

**BOARD OF SUPERVISORS MEETING  
FIRST MEETING, 2001 SESSION (1)  
JANUARY 2, 2001**

The Buena Vista County Board of Supervisors met for the first meeting of the 2001 session on Tuesday, January 2, 2001 at 8:30 A.M. in the Boardroom with Chairman Bruns presiding and with the following other members present: Burnside, Crampton, Gustafson and Vail and with Auditor Karen Strawn as clerk for the meeting.

Motion by Crampton, second by Burnside, to approve the minutes of the 12/19/2000 meeting as printed. Ayes --- Burnside, Crampton, Gustafson, Vail. Nays --- none. Abstentions --- none. Carried.

The first order of business for the 2001 session was election of the Chairman. The Auditor called for nominations for **Chairman of the Board of Supervisors**. Motion by Bruns, second by Vail, to nominate Burnside. The Auditor asked for any further nominations. There being none, motion by Crampton, second by Bruns that nominations cease and a unanimous ballot be cast for Burnside. The vote on Burnside for chairman was Ayes --- Bruns, Burnside, Crampton, Gustafson and Vail. Nays --- none. Abstentions --- none. Carried.

Chairman Burnside called for nominations for **Vice-Chair**. Motion Bruns, second by Crampton, to nominate Vail for Vice-Chair. There being no further nominations, the vote was taken. Ayes --- Bruns, Crampton, Gustafson, Vail. Nays --- none. Abstentions --- none. Carried.

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

The board discussed changes to **meeting procedures**. Motion by Gustafson, second by Vail that motions may be introduced by a single member and then voted upon without the need for a second. Carried. Motion by Vail that the chairman may make motions just as any other member does. Carried.

At 8:55 A.M., the Board recessed their meeting to move to the District Courtroom for the swearing in ceremony to be conducted by Judge John Duffy for officials elected at the 2000 General Election. Upon completion of the proceedings, the Board hosted a discussion on township issues, including wages, in the public meeting room with township officers who had been present to take their oath of office. At 10:00 A.M. the Board returned to their meeting room.

Engineer Jon Ites presented project plans for signature. Motion by Vail to approve and to authorize the board members to sign, construction plans for letting on C-13-**Project #FM-TSF-C011(34)--5B**. Carried.

The Engineer reported on the **snow removal** activities noting the breakdowns during the previous week. The board discussed various locations and circumstances.

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

Motion by Bruns to appoint the following persons as delegates and representatives to the committees, commissions and boards as noted for 2001:

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

Crampton-delegate, 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 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**.

Gary Armstrong as the Buena Vista County **Drainage Attorney**.

Crampton-representative to the **BV-Crawford-Sac De-Categorization Governing Board** and the **Local Community Empowerment Area Board**, with Gustafson as alternate, and with Rhonda Christensen as the citizen representative.

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

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

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

Bruns-delegate, Gustafson-alternate, for the **Iowa Workforce Development Board-Region 5**.

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

Jon Ites, Chuck Eddy, Kim Johnson, and Bruns, with the other board members 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 and #150 Interim Boards**.

Crampton, Bruns and Gustafson to the **County Care Facility Committee**.

Vail-representative of the Board for **Whitney Pit Farm and South Hayes Pit Farm** for leases and Jon Ites for grain sales at the South Hayes Pit.

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**.

Chuck Eddy, DeWyne Stucynski, Lorna Burnside, Herb Crampton, Karen Strawn, Dave Patton, Rep. Russ Eddy, and Senator Mary Lou Freeman to the **Courthouse/Judicial Security Committee**.

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

Burnside to the **U.S. 20 Corridor Task Force**.

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

Karen Strawn-**ADA Coordinator**.

To the County **Safety Committee** (including the Right-to-Know program): Bruns, Crampton, Chuck Eddy, Tom French (as Jon Ites' designee), Karen Strawn, Brad Raveling, Norm Lund, Karole Graen, Dewyne Stucynski, Gene Mandernach, Kim Johnson, Marilyn Monson, Diane Christiansen and Bob Christensen, with Mike Raner as Safety Coordinator.

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 contact person for **Drug and Alcohol Testing Alliance**.

Jon Ites, technical representative, Steve Wolf-alternate, to the **ISTEA Technical Committee**, 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 Bruns to the **Iowa Drainage Association**.

The Chairman-representative, the Vice-Chairman-alternate, to the Board of Directors of the **Storm Lake Area Development Corporation**.

Bruns and Gustafson to the Board of Trustees of the **Economic Development Revolving Loan Fund**.

**Planning & Zoning Commission** members: Mark Bertness, Roger Peterson, Gary Grundmeier, Mike Lenz, Darwin Brummer, Vic Hansen, and Bob Rebhuhn, with the vacancy created by the resignation of Phil Driver to be filled at a later time.

**Zoning Board of Adjustment** members with terms as follows: John Massop-6/21/2001, Ken Bertness-6/21/02, Bruce Engelman-6/21/03, Cynthia Smith-6/21/04, Bob Stoughton-6/21/05.

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**.

Wanda Woltman and Jessica Rooks-Case Managers, Dawn Mentzer-CPC, Sue Morrow-MH Community Based Services representative, Ken Hayes-MR/DD Community Based Service representative, and Jim Gustafson-BofS representative, Tom Carstens-consumer, Cindy Wiemold-MR Community Based Services representative, Howard Center-MR Community Based Services representative, and Veronica Kosky to the **Targeted Case Management Advisory Board**.

Charleen Anderson-MH Advocate; Dorie Pedersen, John Winkelman, Sue Morrow, Tom Daniels, Ken Hays, Cindy Wiemold/Terry Johnson-providers; Jim Gustafson-Supervisor; Tonya Miller-consumer, Audrey Kobus, Kathy Nichols-parents of consumers; Wanda Woltman & Jessica Rooks-Case Managers; Dawn Mentzer-CPC; all to the **Managed Care Planning Council**.

Dawn Mentzer to the **Representative Council of the Seasons Center**.

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

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

George Schaller to the **Civil Service Commission**, term expiring 12/31/05.

The motion carried.

Motion by Gustafson to appoint Mark Kirkholm to the Buena Vista County **Conservation Board** for a 5-yr. term expiring 12/31/05, to fill the vacancy created by the resignation of Dwayne Kay. Carried.

### **Citizens' Committee, Commission & Board Appointments**

Motion by Crampton, to appoint the following persons to the committees, commissions, and boards as noted for 2001:

Dr. David Crippin, **County Medical Examiner**, and Tim Speers, BV Co. Hospital EMT, and Deputy Doug Simons, Ken McClure, Storm Lake Police Dept., and independent EMT's Bob Christensen and Greg Ebersole, as **Deputy Medical Examiners** (Chapter 331.801). Terms expire 12-31-01.

Rich Haldin, Virgil Jensen and Ray Kurtz to the **Veterans Affairs Commission** for the 2001 year, or until their terms expire (Chapter 250).

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

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-Dale Bodholdt, Don Diehl, Elmer Lubinus, Steve McKenna, Nick Ackerman, Becky Dirxx, Kevin Cone; Realtors-J.D. Lehr, Sue Kleymann, Darwin Johnson, Bob Hall, Joe Aube, Dick Schmidt; for Cities: Edward Groth, Nola Jensen, J.H. Spooner, John Gaffney, Virginia Moffitt, Jeff Elbert, Norris Olney, Jr.; for their Occupation-Mark Rehnstrom, Tim Brown, George Schaller, Marvel Olsen, Ronnie Brown, Brian Drzycimski, Ronald Haroldson, and with the vacancy in the realtors group to be filled at a later time.

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

**Local Board of Health**-members with 3-yr. terms as follows: Dr. Scott Wulfekuhler-12/31/01, Dean Feltner & Brenda Halverson-12/31/02, and Diane Tuttle-12/31/03, the 2<sup>nd</sup> 12/31/03 term to be filled at a later date.

Ed McKenna to the **Region 5 Workforce Advisory Board**.

Norm Lund, **Weed Commissioner** and Dave Wiley, 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 carried.

Zoning Administrator Kim Johnson was present to request hearing dates for 3 sub-division requests. Motion by Bruns to set dates and times for public hearings as listed below.

Carried.

- Jan. 16, 2001 at 8:45 a.m. in the boardroom for the subdivision request of Roger Kuhrts for a parcel in Section 30, Maple Valley Township:
- Jan. 16, 2001 at 8:55 a.m. in the boardroom for the subdivision request of Wencil Small for a parcel in Section 19 of Washington Township:
- Jan. 16, 2001 at 9:05 a.m. in the boardroom for the subdivision request of Dave Garberding for a parcel in Section 30 of Lincoln Township.

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Engineer Ivan Droessler presented the final report of his investigation of **DD#81**. His proposal is to construct an open ditch outlet for the district at an estimated cost of \$269,472.00 which includes annexation and reclassification. Motion by Gustafson to tentatively approve the Engineer's report as filed this date, and set the time and date of public hearing as February 13, 2001 at 1:30 p.m. in 2<sup>nd</sup> Floor public meeting room. Carried.

Droessler reported that the decision on Harold Bloom's wetland determination request in **DD#81** has been issued, and that all of the land he farms has been declared "prior converted".

#### **Mileage Rate and Meal Reimbursement**

Motion by Gustafson to pay mileage to employees (including deputy medical examiners) at the rate of 28 cents per mile for each mile traveled by private vehicle (not for county owned vehicles) for county business in 2001. Carried.

Motion 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 \$20.00 per diem. (Reimbursements for meals, when no overnight stay is involved, will show on the employee's W-2). 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. Carried.

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

Motion by Gustafson to continue the following insurance coverage from the Colburn & Elk Agency for the remainder of FY'01: 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. Carried.

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

Motion by Vail that the Depository Banks currently being used by the Treasurer, Recorder, Auditor & Sheriff continue to be used during 2001 in the amounts stated below, and, that the appropriate elected official be and is hereby authorized to deposit the designated office funds in amounts, not to exceed in the aggregate, named for said bank:

##### **Treasurer:**

Citizen's First National Bank, Storm Lake	\$5,000,000.00
Commercial Trust & Savings Bank, Storm Lake	\$5,000,000.00
Security Trust & Savings Bank, Storm Lake	\$8,500,000.00
First Federal Savings Bank of the Midwest, Storm Lake	\$5,000,000.00
Community State Bank of Albert City	\$1,000,000.00
Community State Bank of 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  
Citizen's First National Bank, Storm Lake \$25,000.00

The vote on this motion carried.

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

Motion by Gustafson that the 2001 Federal Depository Bank shall be Security Trust and Savings Bank, Storm Lake, with the payroll deposits to be made by wire transfer. Carried.

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

Motion by Vail that the County Drainage 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. Carried.

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

Motion by Bruns to establish 9% as the rate of interest to be paid during 2001 on all stamped warrants, and charged on Improvement Certificates and Drainage District waivers, effective this date (for Buena Vista County drainage districts only). Carried.

#### **Dog License Resolution**

Motion 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). Carried.

#### **Resolutions of Appointment**

Motion by Crampton that Jon L. Ites be re-appointed Buena Vista County Engineer for 2001, with his salary according to the employment contract (Chapter 309.17). Ayes—Bruns, Crampton, Vail, Burnside. Nays—Gustafson. Carried.

Motion by Vail to appoint Warren Gregg to be the Professional Appraiser to be used in determining right-of-way value in accordance with Department of Transportation Instructional Memorandum #I.M.-3.31. Carried.

Motion by Gustafson to adopt Resolution 2001-01-02a, and to authorize all Board members to sign. Carried.

#### **Resolution 2001-01-02a – Regarding Farm to Market Construction Projects**

**BE IT RESOLVED**, by the Board of Supervisors of Buena Vista County, Iowa, that Jon L. Ites, the County Engineer of Buena Vista County, be and is hereby designated, authorized and empowered,

on behalf of the County Board of Supervisors of said County to execute the Certification of Completion of Work and Final Acceptance thereof, in accordance with plans, and specifications in connection with all Farm-to-Market and federal or state aid construction projects in this county, and to authorize all of the board members to sign. (Chapter 309.17). Carried.

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

Motion by Bruns 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. Carried.

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

Motion by Bruns that the Buena Vista County Employee Handbook with the effective date of April 6, 1999, and amended 5/25/99, 7/06/99 & 1/19/00, along with the various Departmental Rules, Job Descriptions, 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 Handbook. Carried.

#### **Beaver Control Resolution for Drainage Districts**

Motion by Gustafson 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 2001. Carried.

Although there is a policy in place for FY'01 authorizing a bounty to be paid for beaver caught in non-drainage district areas of the county, no action was taken at this time to renew it beyond its initial 1 year trial period. The program will be evaluated and considered for renewal at a later time.

#### **Resolutions on Wage Schedules**

Motion by Gustafson that the following wage schedules, adopted as shown, shall be in effect for 2001: Full & part-time Courthouse Clerks 6/11/96, Sheriff's deputies 4/23/91 (as amended (1/13/98), (and paying on-call time to deputies at the hourly rate based on 10% of the 85% deputy's salary), Jailers- 12/30/94, Secondary Road employees 2/14/95 and amended 2/11/97, and matrons 2/29/00. Carried.

Motion by Vail to set the hourly rate of pay for precinct election officials at minimum wage plus 75 cents/hr., and minimum wage plus \$1.25/hr. for precinct election chairpersons for 2001. Carried.

#### **Official Newspapers**

Having received a request for official newspaper designation from each, motion by Vail to designate the following as official newspapers for legal publications for 2001: Storm Lake Pilot-Tribune, The Times, and Buena Vista County Journal. Carried.

Motion by Bruns to direct the Auditor to publish all motions of the Board, any actions resulting in a consensus of the Board, and, on a quarterly basis, the list of claims paid from the minutes of the Board meetings. Carried.

#### **Pre-Screening Agencies Appointed**

Motion by Gustafson 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. Carried.

### Fence Repair & Replacement Policy

Motion by Vail to adopt the following resolution:

#### **RESOLUTION 2001-01-02b**

In compliance with 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 \$2,500.00. The County will offer 3.5 times the current assessed value.
- Dirt borrow purchases for use on construction projects. The County will offer 2.5 times the current assessed value.
- Fence costs shall follow these guidelines:

Removal of fencing by rod:	\$6.00 for barb	\$8.00 for woven
Replacement of fencing by rod:	\$6.00 for barb	\$8.00 for 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 this resolution was carried.

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Motion by Crampton to approve the following **reports**: Dec. budget reports; also reviewed & accepted: 10/20/00 DNR Pro-Pork site inspection, Dec. Sheriff's fees, excess equipment sold, insurance certificates for David L. Taylor Contracting & Bodholdt Brothers, Pesticide Applicator license for Buena Vista County for 2001.

Motion by Vail to approve today's **payroll** subject to future audit. Carried.

There being no further business, motion by Gustafson to adjourn at 2:05 p.m. until Tuesday, January 9 at 8:30 a.m. for a special meeting.

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**BOARD OF SUPERVISORS MEETING  
SECOND MEETING, 2001 SESSION (2)  
JANUARY 9, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, January 9, 2001 at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and the following other members present: Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting. Absent: Bruns.

Unless otherwise noted, all of the following actions were 'carried' with the following vote: ayes—Crampton, Gustafson, Vail, Burnside; nays—none; abstentions—none. Carried.

Superintendent Bonnie Meier and Middle School Coordinator Jean Drey, both from the **Sioux Central School** informed the board of what they are doing currently with grants. Supervisor Vail volunteered to participate on the Sioux Central action team, as requested by Drey.



DHS Area Administrator Lyle Fleshner and Interim **De-Cat/Empowerment** Director Diane Briest discussed empowerment issues. Due to a change in funding, they discussed the possibility of the county helping to fund the administrator position.

Engineer Jon Ites discussed changes to list of stop sign locations around the county. Motion by Vail to approve and to authorize the Chairman to sign Resolution 2000-01-09A regarding stop sign changes, and to become effective upon signing. Carried.

#### **RESOLUTION 2000-01-09A**

WHEREAS, the Board of Supervisors of Buena Vista County are vested with the power under Code of Iowa Chapter 321 Section 321.345 to "...designate any intersection as a stop intersection...and erect like sign..." and,

the County Engineer having reviewed certain intersections;

Hereby, establish the following as stop intersections and order the signing accordingly:

1. The intersection at the Northwest corner of Section 11 Providence Township be designated a through intersection East and West and a stop intersection on roads from the North and South.
2. The intersection at the Northwest corner of Section 21 Barnes Township be designated a through intersection North and South and East and a stop intersection on the road from the West.
3. The intersection at the Northwest corner of Section 3 Newell Township be designated a through intersection East and West and a stop intersection on the road from the North.
4. The intersections at the Northwest corners of Section 13, 24, and 25 Washington Township be designated a through intersection North and South and a stop intersection on roads from the East and West

/s/ Lorna Burnside, Chairman  
Board of Supervisors

Attest: /s/ Karen M. Strawn  
Buena Vista County Auditor

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Ites reported that nine secondary road employees missed taking their birthday holiday during calendar year 2000. The engineer suggested changing the employee handbook to put this '**floating holiday**' on an anniversary date year. No action was taken at this time.

Motion by Crampton to approve and to authorize the Chairman to sign Resolution 2000-01-09B regarding traffic safety funding for project FM-TSF-CO11(34)—5B-11. Carried.

#### **RESOLUTION 2000-01-09B**

County –Buena Vista  
Project No. FM-TSF-CO11(34)—5B-11

WHEREAS, the Board of Supervisors of Buena Vista County, Iowa, desires to transfer \$400,000 from its allotment of Local Road Use Tax funds to their Farm-to-Market Fund for the following purpose: To partially fund the above referenced project;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Buena Vista County, Iowa, that the Treasurer of the State of Iowa be authorized and requested to transfer \$400,000 of the Local Road Use Tax allotment for Buena Vista County, Iowa, to Farm-to-Market Road Fund commencing April 01, 2001.

THE AUDITOR of Buena Vista County, Iowa, is directed to certify three copies of this resolution and mail them to the Iowa Department of Transportation's office of Planning Services, Planning and Programming Division, for processing.

The Iowa Department of Transportation is requested to file a copy of this resolution with the Treasurer of the State of Iowa.

Adopted this 9<sup>th</sup> day of January, 2001.

/s/ Lorna Burnside, Chairman  
Board of Supervisors

Attest: /s/ Karen M. Strawn  
Buena Vista County Auditor

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It was the consensus of the board to grant permission to winter fertilize on the crop ground at the **S Hayes Pit** as requested by Gary Pickhinke.

Motion by Vail to approve and to authorize the Chairman to sign the **utility permit** application of Alliant Energy to install a new overhead transmission line for new service to the City of Sioux Rapids, picking up from the existing line at the intersection of C-13 and Hwy 71 north to the North side of the lake, and there split to 2 locations. Carried.

Ites discussed the method for equipment purchasing and proposed changes for this year, but no action was taken. He noted that because the farm-to-market fund report is not out yet, he doesn't have enough information to complete his budget.

The following BV Co. **Emergency Management Commission** members were present to discuss their FY'02 budget: Ed Buckendahl-Alta, Gene Mandernach-Lakeside, Jon Kruse-Storm Lake, and also Bob Christensen, Coordinator. Expanding duties due to new state requirements have caused an increased workload over the 20 hrs/wk that are currently paid for. Buena Vista County is on schedule with requirements due to the extra time being put in. The Commission requests an increase in county funding from \$9,000 to \$20,000 in order to pay for 32-35 hrs/wk. The Commission sees it as a full-time position in the near future. Gustafson suggested a more gradual increase in the number of hours. No decision was made at this time.

The **Buena Vista County Library Association** met with the board for their update of activities and annual report, represented by: Susan Stone-SL, Nola Josephson-AC, Lois Schomaker-LG, Cathy Jensen-MA, Karen Hagen-NE, Jolene Anderson-RE, Martha Landsness-SR. Enrich-Iowa funding from the state has been used to supplement their regular budgets. They requested no increase in the cents/thousand support currently provided by the county – \$0.165/thousand of rural taxable valuation.

Engineer (from Kuehl & Payer) Ivan Droessler and Surveyor Bud Vote, met to offer the services of Kuehl & Payer, Ltd., to Buena Vista County in the area of **drainage** matters. Vote has sold Sac City Surveying and Mapping to Kuehl & Payer, but will continue as Drainage District Watchman for Sac and Calhoun Counties as a K&P employee. They reviewed the types of services being provided to those counties. This board is most interested in getting a tree and brush management program up and running for the county's open ditches. Before taking any action, the board will meet with Chemtrol who is currently under agreement for some districts for brush and tree removal.

11:15 a.m.--A teleconference call was placed with the Sac County Board of Supervisors for a **DD #274 Jt.** matter. Present for Sac County were: Supervisors Russ Kroeger, Rebecca Hillmer, and Jack Bensley, plus Auditor Jim Dowling and Drainage Clerk Jo Ellerbrock. Motion by Vail, second by Kroeger, that Burnside serve as Chair and Strawn as Secretary for the meeting. Ayes—Burnside, Crampton, Gustafson, Vail, Kroeger, Hillmer, and Bensley. Nays—none. Abstentions—none. Carried.

Motion by Hillmer, second by Vail, to approve and to authorize the chairman to sign the contract with L. A. Carlson Contracting, Inc. in the amount of \$15,430.15 for a culvert project, subject to receiving the required certificate of insurance. Ayes—Burnside, Crampton, Gustafson, Vail, Kroeger, Hillmer, and Bensley. Nays—none. Abstentions—none Carried.

There being no further business, motion by Kroeger, second by Vail, to adjourn. Ayes—Burnside, Crampton, Gustafson, Vail, Kroeger, Hillmer, and Bensley. Nays—none. Abstentions—none

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Motion by Gustafson to approve the **minutes** of the 1/2/01 meeting as printed. Carried.

Motion by Vail to approve and to authorize the Chairman to sign 2 fiscal agent agreements with the Iowa Department of Human Services-Buena Vista Cluster for: Sanctions and Prevention Funding (\$12,510-Prevention and \$11,295.67-Sanctions) and Formula Grant Funding (\$12,500), for the FY2001 **School Liaison Project**. Carried.

Motion by Crampton to note receipt of FY'00 forfeited **flexible benefit funds** in the amount of \$207.85 and to direct the Auditor to deposit these funds in the General Fund to help offset \$500 allowed to the employees' wellness program. Carried.

Motion by Vail to approve the following **reports**: Dec Conservation Board minutes, 2<sup>nd</sup> Qtr FY'01 VA & GR expenditures. Carried. Also reviewed: 11/9 NWIPDC Policy Board minutes.

Motion by Gustafson to note receipt and acceptance of the written petition of Craig Wells to withdraw the following described parcel of land from a previously approved **ag area**, and to approve said request. Carried.

**Legal Description** of land parcel requested by Craig Wells to be withdrawn from Ag Area approved :  
A part of Section 12 township 90N, Range 37 West of the 5<sup>th</sup> p.m.: The North Twenty-four Feet (N24') of a tract commencing at the Southwest (SW) corner of the Southwest Quarter (SW¼) of said Section 12; thence North, along the West line of said Southwest Quarter (SW¼), 610.10 feet to the point of beginning; thence continuing North, along the West line of said Southwest Quarter (SW¼), 713.00 feet; thence South 89°22' East, 823.80 feet; thence South 01°07'20" West, 918.48 feet; thence North 88°58'40" West, 405.90 feet; thence North, 200.00 feet; thence North 88°58'40" West, 400.00 feet to the point of beginning; excepting therefrom the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, containing 0.19 acres, lying in the Southwesterly corner thereof, subject to all easements of record.

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Motion by Gustafson to approve the recommendations for a 3% increase in **MH/MR service rates** for Genesis, Lutheran Family Services and Spectra for FY'2002. Carried.

There being no further business, motion by Vail, to adjourn at 12:45 p.m. to Tuesday, January 16, 2001, at 8:30 a.m. for a regular meeting. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRD MEETING, 2001 SESSION (3)  
JANUARY 16, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 16, 2001, at 8:30 A.M. in the Boardroom with Chairperson Burnside presiding and with the following other members present: Bruns, Crampton, and Gustafson, and with Auditor Karen Strawn as clerk for the meeting. Absent: Vail to attend a funeral.

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

Due to the heavy snows received in December, and the resulting workload which made it impossible to take the time off, motion by Gustafson to approve allowing the following persons to carry over the (birthday) 2000 floating holiday into calendar year 2001 for use within 2001 only: Preston Jacobs, Tim Cavanaugh, Ron Buske, Gene Mandernach, Rich Noll, Brad Raveling, Luke Warkentin, and Ron White. Carried.

