon presented a proposal for courthouse holiday hours: no early close on 12/24 or 12/31, but closed all day 12/26. Motion by Vail, second by Crampton to approve the close of the courthouse for county business on 12/26, with no early close on 12/24 or 12/31. Carried.

Motion by Burnside, second by Crampton to approve the following utility construction permit applications:

from U.S.West Communications, Sioux City, to bury telephone cable from Hwy 110 west on C-63 on the north side to provide service to a hoglot;

- from G.T.E. Midwest, Inc., Grinnell, to reinforce telephone cable along 640th St. and 170th Ave. (per map) for a farming operation;
- from G.T.E. Midwest, Inc., Grinnell, to install copper telephone cable along Section 31, Newell Township to provide service for the Weitzel farming operation.

Carried.

Motion by Vail, second by Gustafson, to approve the utility construction permit application of G.T.E. Midwest, Inc., Grinnell to install new buried cable to replace existing cable along Sections 23 & 30, Newell Township, to provide service to a hoglot. Carried.

Engineer Iles discussed salaries and/or classifications for EIT Petermeier, Maint. Supervisor French, and Tech. II Jacobs for FY'99. No action was taken.

There being no further business, the meeting adjourned to Tuesday, December 16 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS
FIFTY-FIFTH MEETING, 1997 SESSION (55)
DECEMBER 16, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 16, 1997, at 8:30 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none.

Treasurer Kathy Bach discussed the delinquent property taxes for parcels in Newell which the county was going to attempt to collect, but which she discovered that the city of Newell is pursuing. She recommended assigning those tax sale certificates to the city of Newell, and selecting another group of properties to pursue. Motion by Gustafson, second by Burnside, subject to receipt of a written request from the city of Newell, to assign the following tax sale certificates to the city of Newell, and to authorize the Chairman to sign: #'s 1620, 1743, 1861, 1862, 1864, 1865, 9233,9236, 9237, 9239, 9240, 9337.1, 9407.1, 9409.1 . Carried.

EnvHlth/Zoning Director Kim Johnson discussed building permit fees as they regard the construction of the proposed wind generators. Motion by Vail, that due to the increase in estimated cost per windmill, that the fee to be charged will be according to the building permit fee schedule, rather than at the rate of \$100/windmill, as previously considered Jan 31, 1995. Second by Crampton. Carried.

Johnson reported on the terms of a 28E agreement between the Board of Health and the State of Iowa for restaurant inspections. The agreement will require that future employees hired to do restaurant

inspections possess qualifications of an Environmental Specialist II. The agreement for FY'98 will be presented to the Board of Health for approval at tonight's meeting.

Nurse Administrator Karole Graen discussed budget flexibility issues to avoid budget amendments.

Motion by Gustafson, second by Vail, to approve the 3rd and final reading of Ordinance No. 5.9 - **Hazardous Waste and Substance Ordinance**, and to authorize the Chairman and boardmembers to sign. Ayes—Burnside, Crampton, Gustafson, Vail, and Bruns. Nays—none. Abstentions—none. Carried.

BUENA VISTA COUNTY ORDINANCE NO. 5.9

Title: HAZARDOUS WASTE AND SUBSTANCE ORDINANCE. AN ORDINANCE REQUIRING THAT PERSONS HAVING CONTROL OVER A HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE SHALL AT THEIR OWN COST CLEAN UP ANY HAZARDOUS CONDITIONS RESULTING FROM THEM AND PROVIDING REMEDIES FOR THE COUNTY TO CLEAN UP HAZARDOUS CONDITIONS IF THE PERSON HAVING CONTROL OVER A HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE FAILS TO DO SO, AND TO RECOVER THE DAMAGES AND COSTS FOR THE COUNTY, AND ESTABLISHING CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS.