Arlin Hinkeldey, representing the Hanover Historical Society, was present to request funding in the FY'02 budget in the amount of \$1,500, up from the \$1,000 approved for the current year. He reported on the progress made at the site this past year, and that work is planned on the machine shed and also concrete work this next year. Their 2001 celebration will be held August 26. Hinkeldey thanked the Board for their past support.

Zoning Director Kim Johnson reported on the meeting of the Zoning Commission regarding the subdivision requests which are the subjects of today's public hearings. 8:45 a.m.—The time having arrived for the public hearing on the subdivision request of Roger Kuhrts on a property in Maple Valley Township, the Chairperson opened the hearing with no interested persons present. The Zoning Commission recommended approval. There being no objection, motion by Gustafson to close the public hearing. Carried. Motion by Gustafson to approve and to authorize the Chairman to sign Resolution 2001-01-16A. Carried.

**RESOLUTION 2001-01-16A**

WHEREAS, Roger Kuhrts has presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¼ SE¼) OF SECTION 30, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 30; Thence on a previously recorded bearing of South, along the East line of said Southeast Quarter (SE¼), 1715.74 feet; Thence North 88°00'28" West, 849.39 feet to the Point of Beginning. Thence North 01°39'49" East, 266.23 feet; Thence North 87°47'42" West, 461.89 feet; Thence South 72°05'53" East, 142.79 feet; Thence South 03°33'34" West, 70.85 feet; Thence North 88°35'16" East, 119.02 feet; Thence South 01°39'32" West, 164.97 feet; Thence South 88°00'28" East, 208.17 feet to the Point of Beginning.

Hereafter known as Lot A of Section 30, Township 90 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 1.62 Acres and is subject to a 34 foot road way easement as described and recorded in Deed Book 60, pages 477-478; and to all other easements of record.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any: above described parcel is to become part of Kuhrts' original lot and shall not become a parcel to be sold on it's own.

WHEREAS, the final plat meets with the approval of the Board subject to the following if any: above described parcel is to become part of Kuhrts' original lot and shall not become a parcel to be sold on it's own.

NOW THEREFORE BE IT RESOLVED by the Buena Vista County Board of Supervisors that

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¼ SE¼) OF SECTION 30, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 30; Thence on a previously recorded bearing of South, along the East line of said Southeast Quarter (SE¼), 1715.74 feet; Thence North 88°00'28" West, 849.39 feet to the Point of Beginning. Thence North 01°39'49" East, 266.23 feet; Thence North 87°47'42" West, 461.89 feet; Thence South 72°05'53" East, 142.79 feet; Thence South 03°33'34" West, 70.85 feet; Thence North 88°35'16" East, 119.02 feet; Thence South 01°39'32" West, 164.97 feet; Thence South 88°00'28" East, 208.17 feet to the Point of Beginning.

Hereafter known as Lot A of Section 30, Township 90 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following, if any: above described parcel is to become part of Kuhrts' original lot and shall not become a parcel to be sold on it's own.

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of:

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¼ SE¼) OF SECTION 30, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 30; Thence on a previously recorded bearing of South, along the East line of said Southeast Quarter (SE¼), 1715.74 feet; Thence North 88°00'28" West, 849.39 feet to the Point of Beginning. Thence North 01°39'49" East, 266.23 feet; Thence North 87°47'42" West, 461.89 feet; Thence South 72°05'53" East, 142.79 feet; Thence South 03°33'34" West, 70.85 feet; Thence North 88°35'16" East, 119.02 feet; Thence South 01°39'32" West, 164.97 feet; Thence South 88°00'28" East, 208.17 feet to the Point of Beginning.

Hereafter known as Lot A of Section 30, Township 90 North, Range 38 West of the 5<sup>th</sup> 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 16<sup>th</sup> day of January, 2001.

/s/ Lorna Burnside, Chairperson, Board of Supervisors

/s/ Karen M. Strawn, Auditor

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8:55 a.m. – The time having arrived for the public hearing on the **subdivision request** of Wencil Small for a parcel in Washington Township, the Chairperson opened the hearing with no interested persons present. The Zoning Commission has recommended approval noting the potential nuisance condition due to the odd shape. There being no objection, motion by Crampton to close the public hearing. Carried. Motion by Bruns to approve and to authorize the Chairman to sign Resolution 2001-01-16B, with reservation. Carried.

#### **RESOLUTION 2001-01-16B**

WHEREAS, Wencil Small has presented a preliminary and final plat (of survey) on the following described property:

##### **DESCRIPTION: LOT J**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE¼ NE¼) OF SECTION 19, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter (NE ¼) of said Section 19; Thence on a previously recorded bearing of North 00°00'00" East, along the East line of said Northeast Quarter (NE¼), 290.00 feet to the Point of Beginning. Thence North 90°00'00" West, 320.50 feet; Thence North 00°00'00" East, 547.00 feet; Thence South 90°00'00" East, 320.50 feet to the East line of said Northeast Quarter (NE¼); Thence South 00°00'00" West, along said East line, 547.00 feet to the Point of Beginning.

Hereafter known as Lot J of Section 19, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 4.02 Acres and is subject to all easements of record.

WHEREAS, the final plat meets with the approval of the Zoning Commission with reserve subject to the following if any: none.

WHEREAS, the final plat meets with the approval of the Board with reserve subject to the following if any: none.

NOW THEREFORE BE IT RESOLVED by the Buena Vista County Board of Supervisors that

##### **DESCRIPTION: LOT J**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE¼ NE¼) OF SECTION 19, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter (NE ¼) of said Section 19; Thence on a previously recorded bearing of North 00°00'00" East, along the East line of said Northeast Quarter (NE¼), 290.00 feet to the Point of Beginning. Thence North 90°00'00" West, 320.50 feet; Thence North 00°00'00" East, 547.00 feet; Thence South 90°00'00" East, 320.50 feet to the East line of said Northeast Quarter (NE¼); Thence South 00°00'00" West, along said East line, 547.00 feet to the Point of Beginning.

Hereafter known as Lot J of Section 19, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following, if any: none.

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of:

DESCRIPTION: LOT J

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE¼ NE¼) OF SECTION 19, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter (NE ¼) of said Section 19; Thence on a previously recorded bearing of North 00°00'00" East, along the East line of said Northeast Quarter (NE¼), 290.00 feet to the Point of Beginning. Thence North 90°00'00" West, 320.50 feet; Thence North 00°00'00" East, 547.00 feet; Thence South 90°00'00" East, 320.50 feet to the East line of said Northeast Quarter (NE¼); Thence South 00°00'00" West, along said East line, 547.00 feet to the Point of Beginning.

Hereafter known as Lot J of Section 19, Township 91 North, Range 37 West of the 5<sup>th</sup> 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 16<sup>th</sup> day of January, 2001.

/s/ Lorna Burnside, Chairperson, Board of Supervisors

/s/ Karen M. Strawn, Auditor

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9:05 a.m. – The time having arrived for the public hearing on the **subdivision request** of Dave Garberding for a parcel in Lincoln Township, the Chairperson opened the hearing. The Zoning Commission has recommended approval. Garberding was present and discussed the process seeking approval to subdivide a property, about which he was previously unaware. There being no objection, motion by Gustafson to close the public hearing. Carried. Motion by Gustafson to approve and to authorize the Chairman to sign Resolution 2001-01-16C. Carried.

**RESOLUTION 2001-01-16C**

WHEREAS, David and Cynthia Garberding have presented a preliminary and final plat (of survey) on the following described properties:

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION 35, TOWNSHIP 92 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) Corner of the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of said Section 35; Thence on a previously recorded bearing of South 90° 00' 00" East, along the South line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼), 90.85 feet; Thence North 00°18'56" West, 1049.76 feet; Thence North 89°57'49" East, 542.29 feet; Thence North 00°45'42" East, 268.55 feet to the North line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼); Thence South 89°57'49" West, along said North line, 633.27 feet to the Northwest (NW) Corner of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼); Thence South 00°06'00" East, along the West line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼), 1318.21 feet to the Point of Beginning.

Hereafter known as Lot A of Section 35, Township 92 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 6.03 Acres and is subject to all easements of record.

And

DESCRIPTION: LOT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION 35, TOWNSHIP 92 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of said Section 35; Thence on a previously recorded bearing of South 90°00'00" East, along the South line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼), 90.85 feet to the Point of Beginning. Thence North 00°18'56" West, 1049.76 feet; Thence North 89°57'49" East, 542.29 feet; Thence South 00°45'42" West, 1050.18 feet to the South line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼); Thence North 90°00'00" West, along said South line, 522.54 feet to the Point of Beginning.

Hereafter known as Lot B of Section 35, Township 92 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 12.83 Acres and is subject to all easements of record.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any: none.

WHEREAS, the final plat meets with the approval of the Board subject to the following if any: none.

NOW THEREFORE BE IT RESOLVED by the Buena Vista County Board of Supervisors that

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION 35, TOWNSHIP 92 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) Corner of the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of said Section 35; Thence on a previously recorded bearing of South 90° 00' 00" East, along the South line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼), 90.85 feet; Thence North 00°18'56" West, 1049.76 feet; Thence North 89°57'49" East, 542.29 feet; Thence North 00°45'42" East, 268.55 feet to the North line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼); Thence South 89°57'49" West, along said North line, 633.27 feet to the Northwest (NW) Corner of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼); Thence South 00°06'00" East, along the West line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼), 1318.21 feet to the Point of Beginning.

Hereafter known as Lot A of Section 35, Township 92 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

And

DESCRIPTION: LOT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION 35, TOWNSHIP 92 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of said Section 35; Thence on a previously recorded bearing of South 90°00'00" East, along the



South line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼), 90.85 feet to the Point of Beginning. Thence North 00°18'56" West, 1049.76 feet; Thence North 89°57'49" East, 542.29 feet; Thence South 00°45'42" West, 1050.18 feet to the South line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼); Thence North 90°00'00" West, along said South line, 522.54 feet to the Point of Beginning.

Hereafter known as Lot B of Section 35, Township 92 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: none.

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of:

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION 35, TOWNSHIP 92 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) Corner of the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of said Section 35; Thence on a previously recorded bearing of South 90° 00' 00" East, along the South line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼), 90.85 feet; Thence North 00°18'56" West, 1049.76 feet; Thence North 89°57'49" East, 542.29 feet; Thence North 00°45'42" East, 268.55 feet to the North line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼); Thence South 89°57'49" West, along said North line, 633.27 feet to the Northwest (NW) Corner of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼); Thence South 00°06'00" East, along the West line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼), 1318.21 feet to the Point of Beginning.

Hereafter known as Lot A of Section 35, Township 92 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

And

DESCRIPTION: LOT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION 35, TOWNSHIP 92 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southeast Quarter of the Southwest Quarter (SE¼ SW¼) of said Section 35; Thence on a previously recorded bearing of South 90°00'00" East, along the South line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼), 90.85 feet to the Point of Beginning. Thence North 00°18'56" West, 1049.76 feet; Thence North 89°57'49" East, 542.29 feet; Thence South 00°45'42" West, 1050.18 feet to the South line of said Southeast Quarter of the Southwest Quarter (SE¼ SW¼); Thence North 90°00'00" West, along said South line, 522.54 feet to the Point of Beginning.

Hereafter known as Lot B of Section 35, Township 92 North, Range 36 West of the 5<sup>th</sup> 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 16<sup>th</sup> day of January, 2001.

/s/ Lorna Burnside, Chairperson, Board of Supervisors

/s/ Karen M. Strawn, Auditor

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Cynthia Beaumann, Executive Director of NW Aging, was present with Lucille Cochran, Marv Molitor, Floyd Barrickman, Ken Ingram and Marilyn Monson, to report on the agency's activities for 2000. Their request is \$10,661 (\$2.30 for each resident over the age of 60) in FY'02, the same as was approved for the current year. Through Senior Living Trust funding, a new resource in FY'02, the number of gaps in service has dropped dramatically. The case management program is open to all seniors, regardless of income. Where services are indicated, income level determines what cost, if any, will be assessed to the client.

Ites discussed an area in DD #49 which needs brush removal and asked whether the board wants this project to be done by secondary roads, or whether this drainage district might be included in those the board may hire Bud Vote to do. The consensus was that secondary roads should proceed with the portion of the work that they have large enough equipment to handle.

Ites presented a sample resolution supporting expansion of the "bottle bill" by the legislature. Motion by Crampton to approve and to authorize the Chairman to sign Resolution 2001-01-16D, and to mail copies to our local legislators and to ISAC. Carried.

#### **RESOLUTION 2001-01-16D**

*WHEREAS*, the Buena Vista County Board of Supervisors fully supports the existing Bottle and Can Redemption Law which has been in place since 1978;

*WHEREAS*, the Bottle and Can Redemption Law has greatly reduced roadside litter throughout the State of Iowa;

*WHEREAS*, the Bottle and Can Redemption Law is self-funding and relies on no taxes to local government;

*WHEREAS*, the Bottle and Can Redemption Law created more than 140 redemption centers in Iowa which provides jobs in the private sector and also has employed people with disabilities at sheltered workshops;

*WHEREAS*, an independent survey by the University of Northern Iowa shows that 85 percent of Iowans support the Bottle and Can Redemption;

*WHEREAS*, the Buena Vista County Board of Supervisors also supports expansion of the existing Bottle and Can Redemption Law that would include the following:

1. Increasing the handling fee per container paid to grocery stores and Redemption Centers.
2. Expanding redemptions to include bottles and cans used for tea, water, fruit and vegetable juices and drinks, sports drinks, and other non-carbonated beverages excluding milk.

*NOW THEREFORE BE IT RESOLVED*, that the Buena Vista County Board of Supervisors requests the Governor and Legislature of Iowa continue their support and consideration of expansion of the Iowa Bottle and Can Redemption Law.

Date: January 16, 2001 /s/ Lorna Burnside, Chair, Buena Vista County Board of Supervisors

Attest: /s/ Karen Strawn, Auditor

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Motion by Bruns to authorize the Auditor to destroy duplicate warrants for FY's 88-89 and 89-90. Carried.

Motion by Gustafson to approve the minutes of the 1/9 meeting as printed, and the reports as follows: Dec Clerk's fines, forfeitures, surcharges; Mangold monthly monitoring report of Spectra lagoon. Carried. Also reviewed were 2<sup>nd</sup> Qtr Farm-to-Market Road Fund report, and Adopted Rules of the Iowa Utilities Board re: restoration of agricultural lands during and after pipeline construction.

Sally Dobson, Executive Director of Council Against Domestic Abuse, was present to request funding in the amount of \$4,500 in FY'02, the same as approved for the current year. She reviewed activities and statistics for the organization and for the Storm Lake site.

Janice Danielson, representing the BV Co. Historical Society and the BV Co. Genealogical Society, thanked the board for its past support. She described this past year's activities for both groups. The Genealogical Society needs a copier. The Historical Society would like to replace the furnaces in the museum. The requests were \$1,200 and \$750 respectively.

Jackie Frantum, Program Director of Vista Counseling Center, reported on the use of the funding received from the county in the current year. She proposed a new program to assist in developing healthy family systems and behaviors, etc. She requested \$3,000 for FY'02.

There being no further business, motion by Gustafson to recess at 4:00 p.m. until Wednesday, January 17 at 8:30 a.m. to continue departmental budget review.

**Wednesday, January 17, 2001, 8:30 a.m.**; all boardmembers present:

8:30 a.m.--The board took up the request of the Emergency Management Commission to increase the county's level of funding from \$9,000 to \$20,000 in FY'02 due to the increasing requirements for the coordinator. The consensus was to change from \$9,000 to \$14,000, a net increase of \$5,000.

Motion by Vail, to set date and time of public hearings for subdivision requests as follows: Leon Haahr request for a parcel in Coon Township for February 13, 2001, at 8:30 a.m. in the Boardroom; and Rembrandt Enterprises request for a parcel in Barnes Township for February 13, 2001, at 8:40 a.m. in the Boardroom. Carried.

Having learned that one of the major property owners in DD #81 will not be able to be present for a February 13 public hearing on the engineer's report, the board discussed delaying the hearing. The Chair will consult with the drainage attorney about possibly delaying the hearing.

Supervisor Crampton and the Chair reported on their discussions with representatives of the secondary road department. Several issues have been discussed, but both sides would like an update on insurance rates prior to making a request/recommendation.

**Thursday, January 18, 2001, 8:30 a.m.** all boardmembers present:

Engineer Jon Ites reviewed the various elements of the proposed Secondary road budget for FY'02.

**Monday, January 22, 2001, 8:00 a.m.** Burnside, Bruns, Gustafson, and Vail present:

Sheriff Chuck Eddy discussed his jail and sheriff budgets for FY'02. The remaining ½ of the building payment to secondary roads is due in FY'02.

Dean Maiden, Marathon Historical Society, expressed his appreciation for the county's past support of his organization, and requested funding in the same amount for FY'02. He discussed the current stage of development of the museum and building site in Marathon.

The board spent some time discussing the overall expenditure requests for the **FY'02 budget**, and the proposed revenues. No action was taken regarding the tax asking, with the auditor to provide some comparison information at the next meeting.

It having come to the Board of Supervisors' attention that certain key individuals will not be able to be present for the public hearing on the engineer's report and recommendations of his investigation of **DD #81**, motion by Vail to change the previously scheduled date of public hearing from February 13, 2001, to April 3, 2001, at 10:0 a.m. in the 2<sup>nd</sup> Floor Public Meeting Room of the Courthouse. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign Resolution 2001-01-22 accepting a settlement on the Neal Nielsen tax sale certificate. Carried.

#### **RESOLUTION 2001-01-22**

TITLE: Tax Sale Certificate #1878 vs. the Estate of Neal Nielsen

WHEREAS, on June 17, 1991, Buena Vista County at the Public Bidder's Tax sale offered for sale a parcel of land described as: A PART OF THE SOUTHEAST QUARTER (SE¼) OF SECTION SEVEN (7), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-FIVE (35) WEST OF THE FIFTH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commencing at a point 500 feet north of the southeast corner of the southeast quarter (SE¼) of Section Seven (7), Township Ninety (90) North, Range thirty-five (35) West of the Fifth P.M. Thence North 89°02' West a distance of 340 feet, thence due North a distance of 472 feet, thence South 89°02' East a distance of 340 feet to the East line of said southeast Quarter (SE¼), thence due South along the East line of said Southeast Quarter (SE¼) a distance of 472 feet to the point of beginning and containing an area of 3.68 acres of which 0.54 acres are existing highway right-of-way; and having no bid the county, through its county treasurer, bid the parcel for an amount equal to the total amount due at that time which was for the taxes on the assessment year 1987, 1988, and 1989 for a total of \$891.00; and the County has held this tax sale certificate adding subsequent delinquent taxes each year; and

WHEREAS, The County attempted to convert this tax sale certificate to a tax deed, but the tax deed was effectively voided due to the County's inability to effectively notify all parties that had an interest of record; and the County still has possession of the above tax sale certificate; and

WHEREAS, tax sale certificates are collectible against any party in whose name the property is taxed, and

WHEREAS, A tax sale certificate debt is not limited to the subject real estate. A holder of a tax sale certificate can proceed personally against any party in whose name the property is taxed (Iowa Code Section 446.20 and Iowa Code Section 445.3); and

WHEREAS, According to the Report and Inventory on the Nielsen Estate there are assets within the Estate for redemption of the tax sale certificate which on January 15, 2001 the payoff amount would be \$4,083.80, and the County has filed its claim against said estate.

THEREFORE BE IT RESOLVED, that the Buena Vista County Board of Supervisors, in a settlement negotiated orally out of Court, will accept \$3,500.00 for payment in full of the tax sale certificate. This settlement includes the total amount of delinquent taxes due in the amount of \$2,110.00 and the remainder \$1,390.00 for penalty, interest and attorney fees.

DATE: 01-22-01 /s/ Lorna Burnside, Chair, Buena Vista County Board of Supervisors

Attest: /s/ Karen Strawn, Auditor

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There being no further business, the meeting adjourned at 11:30 a.m. until Tuesday, January 30, 2001 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
FOURTH MEETING, 2001 SESSION (4)  
JANUARY 30, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 30, 2001, at 8:30 A.M. in the Boardroom with Chairperson Burnside presiding and with the following other members present: Bruns, Crampton, and Vail, and with Auditor Karen Strawn as clerk for the meeting. Absent: Gustafson.

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

Motion by Bruns to approve and to authorize the Chairman to sign the Class C, outdoor and Sunday sales liquor license application of the Little Sioux Golf & Country Club, Sioux, Rapids, Iowa. Carried.

Treasurer Kathy Bach presented her semi annual report and discussed the ending fund balances of the 5 major funds. The board also looked at charts prepared by Farm Bureau as they regarded her report. Motion by Vail to approve the Treasurer's semi annual report. Carried.

Payroll and claims were audited and approved.

Motion by Bruns to approve the minutes of the 1/16 meeting as amended. Carried.

Motion by Vail, to approve and to authorize the Chairman to sign the provider & program participation agreement with Sioux Valley Regional Health Services dba Northwest Iowa Health Center. Carried.

Discussion of other topics on the agenda including: contract for restoration of courthouse exterior, FY'02 budget, compensation board recommendations for FY'02, and employee health insurance for FY'02, were postponed until Feb. 6 until a full board could be present.

There being no further business, motion by Vail to adjourn the meeting at 11:30 a.m. until Tuesday, February 6, 2001 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS  
FIFTH MEETING, 2001 SESSION (5)  
FEBRUARY 6, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 6, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, with Deputy Auditor Madsen as clerk for the meeting.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes— Bruns, Crampton, Gustafson, Vail, Burnside. Nays—none. Abstentions—none.

Nurse Administrator Karole Graen discussed the \$16,000 **grant** that the county will receive from the tobacco settlement. It will be used to target the youth on smoking prevention. A class will be presented to all 7<sup>th</sup> graders in the county. BVU students will help present the programs. A \$4,000 in matching funds is necessary to receive the entire grant. Some county funding will be requested.

Motion by Crampton to amend today's agenda by adding: consultant design extension agreement, sign inventory project, TEA21 projects. Carried.

Head Custodian Dewyne Stucynski reviewed the proposed contract for masonry cleaning and restoration of the County **Courthouse** at a cost of \$38,200. Motion by Gustafson to approve and to authorize the Chairman to sign the contract with McGill Restoration, Omaha, in the amount of \$38,200 for courthouse exterior restoration. Carried.

Stucynski discussed an **ADA** issue in the courthouse. He reviewed a complaint from one person regarding the handicapped accessibility of the men's restroom. A review of the legal requirements indicates that the county is in compliance by having made alterations according to an acceptable 'alternate plan'. The Chairman read the draft letter to be sent to the person filing the complaint.

The board discussed the rate increases for employee **health insurance** for FY'02. Motion by Gustafson to continue offering the following two Wellmark employee health plans for FY'02: Alternates 4 & 5, with the county paying \$377 for the single for either plan, or \$604 for a family for Alternate 4, or \$576 for a family under Alternate 5; the employee's share for family coverage under Alternate 4 is \$277, and \$199.50 under Alternate 5, all figures being per month. Carried. The Auditor is directed to make the necessary changes to the budget. Motion by Vail to accept the proposed rates for Delta Dental.

Engineer Jon Ites reported that the state has made a final payment on **project #FM-11-35**. Motion by Bruns to approve, and to authorize the Chairman to sign, agreement to pay interest in the amount of \$64.66 as part of the final damages. Carried.

Motion by Bruns, to apply for an increase in TEA 21 funding for **project # STP-S-CO11(47) -5E-11**. Carried. An interim design billing has been received for this project. The cost of the project has increased by approximately \$100,000.

The board reviewed the OSHA 200 report with Ites noting that there were 10 reported incidents in 2000 which resulted in only 2 injuries with missed days of work. It should be noted that this report covers all county employees. Motion by Burnside to sign and send a letter of commendation to the secondary road workers for their efforts towards a good **safety record**. Carried.

Ites reviewed a map showing areas of bridge construction needs in the county.

Plans on **project #FM-TSF-CO11(34)—5B-11** (C-13) have been updated. Motion by Burnside to authorize the Chairperson to sign the consultant design agreement extension for payment of an additional \$5,502.92 from the Farm to Market Fund to Kuehl & Payer, Ltd.. Carried.