Be it ordered by the Buena Vista County Board of Supervisors of Buena Vista County, Iowa:

SECTION 1. PURPOSE. In order to reduce the danger to public health, safety, and welfare from the leaks and spills and other hazardous conditions caused by hazardous substances or hazardous waste, these regulations are promulgated to establish responsibility for the treatment, removal, and cleanup of leaks and spills and other hazardous conditions within the County limits, and provide criminal penalties for certain violations.

SECTION 2. CONSTRUCTION. The Ordinance shall be broadly construed to effectuate its purposes.

SECTION 3. DEFINITIONS. For purposes of this Chapter, these words have the following meanings:

1. "**Hazardous waste**" means a waste or combination of wastes that, because of its quantity, concentration biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

Poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. "Hazard waste" may include, but is not limited to, wastes that are toxic, corrosive or flammable or irritants, strong sensitizers or explosives.

2. "**Hazard waste**" does not include the following:

(a) Agricultural wastes, including manures and crop residues that are returned to the soil as fertilizers or soil conditioners.

(b) Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

3. "**Hazardous substance**" means any substance or mixture of substances that presents a danger to the public health or safety, and includes, but is not limited to, a substance that is toxic, corrosive or flammable, or that is an irritant, or generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

4. "**Hazardous condition**" means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous waste or hazardous substance into the land, into a water of the State, or into the air/atmosphere, which creates an immediate or potential danger to the public health or safety, or to the environment. For purposes of this division, a site which is an abandoned or uncontrolled disposal site as defined in Section 455B.411, subsection 1, is a hazardous condition.

"Person having control over a hazardous substance or hazardous waste" means any person, corporation, partnership, firm, associate, cooperative or government agency of any kind, who at any time produces, handles, stores, uses, transports, refines or disposes of a hazardous substance or hazardous waste, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance or hazardous waste when a hazardous condition occurs, whether the person owns the hazardous substance or hazardous waste, or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance or hazardous waste.

"Cleanup" means actions necessary to contain, collect, control, identify, analyze, cleanup, treat, disperse, remove, or dispose of a hazardous substance or hazardous waste.

7. **"Treatment"** means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of a hazardous substance or hazardous waste so as to neutralize it or to render the substance non-hazardous, safer for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substances or hazardous waste to render it non-hazardous.

SECTION 4. CLEAN UP REQUIRED. Whenever a hazardous condition is created in Buena Vista County by the deposit, injection, or dumping, spilling, leaking, or placing of a hazardous substance or hazardous waste, so that the hazardous substance or hazardous waste may enter the environment, or be emitted into the air, or discharged into any waters, including ground waters, the person having control over the hazardous substance or hazardous waste shall cause the condition to be remedied by a clean up, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition.

If that person does not cause the clean up to begin in a reasonable time in relation to the hazard and circumstances of the incident, the County may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the clean up, and stating that the County will proceed to procure clean up service, and bill the person having control over a hazardous substance or hazardous waste.

If the bill for those services is not paid within thirty [30] days, the Board of Supervisors may authorize the County Attorney to proceed to obtain payment by all legal means. The authorized officer shall report the non-payment to the Board of Supervisors and may immediately seek any State or Federal funds available for said clean up. The Board of Supervisors may at any time authorize the County Attorney to seek injunctive relief concerning the hazardous condition from a Court or agency.

SECTION 5. LIABILITY FOR CLEANUP COSTS. The person having control over a hazardous substance or hazardous waste shall be strictly liable to the County for all of the following:

1. The reasonable cleanup costs incurred by the County as a result of the failure of the person having control over a hazardous substance or hazardous waste, to clean up pursuant to this Ordinance or any State or Federal law or regulation, the hazardous substance or hazardous waste involved in the hazardous condition.

2. The reasonable costs incurred by the County to evacuate people from the area threatened by the hazardous substance or hazardous waste involved in the hazardous condition.

3. The reasonable damages to the County for the injury to, destruction of, or loss of, any and all County property, including parks and roads, caused by the hazardous substance or hazardous waste involved in a hazardous condition. The reasonable damages may also include the costs of assessing the injury, destruction, or loss.