Regarding **snow clearing** operations, Ites reported that **salt** from the current contract has not yet been delivered, and parts for the small blower have still not arrived after 4 weeks. The other blower has been mounted to use.

Motion by Vail to request TEA-21 funds at a 60% federal participation rate for FY'04 for **project #'s FM-CO11(54), FM-CO11 (55) & FM-CO11(56)**, Carried.

Ites discussed a proposal for a **sign inventory** project to inventory the approximately 6,500-7,000 signs around the county. The cost is estimated at \$32,000 and would include sign location and distance from intersections and curves. Ites will take a second look at this project and the cost.

Secondary Road **equipment** needs for next year were reviewed (an endloader, a push cat, 1 tandem truck, 1 single axle truck, and 1 pick-up.) The consensus of the board was to have Ites see what is available.

Roger Baker has asking about the status of the **tree removal project**. Ites has not yet looked at it, but the plan is still to proceed. Ites will respond to Baker.

Present for the discussion of the **Compensation Board recommendations** for FY'02 were: Kim Johnson, Kathy Bach, Shari O'Bannon and Dawn Mentzer. The recommendation was for 4% increases for the Attorney, Auditor, Recorder, Sheriff and Treasurer, and 2% for the Supervisors. Bruns believes that the increase in insurance premiums should also be included in consideration of the increase in "salary". Motion by Bruns to cut the Comp Board recommendation by 25%. Bach noted some of the other boards have already approved a 5% increase which will make their deputies pay higher than that of elected officials. The question was called. Ayes—Bruns. Nays--Crampton, Gustafson, Vail, Burnside. The motion failed.

Motion by Crampton to approve salaries of the elected officials for FY'02 as recommended by the Compensation Board (Attorney—\$43,282, Auditor—\$37,039, Recorder—\$37,039, Sheriff—\$49,219 and Treasurer—\$37,039, Supervisors—\$19,865). Ayes--Crampton, Gustafson, Vail, Burnside. Nays—Bruns. The motion carried.

Gustafson noted that elected officials had been originally instructed to budget a 3% wage increase, and moved that the 1% difference from the requested **FY'02 budget** be absorbed by the departments. Ayes--Bruns, Crampton, Gustafson, Vail, Burnside. Nays—none. Carried.

Zoning Director Kim Johnson distributed copies of the Attorney General's opinion to Representative Russ Eddie regarding the proposed **Rembrandt Enterprises, Inc.** egg breaking facility.

Susan Morrow, Spectra Health Care Administrator was present to request renewal of the **Spectra lease** for the CCF building. She requested another 5 year term agreement at the rate of \$2,550 per month. Vail suggested that the county attorney review the proposed lease.

Morrow also requested an increase in her provider rate from \$21 to \$23 per day for FY'02. Previously a 3% increase had been approved. Motion by Gustafson to increase the provide rate for **Spectra Health Care** to \$23 per day effective 7/1/01. Carried.

Dawn Mentzer discussed her evaluation of Case Manager Jessica Rooks, giving her a favorable review, as she has been doing a very good job. Mentzer recommended that she receive an increase per 6 month hiring agreement. Motion by Burnside to **increase the salary** of Jessica Rooks from \$23,500 to \$24,000 effective 2-7-01. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the substance abuse agreement with the Iowa Department of Public Health for FY'02 in the amount of \$16,971. Carried.

Shirley Johnson, Engineer's Office Manager, discussed some administrative questions regarding the **floating holiday leave policy**. She suggested that the policy be changed so that a new employee starting between Jan 1 and June 30 would receive the holiday, and an employee starting with half or less than half of the year remaining in the calendar year, will not receive the holiday for that year. The Auditor will review the proposed change with Renee Von Bokern for wording for the Board's consideration.

There being no further business, the meeting adjourned at 12:20 p.m. until Friday, February 9, 2001, at 2:15 p.m. for a special session. (Note: Due to weather and road conditions, the courthouse was closed and the meeting cancelled. Agenda items were assigned to the Feb. 13 meeting.)

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**BOARD OF SUPERVISORS  
SIXTH MEETING, 2001 SESSION (6)  
FEBRUARY 13, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 13, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes—Bruns, Crampton, Gustafson, Vail, Burnside. Nays—none. Abstentions—none.

8:30 a.m.—The time having arrived for the **public hearing** on the subdivision request of Leon Haahr, the Chair opened the hearing with Zoning Director Kim Johnson present. Johnson reported that there had been no objections to the request, and that the Zoning Commission had recommended approval. There being no objections at this meeting, motion by Vail to close the public hearing. Carried. Motion by Gustafson to approve and to authorize the Chair to sign Resolution 2001-02-13A on the Haahr subdivision request. Carried.

**RESOLUTION 2001-02-13A**

WHEREAS, Leon Haahr has presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION: LOT C**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¼ NW¼) OF SECTION 32, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Northwest Quarter (NW¼) of said Section 32; Thence on a previously recorded bearing of North 90°00'00" West, along the North line of said Northwest Quarter (NW¼), 400.00 feet; Thence South 00°00'00" West, 662.75 feet to North line of the South Half of the Northeast Quarter of said Northwest Quarter (S½ NE¼ NW¼), said point also being the Point of Beginning. Thence South 89°56'57" East, along said North line, 392.30 feet to the East line of said Northwest Quarter (NW¼); Thence South 00°39'55" West, along said East line, 141.91 feet; Thence North 90°00'00" West, 390.65 feet; Thence North 00°00'00" East, 142.25 feet to the Point of Beginning.

Hereafter known as Lot C of Section 32, Township 91 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. Tract contains 1.28 Acres and is subject to all easements of record. AND

**DESCRIPTION: LOT D**

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTHWEST QUARTER (NW¼) OF SECTION 32, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW¼) of said Section 32; Thence on an assumed bearing of South 00°49'01" West, along the West line of said Northwest Quarter (NW¼), 660.81 feet to the North line of the South Half of the North Half of said Northwest Quarter (S½ N ½ NW¼), said point also being the Point of Beginning. Thence South 89°56'57" East, along said North line, 1512.44 feet; Thence South 00°00'00" West, 142.91 feet; Thence North 90°00'00" West, 1514.50 feet to the West line of said Northwest Quarter (NW¼); Thence North 00°49'01" East, along said West line, 144.27 feet to the Point of Beginning.



Hereafter known as Lot D of Section 32, Township 91 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. Tract contains 4.99 Acres and is subject to all easements of record.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any: above described parcel is to become part of lots directly to north of each lot and shall not become a parcel to be sold on it's own.

WHEREAS, the final plat meets with the approval of the Board subject only to the following if any: above described parcel is to become part of lots directly to north of each lot and shall not become a parcel to be sold on it's own.

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa Board of Supervisors that:

DESCRIPTION: LOT C

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE $\frac{1}{4}$  NW $\frac{1}{4}$  ) OF SECTION 32, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 32; Thence on a previously recorded bearing of North 90°00'00" West, along the North line of said Northwest Quarter (NW $\frac{1}{4}$ ), 400.00 feet; Thence South 00°00'00" West, 662.75 feet to North line of the South Half of the Northeast Quarter of said Northwest Quarter (S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), said point also being the Point of Beginning. Thence South 89°56'57" East, along said North line, 392.30 feet to the East line of said Northwest Quarter (NW $\frac{1}{4}$ ); Thence South 00°39'55" West, along said East line, 141.91 feet; Thence North 90°00'00" West, 390.65 feet; Thence North 00°00'00" East, 142.25 feet to the Point of Beginning.

Hereafter known as Lot C of Section 32, Township 91 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. AND

DESCRIPTION: LOT D

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$  ) OF SECTION 32, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW $\frac{1}{4}$  ) of said Section 32; Thence on an assumed bearing of South 00°49'01" West, along the West line of said Northwest Quarter (NW $\frac{1}{4}$  ), 660.81 feet to the North line of the South Half of the North Half of said Northwest Quarter (S $\frac{1}{2}$  N  $\frac{1}{2}$  NW $\frac{1}{4}$  ), said point also being the Point of Beginning. Thence South 89°56'57" East, along said North line, 1512.44 feet; Thence South 00°00'00" West, 142.91 feet; Thence North 90°00'00" West, 1514.50 feet to the West line of said Northwest Quarter (NW $\frac{1}{4}$  ); Thence North 00°49'01" East, along said West line, 144.27 feet to the Point of Beginning.

Hereafter known as Lot D of Section 32, Township 91 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: above described parcel is to become part lots directly to north of each lot and shall not become a parcel to be sold on it's own.

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of:

DESCRIPTION: LOT C

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) OF SECTION 32, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section 32; Thence on a previously recorded bearing of North 90°00'00" West, along the North line of said Northwest Quarter

(NW¼), 400.00 feet; Thence South 00°00'00" West, 662.75 feet to North line of the South Half of the Northeast Quarter of said Northwest Quarter (S½ NE¼ NW¼), said point also being the Point of Beginning. Thence South 89°56'57" East, along said North line, 392.30 feet to the East line of said Northwest Quarter (NW¼ ); Thence South 00°39'55" West, along said East line, 141.91 feet; Thence North 90°00'00" West, 390.65 feet; Thence North 00°00'00" East, 142.25 feet to the Point of Beginning.

Hereafter known as Lot C of Section 32, Township 91 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. AND

**DESCRIPTION: LOT D**

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTHWEST QUARTER (NW¼ ) OF SECTION 32, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW¼) of said Section 32; Thence on an assumed bearing of South 00°49'01" West, along the West line of said Northwest Quarter (NW¼), 660.81 feet to the North line of the South Half of the North Half of said Northwest Quarter (S½ N ½ NW¼) said point also being the Point of Beginning. Thence South 89°56'57" East, along said North line, 1512.44 feet; Thence South 00°00'00" West, 142.91 feet; Thence North 90°00'00" West, 1514.50 feet to the West line of said Northwest Quarter (NW¼); Thence North 00°49'01" East, along said West line, 144.27 feet to the Point of Beginning.

Hereafter known as Lot D of Section 32, Township 91 North, Range 35 West of the 5<sup>th</sup> 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 13<sup>th</sup> day of February, 2001.

/s/ Lorna Burnside, Chair Board of Supervisor

/s/ Karen M. Strawn, Auditor

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Motion by Bruns to amend today's **agenda** by adding Sue Morrow at 10:30 a.m. Carried.

8:40 a.m.--The Chairman opened the **public hearing** on the subdivision request of Rembrandt Enterprises, Inc. In addition to the media, present were Darrell Rettig, General Manager, and Bob Malloy, Attorney, Rembrandt Enterprises, Inc., and Jim Gossett, SLADC. Zoning Director Kim Johnson reviewed the application, and, the recommendation of the Zoning Commission to approve. The board had several questions regarding why the division is being requested (at the request of the lender). Motion by Crampton to close the public hearing. Carried. Motion by Vail to accept the Zoning Commission's recommendation to approve the Rembrandt subdivision request, and to approve and authorize the Chairman to sign Resolution 2001-02-13B for the subdivision. Carried.

**RESOLUTION 2001-02-13B**

WHEREAS, Rembrandt Enterprises, Inc. has presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION: LOT A**

That part of the South Half of the South Half of the Northeast Quarter and the North Half of the Southeast Quarter all in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows: Commencing at the Northeast Corner of said Southeast Quarter; thence N 00°00'00" E, 115.00 feet along the East line of said Northeast Quarter, also being the East line of that Parcel of land described in Document 001345, filed May 16, 2000, in the Office of the Buena Vista County Recorder, to the Northeast Corner of said Parcel; Thence N 90°00'00" W, 726.00 feet along the North line of said Parcel to the Northwest Corner of said Parcel and the point of beginning; thence S 00°00'00" W,

440.00 feet along the West line of said Parcel; thence N 90° 00' 00" W, 778.00 feet; thence N 00°00'00" E, 595.00 feet; thence S 90°00'00" E, 778.00 feet; thence S 00°00'00" W, 155.00 feet to the point of beginning; containing 10.63 acres, subject to any easements either recorded or unrecorded. AND

DESCRIPTION: LOT B

That part of the North Half of the Southeast Quarter in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa described as follows: Commencing at the Northeast Corner of said Southeast Quarter; Thence S 00° 00' 00" W 485.00 feet along the East line of said Southeast Quarter, also being the East line of that parcel of land described in Document 001345, filed May 16, 2000 in the Office of the Buena Vista County Recorder to the Southeast Corner of said parcel; thence N 90°00'00" W, 1504.00 feet along the South line of said parcel and the West extension of said South line to the point of beginning; thence S 00°00'00" W, 842.51 feet along a line parallel with said East line to a point on the Southerly line of said North Half of the Southeast Quarter; thence S 89°52'19" W, 260.00 feet along said Southerly line to a point 1764.00 feet West, measured at a right angle, from said East line; thence N 00°00'00" E, 1003.09 feet along a line parallel with said East line to a point on the West extension of the South line of Lot A to the Southwest Corner of said Lot A; thence S 00°00'00" W, 160.00 feet along a line parallel with said East line to the point of beginning; containing 5.99 acres, subject to any easements either recorded or unrecorded.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any: none

WHEREAS, the final plat meets with the approval of the Board subject only to the following if any: none

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa Board of Supervisors that:

DESCRIPTION: LOT A

That part of the South Half of the Northeast Quarter and the North Half of the Southeast Quarter all in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows: Commencing at the Northeast Corner of said Southeast Quarter; thence N 00°00'00" E, 115.00 feet along the East line of said Northeast Quarter, also being the East line of that Parcel of land described in Document 001345, filed May 16, 2000, in the Office of the Buena Vista County Recorder, to the Northeast Corner of said Parcel; Thence N 90°00'00" W, 726.00 feet along the North line of said Parcel to the Northwest Corner of said Parcel and the point of beginning; thence S 00°00'00" W, 440.00 feet along the West line of said Parcel; thence N 90° 00' 00" W, 778.00 feet; thence N 00° 00' 00" E, 595.00 feet; thence S 90°00'00" E, 778.00 feet; thence S 00°00'00" W, 155.00 feet to the point of beginning; containing 10.63 acres, subject to any easements either recorded or unrecorded. AND

DESCRIPTION: LOT B

That part of the North Half of the Southeast Quarter in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa described as follows: Commencing at the Northeast Corner of said Southeast Quarter; Thence S 00°00'00" W 485.00 feet along the East line of said Southeast Quarter, also being the East line of that parcel of land described in Document 001345, filed May 16, 2000 in the Office of the Buena Vista County Recorder to the Southeast Corner of said parcel; thence N 90°00'00" W, 1504.00 feet along the South line of said parcel and the West extension of said South line to the point of beginning; thence S 00°00'00" W, 842.51 feet along a line parallel with said East line to a point on the Southerly line of said North Half of the Southeast Quarter; thence S 89°52'19" W, 260.00 feet along said Southerly line to a point 1764.00 feet West, measured at a right angle, from said East line; thence N 00°00'00" E, 1003.09 feet along a line parallel with said East line to a point on the West extension of the South line of Lot A to the Southwest Corner of said Lot A; thence S 00°00'00" W, 160.00 feet along a line parallel with said East line to the point of beginning; containing 5.99 acres, subject to any easements either recorded or unrecorded, is hereby accepted subject to the following if any: none

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of:

DESCRIPTION: LOT A

That part of the South Half of the South Half of the Northeast Quarter and the North Half of the Southeast Quarter all in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows: Commencing at the Northeast Corner of said Southeast Quarter; thence N 00°00'00" E, 115.00 feet along the East line of said Northeast Quarter, also being the East line of that Parcel of land described in Document 001345, filed May 16, 2000, in the Office of the Buena Vista County Recorder, to the Northeast Corner of said Parcel; Thence N 90°00'00" W, 726.00 feet along the North line of said Parcel to the Northwest Corner of said Parcel and the point of beginning; thence S 00°00'00" W, 440.00 feet along the West line of said Parcel; thence N 90°00'00" W, 778.00 feet; thence N 00°00'00" E, 595.00 feet; thence S 90°00'00" E, 778.00 feet; thence S 00°00'00" W, 155.00 feet to the point of beginning; containing 10.63 acres, subject to any easements either recorded or unrecorded. AND

DESCRIPTION: LOT B

That part of the North Half of the Southeast Quarter in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa described as follows: Commencing at the Northeast Corner of said Southeast Quarter; Thence S 00°00'00" W 485.00 feet along the East line of said Southeast Quarter, also being the East line of that parcel of land described in Document 001345, filed May 16, 2000 in the Office of the Buena Vista County Recorder to the Southeast Corner of said parcel; thence N 90°00'00" W, 1504.00 feet along the South line of said parcel and the West extension of said South line to the point of beginning; thence S 00°00'00" W, 842.51 feet along a line parallel with said East line to a point on the Southerly line of said North Half of the Southeast Quarter; thence S 89°52'19" W, 260.00 feet along said Southerly line to a point 1764.00 feet West, measured at a right angle, from said East line; thence N 00°00'00" E, 1003.09 feet along a line parallel with said East line to a point on the West extension of the South line of Lot A to the Southwest Corner of said Lot A; thence S 00°00'00" W, 160.00 feet along a line parallel with said East line to the point of beginning; containing 5.99 acres, subject to any easements either recorded or unrecorded, and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 15<sup>th</sup> day of February, 2001.

/s/ Lorna Burnside, Chair Board of Supervisors      /s/ Karen M. Strawn, Auditor

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Cindy Wiemold, Storm Lake Site Director, and Terry Johnson, Executive Director, both of **Genesis Development**, gave the board a program update and usage review. They discussed some changes in programming to meet developing needs.

Veterans Services Officer Clint Hoferman was present to request an amendment to his current budget to purchase a new computer and printer. The current one is not worth the value of repairs needed. The estimate is \$1,875 for computer, printer, and battery backup. The consensus of the board was to approve the purchase, and to amend his budget when the county does a **FY'01 budget amendment**.

Engineer Jon Ites requested consideration of paying the **overtime** for his employees, rather than banking the hours as compensatory time so that the expense is in the current budget. Motion by Vail to pay rather than bank the overtime hours for the secondary road department until the end of the current winter season. Carried.

Ites asked for a time when requests for personnel **promotions** should be submitted. He also requested authorization to **hire** a mechanic in March to replace one who is retiring in October, so that he can see the snow equipment removal operation.

The engineer related the circumstances of snow clearing this past weekend. Gustafson wants the roads opened with a single path over the whole county before widening any of the roads. Ites cannot support this procedure as good policy as he believes it creates more problems. Gustafson believes that this was the procedure in the past, but Vail disagreed stating that former engineer Don Linnan also opposed the one pass procedure. Gustafson also believes that one-pass could be completed quickly.

Spectra Administrator Sue Morrow was present to discuss terms of a new lease for the care facility building. Motion by Vail to approve a new lease at \$2,550/mo. until July 1, 2001, and then \$3,000/mo. for the remaining 4 years ending 12/31/05, subject to the review of the county attorney. Ayes—Bruns, Crampton, Vail, Burnside. Nays—Gustafson. Abstentions—none. Carried.

The board reviewed the current bill from Swift Air for some maintenance services at Spectra Health Care, Inc. Motion by Gustafson to split the bill for maintenance services with Morrow and pay \$144 to Swift Air. Carried.

Motion by Bruns to approve the minutes of the 1/30 and 2/6 meetings and the following reports: Jan Clerk's fees, fines and surcharges, and Jan NWIPDC Policy Council minutes. Carried.

Motion by Crampton to approve payment of a claim to Bud Vote for assessment data preparation for DD #19-26 in the amount of \$86.06. Carried.

Vail left the meeting.

1:00 p.m. Assistant County Attorney Dave Patton was present to answer any questions the board might have on the AGO addressed to Representative Russ Eddie in response to questions of both Eddie and Patton for the board on the egg-breaking facility of Rembrandt Enterprises. Also present for the discussion were Darrell Rettig, Bob Malloy, Mike Gidley, all of Rembrandt Enterprises, Inc., and Jim Gossett, SLADC. As Patton reads the opinion, the conclusion was that as proposed, the egg-breaking is industrial based on facts presented and the attorney general's understanding of the law. Facts can change or be misunderstood. Regarding use of the word 'may', the county has the power by its zoning ordinance to regulate the operation described to the attorney. The laws of Iowa don't permit the regulation of agriculture, but since the opinion concludes that this it is industrial, the county can regulate it by zoning. The may is not a shall, there is no requirement that the county have the zoning ordinance. Nor does the county in its zoning ordinance have provisions to regulate this operation. It is a matter of choice. We have a zoning ordinance which regulates industry which the attorney defines this operation to be. So, we can go with this definition under this classification scheme consider it industry, or, change the zoning ordinance and treat it as we can treat other forms of ag.production. which is to not regulate it by specifically permitting it in the definition of agricultural and therefore exempt which doesn't address the tax issue. Patton believes that under the current ordinance special exception would be needed in the ag area to continue with what they are doing.

If the Board does nothing, 1<sup>st</sup> the Zoning Director decides how the zoning ordinance applies to it. If it is ag, no problem; if not, then issue a stop work order which Rembrandt Enterprises, Inc. could challenge with the Board of Adjustment and then the court.

Patton reminded the board that the response is the opinion of one attorney representing the opinion of the AG's office, but is not law until a Supreme Court decision. Gustafson asked who makes the first move. It depends on what the board wants to have happen. If you want them in, clear it up by ordinance that this is agricultural. Or make clear that it is industry but allow it in an agricultural area. If the board does nothing, then the Zoning Director would apply the current ordinance & issue stop work order if she believes it does not apply. Then Rembrandt Enterprises could challenge and appeal to Board of adjustment, then to court. The Board's power is in changing the ordinance. Bruns stated that we have an ordinance, follow it, if needed change the ordinance, but leave classification for tax to the Assessor to decide. He is the professional to apply assessment laws of the state to this situation. Gustafson asked if the board wants to change the ordinance, do they just proceed-Yes. Make it clear that is going to be ag or industrial. Take action now to change ordinance.

Rettig asked Bob Malloy to speak on behalf of the company. Malloy believes that if the ordinance was clear, an AGO wouldn't have been necessary. Based on the process, they believe it is clearly ag, not industrial – like shelling corn to put it in the form elevators will purchase. They believe that the conclusion of AG is not correct on the facts. Rettig noted that a precedent has been set in 5 other locations and has been accepted in those locations and by the state. Bruns pointed out that in a couple of those locations, the boards actively sought to bring that industry in, and acted to accept the operations as ag to facilitate the process.

The broken egg goes back one step to ag because the cracked egg is not ready for retail. Also with egg-breaking on site, there is no break in the ag chain, but hauling to town to break the egg does separate ag from industrial.

The meeting recessed before 2:00 p.m. so that the board could attend the **Conference Board** meeting in the 2<sup>nd</sup> Floor PMR.

Upon concluding the Conference Board meeting, the board returned to continue their work session on the budget. There being no further business, the meeting recessed until Thursday, February 15, 2001, at 5:00 p.m. to continue their work on the FY'02 budget.

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**BOARD OF SUPERVISORS  
SEVENTH MEETING, 2001 SESSION (7)  
FEBRUARY 15 & 19, 2001**

The Buena Vista County Board of Supervisors met in special session on Thursday, February 15, 2001, at 5:00 p.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, with Auditor Strawn as clerk for the meeting. Absent: Vail.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes—Bruns, Crampton, Gustafson, Burnside. Nays—none. Abstentions—none.

The auditor reviewed the impact of the changes made in budget figures after adjusting health insurance costs for all departments, and adjustment of line items for salary increases (no increase in dollars, only negative and positive adjustments for the wages approved plus FICA and IPERs). The board discussed changes to departments controlled by other outside boards directing that they be reduced by the difference between 3% and 5% wage increases. (Several departments governed by outside boards submitted budgets with 5% wage increases while all other submitted at 3%).

The board proceeded to review several budget scenarios – taxes the same as the current year, cutting taxes \$750,000, and cutting by \$375,000. They also looked at spreadsheets highlighting budgeted levies, tax askings, expenditures, revenues, & EFB balances; and increases/decreases in reserves over the last several years.

Without the full board present, no action was taken and the meeting recessed until Monday, February 19 at 8:30 a.m.

Monday, February 19, 2001, 8:30 a.m. Present: Chairman Burnside and Bruns, Crampton, Gustafson, Vail, Treasurer Kathy Bach and Auditor Strawn. Also present was Mark Van Hooser.

The board discussed the lump sum reduction to the Communications Center budget with Supervisor Mark Van Hooser. No wage line adjustments had been made since a newly approved wage

schedule had been used to develop the wages, rather than a percentage increase. No additional changes were made.

After reviewing Public Heath, HMMHA, Conservation and Sheriff, the following reductions were made: PH-total budget less capital projects, less wages, times 2% or \$5,490 plus \$10,000; HM/HHA-total budget less capital projects, less wages, times 2% or \$1,535; Conservation- total budget less capital projects, less wages, times 2% or \$1,582; Sheriff - \$20,745 for a total of \$39,352. Also, proposed expenditures from the REAP and Conservation Land Acquisition Trust fund were reduced to zero, with the understanding that if the Conservation Board develops project mid-year, the Board of Supervisors will amend the budget accordingly.

After discussion of the impact of the \$750,000 and \$375,000 tax asking cuts (from tax askings equal to the current year), motion by Bruns to reduce the FY'02 levy from FY'01 by \$400,000. A roll call vote was taken: Bruns-aye, Crampton-nay, Gustafson-aye, Vail-nay, Burnside-nay. The motion failed.

Motion by Vail to cut the FY'02 levy by \$250,000 from FY'01 (reduce general basic by \$300,000, and increase MH-DD services by \$50,000), with no change to the rural basic fund, plus reduce expenditures by \$39,352. The roll call vote was: Bruns-nay, Crampton-aye, Gustafson-nay, Vail-aye, Burnside-aye. Carried.

Motion by Gustafson to reduce expenditures and also the tax asking by the same amount (including any additional beyond the \$39,352 already identified). The roll call vote was: Bruns-aye, Crampton-aye, Gustafson-aye, Vail-nay, Burnside-aye. Carried.

The following additional reductions in proposed expenditures, and therefore general basic tax askings, were made: medical examiner \$5,000, district court \$17,000.

The auditor was directed to prepare the final draft of the budget for review at tomorrow's meeting.

There being no further business, the meeting adjourned until Tuesday, February 20 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS  
EIGHTH MEETING, 2001 SESSION (8)  
FEBRUARY 20, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 20, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes—Bruns, Crampton, Gustafson, Vail, Burnside. Nays—none. Abstentions—none.

**Secondary Road** employees Preston Jacobs and Bruce McGowan were present to discuss their department's request to be paid at overtime rates for hours worked in excess of 8 hours in a day. Currently, due to holidays or unpaid absences, hours over 8 in a day are not paid at overtime when hours worked in a work are less than 40. They also requested an increase in vacation for long time employees – 1 week for 25 years, or 1 day for each year after 20. Currently this would affect only 4 people in the road department. This is requested since an employee with 25 years experience makes the same as a 2-year employee – the hourly rate is the same.

Gustafson noted that this isn't a good year to ask for more since it has been a bad year with insurance and other rising expenses. He asked, regarding overtime after 8 hours, whether the county

might send employees home early later in the week, if there were days earlier in the week with overtime hours, so that the employee's week did not exceed 40.

Motion by Crampton to increase vacation leave by ½ day for each year over 20 years up to 25 years (2½ days) for all county employees. Ayes—Crampton, Gustafson, Vail, Burnside. Nays--Bruns. Carried.

The auditor reviewed the completed budget which includes the \$250,000 tax levy cut, plus additional cuts in the amount of \$61,352 (in the General Basic Fund, from several departmental budgets) and an \$875 reduction in Debt Service. (This reflects a decrease of \$300,000 in the General Basic fund, plus an increase in the MH-DD Service Fund of \$50,000). The auditor noted that the impact of the decrease in interest earned and tax replacement reductions, both associated with a lower levy, had not been incorporated into the revenues. Motion by Vail to accept the county's proposed FY2002 budget and to set the public hearing for March 13, 2001, at 11:00 a.m. in the 2<sup>nd</sup> Floor PMR. Carried.

Engineer Jon Ites reported that Buena Vista County's farm to market funds are still in the black. IDOT has notified some counties that due to slowing revenues, projects may need to be cut in cases where counties have borrowed against future F-M dollars.

Motion by Bruns to approve and to authorize the Chairman to sign the 2 underground utility permit applications of Iowa Telecommunication Services, Inc., Grinnell as follows:

- a) to install 2100' copper voice telephone cable in the north R-O-W of 510<sup>th</sup> St. from 60<sup>th</sup> Ave east – relocation for the Mellowdent road project, located between Sections 13 and 24, Elk Township; and
- b) to install voice telephone cable in the east shoulder between Sections 35 & 36, Brooke Twp. from approximately 1000' north of C-25 to approximately 2500' north of C-25 – bridge replacement project.

Carried.

Tom French, Tom Flanigan, and Bruce McGowan were present for the discussion on snow removal procedures. The issue was whether roads should receive just one opening pass until all are opened. Ites had previously stated that as an absolute, this was neither possible nor desirable. French explained that each route is different, with different numbers of gravel and hard surface roads. Sometimes loops (second pass in the opposite direction) back on the same road are necessary since there are no further roads to open at the end of the first pass. He encourages grassline to grassline opening to allow maximum width so that drifting overnight doesn't close the road again. Unforeseen events, like breakdowns, plus different conditions, all mean that there are variables not under the county's control. Also neighbors who live near each other but in two different districts may experience wide variations in how soon their roads are opened since the operators may not arrive at that common location at the same time depending upon where they begin. Services may change from one time to the next as operators try to vary who is opened up first and who is last. Time limits in a single workday also limit services if the snow is bad. Further, during the remainder of this winter season, employees will even have to clear 3<sup>rd</sup> priority roads to prevent tremendous problems this spring as all of the snow and ice melts. Embargoing will probably be necessary this year.

Ites discussed several equipment purchases.

Motion by Vail to approve the minutes of the 2/13 meeting as corrected, and the following reports: 2<sup>nd</sup> Qtr Recorder's fees, Jan budget reports, Jan 4 Conservation board minutes, Jan Spectra lagoon monitoring report by Mangold Env. Carried.

There being no further business, motion by Vail to adjourn at 10:55 a.m. until Tuesday, February 27 at 9:30 a.m. for a regular session. (The later beginning time was due to a short agenda, and the availability of an hour in the afternoon prior to the 2:00 p.m. Conference Board meeting.)



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**BOARD OF SUPERVISORS  
NINTH MEETING, 2001 SESSION (9)  
FEBRUARY 27, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 27, 2001, at 9:30 a.m. in the Boardroom with Vice Chairman Vail presiding, and with the following other members present: Crampton, Gustafson, with Auditor Strawn as clerk for the meeting. Absent: Burnside, Bruns.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none.

With Env Health Director Kim Johnson present to request the board's signature, motion by Crampton, second by Gustafson, to approve and to authorize the Vice-Chair to sign the application for grants to counties with the Iowa DNR for well testing/rehab/closure funding for FY2002. Carried.

Karole Graen asked whether the board had approved any match funding for the tobacco grant. A decision is needed soon to assure the grant funding. The match funds are needed within the current fiscal year. The program is Teen Tobacco Prevention. Motion by Gustafson to approve the commitment of \$1,000 in matching funds to the Teen Tobacco Prevention project, to be paid in the current fiscal year from funds budgeted for substance abuse. Carried.

Graen distributed September, November, January and February Board of Health minutes.

Sheriff Chuck Eddy informed the board that he had received a \$3,000 grant for radar equipment and 2 PBT's (Preliminary Breath Testers). Once the expenditures for the equipment have been made, grant reimbursement will be received.

Eddy proposed new wage schedules for the jailers and jailer supervisors. Motion by Gustafson to approve the new wage schedule for jailers and jailer supervisors. Carried. The jail budget for FY2002 reflects the new schedule.

Motion by Gustafson to increase wages of the sheriff's 2 first deputies to 82.5% of the sheriff's salary beginning July 1, 2001, and to 85% beginning July 1, 2002. Carried. The increases for '02 are in the FY2002 budget.

The sheriff also reported on a proposed project with Enlighten Technologies to install video conferencing for judicial procedures. A previously approved INS grant would pay for the equipment. He is still checking on video visitation. The system will be able to hook into the ICN to allow for training for other departments. A representative of the company will return to the county for additional discussion. At some future time, the board will need to make a funding commitment for FY'03 and beyond, if the project is to proceed.

Supervisor Bruns joined the meeting.

Engineer Jon Ites informed the board that an ad has been placed for the open position of Mechanic II. Motion by Crampton to approve the job description for the Mechanic II. Carried.

The board has previously discussed setting a policy as to when they would accept proposals for promotions. Ites asked for a time when such proposals should be submitted.

The board briefly discussed wage increases for the secondary road department. Gustafson suggested waiting until a full board is present for approving wage increases, along with promotion proposals, and wage increases for other departments not already determined.

Ites has submitted a funding proposal as a research project to the Iowa Highway Research Board for improvements to Radio Road.

The engineer also provided some written material for the board's consideration regarding embargoing roads, which may be necessary this year.

Env Health Director Kim Johnson discussed how she might fill the open position for part-time secretary in her office.

Treasurer Kathy Bach provided figures on the revenue reductions resulting from the reduction in tax levies for the FY2002 budget, including a decrease in earned interest from reduced tax askings, and reduced tax replacements on reduced and eliminated tax levies. Also proposed for consideration by the Chairperson was a formula for establishing an ideal or target ending fund balance. These issues will be discussed further at the March 6, 2001, meeting.

Motion by Bruns to approve the minutes of the Feb 15 & 19 and the Feb 20 meetings as printed. Carried.

Motion by Crampton to approve and to authorize the Vice-Chair to sign the liquor license (class C beer and Sunday sales) applications of Pronto Market. Carried.

There being no further business, motion by Crampton to adjourn at 1:55 p.m. until Tuesday, March 6 at 8:30 a.m. for a special session. (The later beginning time for today's meeting was due to a short agenda, and the availability of an hour in the afternoon prior to the 2:00 p.m. Conference Board meeting.)

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## **BOARD OF SUPERVISORS TENTH MEETING, 2001 SESSION (10) MARCH 6, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 6, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Vail, with Auditor Strawn as clerk for the meeting. Absent: Gustafson.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes—Bruns, Crampton, Vail, Burnside. Nays—none. Abstentions—none.

Nurse Administrator Karole Graen requested re-instatement of funds cut from the Public Health Nursing budget for FY'02. She reviewed several specific items in the budget noting increased costs, the difficulty in hiring and retaining nurses in our area which has resulted in turning back grants due to the lack of nurses. The budget was developed with no fringes. She reminded that due to grants and other revenue, the agency cost property taxpayers only \$2,000 in FY'00. If no adjustments are made, services will have to be cut. The board noted that it could not change the proposed FY'02 budget since it is too late to make change to increase after a proposed budget is already published, but it could amend it as needed after the new year begins.

Insurance agent Clark Fort was present to deliver a worker's compensation dividend check from The Hartford Company for FY1999-2000 in the amount of \$3,933.00. He also noted that our current tort/property insurance carrier has sent notice of cancellation as they have been purchased by another

company. Fort will obtain proposals from St. Paul and from ICAP for FY'02. Insurance specs will be updated for the process.

Motion by Vail to approve and to authorize the Chairman to sign Resolution 2001-03-06 regarding a blanket 90 day road embargo, to be effective 3/6/2001. Carried.

**RESOLUTION No. 2001-03-06**  
**BLANKET 90 DAY EMBARGO**

WHEREAS: The Board of Supervisors is empowered under authority of Section 321.236(8), 321.255 and 321.471 to 321.473 of the Code of Iowa to prohibit the operation of vehicles upon Secondary Roads or to impose restrictions as to weight of vehicles to be operated upon said secondary roads, except farm tractors as defined in Section 321.1, Subsection 7, for a total period not to exceed ninety days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced, and

WHEREAS: Severe spring weather conditions have caused certain secondary roads to be incapable of bearing the customary traffic thereon without undue damages,

NOW, THEREFORE, BE IT RESOLVED by the Buena Vista County Board of Supervisors that the county engineer be authorized to order any of the Secondary Roads closed to vehicles in excess of ( 6 ) tons gross weight, wherever he deems it necessary and for the period of time deemed expedient (not to exceed 90 days), by erecting signs in accordance with Section 321.472.

BE IT FURTHER RESOLVED that the county engineer may grant permits of exemption upon a showing that there is a need to move to market farm produce of a type subject to rapid spoilage, or loss of value, or to move any farm feeds or fuel for home heating purposes.

PASSED AND APPROVED this 6th day March of 2001.

/s/ Lorna Burnside, Chairman Board of Supervisors      ATTEST: /s/ Karen M. Strawn, County Auditor

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Engineer Ites asked about the need to change the employee handbook on the **health insurance** benefit, due to the county's change from withholding the premium concurrently, to in advance, of payment of the premium. The auditor will contact the county's personnel consultant for suggested language.

The board received a request for clarification of an '**employee handbook**' policy on paying certain employees time and one half for hours worked on a holiday. A draft memo to department heads clarifying the policy will be written for review by the personnel consultant, prior to approval and distribution by the board.

For clarification, motion by Crampton to add an effective date of 7/1/2001 (to coincide with the date wage increases will take effect) to the motion approving an increase to the **vacation benefit policy** approved by the board at their 2/20/01 meeting. Carried.

Ites discussed the results of some of his equipment price negotiations. Motion by Bruns to approve an **equipment purchase** of a Caterpillar D5M XL Tractor Dozer with ripper from Ziegler Cat, Des Moines, for a total price of \$116,026.00 which includes a \$15,000 trade-in allowance on a D6C 10K9736. Carried.

Carmen Cameron, secretary for the **CASA program**, informed the board of plans to hold a candlelight vigil in remembrance of abused and neglected children on April 5, 2001, at 5:30 pm on the west side of courthouse. In 2000, fourteen Iowa children lost their lives under suspicious circumstances.

15 candles will be lit, with the 15<sup>th</sup> representing all other children not even known about. An invocation, music, speaker, and prayer will be included in the program. CASA volunteer Shari O'Bannon was present with Cameron.

Upon completion of the canvass of the 2/27/01 Special Albert City Cable TV Franchise election pursuant to Chapter 50.24 of the 2001 Code of Iowa, motion by Bruns, to declare the results of the election as follows: Total voters: 48. Shall the City Council of Albert City grant a non-exclusive 15 year franchise to Albert City Communications, Inc., pursuant to ordinance #2000-02? Yes-44, No-4, and to direct the auditor to prepare the election abstract as required. Carried.

The board discussed preparations for the 3/13 budget hearing, and several items of correspondence.

Motion by Crampton to approve the minutes of the 2/27 meeting as printed, and the following reports: Feb. budget reports, Feb 11 NWIPDC Policy Council minutes, and Board of Health minutes from Sept. and Nov. 2000, and Jan. and Feb., 2001. Carried.

Motion by Crampton to appoint Jon McKenna, Pharmacist, to the Board of Health replacing Marty Feltner whose resignation is effective April 1, 2001. Carried.

Suggestions were made for possible appointments to remaining vacancies on the Board of Health, Magistrate Appointing Commission, and the Zoning Commission.

There being no further business, motion by Vail to adjourn at 1:00 p.m. until Tuesday, March 13 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS  
ELEVENTH MEETING, 2001 SESSION (11)  
MARCH 13, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 13, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes—Bruns, Crampton, Gustafson, Vail, Burnside. Nays—none. Abstentions—none.

Gustafson reported that Swift Air had called to say they would be unable to be present for their appointment scheduled for later today.

Weed Commissioner Norm Lund and Assistant Weed Commissioner Dave Wiley were present for opening of the weed chemical bids. Bids were received from Ag Partners-Alta, Van Diest-Webster City, Vegetation Management Supply-Des Moines. Motion by Bruns, to accept the low bid of \$15.45/gal for 660 gal of Hidep, from Ag Partners, Alta, for a total amount of \$10,197, to be delivered 350 gal by 4/10/01 and balance of 310 gallons by July 1, 2001. Carried. Lund will return the bid bonds of the unsuccessful bidders.

Lund and Wiley gave a report on the annual weed commissioner's report recently held in Ames. They were asked to sign a petition to add purple loosestrife to the list of noxious weeds. Weevils have been shown to be effective against the weed. But, since they do not spread significantly on their own, it is labor intensive to place the weevils in all locations to control a large area.

Motion by Bruns, to approve the following wage increases effective 7/1/01 for the weed department: N. Lund (as commissioner) \$.39/hr or \$10.25, Lund and D Wiley (as sprayers) \$.33/hr or \$.81, and drivers \$.31/hr or \$.80. Carried.

Motion by Gustafson to approve wage increases of 4% for the General Services department effective 7/1/01 as follows: D Stucynski \$.49/hr to \$12.78/hr, and J McShane \$.41/hr to \$10.67/hr. Carried.

Motion by Crampton to approve a 4% wage increase effective 7/1/01 for Veterans Services Officer, C Hoferman (\$11.02). Carried.

Engineer Jon Ites presented a draft of employee handbook interpretation for the board's review. No action was taken at this time.

Ites reviewed a secondary road overtime report reflecting the impact of the year's winter storm season, and the governing departmental rules regarding how employees are to be compensated for them. This will be discussed further.

GAB Robins North America, Inc., administrator of the state's Leaking Underground Storage Tank funds, has notified the county of approval to expend \$1,950 for a site monitoring report by ERS for the LUST site on Hudson St. to be completed by April 30, 2001. A budget amendment will be required for this expenditure and revenue (in early May).

Motion by Vail to approve the promotion of Rich Noll to Equipment Operator 3 effective 3/10/01. Carried.

Motion by Gustafson to approve the promotion of Jim Temple to Equipment Operator 2 effective 7/1/01. Carried.

The Board recognized Curt Johnson, Luke Warkentin, and Terry Galvin, Equipment Operator I's, and authorize their one-year probation for advancement to the position of Equipment Operator 2.

The Board also recognized Ed Dowdy and Kevin Lullman, who came to the county with limited prior experience, but due to weather circumstances were required to take over snow routes with reduced training.

11:00 a.m.—The time having arrived for the public hearing on the FY'02 budget, the chairman opened the hearing in the 2<sup>nd</sup> Floor PMR with 21 persons present including 4 from the public, 2 from the media, in addition to department heads and county employees. The chairperson confirmed with the auditor the required notices had been published, and then made opening remarks regarding the lowering of the overall levy from the current year, in order to begin lowering the ending fund balance, which is currently higher than necessary. The Chair also noted that the Board had voted to increase the support to the secondary road fund from property taxes to the maximum permitted from the General Fund, and to 77.5% of the maximum from the Rural Fund. The Chair then invited questions and comments, with the first being a compliment from Doris Patterson on the excellent care given to the roads during the winter season.

Community Services Director Dawn Mentzer reviewed the impact on the county of the case management program, which has provided a method for reducing and controlling costs. Case Management has also improved the services to the clients. With the amount of state funding received by the county, Buena Vista has been able to drop its levy to less than half of the maximum levy. It is proposed to be about \$234,000 for FY'02. State funding is approximately \$1,000,000.00.

Sheriff Chuck Eddy discussed a newly received waiver that will allow juveniles to be placed in our jail. The sight and sound separation rules have been relaxed by the new state jail administrator.

The auditor explained that the decrease in the total levy over the current year, will result in a loss of about \$50,000 in earned interest revenue, and a decrease in credits and replacements, delinquent taxes and penalties of approximately \$41,000. The resulting total impact from reducing the levy is approximately \$403,000.00.

Engineer Jon Ites reviewed the increase in snow clearing costs due to the severity of the season. Replacement parts, increased fuel costs, and the cost of additional wages exceed \$160,000.00.

Steve Jorgensen, speaking on behalf of Farm Bureau, believes that the county is moving in the right direction to reduce the ending fund balance, and is supportive of the county's responsible spending.

There being no further comments or questions, motion by Vail to close the public hearing. Carried.

Motion by Vail to adopt the proposed **FY'02 budget** as published. Carried.

Motion by Vail to recommend that the Board of Health approve a 4% **wage increase** for Environmental Health & Zoning Director Kim Johnson effective 7/1/01.

Motion by Gustafson to approve **wage increases** of 4% for the Community Services department effective 7/1/01 as follows: W Woltman-\$26,520, J Rooks-\$24,960, K Konradi-\$10.22/hour, P Guerra-\$10.37/hour, D Mentzer-\$34,320. Carried.

**Community Services** Director Dawn Mentzer reported that Judy Brenner's temporary part-time status in her department until Feb. 28 has expired, and that Brenner is now working part-time as secretary for the Veterans Service Officer.

Motion by Bruns to approve **wage increases** of 4% for each classification for the secondary road department, effective 7/1/01 (this includes hourly employees only). Carried.

Motion by Vail to approve wage increases of 4% each for Assistant Engineer S Wolf-\$50,960, and Maintenance Superintendent T French-\$42,640, both effective 7/1/01. Ayes—Bruns, Crampton, Vail, Burnside. Nay-Gustafson. Carried.

It was noted that, per his employment contract, Engineer Jon Ites will receive a 3.5% cost of living **wage increase** effective 7/1/01, or \$67,792.50.

Motion by Vail, to approve an **equipment purchase** of a 938G Caterpillar for \$121,695.00, as per quote, with no trade-in. Carried.

Sheriff Chuck was present to review the proposal of Enlighten Technologies to provide video conferencing services to the county, and to request support from the board for the monthly service fee in year two of the agreement. This amount is not covered by the INS grant previously approved for BV County, for equipment and recurring fees. Motion by Crampton to approve a 2 year agreement and authorize the Chairman to sign, subject to the approval of the county attorney, for videoconferencing services with **Enlighten Technologies**, and, to agree to provide from county funds, the 2<sup>nd</sup> year's monthly service cost of \$510/mo. Carried. With the INS grant, 6 video-conference units (camera, monitor, microphone) will be purchased from Enlighten, which are proposed to be located in the 2<sup>nd</sup> Floor PMR, Judge's Chambers, Law Library, Jail, Sheriff's office, and hallway outside the Sheriff's office. This will allow for video hearings, video-visitation, in addition to video conferencing.

Eddy notified the Board that the **Sheriff's department** has been accepted to receive an office PC through IDOT, and also laptops for some of the deputies' cars. The laptops will utilize traffic and criminal software to automate the reporting process. The laptops require county funds in the form of an 80% match, which is already in the budget.

Motion by Crampton to approve the minutes of the 3/6 meeting as printed, and the following reports: Feb Conservation Board minutes, Clerk's fines-forfeitures-surcharges, and Mangold Monitoring report of Spectra lagoon. Carried.

Motion by Vail to approve and to authorize the Chairman to sign claims for payment of \$378.60 to Clay Co. Secondary Roads for tile repair in Jt. DD #22, Lat. 406, and of \$181.00 to Clay Co. Secondary Roads for obstruction removal in Jt. DD #14-42 Main Ditch. Carried.

Motion by Gustafson to appoint Bud Vote of Kuehl & Payer as Watchman for the drainage districts in Buena Vista County at \$55.00 per hour. Carried.

Motion by Vail to clarify a motion made January 2, 2001 as follows: effective 1/1/01, election officials shall receive a wage increase of \$.25/hr which is \$1.00 plus minimum wage/hr. or \$6.15, and chairpersons shall receive a \$.25/hr increase which is \$1.50 plus minimum wage/hr. or \$6.40. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the DHS Community Mental Health Center Affiliation designation for FY'02. Carried.

There being no further business, motion by Bruns to adjourn at 3:05 p.m. until Tuesday, March 20 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS  
TWELFTH MEETING, 2001 SESSION (12)  
MARCH 20, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 20, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes—Bruns, Crampton, Gustafson, Vail, Burnside. Nays—none. Abstentions—none.

GR/VA Director Paula Guerra discussed the current funeral allowance for general relief and veterans affairs. The county currently allows \$1,115 plus \$250 to open and close the grave. Motion by Gustafson to increase the general relief and veterans relief burial allowance 6% (3% for each of the 2 years since the last review) to \$1,182, effective 7/1/01. Carried.

The board discussed the county's deferred compensation program and the providers currently available. On 3/27 they will discuss requesting proposals for deferred comp providers.

Veterans Service Officer Clint Hoferman invited the board to the Alta Community Center on 4/11/01 at 4:30 p.m. where Congressman Tom Latham will be present for a veterans' program. Latham will show a film on Korea, present 2 Korean medals, and visit with the community.