4. All other reasonable costs or damages incurred by the County caused by the hazardous substance or hazardous waste involved in a hazardous condition or the cleanup of it.

All persons having control over a hazardous substance or hazardous waste shall be jointly and severally liable under this Ordinance.

SECTION 6. NOTIFICATIONS.

1. A person having control over a hazardous substance or hazardous waste shall notify the Buena Vista County Emergency Management Coordinator and the Buena Vista County Sheriff of the occurrence of a hazardous condition as soon as possible, but not later than six [6] hours after the onset of the hazardous condition or discovery of the hazardous condition. The Buena Vista County Emergency Management Coordinator shall notify the proper State Office in the manner established by the State of Iowa.

2. Any County employee or any member of a law enforcement agency who discovers a hazardous condition shall notify the Buena Vista County Emergency Management Coordinator and the Buena Vista County Sheriff. The Buena Vista County Emergency Management Coordinator shall notify the appropriate County Departments and the proper State Office in the manner established by the State.

SECTION 7. POLICE AUTHORITY. If the circumstances reasonably so require, the Buena Vista County Sheriff or the Buena Vista County Emergency Management Coordinator, or any other peace officer or law enforcement officer may:

1. Order the evacuation of persons from their homes to areas away from the site of the hazardous condition.

2. Order the establishment of perimeters or other boundaries at or near the site of a hazardous condition, and limit access to cleanup personnel.

3. Issue any other reasonable order to ensure the safety of persons or property or the containment of the hazardous condition.

No person shall disobey a lawful oral or written order issued under this section by the Buena Vista County Emergency

Management Coordinator, Buena Vista County Sheriff, or any other peace officer or law enforcement officer issued under this section.

SECTION 8. PENALTY. Any person, corporation, partnership, firm, associate, cooperative, or government agency of any kind, who violates the provisions of Sections 6 or 7 of this Ordinance shall be guilty of a simple misdemeanor. A simple misdemeanor violation under this Ordinance shall carry a maximum penalty of a fine of \$100, plus surcharge and costs, or a sentence not to exceed thirty [30] days in the County jail. Each day of violation shall constitute a separate offense.

SECTION 9. LIABILITY. The County shall not be liable to any person for claims of damages, injuries or losses resulting from any hazardous condition, except if the County is the person having control over a hazardous substance or hazardous waste.

SECTION 10. REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 11. SEVERABILITY CLAUSE. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole of any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 12. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Adopted by the Board of Supervisors on this 16th day of December, 1997.

/s/ Doug Bruns, Chairperson /s/ Lorna Burnside /s/ Herb Crampton /s/ Jim Gustafson /s/ Dick Vail

Attest: /s/ Karen M. Strawn, Auditor

The vote on this 3rd reading was: Burnside-aye, Crampton-aye, Gustafson-aye, Vail-aye, Bruns-aye. Nays—none. Abstentions—none. Carried.

Engineer Jon Ites discussed a proposed right-of-way purchase for a bridge replacement, and motorgrader pricing.

Motion by Vail, second by Crampton, to approve the following items on the consent agenda:

minutes of the 12/9/ meeting as amended;

reports—Oct & Nov budget reports, Nov Conservation Board minutes, Clerk's fees, 11-14 Mangold Environmental-Spectra lagoon, others reviewed: 11/13 NWIPDC Policy Council minutes, FloCrit Home financial statement.

Carried.

Buena Vista County Compensation Board Vice Chair Dale Arends was not able to be present at the meeting. His presentation of **Comp Board recommendations** was postponed to Dec. 31, 1997.

The Chair asked for updates on **committee meetings** attended by boardmembers. Vail reported that Iowa Lakes RC&D has secured an office location in Spencer. Bruns reported on current activity in the 3rd Judicial District.

There being no further business, the meeting adjourned to Tuesday, December 23 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
FIFTY-SIXTH MEETING, 1997 SESSION (56)
DECEMBER 23, 1997**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 23, 1997, at 8:30 a.m. in the Boardroom with Vice Chairman Vail presiding, and with the following others present: Burnside and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Bruns, Crampton.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Burnside, Gustafson, Vail. Nays—none. Abstentions—none.

Motion by Burnside, second by Gustafson, to approve the following items on the consent agenda:

minutes of the 12/16 meeting as printed;

drainage claims: **DD #274 jt.** (Main Middle tile)-Sac City Surveying for repairs in the amount of \$35.22, DD#174 MOD-Sac City Surveying for a spray project in the amount of \$40.80; DD#274 MOD-ChemTrol, Inc. for chemical

treatment of trees and brush in the amount of \$288.00, and to authorize the Vice Chairman to sign.
Carried.

Engineer Jon Ites discussed equipment purchases for the **FY'99 budget**. Also, Ites reported that the county does not currently have a lease on the Western stockpile site located ¼ mile south of the junction of Hwy 3 and M-44. The owner is not interested in leasing, but would prefer to sell it to the county. No action was taken at this time.

Motion by Gustafson, second by Burnside, to set Feb 17, 1998, at 10:00 a.m. as the letting date for the following projects:

- L-MBR-420 (1-98):** bridge (#54) overlay and guardrail on M-50, 1 mile south of Hwy 3 in Grant Twp.;
- L-MBR-420 (2-98):** bridge (#39) guardrail on M-27, 1¾ miles south of Hwy 3;
- L-MS-C-466 (projects I, II, III, IV):**
 - maintenance seal coat on M-27 from Hwy 3 south to Hwy 7 for 3.754 miles
 - I. maintenance seal coat on M-43 from C-65 south to the county line for 3.00 miles;
 - II. maintenance seal coat on M-50 from C-49 south to the county line for 6.954 miles;
 - III. maintenance seal coat on M-54 from Hwy 7 south to the county line for 2.142 miles

Carried.

Motion by Gustafson, second by Burnside, to accept the proposal of Calhoun-Burns, West Des Moines, to prepare **bridge rehab plans** and bid documents, on the following projects all on county road M-50 (for the amounts as noted): bridge #14 for \$2,840, bridge #47 for \$2,840, and bridge #15 for \$2,960; and to authorize the engineer to sign. Carried.

The engineer discussed **budget** issues: county assistance funding, insurance to be paid from Sec'y Road Fund, local option dollars and salary proposals. These items will be discussed with a full board.

Motion by Burnside, second by Gustafson, to authorize the **transfer** of \$20,000 from General Basic to Capital Projects Fund, retroactive to November 28, 1997. Carried.

There being no further business, the meeting adjourned to Tuesday, December 31 at 1:00 p.m. for a special session.

**BOARD OF SUPERVISORS
FIFTY-SEVENTH MEETING, 1997 SESSION (57)
DECEMBER 31, 1997**

The Buena Vista County Board of Supervisors met in special session on Wednesday, December 31, 1997, at 1:00 a.m. in the Boardroom with Chairman Bruns presiding, and with the following others present: Burnside, Crampton, Gustafson and Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none.

Buena Vista County **Compensation Board** Vice Chairman Dale Arends presented the recommendations of the Comp Board for raises for the elected officials for FY'99 as follows: Attorney-7%; Auditor, Recorder, Sheriff, and Treasurer-6%; and Supervisors-4%. In addition to the recommendations, Arends informed the board of the information upon which they had made their decision which included the consumer price index, and their intent to catch BV officials up to levels closer to what officials in similar size counties receive. The Board will make their decision at their Jan. 6 meeting.

Motion by Burnside, second by Vail, to approve the following items on the consent agenda:

- minutes** of the 12/23 meeting as printed;
- a letter in support of an **UDMO** Homeless Shelter grant application, and authorizing the Chairman to sign;
- public hearing date of January 13, 1998, at 8:30 a.m. for the **Ag Area** Petition filed 12/29/97 by Allan Pedersen, etal.