Motion by Vail to void warrants as follows, and to re-issue to AFLAC (lost warrants, and corrected amounts): General Fund #'s -- 125238, 125239, 125679, 125680, 126084, 126085, MH Service Fund -- 125255, 125696, 126100, Rural Basic -- 125262, 125263, 125705, 125706, 126107, 126108, Disaster Services -- 125275, 125718, 126120; Assessment -- 125282, 125726, 126127; Empowerment -- 125300, 125744, 126145. Carried.

Motion by Bruns to void warrant #129770 and to re-issue it to the correct vendor. Carried.

Darren Bumgarner, NWIPDC, was present to ask if the county still wants to proceed with the survey of the unincorporated area, in order to complete a housing assessment of the entire county.

There being no further business, motion by Vail to adjourn at 11:20 a.m. until Tuesday, March 27 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS  
THIRTEENTH MEETING, 2001 SESSION (13)  
MARCH 27, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 27, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes—Bruns, Crampton, Gustafson, Vail, Burnside. Nays—none. Abstentions—none.

Motion by Gustafson to amend today's agenda by adding: set public hearing for Spectra lease, approve Lake Creek Bar & Grill liquor license application, and CPC Dawn Mentzer re: statewide rate setting proposal, LFS rate increase, and state allocation reductions. Carried.

Engineer Jon Ites reported that a standpipe in a ditch near Truesdale, which was buried by snow, was damaged by county equipment during a snow clearing operation. The City of Truesdale has requested reimbursement for the repair bill and the water bill resulting from the leak. The permit to install the structure in the ditch, granted by the county to the city, specifies that the county shall be held harmless. Attorney Willis Hamilton, representing Truesdale, requested that discussion of the city's request be tabled until a representative of the city council could be present.

Ites informed the board of the submission deadline for the IDOT budget which requires board approval. It will be ready for signature on April 10.

Motion by Bruns to suspend summer work hours through the month of April (40 hours/wk instead of 42.5 hours/wk.) per employee handbook, for the secondary road department. Carried.

The chairperson suggested publishing an ad reminding the public about the county's ordinance which prohibits encroachment.

Motion by Crampton to approve and to authorize the Chairperson to sign the contract with Dixon Construction, Correctionville, IA, in the amount of \$229,853.46 and to approve the contractor's bond and certificate of insurance on project #BROS-CO11(42)—5F-11. Carried.

Communications Supervisor Mark Van Hooser and Zoning Director Kim Johnson were present to discuss the housing survey for the unincorporated area of the county. The plat/directory will be used to create a mailing list. Motion by Vail to approve and authorize the Chairperson to sign a letter to IDED requesting an extension for the housing assessment project. Carried.

Johnson discussed a proposed agreement with the City of Albert City for contracting the services of the county zoning director. The county's insurance agent has stated that the county is already adequately covered by liability insurance, and that it would be a business decision whether or not to require the city to hold the county harmless. It was the consensus of the board to remove that section from the agreement (part of #5 beginning "The City shall defend...arising from their employment.") Motion by Vail to approve and to authorize the Chairperson to sign the contract with the City of Albert City for the services of the county zoning director. Carried.



**Regional Transit Authority** Exec Director Rose Lee, Mary Nelson-RTA County Coordinator, Cindy Wiemold & Terry Johnson-Genesis, Brent Mangold-Genesis Boardmember, CPC Dawn Mentzer, and Spectra Administrator Sue Morrow, were present to discuss the RTA rates and services provided to the clients of the local MH providers. Lee acknowledged that the RTA agency has not provided the best service. A shortage of drivers, low wage rates, and insufficient equipment to handle the communication traffic have contributed to poor service--customer waiting, trip sheet problems, unscheduled stops and long rides. With regard to their fees, Lee explained that some counties in other regional transit areas subsidize the agency by providing a lump sum contribution. This allows the other regional transit agencies to lower their service cost. Buena Vista County only provides funds for replacing vehicles - \$9,186 in FY'2002.

Wiemold stated that efforts have been made to improve the communication and correct the problems, but it hasn't helped. She suggested several ideas on how to solve the problem, such as doing local dispatch in Storm Lake. Sue Morrow stated that her concern is for the people who rely on the services because they have no other means of transportation to their job site. If they are consistently late, they lose their jobs. Maintaining a good work habit of arriving on time is totally out of their control which causes them a great deal of stress.

No action was taken, but those present were agreeable to further meetings to find ways to improve service and solve the problems.

CPC Dawn Mentzer updated the board on **mental health funding**. The SSBG funding was reduced previously by \$1,100 for the current year. Next year there will be a 16% reduction of approximately \$13,000. Also, the incentive and efficiency grant funds have been pooled with the equalization funds. Since Buena Vista County is not levying property taxes at the maximum rate, this county will not be eligible for them. This amounts to approximately \$25,000.

**Lutheran Family Services** has requested a rate increase from \$21.48 to \$32.64. With some service changes, the impact is about a \$4,000/yr increase for FY'02.

Mentzer also distributed information, including a sample contract, for the board's consideration of participating in the **mental health** services "statewide rate setting".

Motion by Crampton to approve and to authorize the Chairman to sign the Class B, outdoor and Sunday sales **liquor license** application for Lake Creek Bar & Grill, Storm Lake. Carried.

Motion by Vail to approve and to authorize the Chairperson to sign resolution 2001-03-27 setting a public hearing date for the proposed Spectra lease as April 3, 2001 at 9:00 a.m. in the boardroom. Carried.

#### **RESOLUTION 2001-03-27**

To approve renewal of a 5-year lease (expiring 12/31/05) of the county care facility buildings to Spectra Health Care, Inc. for a monthly fee of \$3,000.00

**WHEREAS**, the Board of Supervisors wishes to renew the lease of the buildings formerly known as the county care facility buildings, located in W½ NW¼ Section 24, T91N, R37W, to Spectra Health Care, Inc., and

**WHEREAS**, pursuant to Iowa Code Section 331.361, the Board of Supervisors may lease land and buildings for a period exceeding three years only after first holding a public hearing on the matter,

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Buena Vista County Iowa, that a public hearing on the above proposal to lease said real property be held on the 3<sup>rd</sup> day of April, 2001, at 9:00 a.m. in the Boardroom of the Courthouse, 215 E 5<sup>th</sup> St., Storm Lake, Iowa.

**PASSED, APPROVED, AND ADOPTED** this 27<sup>th</sup> day of March, 2001, at Storm Lake, Iowa, by the Buena Vista County Board of Supervisors.

/s/ Lorna Burnside, Chairman Date: 3/27/01 Attest: /s/ Karen M. Strawn, Co. Auditor Date: 3/27/01  
Board of Supervisors

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Bill Swift, Swift Air Inc., presented his evaluation of the air conditioning at Spectra, and the problems with the air handling, heating and cooling systems and in the county jail and sheriff's office. Swift proposed several changes for the courthouse including an air conditioning unit for the sheriff's office, installing a variable frequency drive for the air handler, and a 5-ton air handling system for the jail. He is working on a proposal for Spectra. The board will consider the proposals for the courthouse at their next meeting.

Motion by Crampton to approve the minutes of 3/13 as amended, and the minutes of 3/20 as printed. Carried.

Motion by Vail to appoint Kim Johnson as the county's designee for IDNR site inspections. (Paragraph 567 IAC 65.10(8) "e" and "f"). Carried.

Motion by Gustafson to approve and to authorize the Chairperson to sign Resolutions #2001-03-27A and 2001-03-27B levying drainage assessments in Jt. DD #14-42 Sub 1, and Jt. DD #22 Branch 65. Carried.

**RESOLUTION 2001-03-27A  
JOINT DRAINAGE DISTRICT #14-42 SUB 1**

The Joint Board of Supervisors of Clay and Buena Vista Counties, hereby prepare to levy an assessment on the above named drainage district.

Moved by Clay County Supervisor Zinn, seconded by Buena Vista County Supervisor Gustafson, that the following resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District #14-42 Sub 1 and there being insufficient funds to make solvent said account of said Drainage District,

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Clay and Buena Vista Counties, Iowa, that there is hereby levied against all lands, tracts, real estate, highways and railroads within Joint Drainage District #14-42 Sub 1 on the assessment schedule of the said drainage district as follows \$1,046.30 or 30%

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended shall be collected with the current property taxes due September 30, 2001, except that any single assessment on any parcel exceeding \$100 shall qualify for a waiver of installment option of two payments and any single assessment on any parcel exceeding \$300 shall qualify for a waiver of installment option of three payments.

All members of the Joint Board voted "Aye". Motion carried and resolution duly adopted according to the last date of the participating Board's signature.

/s/ Lorna Burnside, Chairperson Date: 3/27/01  
Board of Supervisors, Buena Vista County

Attest: /s/ Karen M. Strawn, Auditor

/s/ Del Brockshus, Chairperson Date: 3/19/01

Attest: /s/ Marjorie A. Linn, Auditor

Board of Supervisors, Clay County

**RESOLUTION 2001-03-27B  
JOINT DRAINAGE DISTRICT #22 BRANCH 65**

The Joint Board of Supervisors of Palo Alto, Clay and Buena Vista Counties, hereby prepare to levy an assessment on the above named drainage district.

Moved by Clay County Supervisor Sorenson, seconded by Palo Alto County Supervisor Nelson, that the following resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District #22 Branch 65 and there being insufficient funds to make solvent said account of said Drainage District,

BE IT THEREFORE RESOLVED, by the Joint Board of Supervisors of Palo Alto, Clay and Buena Vista Counties, Iowa, that there is hereby levied against all lands, tracts, real estate, highways and railroads within Joint Drainage District #22 Branch 65 on the assessment schedule of the said tile line as follows \$1,484.47 or 70%

BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended shall be collected with the current property taxes due September 30, 2001, except that any single assessment on any parcel exceeding \$100 shall qualify for a waiver of installment option of two payments and any single assessment on any parcel exceeding \$300 shall qualify for a waiver of installment option of three payments.

All members of the Joint Board voted "Aye". Motion carried and resolution duly adopted according to the last date of the participating Board's signature.

/s/ Lorna Burnside, Chairperson Date: 3/27/01  
Board of Supervisors, Buena Vista County

Attest: /s/ Karen M. Strawn, Auditor

/s/ Del Brockshus, Chairperson Date: 3/19/01  
Board of Supervisors, Clay County

Attest: /s/ Marjorie A. Linn, Auditor

/s/ Mary Greene, Chairperson Date: 3/ /01  
Board of Supervisors, Palo Alto County

Attest: /s/ Gary Leonard, Auditor

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Motion by Burnside to appoint Bill Lanphere to the **Judicial Magistrate Appointing Commission**, for a term expiring 12/31/2002, to replace Richard Burr who has moved out of county and is no longer eligible to serve. Carried.

Motion by Vail to amend the **employee handbook** Section 6.1 Eligibility & When Coverage Begins for health/dental insurance benefits as follows:

6.1 Health Insurance

**Eligibility**

All full-time employees are eligible for health and dental insurance of the County's choice, to be effective the 1st day of the month following a full calendar months' full-time employment. Buena Vista County will pay the full cost of a single health policy and dental plan. If the employee wishes family coverage, the County will contribute 50% of the monthly premium with the balance obtained by authorizing a payroll deduction for the remainder.

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**When Coverage Begins**

If you enroll, insurance coverage will be effective the 1st of the month following a full calendar month's employment. Premiums will be deducted from the employee's paycheck in the month prior to the date coverage begins. If the employee chooses to do so, he/she can enroll in the health/dental programs a month earlier by paying the total cost of the single (and family, if applicable) premium for that month, not later than the day coverage is to begin.

The above motion (employment handbook amendment) carried.

Motion by Burnside to approve a claim in the amount of \$55,836 to Enlighten Technologies for video-conferencing equipment (Sheriff's project). Carried.

There being no further business, motion by Crampton to adjourn at 12:40 p.m. until Tuesday, April 3 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS  
FOURTEENTH MEETING, 2001 SESSION (14)  
APRIL 3, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 3, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes—Bruns, Crampton, Gustafson, Vail, Burnside. Nays—none. Abstentions—none.

Bob Jorgensen met with the board to discuss their plans to replace the **bridge** (in 2003) located between Sections 1 & 12 in Providence Township. He believes there is not enough traffic to justify the project, and would prefer to see replacement of the one between Section 36 Grant, and Section 1 Providence. Engineer Jon Ites explained that federal funds will be used to replace the Providence bridge, not property tax dollars. The Grant/Providence bridge is not on a farm-to-market road and so could not be replaced with federal funds

9:00 a.m. – The time having arrived for the public hearing on the 5-year lease of the care facility buildings, the Chairman opened the hearing with Sue Morrow, **Spectra Health Care**, Inc., present. The auditor confirmed that the notice of hearing was published as required, and that no written objections or comments had been received. Motion by Vail to close the public hearing. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the 5-year lease with Spectra Health Care, Inc. Gustafson noted that raising the rent will just cause the per diem rates to increase. Vail noted that over half of the current residents do not have legal settlement in BV County. Therefore, if the per diem is raised due to the increase in rent, the legal settlement counties will also pay a higher per diem and will fund their share of the increased rent. The vote on this motion was: ayes—Bruns, Crampton, Bruns, Burnside. Nays—Gustafson. Carried.

Steve Brashears and Edean Murray, **SLADC** boardmembers, were present to update the Board on their current activities in selecting a new Executive Director. The boards of both SLADC and the Storm Lake Chamber of Commerce have voted unanimously to join forces. The Executive Director would share his/her time with both groups and provide leadership to both. The organizations would continue with both budgets and current funding arrangements. The Chamber would also have a full-time managing director for the day-to-day operations, and paid with Chamber funds. A bookkeeper and a receptionist would be hired to serve both organizations. All employees would have offices in the current Chamber location, thereby eliminating the cost of the 2<sup>nd</sup> location. SLADC proposes that the funding

streams remain as they currently exist. The organizations would share the cost of a secretary and bookkeeper. Brashears and Murray are seeking the county's continued support. It was the consensus of the board to support the new program, based on the vision that the organizations will continue to operate in similar fashion to what they have been.

Drainage Attorney Gary Armstrong met with the board to answer their questions prior to the 10:00 a.m. hearing on **DD #81**. From the phone calls he has received, he believes that Lateral 6 may need a cleanout. Drainage Engineer Ivan Droessler, who was also present, noted that the city could request reclassification, because as the current classification exists, it is not fair. It does not assess by laterals, but only as a whole. This results in everyone paying for all repairs, instead of assessment to just those served by the lateral where a repair is made.

10:00a.m.—The time having arrived for the public hearing on DD #81, the Chairperson opened the hearing in the 2<sup>nd</sup> Floor Public Meeting Room with 14 interested persons present. The auditor noted that proper notice was published, as required. Drainage Attorney Gary Armstrong stated that a remonstrance had been filed, and that on its face, it appears to meet the requirements of law. He recommended that the public hearing be recessed until the elements could be confirmed. If confirmed, the matter before the board would be dismissed. Motion by Vail to recess the hearing until April 17 at 10:00 a.m. Carried.

Alan Forsberg asked if it would be possible to add more names to the remonstrance? Armstrong – yes. Supervisor Vail - If the remonstrance is upheld, is there a need for the hearing to reconvene? Armstrong – no.

Forsberg suggested that the hearing on 4/17 be held either way, and have a discussion to let all persons with DD#81 problems present their concerns and their ideas. Also, perhaps hold the meeting in the evening in Albert City. Gustafson suggested that the city and rural people meet before the 4/17 meeting to organize their thoughts and ideas.

Other questions raised: Does Lateral 6 need another petition or will it be taken care of now? Who is on Lateral 6? Who bears the cost of what has been done so far – the district. Can a new petition be filed – yes.

Engineer Droessler discussed some alternative and the consequences of each. He stated that the district could be re-classified so that any future work would be paid for lateral by lateral by those persons receiving the specific benefit of the work. The cost would be paid by the district. Following re-classification, perhaps some relief could be sought through repairs, if the cost were under \$10,000.

Dave Balder asked for confirmation that the district was responsible for only a part of Lateral 6 – this is true, with the city being responsible for the remainder. Droessler stated that the portion of Lateral 6 not currently in the district, could be added into the district so that the Board of Trustees would be responsible for the entire lateral. Droessler cautioned that the capacity was established when the system was built in 1915, and that even if all is working properly, it will not take care of the problem to the extent that everyone wants.

Attorney Nola Jensen, speaking for the City of Albert City, stated that the reason the City signed a petition was to get the process started, and that it was not the City's intent to burden anyone. They have appreciated the cooperation of Harold Bloom throughout the investigation. There being no further comments, the hearing was recessed until April 17, 2001, at 10:00 a.m. The board returned to the boardroom.

Motion by Gustafson to approve **claims** of \$50 each to the Postmaster for deposit to the business reply account, and to Auditor's Petty cash to replenish funds used for postage. Carried.

Motion by Gustafson to approve the **minutes** of the 3/27 meeting as printed. Carried.

Engineer Jon Ites requested the Chairperson's signature on a voucher from IDOT for reproduction costs for Mellowdent road project, and on a voucher for interim design work by Kuehl & Payer on the M-31 project.

Ites reported that the **T-21** committee voted to approve \$516,000 for projects in BV County.

With Head Custodian Dewyne Stucynski, and Deputy Sheriff Doug Simons present, the board proceeded with a discussion of the two proposals from Swift Air for improvements in the jail and sheriff's office. It was the consensus of the board to request a **quote** from Control Systems Specialists for heat and air conditioning in the jail and sheriff's office. Stucynski will contact Control Systems.

**Spectra Health Care** Administrator Sue Morrow discussed Swift Air's evaluation of the insulation in the care facility building air conditioning system. Motion by Crampton to accept the quote of Sioux Falls Insulation Supply, Sioux Falls, SD, and to proceed with obtaining a contract to replace the insulation in the air conditioning system at the care facility building.

**Treasurer** Kathy Bach discussed a request to have the board compromise the amount due on three small parcels near Truesdale. The board declined to take action at this time.

There being no further business, motion by Vail to adjourn at 2:45 p.m. until Tuesday, April 10 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS  
FIFTEENTH MEETING, 2001 SESSION (15)  
APRIL 10, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 10, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Crampton, Gustafson, Vail, with Auditor Strawn as clerk for the meeting. Absent: Bruns.

Following approval of claims and payroll, Supervisor Burnside left to attend a funeral, and Vice-Chair Vail chaired the remainder of the meeting.

Unless otherwise indicated, all of the motions were 'carried' with the following vote: Ayes—Crampton, Gustafson, Vail. Nays—none. Abstentions—none.

CPC Dawn Mentzer discussed the proposed cuts in **mental health funding** from the state due to a shortfall in the state's revenue. She stated that the cuts are large enough to have a real impact on the services provided through the county dollars. Buena Vista County will lose about \$107,000 from several sources. She believes that a substantial increase in property tax will be necessary for FY'03. Alternatives include implementing a waiting list, decreasing the level of services for existing clients, and eliminating non-mandated services. Mentzer also discussed a request from Lutheran Family Services for a rate increase of \$10/hr.

Head Custodian Dewyne Stucynski updated the board on the Mid American Energy Management agreement – he has received a copy of MidAmerican's recommendations. The list includes putting the sheriff and jail on a separate heat-a/c-air handling system from the remainder of the **courthouse**. Stucynski recommended hiring an engineer to produce a design and write specs so that vendors can make a proper bid. He was directed to contact Foy Engineering, Sioux Falls, who has already looked at the system, to discuss the matter.

The board noted receipt of a copy of the **DNR permit application** submitted for J.W.C. Swine by Wade Nehring for manure storage under a new hog finishing building at an existing site in Coon Township.

Engineer Jon Ites discussed the embargo currently in place and whether or not to lift it. There are areas where damage has been done by heavily loaded traffic. Motion by Gustafson to rescind the all county embargo and to authorize the engineer to post roads as needed. Carried.

Motion by Crampton to approve the adjustment made to the C-13 project due to right-of-way changes. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign three utility construction permit applications of Iowa Lakes Electric Cooperative, Estherville, IA, for the following:

\*to replace existing overhead lines with single-phase 7200 volt overhead lines between sections 9 & 10, Nokomis Township from the southeast corner of Section 9 going north along 40<sup>th</sup> Ave approx ¾ mile then crossing 40<sup>th</sup> Ave;

\*to replace overhead lines with single-phase 7200 volt overhead lines between Sections 5/32 of Grant/Lincoln Townships from the northwest corner of Sec 5 Grant going east along south side of 540<sup>th</sup> St. for approximately 3/4 mile, then crossing 540<sup>th</sup> St. and going east to the southeast corner of Section 32 Lincoln Township;

\*to replace overhead lines with single-phase 7200 volt overhead lines between Sections 26 & 35 Barnes Township, from the northwest corner of Sec 26 going south along the east side of 110<sup>th</sup> Ave.

Carried.

Motion by Crampton to approve and to authorize all of the boardmembers to sign the FY'02 IDOT budget and Secondary Road Construction Program. Carried.

Ites reported that the Recycle Center is planning several hazardous waste pickups this year, and has requested the use of county sheds for drop off points as follows: April 25-Storm Lake, June 6-Sioux Rapids, August 8-Albert City, and September 19-Newell. It was the consensus of the board to agree to the request. Residents will need to call the Recycle Center at 732-7171 to make reservations for the substances they wish to dispose of.

Attorney John Murray, representing John O'Leary, and Treasurer Kathy Bach were present to discuss three parcels on which the county holds tax sale certificates. The parcels are abandoned railroad right-of-way currently in the name of CMC Heartland Properties. Murray presented a request from O'Leary that the board assign the tax sale certificates to him upon payment of the delinquent taxes (\$342) plus ½ of the accrued penalties and interest (\$219), or a total of \$561.00. Motion by Gustafson to accept the offer of John O'Leary in the amount of \$561.00 and to assign tax sale certificates #t97095, 97096, 97097 to him, and to authorize the vice-chair to sign. Carried.

Motion by Crampton to void warrant #130198, and to re-issue it in the correct amounts to the correct persons. Carried.

Motion by Gustafson to approve the minutes of the 4/3/01 meeting as printed, and the following reports: Mar budget reports, Mar Clerks fees-surcharges-fines, Mar monitoring report of Spectra lagoon by Mangold, and 3<sup>rd</sup> Qtr FY'01 Clerk's fees-surcharges-fines. Also reviewed were: Mar NWIPDC Policy Council minutes. Carried.

Richard & Matt Welter introduced themselves and offered their services to the board. They have a weed spraying business that they would like to expand by doing spraying in drainage districts.

Motion by Gustafson to renew the appointments of Becki Drahota and Ronald Haraldson as members of the **Judicial Magistrate Appointment Commission** until 12/31/02, when the term expires. Carried.

There being no further business, motion by Crampton to adjourn at 11:15 a.m. until Tuesday, April 17 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
SIXTEENTH MEETING, 2001 SESSION (16)  
APRIL 17, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 17, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Gustafson, Vail, and with Auditor Strawn as clerk for the meeting. Absent: Bruns, Crampton.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

The board reviewed the **DNR permit application** of JWC Swine, filed April 3, 2001. Pursuant to Chapter 455B.200A(7) of the 2001 Code of Iowa, motion by Gustafson to direct the auditor to publish the required notice that the board has received the application, and, will take the application up for discussion on April 24, 2001 at 11:00 a.m. Carried.

Motion by Vail to amend the February 6 minutes by correcting the amount of the employee share of the family **health insurance premium** for plan IV from \$277 to \$227. Carried.

Treasurer Kathy Bach advised the board that the 3 **tax sale certificates** assigned to John O'Leary on April 10, 2001, had been redeemed by the new owner of the properties, John Swanson, who had obtained a Quit Claim Deed from CMC Heartland Properties. The taxes, partial penalties and interest, and other fees have been paid in full by Swanson.

Engineer Jon Ites reviewed the latest Farm-to-Market Road fund statement, and stated that Buena Vista County is estimated to receive \$113,000 less in **road use tax** funds than previously expected.

Mather's Construction Co., Correctionville, was the successful bidder (in the amount of \$1,232,967.30) on the **C-13 project**.

Following discussion of the proposed wording, the auditor was directed to have published a notice regarding **encroachment**.

Motion by Vail to set the date of public hearing on the 2<sup>nd</sup> FY'01 **budget amendment** as Tuesday, May 15, 2001, at 8:30 a.m. Carried. Department heads should submit their changes by Friday, April 20.

10:00 a.m.—The time having arrived for the continued public hearing on **DD #81** regarding the engineer's report, the Chairman re-opened the hearing with Drainage Attorney Gary Armstrong, Engineer Ites and 3 other interested persons present. Armstrong explained that in the time since the hearing was recessed on April 3, it had been determined that the number of signatures on the remonstrance was in excess of the required simple majority of eligible signatures, and, that the number of acres represented by the signatures was in excess of the 70% required. Therefore, the original petition and engineer's investigation must be dismissed. Motion by Vail that the Board, having received a successful remonstrance, hereby dismiss the petition and engineer's report, as required by the Code of Iowa, and that the continued public hearing be closed. Carried. Armstrong reported that some cleanout work has



been done on the city's portion of Lateral 6, and that drainage has been improved. More work is needed to clear roots and rocks from the tile. Dean Sundblad stated that Dave Balder has been working on the lateral, and has more to do. Gustafson asked Engineer Ites if the county would be proceeding with the portion that is in the drainage district. Ites confirmed that the work is planned, as soon as weather and soil conditions are suitable.

The auditor reported that specs are nearly complete for the county's insurance program for FY'02. The board directed that an ad be placed in the newspapers announcing that when and where specs could be obtained for making a proposal to the county.

Motion by Vail to approve the minutes of the 4/10 board meeting. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the 28E agreement with Cherokee MHI for the leasing of transportation services for transport of individuals with certain (DSM IV) diagnoses. Carried.

Motion by Vail to approve and to authorize the Chairman to sign acceptance of the proposal in the amount of \$13,950 from Swift Air to re-insulate the air-conditioning system at the care facility building leased by Spectra Health Care, Inc., Storm Lake. Carried.

There being no further business, motion by Gustafson to adjourn at 10:30 a.m. until Tuesday, April 24 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
SEVENTEENTH MEETING, 2001 SESSION (17)  
APRIL 24, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 24, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Karla Manternach, Season's Center, Sheriff Chuck Eddy & Deputy Don McClure discussed the current mental health/substance abuse commitment process now that the judicial system has eliminated the judicial hospitalization referee. The process is much more difficult, and many counties are having problems. Manternach presented an agreement for mental health services in the jail to be provided by the Season's Center. Season's has applied for a grant in the amount of \$282,400 over 3 years which would pay the cost for these mental health services in the jail. Season's will provide two 4-hour blocks of time per week, but are available on call if needed. Motion by Gustafson to approve and to authorize the Chairman to sign the agreement for mental health services for the jail to be provided by Season's Center from 2/1/01 to 6/30/01, subject to review by the County Attorney. Carried.

Sheriff Eddy discussed a shortage of staff for the jail.

The board discussed the appointment of a Re-districting Commission to draw supervisor district lines based upon the new census figures. Bruns and Gustafson are opposed to including any current boardmembers on the commission. Vail commented that a current boardmember would have some experience to draw upon which might be helpful to the process. Motion by Gustafson to set the number of Re-districting Commission members at five, and that all five be lay persons (as opposed to any

boardmembers). Carried. Motion by Bruns to allow compensation to Re-Districting Commission members at the rate of \$10/hour, and \$.28/mile. Carried.

Engineer Jon Ites presented contracts for signature. Motion by Vail to approve and to authorize the Chairman to sign the contract for \$1,232,967.30, and approve certificate of insurance and contractor's bond of Mathers Construction, Correctionville, **for project # FM-TSF-CO11--5B-11** (re-construction of C-13 east of Sioux Rapids, a distance of 3.1 miles). Ayes—Bruns, Crampton, Vail, Burnside. Nay—Gustafson. Carried. The engineers' estimates were \$1,536,000 (K&P), and \$1,395,000 (Ites).

Ites reported that he had received an invitation to attend a discussion group meeting for **DD#81** on May 9 at 7:00 p.m. at City Hall in Albert City. However, due to a conflict, he will be unable to attend. One of the boardmembers will try to attend.

Ites has received a call from a property owner inquiring about the removal of some trees from his land in **DD #101** (Section 36, Grant Township). Neither the engineer nor any of the boardmembers were aware of any requests to remove the trees, nor had there been any authorization given to do so. The identity of the person removing the trees is unknown.

Ites requested authorization to dispose of, as **excess property**, some 53' long beams. It was the consensus of the board to approve.

The board discussed changes that the county will need to make in financial reporting and methods due to **GASB 34**. A committee may be appointed to accomplish the changes. It was the consensus of the board to appoint member Bruns to this county committee. Other members will be appointed from several of the county departments to organize a plan to accomplish the changes.

11:00 a.m.--The time having arrived for the public input meeting on the IDNR application of **JWC Swine**, the Chairman requested introductions of all those present which included Wade and Cheri Nehring, Larry Lucht, and Joel Hermann from KAYL. The Nehrings briefly reviewed their existing operation, and the proposed new building with under building manure storage. The permit is necessary because the existing operation is already permitted. Rules require that additions also be permitted. Nehring explained that his manure management plan calls for injection methods on crop ground in addition to spreading on alfalfa.

Supervisor Gustafson is concerned about the level of concentration of confined hogs and the resulting problems. Supervisor Bruns is concerned about water quality.

Larry Lucht, whose family owns property nearby, addressed several issues regarding the permit. He is concerned about water quality, odor, and heavier traffic on the roads as a result of larger numbers of livestock. He believes that the concentration of higher numbers of animals may increase the risk of tainting the water supply, increasing the odor level from confinement feeding, and damaging the roads due to an increase in heavy loads of animals and manure. Mr. Lucht believes that neighbors should have options in these situations, and that the law should be changed to allow the options.

Finally, the Nehrings commented that they aim to continue to be good neighbors by treating the pits, covering the lagoon with straw, and keeping the facility neat in its appearance.

Supervisor Crampton observed that the Nehrings appear to have done all of the necessary preliminary work. The Chairman announced that a letter would be sent to the DNR with both the comments of the board and the public comments that had been made, and thanked those persons who had attended the meeting.

Community Services Director Dawn Mentzer discussed the potential cuts in FY'02 state funding for **mental health services**. Buena Vista County may lose \$211,000, which is just less than the property tax levy approved for FY'02. If the county loses that amount, Mentzer explained that some decision will be needed to prevent an ending fund balance of zero. Options include increasing the mental health levy

(if the legislature acts to allow budgets to be re-certified), establishing a waiting list for all new non-mandated services, cut proposed provider rate increases, cut/reduce non-mandated services currently provided to consumers, or wait until FY'03 to increase the MH/DD services levy to the maximum levy. She suggested a public meeting to inform and solicit input from providers, consumers, family members, legal guardians, supervisors, case management and the CPC regarding possible solutions. Legislators should also be invited. The consensus of the board was to plan for the meeting for mid-May, by which time, it should be known whether or not the cuts in state funding will happen.

Regarding approximately \$70,000 due the county from the state in a **Medicaid County Billing Outstanding Balance** which was due from the state over 12 months ago, Mentzer will send another letter to IDHS Director Jessie Rasmussen to inquire about the status of the repayment. Bruns suggested that a copy of the letter be sent to our local legislators: Representatives Russ Eddie, Dan Huseman, and Senator Mary Lou Freeman.

Dawn Connett, **Lutheran Family Services**, was present for a discussion and decision on their request for a rate increase. With no other changes made in the provision of their services, the impact on the budget would be \$8,000 over 12 months. The number of hours of service to current clients could be reduced, and/or the amount of the increase gradual or could be reduced, which would have a lower impact on the budget. Motion by Gustafson to increase the LFS service rate \$5/hr. effective May 1, 2001 for a six-month period, and then review the rate at that time. Carried.

Motion by Gustafson to approve the **minutes** of the April 17 meeting as printed, and to approve the following **reports**: March Conservation Board minutes, 3<sup>rd</sup> Qtr Gen Relief & Vet's Assistance, 4/10/01 Spectra lagoon wastewater by Mangold. Carried.

Motion by Crampton to approve and to authorize the Chairman to sign **the Interim Assistance Reimbursement** agreement which allows the county to be reimbursed from SSI and/or SSA, the amount of assistance provided to persons who have applied for, but not yet received SSI and/or SSA. Carried.

The board reviewed and approved an advertisement to request proposals for audit services (deadline June 12, 2001), and insurance coverages (June 5, 2001), and the content for a FY'01 budget amendment with the hearing to be held on May 15.

There being no further business, motion by Vail to adjourn at 12:30 p.m. until Tuesday, May 1 at 10:30 a.m. for a special session.

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## **BOARD OF SUPERVISORS MEETING EIGHTEENTH MEETING, 2001 SESSION (18) MAY 1, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, May 1, 2001, at 10:30 a.m. in the Boardroom with Vice-Chairman Vail presiding, and with the following other members present: Bruns, Crampton, Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Burnside, due to a dental appointment.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail. Nays: none. Abstentions: none.

Engineer Jon Ites reported that a selection had been made for the mechanic position that had been advertised. Motion by Bruns to **employ** Dan Bailey for the position of Mechanic II at a wage \$2.00/hr under the Mechanic II rate, to be increased to the full rate over 2 years, effective May 21, 2001, or as soon as he can provide appropriate notice to his current employer. Carried.

Ites reminded the board of the upcoming **C-13** pre-construction conference and DD#81 informal meetings. He reported that the funding proposal submitted to the Highway Research Board for work on Radio Road did not make the top 24 for approval.

Ites presented **gravel quotes** from 3 companies for the Newell stockpile. Motion by Gustafson to accept the quote of J. W. Readymix & Construction Company, Sac City, in the amount of \$3.85/ton for 12,500 ton of gravel. Carried. The stockpiling will be done by the county.

Ites has received a satisfactory report on the Tier III update for the **Hudson St. site**. There have been no changes. This site has another 3 years of required monitoring.

**Spectra Health Care** Administrator Sue Morrow was present to discuss the nearly completed pipe re-insulation project at the facility. She is pleased with how quickly Sioux Falls Insulation was on-site to start the project. A couple small areas remain to be finished. She also reported that the air-conditioning system has 1 bad condensor unit, and there are problems with 2 additional units, leaving a total of 5 units working out of eight. Gustafson stated that a decision needs to be made on what company should be employed to provide maintenance on the system. Bill Swift of Swift Air is expected to provide a proposal for maintenance services. Morrow will contact Control Systems Specialists to inquire about locating the air conditioning controls at the facility on a laptop or PC computer. Morrow also requested that the Board consider replacement of a substantial number of ceiling tiles after this year's air conditioning season is complete since quite a number of the current tile are bowed, cracked, or have had moisture damage. The Board agreed that the project is necessary.

At their last previous meeting the Board had been notified of a vacancy on the **Buena Vista County Veterans Affairs Commission** due to the death of Virgil Jensen. Lloyd Galbraith, Newell, was present to express his interest in filling the remainder of Jensen's term. Motion by Crampton to appoint Lloyd Galbraith to the Buena Vista County Veterans Affairs Commission for the remainder of the term ending June 30, 2003. Carried.

Emergency Management Coordinator Bob Christensen discussed the possibility of using the Courthouse as a **Emergency Shelter** during severe weather. A number of sites will need to be identified prior to RAGBRAI due to the number of people expected to participate.

Head Custodian Dewyne Stucynski and Engineer James Foy discussed HVAC changes for the **jail** to improve the fresh air, humidity control, heating, cooling and odor control. Foy discussed his prior experience and offered his services to the Board for preparation of specs and drawings for the proposed HVAC changes. He estimates that the plans could be prepared in time to award bids as early as the end of May so that construction could be done this summer. The Board requested inspection services for the letting, and, during and following completion of the construction. Foy stated that no engineering was required for improvements to HVAC in the Sheriff's office. (Chairman Burnside arrived and assumed the chair for the remainder of the meeting.) Foy explained that there would be some sheet metal and electrical work in the jail project. Motion by Vail to engage the services of James Foy, Engineer, and to approve and to authorize the Chairman to sign a contract for his services upon review by the County Attorney. Carried.

The Board briefly discussed appointments to the **Re-Districting Commission**, and requested it be included on the 5/8 agenda.

Motion by Gustafson to approve the **minutes** of the 4/24 meeting as corrected. Carried.

Motion by Gustafson to approve the temporary **employment** of Kevin McKinney, Bill Erb, and Julian Ortiz as law enforcement officers on an as needed basis, since they have all been through law enforcement academy training. Carried.

There being no further business, motion by Vail to adjourn at 1:50 p.m. until Tuesday, May 8 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
NINETEENTH MEETING, 2001 SESSION (19)  
MAY 8, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 8, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Zoning Director Kim Johnson requested a public hearing date for a subdivision request. Motion by Bruns to set the date and time of public hearing on the subdivision request of James Schmitt for a location in Maple Valley Township as May 22, 2001, at 8:30 a.m. in the boardroom. Carried.

Motion by Gustafson to approve the minutes of the May 1 meeting as printed. Carried.

Motion by Vail to approve and to authorize the Chairman to sign the fireworks permit application of the City of Rembrandt, with the city to assume all responsibility for liability and safety, the fireworks to be shot on 7/4/01 from Eastman's field South of C-25, or North side of C-25 in Pitts' field. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the liquor license (Class B beer and Sunday sales) application of Casino Beach Marina. Carried.

Motion by Crampton to appoint the following persons to the 2001 Buena Vista County Re-Districting Commission: Mary Rehnstrom & Ron Madsen (names submitted by the Democratic supervisor) and Jim Eaton, Steve Ehlers & Bill Strawn (names submitted by the Republican supervisors), their terms to expire 20 days following the date the county's supervisor district plan and corresponding precinct plan are approved or imposed by the Secretary of State. Carried. A letter will be sent requesting that the commission meet with the board on June 5 for orientation.

Motion by Vail to approve and to authorize the Chairman to sign the work order for repairs in DD #16-30-92 in the amount of \$275.00, the site being located in Sac County. Carried.

Motion by Vail to authorize the Auditor to void and re-issue the following lost warrants: #28755 - 10/15/1985 - Doug Simons - \$4.32; #31589 - 5/21/1991 - Chuck Eddy - \$7.15; #92586 - 9/16/1997 - Chuck Eddy - \$14.94; #104668 - 11-10-98 - Rick Kimble - \$567.00; #118585 - 3-14-00 - Rick Kimble - \$5.73; #50734 - 6-29-93 - Karole Graen - \$5.23; and, to void the following warrants due to old issue dates: #21830 issued 6-12-84; #33014 issued 9-16-86; #38815 issued 1-5-88; #10806 issued 11-22-88; #64054 issued 11-22-94; #8203 issued 8-2-88; #26079 issued 10-9-90. Carried.

Motion by Bruns to approve the following reports: April Clerk's fines-fees-surcharges, Mangold monitoring reports of Spectra lagoon, budget reports. Carried.

Motion by Vail to set the date and time of public hearing on the 3<sup>rd</sup> budget amendment to the FY'01 budget as May 29 at 8:30 a.m. in the boardroom. Carried.

Motion by Vail to appoint Jackie Bertness to the Board of Health which fills the vacancy left by Shirley Pritchard whose term expired 12/31/00. Carried.

Motion by Vail to approve and to authorize the Chairman to sign the amendment to the 2<sup>nd</sup> FY'01 **Secondary Road IDOT budget**. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the **utility construction permit** of Mid American Energy to relocate an underground 8,000 volt line along Sections 7 & 18, Washington Township, for Red Hoferman. Carried.

It was the consensus of the board to authorize Engineer Ites to negotiate for **gravel re-stockpiling** and hauling.

Bud Vote, who is beginning his duties as **Drainage Watchman** for Buena Vista County on March 13, 2001, met with the board to discuss those districts of greatest concern to the board at this time. He will concentrate his initial efforts on DD #'s 1, 34, and 49. Vote will submit work orders to handle repair and maintenance issues under \$10,000. The county will provide him with maps, data and other materials including Chem-trol paperwork in order to determine the status of the weed-control project.

Chuck Offenburger, Storm Lake **RAGBRAI** Committee member, discussed the ordinance that his committee is requesting the county to enact. The committee's greatest concern for areas outside of Storm Lake is outdoor beer sales or beer gardens. These have historically been hard to maintain. The board will consult with the County Attorney.

Jeff Kestel, Executive Director of Iowa Lakes RC&D, discussed his organization's **Computer Recycling Project**. They are looking for a building adequate to house the project which accepts used/un-working computers, teaches volunteers (students through senior citizens) how to re-furbish them, and then distributes working computers to non-profit organizations. The project reduces to zero the amount of computers and parts which would otherwise go to a landfill for burial, since the leftover, non-working parts are taken by a recycler to disassemble and grind up. Ellsworth Jeppeson, Recycling Mgr.-Rowley Recycle Center/BV Co. Landfill, who was also present, confirmed that currently, computers are buried since there is no other place to go with them. With up to 5 pounds of lead in the monitor, this is not a safe method of disposal. It was the consensus of the Board to approve a contribution of \$2,000 towards obtaining a building, contingent on each of the other counties making a similar contribution (Emmet, Dickinson, Palo Alto, and Clay). The funds will be needed sometime in August, 2001.

There being no further business, motion by Vail to adjourn at 12:07 p.m. until Tuesday, May 15 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
TWENTIETH MEETING, 2001 SESSION (20)  
MAY 15, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, May 15, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Motion by Vail to amend today's **agenda** by adding County Attorney Phil Havens at 10:00 a.m. to discuss the proposed RAGBRAI ordinance. Carried.

8:30 a.m.—The time having arrived for the **public hearing** on the 2<sup>nd</sup> amendment to the county's FY'01 budget, the Chairman opened the hearing with 0 interested persons present. The auditor confirmed that the budget notice had been published as required. Boardmembers reviewed the proposed

amendment. There being no comments or objections, motion by Crampton to close the public hearing. Carried.

Motion by Gustafson to adopt and to authorize the Chairman to sign the FY'01 county **budget amendment** as published, and to approve the following **appropriation** changes: Increase activity 5100 fund 001 dept 27 by \$7,600; Increase activity 6020 fund 020 dept 20 by \$1,000; Increase activity 6030 fund 020 dept 20 by \$5,000; Decrease activity 7000 fund 020 dept 20 by \$4,800; Decrease activity 7010 fund 020 dept 20 by \$10,700; Decrease activity 7110 fund 020 dept 20 by \$105,000; Increase activity 7120 fund 020 dept 20 by \$185,000; Decrease activity 7130 fund 020 dept 20 by \$18,000; Decrease activity 7140 fund 011 dept 20 by \$15,000; Decrease activity 7140 fund 020 dept 20 by \$8,000; Increase activity 7200 fund 020 dept 20 by \$15,000; Increase activity 7210 fund 020 dept 20 by \$175,000; Increase activity 7220 fund 020 dept 20 by \$45,000; Decrease activity 7230 fund 020 dept 20 by \$7,500; Decrease activity 9110 fund 001 dept 52 by \$14,000; Increase activity 0010 fund 001 dept 26 by \$5,500; Increase activity 0030 fund 021 dept 03 by \$7,323; Decrease activity 0200 fund 020 dept 20 by \$255,000; Increase activity 0220 fund 30 dept 52 by \$14,000. Carried.

Deputy Auditor Leigh Madsen discussed several **payroll processing/policy** issues including permitting payroll deductions for part-time employees, health insurance coverage termination date for an employee who quits or is terminated, adding to the list of approved payroll deductions, and payroll direct deposit. Further information is required before making any changes.

Motion by Vail to approve and to authorize the Chairman to sign the final estimate for payment to Rohlin Construction, Estherville, Iowa, for **project #'s STP-S-11(40)—5E-11, FM-11(48)—55-11, and FM-11(43)—55-11**. Carried.

Ites questioned whether 'leave' to act as driver for the family during a funeral was to be treated as '**funeral leave**' (paid leave). The board has previously discussed that a department head should make the decision for their particular department regarding leave for honor guard, rather than add honor guard to the employee handbook. It was their consensus that leave to be a funeral driver should likewise be determined by the department head.

Motion by Bruns to accept the **quote** of Hallett Materials, Lakeview, for 18,000-20,000 tons of gravel at \$2.65/ton plus \$2.16/ton delivery/hauling in the west central portion of the county, and 40,000 tons crushed and stockpiled at \$2.65/ton, gravel to be stockpiled at the Cherokee/Nelson Pit for delivery at a later date. Carried.

Motion by Gustafson to accept the gravel **quote** of Wetherell Excavating & Trucking, Inc., Storm Lake, from the Railroad Pit at the following rates: for the northwest corner of the county, rate #1 for 10,000 tons of gravel - \$1.45/ton, rate #2 for 5,000 tons - \$1.68/ton, and rate #3 for 10,000 tons - \$2.02; and, from the Salts Pit - at the following rates for the northeast corner of the county: rate #1 - \$1.45/ton for 6,000 tons, and rate #2 \$1.85/ton - 24,000 tons; the different rates are based on different number of miles traveled. Carried.

Motion by Vail to approve the **minutes** of the 5/8 meeting as printed. Carried.

Motion by Vail to authorize and direct the auditor to **void and re-issue** the following lost warrants: #11031 on 12-6-88 for \$140.00 to Shirley Gullickson from 001; #23518 on 10-2-84 for \$79.20 to Shirley Currie from 001; #25248 on 9-11-90 for \$26.46 to Irene Steffes from 001; #27757 on 12-18-90 for \$3.64 to Don McClure from 001; #37591 on 9-15-87 for \$183.56 to Clifford & Lillian Miller from 020; #38965 on 3-10-92 for \$25.00 to Ronald Nehring from 020; #49355 on 5-5-93 for \$80.00 to Richard Haldin from 001; #50045 on 6-1-93 for \$86.66 to City of Linn Grove from 001; #63759 on 11-15-94 for \$85.61 to Ruth Ann Tillman from 002; #74941 on 1-9-96 for \$223.44 to Anita Hallquist from 002; #81603 on 9-17-96 for \$42.50 to Tony Bodholdt from 001; #86958 on 3-18-97 for \$7.50 to Dwayne Kay from 001; #100169 on 6-9-98 for \$50.40 to Spencer Daily Reporter from 001; #116507 on 12-22-99 for \$3.77 to Garland Otto from 001; #119396 on 4-11-00 for \$57.24 to Arden Jorgensen from 001; #7233 on 6-20-88 for \$69.93 to Alura

Lullman from 002; and to void (only): #36642 on 12-3-91 for \$135.00 from 001; #103207 on 9-15-98 for \$1.58 from 002; #120645 on 5-23-00 for \$1.00 from 001. Carried.

County Attorney Phil Havens was present to discuss the ordinance proposed by the RAGBRAI Committee for regulating liquor/food licenses for the July 22 RAGBRAI event. County boards of supervisors have the approval/disapproval authority for applications in the unincorporated areas. The board asked if they could pass a resolution or adopt an ordinance that bans 'beer gardens' for the RAGBRAI event. Havens cautioned that liquor license applications can be disapproved, but disapproval requires a good reason. In this case, safety concerns would be the reason due to the anticipated number of RAGBRAI participants. Environmental Health/Zoning Director, Kim Johnson, noted that zoning and food permits also need to be addressed in the resolution or ordinance. Serving liquor and food, or food only, in the unincorporated area, require zoning permits, as well as food permits. Havens and Johnson will draft language for the board's consideration.

There being no further business, motion by Bruns to adjourn at 10:35 a.m. until Tuesday, May 22 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-FIRST MEETING, 2001 SESSION (21)  
MAY 22, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 22, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Engineer Jon Ites requested a date for a joint Buena Vista / Sac County public hearing on a road closing on the joint county line. The board requested June 12 at 11:00 a.m. at the Sac County Courthouse.

8:30 a.m.—The time having arrived for a public hearing on the subdivision request of Donald Schmitt, the Chairman opened the hearing with 0 interested persons present. Zoning Director Kim Johnson reviewed the subdivision and reported that the Zoning Commission had recommended approval of the request. There being no objections, written or oral, motion by Vail to close the public hearing. Carried. Motion by Bruns to accept the Zoning Commission's recommendation to approve the Donald Schmitt subdivision request, and to adopt and authorize the Chairman to sign Resolution 2001-05-22. Carried.

**RESOLUTION 2001-05-22**

**WHEREAS**, Donald Schmitt has presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION: LOT B**

A PART OF LOT D LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE¼ SE¼) OF SECTION 14, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, BEING PART OF LOT D, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 14; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼), 718.77 feet; Thence North 90°00'00" west, 427.54 feet to the Point of Beginning. Thence continuing North 90°00'00" West, 112.61 feet; Thence South 00°00'00" East 359.79 feet;



Thence North 90°00'00" East, 112.61 feet; Thence North 00°00'00" East, 359.79 feet to the Point of Beginning.