Carried.

SLADC Executive Director Jim Gossett presented information on a company which has selected Storm Lake for expansion - **Marketlink**, Inc., Des Moines, Iowa, a cable TV telemarketing firm. Proposed economic development incentives

include monies from the **SLADC Economic Development Revolving Loan Fund**. The SLADC EDRLF value is currently \$217,615 with 11.5% having been from the county's contribution. Motion by Gustafson, second by Burnside, to approve SLADC EDRLF assistance to Marketlink, Inc. in the amount of \$11,000.00, of which 11.5% or \$1,263 is from the county. Carried.

Motion by Vail, second by Burnside, to set a letting date of March 3, 1998 at 10:00 a.m. for **project #1-B-203** (bridge replacement). Carried.

Motion by Vail, second by Crampton, to approve and to authorize the Chairman to sign a universal payment voucher in the amount of \$1,159.05 to be paid from farm to market funds to Kuehl & Payer Ltd. for engineering and survey services, for **project #FM-11(34)—55-11(C-13)**. Carried.

It was the consensus of the board that for the **FY'99 budget**, general assistance funds be credited to the general basic fund, and that all insurance be paid out of the general supplemental fund. No decision was made on the scheduling of the transfer of funds from general basic to secondary road for the building to be used by the sheriff and custodian.

Arlin Hinkeldey, President, and Lois Radke from the **Hanover Historical Society**, presented a request for funding in the FY'99 budget. Hinkeldey reviewed the history of the Hanover settlement which consisted of a number of buildings including the general store, feed shed and blacksmith shop which still remain. He also reviewed the plans and restoration goals for the settlement. The historical society requests \$1,000.

Sheriff Chuck Eddy informed the board of the upcoming retirement of Deputy Jack Hays on 2/6/98.

Engineer Ites again requested the board's consideration of promotions &/or raises for employees in his department. The board scheduled Jan. 6 to take action on the requests.

Caterpillar sales representative Chad Wiedeman brought information on special motorgrader **equipment** pricing on a leased machine from the Caterpillar company for the board's consideration. The board declined his offer.

Gustafson left the meeting.

Motion by Burnside, second by Crampton, to approve and support the Sheriff's program for jail fees as follows:

BUENA VISTA COUNTY JAIL FEES POLICY

Effective January 1, 1998 it is the policy of the Buena Vista County Sheriff's Office to charge sentenced inmates for room and board in accordance with Iowa Code Chapter 356. Fees are calculated on a per day basis. A day is considered a sentence in excess of eight (8) hours.

In-home Detention fee: Fees applied to pre-trial or sentenced inmates whom have been approved by the Courts and the Sheriff to participate in the in-home detention program. Advance fee and a written agreement is required. In-home detention fee is \$10.00/day.

Room and Board fee: Fee applied to inmates eighteen years or older, convicted of a criminal offense based on the total days or hours served in jail, but does not include the days served while participating in a work release or an in-home detention program. Room and Board fee is \$30.00/day.

Work Release Fee: Fees applied to sentenced inmates whom have been approved by the courts to participate in the work release program. Advance fees and a written agreement is required. Work release fee is \$30.00/day.

Sheriff Charles Eddy

Carried.

Motion by Crampton, second by Burnside, to **void** the stamped drainage warrant #30885, issued 4-23-91 to Merle

Oxley in the amount of \$485.62, and to direct the Auditor to reissue the warrant. Carried.

Motion by Burnside, second by Crampton, to appoint Dale Arends as the board's representative to the Jan. 6 Iowa State University **hoglot meeting**, with EnvHlth Director Kim Johnson, and to authorize payment of the registration fee and mileage. Carried.

There being no further business, the meeting adjourned to Friday, January 2 at 8:30 a.m. for the 1998 organizational session.