Hereafter known as Lot B of Section 14, Township 90 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. Tract contains 0.93 acres and is subject to all easements of record.

**AND**

**DESCRIPTION: LOT C**

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHEAST QUARTER (E½ SE¼) OF SECTION 14, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast (SE) Corner of the Southeast Quarter (SE¼) of said section 14; Thence North 89°59'09" West, along the South line of said Southeast Quarter (SE¼), 540.15 feet; Thence North 00°00'00" East, 1572.29 feet, Thence North 90°00'00" East, 112.61 feet; Thence North 00°00'00" East 359.79 feet; Thence South 90°00'00" east, 427.54 feet to the East line of said Southeast Quarter (SE¼); Thence South 00°00'00" East, along said East line, 1932.22 feet to the Point of Beginning.

Hereafter known as Lot C of Section 14, Township 90 North, Range 38 west of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. Tract contains 23.03 acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: LOT B will become part of LOT C and shall not become a parcel to be sold on it's own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: LOT B will become part of LOT C and shall not become a parcel to be sold on it's own.

NOW THEREFORE, BE IT RESOLVED **by the Buena Vista County, Iowa, Board of Supervisors that:**  
**LOT B**

A PART OF LOT D LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE¼ SE¼) OF SECTION 14, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, BEING PART OF LOT D, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 14; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼), 718.77 feet; Thence North 90°00'00" west, 427.54 feet to the Point of Beginning. Thence continuing North 90°00'00" West, 112.61 feet; Thence South 00°00'00" East 359.79 feet; Thence North 90°00'00" East, 112.61 feet; Thence North 00°00'00" East, 359.79 feet to the Point of Beginning.

Hereafter known as Lot B of Section 14, Township 90 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**AND**

**LOT C**

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHEAST QUARTER (E ½ SE ¼) OF SECTION 14, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast (SE) Corner of the Southeast Quarter (SE¼) of said section 14; Thence North 89°59'09" West, along the South line of said Southeast Quarter (SE¼), 540.15 feet; Thence North 00°00'00" East, 1572.29 feet, Thence North 90° 00'00" East, 112.61 feet; Thence North 00°00'00" East 359.79 feet; Thence South 90°00'00" east, 427.54 feet to the East line of said Southeast Quarter (SE¼); Thence South 00°00'00" East , along said East line, 1932.22 feet to the Point of Beginning.

Hereafter known as Lot C of Section 14, Township 90 North, Range 38 west of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: LOT B will become part of LOT C and shall not become a parcel to be sold on it's own.

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of: LOT B

A PART OF LOT D LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE¼ SE¼) OF SECTION 14, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, BEING PART OF LOT D, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 14; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast

Quarter (SE¼), 718.77 feet; Thence North 90°00'00" west, 427.54 feet to the Point of Beginning. Thence continuing North 90°00'00" West, 112.61 feet; Thence South 00°00'00" East 359.79 feet; Thence North 90°00'00" East, 112.61 feet; Thence North 00°00'00" East, 359.79 feet to the Point of Beginning.

Hereafter known as Lot B of Section 14, Township 90 North, Range 38 West of the 5th P.M., Buena Vista County, Iowa.

**AND**

**LOT C**

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHEAST QUARTER (E½ SE¼) OF SECTION 14, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast (SE) Corner of the Southeast Quarter (SE¼) of said section 14; Thence North 89°59'09" West, along the South line of said Southeast Quarter (SE¼), 540.15 feet; Thence North 00°00'00" East, 1572.29 feet, Thence North 90°00'00" East, 112.61 feet; Thence North 00°00'00" East 359.79 feet; Thence South 90°00'00" east, 427.54 feet to the East line of said Southeast Quarter (SE¼); Thence South 00°00'00" East, along said East line, 1932.22 feet to the Point of Beginning.

Hereafter known as Lot C of Section 14, Township 90 North, Range 38 west of the 5<sup>th</sup> 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 22<sup>nd</sup> day of May, 2001.

/s/ Lorna Burnside, Chairperson, Board of Supervisors

/s/ Karen M. Strawn, Auditor

Assessor Ted Van Grootheest reported on the impact of **HF 715**, recently signed by the Governor. This law exempts certain fixtures used for the cooking, refrigeration, or freezing of value-added agricultural products. These items were not included in the valuation previously reported, so no changes to the valuation report filed with the state will be required.

Treasurer Kathy Bach discussed delinquent taxes on several parcels, recommending **abatement of taxes** for each. Motion by Gustafson to abate taxes on the following:

- abate current MH taxes and interest of \$131.00 on mobile home VIN #MU3160F owned by Sheldon Weinert, due to the MH having been junked;
- abate 2<sup>nd</sup> ½ current MH taxes of \$74 on VIN #18-A10216 owned by Amanda Butler due to MH having been moved and being assessed as real estate 1/1/2001;
- abate remainder of \$2.36 on current taxes on M & E assessment for parcel #4752.10 owner-Hamilton Medical Equipment Services, Inc.-bankruptcy settlement paid all but the remainder;
- abate current and delinquent taxes of \$654.00 on tax sale certificate #96110 for parcel #2494.00 as certificate was been assigned to City of Marathon on 2/29/00, and tax deed issued 9/15/2000, Marathon to abate special assessment;
- abate all taxes and interest of \$2,082.23 on MH VIN#56PFDN826 owned by Brad Titus due to MH having been destroyed;
- abate 2<sup>nd</sup> ½ current taxes and interest of \$47 on MH VIN# 255XECDR9160 owned by Miguel Hernandez due to court order allowing disposal of mobile home;
- abate receipt #127544 for personal property (building which has been removed) owned by Phil Koster for taxes of \$74 on parcel #7199.50 due to bad check being uncollectible. Carried.

CPC Dawn Mentzer presented her case management report. Motion by Crampton to accept and to authorize the Chairman to sign the financial and statistical report establishing the **case management reimbursement rate** for FY'02 at \$146.14, up from \$135. Carried.

Mentzer provided new estimates of **MH-DD Community Services funding** reductions for FY'02 (based on HF 732). Previously, BV Co expected to lose \$211,000, but is now estimated to lose \$133,000. In the distribution of growth and community services funds, Buena Vista County is estimated to receive \$64,821.

Mentzer reported that HCFA (Health Care Funding Administration) is **auditing** Merit's Medicaid targeted case management, and that 2 Buena Vista County cases have been requested for the audit.

It now appears that the **Medicaid County Billing Outstanding Balances** have been forgiven. Many counties owed funds to the state, however, Buena Vista County was due approximately \$70,000 from the state. The state has dismissed the cost adjustments (see HF 727) and balances due have been forgiven. The amounts represent Medicaid cost settlements back to 1996.

It was the consensus of the Board that Mentzer send out **MH-MR services** provider contracts for FY'02 using the projected rate increases. Other methods for addressing revenue losses may be considered at a later time. Bruns stated that he favors a waiting list. Mentzer will include the Managed Care Board in the proposed meeting to make them aware of the county's funding situation and to assure them that current consumers will not be losing services. Specific guidelines will need to be determined if a waiting list is to be implemented.

The county had previously been awarded a grant to facilitate moving an institutionalized client to less restrictive services. Mentzer reported that through county **case management**, the client will be moving June 3.

At the time boardmembers negotiated with **secondary road** employees for wage increases and benefits, a request was made for an increase in boot allowance. Motion by Crampton, effective July 1, to increase the allowance for steel-toed boots for secondary road employees from \$100 / 2yrs. to \$200 / 2 yrs. Carried.

Engineer Ites reported that the electronic submittal of the **secondary road budget** was successful.

Motion by Bruns to approve and to authorize the Chairman to sign the **utility construction permit** application of Iowa Lakes Elective Cooperative, Estherville, to install a 7200 volt single-phase overhead distribution line to provide new service to Roger Crilly along the south side of 635<sup>th</sup> St. in Section 24, Newell Township. Carried.

Regarding a message received from Ruth Niles regarding the Stacey Rice property east of Sioux Rapids, the Engineer reviewed the circumstances relating to her concern/request. A number of trees will be removed in the re-construction of **C-13** east of Sioux Rapids. Niles would like the trees left or at least replaced. However, the trees are on the original easement for the road, and not on the recent easement. The new one, entered into for the re-construction of the road, paid no damages because no trees are on the parcel of the new easement. Visibility was also a concern to Niles. Visibility in fact, is the reason for removal of the trees. Ites indicated that the contractor will attempt to save two of the trees. Ites also explained that he does not have the authority to re-open an agreement or pay for trees. After consideration, it was the consensus of the board not to re-open an agreement, and it is not the county's policy to pay for trees.

Motion by Gustafson to contract with Mangold Environmental Testing to mow the weeds at the **Spectra lagoon** site at the rate of \$30/mowing. Carried.

Motion by Vail to approve the minutes of the 5/15 meeting as printed, and the following reports: Mar Recorder's fees, April Conservation Board minutes. Carried. Also reviewed were the insurance loss runs from The Hartford for the county's various coverages, and, IDNR lagoon site inspections from 5-16-01. Carried.

Motion by Crampton to void and re-issue the following lost, outstanding warrants: #28048 issued 12-31-90 to American Family Life for \$17.54; #28596 issued 1-15-91 to American Family Life for \$185.74; #28648 issued 1-15-91 to American Family Life for \$65.80; #101560 issued 8-5-98 to Hartford Life for \$135.00; #101989 issued 8-5-98 to Hartford Life for \$30.00; #107862 issued 3-3-99 to Hartford Life for \$135.00; #107884 issued 3-3-99 to Hartford Life for \$30.00; #114153 issued 9-29-99 to Aetna for \$195.00; #116178 issued 12-8-99 to Aetna for \$245.00; #118893 issued 3-15-00 to Aetna for \$39.00; #120938 issued 5-24-00 to Aetna for \$26.00. Carried.

Motion by Vail to approve and to authorize the Chairman to sign the statement of "Criminal Intelligence Systems/28C.F.R. Part 23 Compliance" to the U.S. Department of Justice for use of the \$62,500 COPS grant funding to operate an inter-jurisdictional criminal intelligence system. Carried.

Motion by Vail to approve and to authorize the Chairman to sign the RAGBRAI resolution regarding the authority of the Board of Supervisors to approve liquor licenses in the unincorporated areas of the county, and the requirements for zoning permits and food permits. Carried.

#### **RAGBRAI RESOLUTION**

**WHEREAS**, the infusion of 16,000 to 20,000 people into Buena Vista County, Iowa during the Des Moines Register's Annual Great Bicycle Ride Across Iowa (RAGBRAI) on July 22 and 23, 2001 creates public health and safety concerns; and

**WHEREAS**, vendors often sell food to RAGBRAI participants along the RAGBRAI route, giving rise to food safety concerns; and

**WHEREAS**, the Board of Supervisor believes that persons wishing to sell food should be reminded of food license requirements; and

**WHEREAS**, many RAGBRAI participants and others accompanying the RAGBRAI participants historically have consumed alcoholic beverages during the RAGBRAI event; and the presence of vendors of beer and other alcoholic beverages and consumption of such beverages along the route could have an adverse impact on public safety and overwhelm county law enforcement personnel; and

**WHEREAS**, the Board of Supervisors wishes to take steps to ensure the public safety and facilitate law enforcement protection;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Buena Vista County, Iowa that it will not approve beer permit or liquor license applications for sites on or within 500 yards of the official RAGBRAI route for the period including July 22 or 23, 2001, and that the Board will consider other beer permit or liquor license applications for such period on a case-by-case basis but in all cases will consider the potential impact of the approval of each such application on public safety.

**BE IT FURTHER RESOLVED** that in June of 2001 the following Notice shall be published once each week for three consecutive weeks in a newspaper of general circulation in Buena Vista County, Iowa:

#### **NOTICE TO PERSONS WISHING TO SELL OR DISPENSE FOOD OR TO SELL ALCOHOLIC BEVERAGES ALONG THE RAGBRAI ROUTE**

By Resolution, the Board of Supervisors has decided it will not approve beer permits or liquor license applications for sites on or within 500 yards of the official RAGBRAI route for the

period including July 22 or 23, 2001, because of public safety concerns during the time RAGBRAI riders and support persons are passing through the County. The Board will consider other beer permits and liquor license applications for such period on a case-by-case basis but in all cases will consider the potential adverse impact of the approval of each such application on public safety. Persons are prohibited by law from selling beer or other alcoholic beverages without first obtaining a beer permit or liquor license.

Persons wishing to sell or dispense food during RAGBRAI must first obtain a temporary food license. The term "food" includes but is not limited to drinking water. You may apply for a temporary food license at the office of Environmental Health at the Buena Vista County Courthouse in Storm Lake, Iowa.

The Buena Vista County Board of Supervisors

Adopted this 22nd day of May, 2001.

/s/ Lorna Burnside, Chairperson

Buena Vista County Board of Supervisors

ATTEST: /s/ Karen M. Strawn, Auditor

There being no further business, motion by Vail to adjourn at 11:50 a.m. until Tuesday, May 29 at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SECOND MEETING, 2001 SESSION (22)  
MAY 29, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, May 29, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Motion by Gustafson to authorize the auditor to issue a warrant in a total amount of \$2,122.07 to IPERs, comprised of \$1,308.24 (employer share, employee share and interest) for wages paid to Mental Health Advocate Charlene Anderson beginning 7/1/99 (pursuant to SF2411 and now found in Chapter 97B of the 2001 Code of Iowa, with no reimbursement to be sought from Anderson), and \$495.18 (employer share) plus \$318.65 (employee share) for Jessica Rooks to correct a withholding error. Carried.

8:30 – The time having arrived for the public hearing on the 3<sup>rd</sup> amendment to the county's FY'01 budget, the Chairman opened the hearing with no interested persons present. The notice was published as required. The board reviewed proposed amendments. There being no written or verbal objections, motion by Vail to close the public hearing. Carried.

Motion by Vail to approve and to authorize the Chairman to sign the 3<sup>rd</sup> amendment to the county's FY'01 budget as published, and to authorize the following appropriation changes: Increase activity 1000 fund 001 dept 5 by \$1,855; Increase activity 3040 fund 001 dept 23 by \$15,000; Increase activity 0220 fund 030 dept 5 by \$57,505. Carried.

Motion by Vail to order a 150% levy in Jt. Drainage District 150, Branch 14 with a levy date of September 1, 2001, due and payable September 1, 2001, delinquent October 1, 2001, and 9% waiver interest as recommended by the Pocahontas County Auditor. Carried.

Treasurer Kathy Bach and Drainage Clerk Barb Henrich identified several drainage districts requiring levies for the upcoming year. The board discussed upcoming drainage work and other conditions. Vail and Strawn will review and make levy recommendations at the next meeting.

Burnside left the meeting to attend a funeral, and Vice-Chairman Vail presided over the remainder of the meeting.

Motion by Crampton to approve the minutes of the 5/22 meeting as printed. Carried.

The board reviewed a letter from Spectra Health Care Administrator Sue Morrow regarding a number of items needing replacement/repair/work at the facility. The Vice-Chair will ask Morrow to seek a contractor and estimates for the ceiling tile project and the front entry repair, and, request that she contact Sioux Falls Insulation directly about new leaks in Room 22 since the completion of the insulation project. Crampton will attempt to locate a person to remove the dead birch tree.

There being no further business, motion by Gustafson to adjourn at 9:45 a.m. until Tuesday, June 5 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-THIRD MEETING, 2001 SESSION (23)  
JUNE 5, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, June 5, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

It was the consensus of the board to approve Ites' attendance at an APAI meeting in Dubuque in August, and to authorize secondary road department to assist with an appliance (white goods) pick-up project in the hopes that the project will help to eliminate having appliances abandoned in the county road ditches.

Motion by Vail to approve the purchase of gravel by the City of Storm Lake - approximately 500 ton at \$3.25/ton to be loaded by them into their vehicles at the site. Carried.

Ites reported on a drainage problem along the east side of the Lakeside blacktop at the Farm Service location north of where the county previously improved the drainage for Karlton Fullenworth. The City of Storm Lake has agreed to permit the county to connect to its storm sewer to alleviate the problem. A plan needs to be developed. Ites would like to have Schoon Construction do a directional bore to connect since there are also power lines and other utilities in the area. It was the consensus of the Board to approve getting estimates for the work. Ites anticipates the cost may be \$5,000-\$7,000 to drain about ½ block.

Motion by Bruns to approve the underground utility construction permit application of Mid-American Energy to install an 8000 volt buried distribution line along the east side of 70<sup>th</sup> Ave between 560<sup>th</sup> St. and 565<sup>th</sup> St. to correct a stray voltage problem for Enron. Carried.

Ites reported that the cost to install three intersection lights by Iowa Lakes Electric Cooperative, Estherville, at two Hwy 71 locations would be \$6,854, with an annual power bill of \$396.00. The intent is not to light the Truesdale and C-49 intersections, but rather to mark them in such a way that travelers can anticipate where the intersections are at night. Gustafson was concerned that the cost was too high, favoring just a single marker light at each location. Ites explained that the apparent high installation cost was for a bored distribution line installation which is necessary at both locations. The electricity for a

single marker light may or may not be less than the \$396, but the cost of the marker light would be higher than the 150 watt bulb proposed. IDOT has approved the locations, with no additional permits required. After additional discussion, motion by Gustafson to install the 3 lights as proposed, at the intersection of Hwy 71 and the Truesdale blacktop, and the intersection of Hwy 71 and C-49. Carried. Ites will not check further on the Milwaukee intersection until these lights are installed and in use.

Motion by Gustafson to approve and to authorize the Chairman to sign a FY'02 MH-DD services contract with **NW IA Health Center, Primghar**, at the rate of \$29.50/hr., up from \$26.00. Carried. Mentzer noted that she can't negotiate this rate since it is set by the Northwest Iowa Consortium.

Motion by Burnside, to amend the MH-DD services contract with **Lutheran Family Services** for FY'02, with rates to be 3% over the FY'01 rates. Carried.

Motion by Vail to direct the auditor to **void and re-issue** the following lost warrants: #101758, dated 8/4/98 for \$12.90 payable to Emmet County Sheriff; and warrant #119945, dated 4/23/00 for \$34.90 payable to Beanstalk Pre School, #123721 issued 8/29/00 for \$43.00 payable to TSC Payphone Corp, as they have requested re-issuance; also, void the following lost warrants to American Family Life: #28038 issued 12/31/90 for \$17.54, #28596 issued 1/15/91 for \$185.74, and #28648 issued 1/15/91 for \$65.80 and to re-issue as appropriate to the individuals from whose paychecks the funds were originally deducted - - Ferne Frederiksen - \$17.54, Buena Vista County (for deceased former employee) - \$30.46, Lorna Burnside - \$17.54, Chuck Eddy - \$38.44, Karole Graen - \$17.54, Norma Otto - \$28.88, Karen Strawn - \$17.54, Richard Vail - \$35.34. Layne Hasenbank - \$30.46, Richard Noll - \$35.34, totaling \$269.08 (as issued to American Family Life). Carried.

Motion by Gustafson to authorize the chairman to sign, and to amend the **employee handbook** adopted 4/1/99 by adding the following paragraph to Section 6.1 Health Insurance – Reimbursement of health/dental premium: If health and dental insurance premiums are deducted from the employee's paycheck for the month following the termination date of insurance coverage, the County will reimburse the employee for the amount deducted from the employee's paycheck, provided the employee has requested the reimbursement in writing on a form provided by the Auditor's Office. Reimbursement will be issued upon receipt of the reimbursement from "the (insurance) company". Carried.

Motion by Vail to authorize the Chairman to sign, and to amend the **employee handbook** adopted 4/1/99 by adding the following paragraph to 5.1 – Holidays (following the list of holidays and replacing the paragraph which begins with the same 7 words) "Full-time employees are also eligible for one personal day each calendar year subject to the following limitations. Employees hired in the middle of the calendar year will receive a personal day for the first year according to the following schedule: Hired between January 1 and June 30: 1 day; Hired between July 1 and December 30: 0 days". Carried.

Motion by Vail, in order to redeem stamped warrants and to provide for a small sinking fund for future work, to order the following **drainage levies** with a levy date of September 1, 2001, due and payable September 1, 2001, delinquent October 1, 2001, and 9% waiver interest: #13 Sub 1 - 15%; #17 - 15%; #65 - 20%; #75 - 3%; #90 - 10%; #123 Lat 3 - 3%; #169 - 20%; #185 - 15%; #193 - 5%. Carried.

Motion by Vail to approve the **minutes** of the 5/29 meeting as printed, and the following **reports**: May budget reports and 5/18/01 IDNR site inspections. Carried.

Motion by Crampton to approve the **cigarette permit** application of Sparky's, Storm Lake. Carried.

There being no further business, motion by Vail to adjourn at 12:07 p.m. until Tuesday, June 12 at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING**

**TWENTY-FOURTH MEETING, 2001 SESSION (24)**  
**JUNE 12, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, June 12, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson and with Auditor Strawn as clerk for the meeting. Absent--Vail.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Burnside. Nays: none. Abstentions: none.

Motion by Bruns to add to today's **agenda** - approval of the cigarette permit application of Pronto, Storm Lake. Carried.

Tom Smith, who has land at the top end of **DD #274**, requested approval to clean the silt out of the his portion of the ditch at his own expense. The area silts in quickly, and is an area where a little work is needed on a regular basis. He would like to add CRP filter strips, but wants to clean the ditch first. Gustafson asked if an engineer was needed. The board will consult with Watchman Bud Vote before giving final approval. The distance for the cleanout is 1½ to 1¾ miles. DD #274 ends in the Raccoon River.

After consultation with the County Attorney, the Chairman reported that at the current time, Buena Vista County can't bill other counties for the services received by their residents (veterans) from the BV Co. **Veterans Services Officer**. Letters will be sent to several nearby Boards of Supervisors to request a meeting to discuss the issue.

Motion by Crampton to approve the **cigarette permit** application of Pronto Market, Storm Lake. Carried.

Engineer Jon Ites has received a letter from Vetter Equipment requesting the addition of a **stop sign** at the intersection of Old Creek Road and Prairie Road. Ites will investigate. Motion by Crampton to request a traffic count at this location. Carried.

Ites has received a request to hook private tile into **drainage district #34** to provide drainage relief for land recently purchased by Francis Svuba near the Goldsmith Pit. The land is already in the district, and paying an assessment. This would give a natural outlet into the ditch. Ites will contact him to give him the board's approval, if he pays for the tile.

CPC Dawn Mentzer, and Cindy Wiemold, Genesis site director in Storm Lake, discussed a '**drop-in center**' for persons diagnosed MI, MR, or DD. Genesis is willing to offer their site for a meeting place. There would be a cost for a facilitator (10 hours per week). He/she would be a county employee in the Community Services Dept. An estimated budget would be \$10,000 to serve 30 consumers. The facilitator would work with the clients, canvass the community for donations, and meet with the public to promote the program. Gustafson mentioned that perhaps it should be a probationary program, which would be reviewed after 6 months. Boardmembers were supportive of the project. Motion by Gustafson to approve a \$10,000 budgetary amount (new line item) to hire a facilitator for the 'drop-in center' program to begin August 1, 2001, the program to be reviewed quarterly, and to approve the "Drop-in Center Facilitator" job description. Bruns raised concerns about adding another employee. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the FY'02 MH services agreement with **Spectra Health Care, Inc.**, with the only rate increase being for residential services, from \$21 to \$23/day. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the FY'02 MH services agreement with **Cass, Inc.**, Atlantic, the rate increase being from \$28.21 to \$29.06/day. Carried.



Motion by Crampton to approve and to authorize the Chairman to sign the FY'02 services agreement with **Oak Haven**, the rate increase being from \$25.91 to \$28 58/day. Carried.

Treasurer Kathy Bach requested **tax abatement** for a mobile home which has been destroyed. Motion by Gustafson to abate the 2<sup>nd</sup> 1/2 of \$65.00 taxes plus interest and costs on mobile home VIN# M602629 which was destroyed by fire. Carried.

Motion by Crampton to approve the **minutes** of the 6/5 meeting as printed. Carried.

The board discussed hosting the next **Jt. City/County meeting**. The new SLADC Director, Chris Nolte, would be invited to meet with the group. Possible topics for discussion: community projects, RAGBRAI.

The board recessed to conduct a **public hearing** in Sac City on the closing of a road on the Buena Vista County/Sac County line.

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At 11:00 a.m. as advertised, the (Sac County) Board met with the Buena Vista County Board of Supervisors to conduct a public hearing on the closing of a county road on the Sac-Buena Vista County line. Those in attendance included, from Sac County, Supervisors (Rebecca) Hillmer, (John) Bensley, (Russell) Kroeger; Engineer John Johnson and Don Henson; Auditor James W. Dowling; Sac County Conservation Director Chris Bass and conservation board member Barb Blum; from Buena Vista County, Supervisors Lorna Burnside, Doug Bruns, Herb Crampton and Jim Gustafson; Engineer Jon Ites; landowners Harry Rassmusson (sp), Bob Doyen and Paul Monson.

The bridge over the Raccoon River on 160<sup>th</sup> Street between Perkins Ave. and Quincy Ave. was judged by Calhoun-Burns Engineering as unsafe and the estimates submitted to the County Engineers suggested repair costs of approximately \$100,000 or replacement costs of approximately \$400,000. The bridge is not eligible for BROS funds or Farm to Market funds so the entire cost would be local effort. Closing the road and removing the bridge was the least expensive option.

The adjacent landowners including Sac County Conservation objected to closing the road because of no access to certain properties.

It was moved by Gustafson and seconded by Bensley, to reduce the conversation to vacating the bridge and leaving the road as it is. Ayes all, motion carried.

A reliable estimate of the cost to remove the bridge is not currently known.

After further discussion it was moved by Kroeger and seconded by Burnside, to close the public hearing. Ayes all, motion carried.

It was moved by Bensley and seconded by Crampton to remove the bridge on 160<sup>th</sup> Street between Quincy and Perkins avenues, and to close and vacate 160' of 160<sup>th</sup> Street where the bridge is currently located. Ayes all, motion carried.

Secretary S/ James W. Dowling, Chairman Rebecca Hillmer, June 12, 2001.

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Upon return from Sac County: the deadline for filing proposals for the **annual audit** and for **insurance coverage** for FY'02 was 9:00 a.m. today. Proposals were received from: annual audit-Hunzelman, Putzier & Co., PLC and Williams & Co., LeMars; insurance for FY'02-Iowa Communities

Assurance Pool (Clark Fort), Berkshire Hathaway (Doug Svendsen), and Employer's Mutual Casualty Co. (Tim Pierce). Presentations by the insurance agents will be made on June 19.

Motion by Bruns to adopt Resolution 2001-06-12 regarding the closing of 56 Workforce Development offices in Iowa. Carried.

**Resolution # 2001-06-12, Buena Vista County**

**WHEREAS**, Iowa Code Chapters 84A and 84B created the Iowa Department of Workforce Development rural and satellite office network, which now consists of 71 Iowa Workforce Development Centers maintained statewide; and

**WHEREAS**, the Iowa Workforce Development rural and satellite offices provide many essential services for employers and businesses, including recruitment; application processing; screening services; and workforce consulting; and many valuable services to Iowa citizens, including job development, referral and placement; unemployment insurance services; job training for welfare recipients; and labor market information; and

**WHEREAS**, the employers, businesses and residents of this county and surrounding counties have benefited greatly from services provided by the Iowa Workforce Development rural and satellite offices; and

**WHEREAS**, it is our belief that mass closure of the Iowa Workforce Development rural and satellite office network will have a lasting negative affect statewide, causing small and rural businesses more hardship in an increasingly unstable economic period;

**WHEREAS**, the unemployment insurance surcharge, which funds 56 of the 71 Iowa Workforce Development rural and satellite offices throughout Iowa is currently set to sunset on June 30, 2001, unless there is further action by the Iowa Legislature during the special session scheduled to convene on June 19, 2001;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors supports and endorses the Behn amendment, Senate Amendment 3698 to House File 696, which would extend the unemployment insurance surcharge and allow the continued operation of the Iowa Workforce Development rural and satellite office network.

**BE IT FURTHER RESOLVED** that the County Auditor's office shall forward a copy of this resolution to state legislators serving this county and to Senators Jerry Behn and Stewart Iverson, and Representative Brent Siegrist, State Capitol, Des Moines, Iowa 50319.

Motion by Supervisor Bruns and seconded by Supervisor Crampton to adopt this resolution.

Ayes: Bruns, Crampton, Gustafson, Burnside. Nays: none.

Dated this 12th day of June, 2001. ATTEST: Karen M. Strawn, Buena Vista County Auditor.  
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There being no further business, motion by Gustafson to adjourn at 1:40 p.m. until Tuesday, June 19 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-FIFTH MEETING, 2001 SESSION (25)  
JUNE 19, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, June 19, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Emergency Management Coordinator Bob Christensen requested that the Board appoint members to the **Hazard Mitigation Committee** for the rural area. Mark Castenson, NWIPDC, would like to begin committee meetings after the 1<sup>st</sup> of July. The board will make those appointments on June 26.

Bill Lanphere, Storm Lake, was present to suggest some communication with the public regarding property taxes in relation to the recent increases in **property valuations**. Particularly with discussion in the media about supplementing funding to the community colleges and other areas through property taxes, the public may appreciate some information from local government.

Denise Jennett, **Gingerbread House** Director, was present to meet the board and to discuss the new child care rate increases. GBH has gone from a day rate, to an hourly rate which impacts families differently. Also present, Paula Guerra, General Relief Director, stated that GBH is the only registered daycare in Buena Vista County, and the only daycare to which county funds are appropriated. Jennett invited the board to hold one of their meetings at GBH to gain a first hand look at the organization.

Zoning Director Kim Johnson requested dates for 4 public hearings. Motion by Vail to set June 26 as the date for the following public hearings for **subdivision requests**: at 8:30 a.m.-Dar Brummer, Section 11, Grant Township; at 8:35 a.m.-Ed Henrich, Section 33, Newell Township; 8:40-Todd Anderson, Section 8, Newell Township; and 8:45-Doris Clough, Section 8, Hayes Township. Carried.

Head Custodian Dewyne Stucynski has received **Control Systems Specialists'** proposal for changes to the air handler for the courthouse. The CSS proposal was less than that of Swift Air. Motion by Crampton to accept the proposal of Control Systems Specialists in the total amount of \$4,357.00 for installation of the variable frequency drive for the courthouse air handler, with a 10% retainage to be paid in 30 days. Ayes—Bruns, Crampton, Vail, Burnside. Nays—Gustafson. Carried.

Motion by Vail to accept the low proposal of Hunzelman, Putzier & Co., PLC, for the county's **annual financial audit**, beginning with the FY'01 audit, and to approve and to authorize the Chairman to sign a 3-year agreement, with the fees not to exceed: FY'01-\$13,475, FY'02-\$13,875, FY'02-\$14,275. Carried.

Engineer Jon Ites requested consideration of removing 2 **speed curves** north of Alta. It was the consensus of the board to approve the removal of speed curves at the North 1/4 corner and the NE corner of Section 23 Nokomis Township or the intersections of 55th Ave and 570th Street, and 60th Ave and 570th Street.

Quotes for the season's **fuel supply** were received from Star Energy (fka Farm Service)-Storm Lake, 1<sup>st</sup> Coop-Alta and Marathon, and Larson Oil-Storm Lake. Motion by Vail to accept the low quote of 1<sup>st</sup> Coop of Alta and Marathon for the season's fuel supply as follows: #1 diesel - 7.5 cents at all locations, and, #2 diesel - 5.5 cents at all locations except Newell, and 6.0 cents at Newell. Carried.

10:30 a.m.—The time having arrived for the **bid opening** for the bridge in Brooke Township, bids were received from Merriman Bridge Construction Co.-Algona, Dixon Construction-Correctionville, and Godberson-Smith-Ida Grove. Motion by Bruns, to accept the low bid of Merriman Bridge Construction Co., in the amount of \$195,388.30 for project # L-B-510—73-11 bridge replacement Section 36, Brooke Twp., subject to confirmation of the bid tab. Carried. The engineer's estimate for the project was \$227,521.90.

Motion by Crampton to approve the following reports: May 8 Conservation Board minutes, and May 1 Spectra lagoon test by Mangold Environmental Testing. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign 2 work orders for DD#181 Jt. for sites in Sections 24 and 25, Dover Township, Pocahontas County, with cost estimates of \$900 and \$750. Carried.

Clark Fort, agent, and Ken Bilbrey, ICAP, met with the board to present their proposal for the county's insurance coverages for FY'02. Fort reported that he would not be presenting a bid from St. Paul because it was about \$30,000 higher, and thus he decided not to present it. ICAP, which is the Iowa Community Assurance Pool, was organized 16 years ago. Bilbrey discussed the organization of ICAP. Gustafson requested written assurance that the officers, directors, etc. are bonded. Fort's proposal reflects a worker's comp premium based on the IMWCA renewal rate which uses the new mod factor of 1.06, but with IMWCA's payroll estimates, rather than those provided in the specs.

Doug Svendsen, OES, and Peter Holt representing Berkshire Hathaway, reviewed their proposal. Berkshire Hathaway is the umbrella organization for Cornhusker Casualty, which has submitted a proposal in prior years. Their worker's comp premium was based on the new mod factor of 1.06, and is a package proposal.

Tim Pierce presented his proposal from Employer's Mutual Casualty Company. The worker's comp premium is based on the new mod factor of 1.06, and the coverage can be written with or without the worker's compensation coverage.

Motion by Crampton to approve and to authorize the Chairman to sign the agreement with NWIPDC for S.H.I.E.L.D. services for FY'02. Carried.

The Board discussed early closing of some offices on June 29 for end of fiscal year business. The Treasurer, Auditor and Recorder will close early in order to count cash and close their books. There was some discussion of closing at noon versus 1:00 p.m which would allow for some noon traffic in these offices. The time of closing will be posted and advertised.

Motion by Vail to void warrant #32627, which was lost, issued 8-5-1986 to Sina Linman for \$30.24, and to re-issue to her, and, to void and re-issue to the funds as noted to reimburse the fund from which they were written: #95262 on 12/23/1997 to Alta Advertiser for \$19.92 from 001; #98426 on 4/14/1998 to ISAC University for \$65.00 from 001; #105761 on 12/22/1998 to Roger Meyer for \$1.50 from 001; #104735 on 11/10/1998 to Yvonne Bertness for \$97.20 from 002. Carried.

There being no further business, motion by Vail to adjourn at 2:55 p.m. until Tuesday, June 26 at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING**  
**TWENTY-SIXTH MEETING, 2001 SESSION (26)**  
**JUNE 26, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, June 26, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

8:30 a.m. – The time having arrived for the public hearing on the subdivision request of Darwin Brummer, the Chairman opened the hearing with Kim Johnson, Zoning Director, present. Johnson reported that the Zoning Commission had recommended approval. Hearing no objections, motion by Vail to close the public hearing. Carried. Motion by Gustafson, to accept the recommendation of the Zoning Commission, and to approve and to authorize the Chairman to sign the Resolution 2001-06-26-A approving the subdivision request of Darwin Brummer. Carried.

#### **RESOLUTION 2001-06-26-A**

**WHEREAS**, Darwin Brummer has presented a preliminary and final plat (of survey) on the following described property:

##### **DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE¼ NW¼) AND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW¼ NE¼) OF SECTION 11, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast (SE) Corner of the Northwest Quarter of said Section 11; Thence on an assumed bearing of South 89°59'44" West, along the South line of said Northwest Quarter (NW¼) 231.00 feet; Thence North 00°01'51" West, 691.48 feet; Thence South 89°58'19" West, 212.20 feet; Thence North 01°26'26" East, 416.74 feet; Thence North 89°54'58" East, 432.37 feet; Thence South 00°02'14" East, 1108.60 feet to the Point of Beginning.

Hereafter known as Lot A of Section 11, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 7.86 Acres and is subject to all easements of record.

##### **AND**

##### **DESCRIPTION: LOT B**

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER (S½ NW¼) AND IN PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW¼ NE¼) OF SECTION 11, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section 11; Thence on an assumed bearing of South 89°54'58" West, along the North line of the South Half of the Northwest Quarter (S½ NW¼), 1538.18 feet; Thence South 00°29'48" East, 630.00 feet; Thence North 89°40'56" East, 902.24 feet; Thence North 89°58'19" East, 207.62 feet; Thence North 01°26'26" East, 416.74 feet; Thence North 89°54'58" East, 432.37 feet; Thence North 00°02'14" West, 210.04 feet; Thence South 89°54'56" West, 19.97 feet to the Point of Beginning.

Hereafter known as Lot B of Section 11, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: none.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: none

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that:

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE¼ NW¼) AND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW¼ NE¼) OF SECTION 11, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast (SE) Corner of the Northwest Quarter of said Section 11; Thence on an assumed bearing of South 89°59'44" West, along the South line of said Northwest Quarter (NW¼) 231.00 feet; Thence North 00°01'51" West, 691.48 feet; Thence South 89°58'19" West, 212.20 feet; Thence North 01°26'26" East, 416.74 feet; Thence North 89°54'58" East, 432.37 feet; Thence South 00°02'14" East, 1108.60 feet to the Point of Beginning.

Hereafter known as Lot A of Section 11, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

AND

DESCRIPTION: LOT B

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER (S½ NW¼) AND IN PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW¼ NE¼) OF SECTION 11, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of said Section 11; Thence on an assumed bearing of South 89°54'58" West, along the North line of the South Half of the Northwest Quarter (S½ NW¼), 1538.18 feet; Thence South 00°29'48" East, 630.00 feet; Thence North 89°40'56" East, 902.24 feet; Thence North 89°58'19" East, 207.62 feet; Thence North 01°26'26" East, 416.74 feet; Thence North 89°54'58" East, 432.37 feet; Thence North 00°02'14" West, 210.04 feet; Thence South 89°54'56" West, 19.97 feet to the Point of Beginning.

Hereafter known as Lot B of Section 11, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; is hereby accepted subject to the following if any: none

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of:

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE¼ NW¼) AND IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW¼ NE¼) OF SECTION 11, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast (SE) Corner of the Northwest Quarter of said Section 11; Thence on an assumed bearing of South 89°59'44" West, along the South line of said Northwest Quarter (NW¼) 231.00 feet; Thence North 00° 01'51" West, 691.48 feet; Thence South 89°58'19" West, 212.20 feet; Thence North 01°26'26" East, 416.74 feet; Thence North 89°54'58" East, 432.37 feet; Thence South 00°02'14" East, 1108.60 feet to the Point of Beginning.

Hereafter known as Lot A of Section 11, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

AND

DESCRIPTION: LOT B

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHWEST QUARTER (S½ NW¼) AND IN PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW¼ NE¼) OF

SECTION 11, TOWNSHIP 91 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of said Section 11; Thence on an assumed bearing of South 89°54'58" West, along the North line of the South Half of the Northwest Quarter (S $\frac{1}{2}$  NW $\frac{1}{4}$ ), 1538.18 feet; Thence South 00°29'48" East, 630.00 feet; Thence North 89°40'56" East, 902.24 feet; Thence North 89°58'19" East, 207.62 feet; Thence North 01°26'26" East, 416.74 feet; Thence North 89°54'58" East, 432.37 feet; Thence North 00°02'14" West, 210.04 feet; Thence South 89°54'56" West, 19.97 feet to the Point of Beginning.

Hereafter known as Lot B of Section 11, Township 91 North, Range 36 West of the 5<sup>th</sup> 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 26th day of June, 2001.

/s/ Lorna Burnside, Chairperson, Board of Supervisors

Attest: /s/ Karen M. Strawn, Auditor

8:35 a.m. – The time having arrived for the public hearing on the subdivision request of Ed Henrich, the Chairman opened the hearing with Kim Johnson, Zoning Director, present. Johnson reported that the Zoning Commission had recommended approval. Hearing no objections, motion by Crampton to close the public hearing. Carried. Motion by Vail, to accept the recommendation of the Zoning Commission, and to approve and to authorize the Chairman to sign the Resolution 2001-06-26-B approving the subdivision request of Ed Henrich. Carried.

#### **RESOLUTION 2001-06-26-B**

**WHEREAS**, Ed Henrich has presented a preliminary and final plat (of survey) on the following described property:

##### **DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE WEST HALF (W $\frac{1}{2}$ ) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$ ) OF SECTION 33, TOWNSHIP 90 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW $\frac{1}{4}$ ) of said Section 33; Thence on an assumed bearing of North 00°00'00" East, along the West line of said Southwest Quarter (SW $\frac{1}{4}$ ), 1015.21 feet to the Point of Beginning. Thence continuing North 00°00'00" East, along said West line, 474.63 feet; Thence South 87°48'28" East, 746.93 feet; Thence South 02°16'46" West, 467.24 feet; Thence North 88°21'42" West, 728.09 feet to the Point of Beginning.

Hereafter known as Lot A of Section 33, Township 90 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 7.97 Acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: none.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: none

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE WEST HALF (W½) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 33, TOWNSHIP 90 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW¼) of said Section 33; Thence on an assumed bearing of North 00°00'00" East, along the West line of said Southwest Quarter (SW¼), 1015.21 feet to the Point of Beginning. Thence continuing North 00°00'00" East, along said West line, 474.63 feet; Thence South 87°48'28" East, 746.93 feet; Thence South 02°16'46" West, 467.24 feet; Thence North 88°21'42" West, 728.09 feet to the Point of Beginning.

Hereafter known as Lot A of Section 33, Township 90 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: none

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE WEST HALF (W½) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION 33, TOWNSHIP 90 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW¼) of said Section 33; Thence on an assumed bearing of North 00°00'00" East, along the West line of said Southwest Quarter (SW¼), 1015.21 feet to the Point of Beginning. Thence continuing North 00°00'00" East, along said West line, 474.63 feet; Thence South 87°48'28" East, 746.93 feet; Thence South 02°16'46" West, 467.24 feet; Thence North 88°21' 42" West, 728.09 feet to the Point of Beginning.

Hereafter known as Lot A of Section 33, Township 90 North, Range 35 West of the 5<sup>th</sup> 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 26th day of June, 2001.

/s/ Lorna Burnside, Chairperson, Board of Supervisors

Attest: /s/ Karen M. Strawn, Auditor

8:40 a.m. – The time having arrived for the public hearing on the subdivision request of Todd Anderson, the Chairman opened the hearing with Kim Johnson, Zoning Director, present. Johnson reported that the Zoning Commission had recommended approval. Hearing no objections, motion by Gustafson to close the public hearing. Carried. Motion by Bruns, to accept the recommendation of the Zoning Commission, and to approve and to authorize the Chairman to sign the Resolution 2001-06-26-C approving the subdivision request of Todd Anderson. Carried.

**RESOLUTION 2001-06-26-C**

**WHEREAS**, Todd Anderson has presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE¼ NE¼) OF SECTION 8, TOWNSHIP 90 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter (NE¼) of said Section 8; Thence on a previously recorded bearing of North 00°00'00" East, along the East line of said Northeast Quarter (NE¼) 855.00 feet to the Point of Beginning. Thence continuing North 00°00'00" East, along said East line, 65.00 feet; Thence North 89°36'00" West, 240.00 feet; Thence South 00°00'00" West, 65.00 feet; Thence South 89°36'00" East, 240.00 feet to the Point of Beginning.



Hereafter known as Lot A of Section 8, Township 90 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 0.36 Acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: above described parcel is to become part of Anderson's original lot and shall not become a parcel to be sold on it's own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: above described parcel is to become part of Anderson's original lot and shall not become a parcel to be sold on it's own.

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that:

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE¼ NE¼) OF SECTION 8, TOWNSHIP 90 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter (NE¼) of said Section 8; Thence on a previously recorded bearing of North 00°00'00" East, along the East line of said Northeast Quarter (NE¼) 855.00 feet to the Point of Beginning. Thence continuing North 00°00'00" East, along said East line, 65.00 feet; Thence North 89°36'00" West, 240.00 feet; Thence South 00°00'00" West, 65.00 feet; Thence South 89°36'00" East, 240.00 feet to the Point of Beginning.

Hereafter known as Lot A of Section 8, Township 90 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; is hereby accepted subject to the following if any: above described parcel is to become part of Anderson's original lot and shall not become a parcel to be sold on it's own.

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of:

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE¼ NE¼) OF SECTION 8, TOWNSHIP 90 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter (NE¼) of said Section 8; Thence on a previously recorded bearing of North 00°00'00" East, along the East line of said Northeast Quarter (NE¼) 855.00 feet to the Point of Beginning. Thence continuing North 00°00'00" East, along said East line, 65.00 feet; Thence North 89°36'00" West, 240.00 feet; Thence South 00°00'00" West, 65.00 feet; Thence South 89°36'00" East, 240.00 feet to the Point of Beginning.

Hereafter known as Lot A of Section 8, Township 90 North, Range 35 West of the 5<sup>th</sup> 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 26th day of June, 2001.

/s/ Lorna Burnside, Chairperson, Board of Supervisors

Attest: /s/ Karen M. Strawn, Auditor

8:45 a.m. – The time having arrived for the public hearing on the subdivision request of Doris Clough, the Chairman opened the hearing with Kim Johnson, Zoning Director, present. Johnson reported that the Zoning Commission had recommended approval. Hearing no objections, motion by Vail to close the public hearing. Carried. Motion by Crampton, to accept the recommendation of the Zoning

Commission, and to approve and to authorize the Chairman to sign the Resolution 2001-06-26-D approving the subdivision request of Doris Clough. Carried.

**RESOLUTION 2001-06-26-D**

**WHEREAS**, Doris Clough has presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION (LOT ONE)**

THE NORTH TWO HUNDRED (200) FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE EAST HALF (E1/2) OF SECTION EIGHT (8), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M., BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the SE¼ of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., thence South 00°36' West along the East line of said SE¼ a distance of 389.50 feet to the point of beginning; Thence continuing South 00°36' West along the East line of said SE¼ a distance of 400.00 feet to the North Right of Way line of the County Road, thence North 89°25' West along the North Right of Way line of the County Road a distance of 200.05 feet, thence North 00°32' East a distance of 400.00 feet, thence South 89°25' East a distance of 200.51 feet to the point of beginning and containing an area of 1.84 Acres. The East line of the SE¼ of Section 8, Township 90 North, Range 37 West is assumed to have a bearing of North 00°36' East.

Hereafter referred to as Lot 1 Clough's Addition. A part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION OF RECORD (LOT TWO)**

THE NORTH HALF (N½) OF THE FOLLOWING:

THE SOUTH TWO HUNDRED (200) FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE EAST HALF (E½) OF SECTION EIGHT (8), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M., BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the SE1/4 of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., thence South 00°36' West along the East line of said SE¼ a distance of 389.50 feet to the point of beginning; Thence continuing South 00°36' West along the East line of said SE¼ a distance of 400.00 feet to the North Right of Way line of the County Road, thence North 89°25' West along the North Right of Way line of the County Road a distance of 200.05 feet, thence North 00°32' East a distance of 400.00 feet, thence South 89°25' East a distance of 200.51 feet to the point of beginning and containing an area of 1.84 Acres. The East line of the SE¼ of Section 8, Township 90 North, Range 37 West is assumed to have a bearing of North 00°36' East.

Hereafter referred to as Lot 2 Clough's Addition. A part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION OF RECORD (LOT THREE)**

THE SOUTH HALF (S ½) OF THE FOLLOWING:

THE SOUTH TWO HUNDRED (200) FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE EAST HALF (E½) OF SECTION EIGHT (8), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M., BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the SE¼ of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., thence South 00°36' West along the East line of said SE¼ a distance of 389.50 feet to the point of beginning; Thence continuing South 00°36' West along the East line of said SE¼ a distance of

400.00 feet to the North Right of Way line of the County Road, thence North 89°25' West along the North Right of Way line of the County Road a distance of 200.05 feet, thence North 00°32' East a distance of 400.00 feet, thence South 89°25' East a distance of 200.51 feet to the point of beginning and containing an area of 1.84 Acres. The East line of the SE¼ of Section 8, Township 90 North, Range 37 West is assumed to have a bearing of North 00°36' East.

Hereafter referred to as Lot 3 Clough's Addition. A part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: none

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: none

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that:

DESCRIPTION (LOT ONE)

THE NORTH TWO HUNDRED (200) FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE EAST HALF (E½) OF SECTION EIGHT (8), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M., BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the SE¼ of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., thence South 00°36' West along the East line of said SE¼ a distance of 389.50 feet to the point of beginning; Thence continuing South 00°36' West along the East line of said SE¼ a distance of 400.00 feet to the North Right of Way line of the County Road, thence North 89°25' West along the North Right of Way line of the County Road a distance of 200.05 feet, thence North 00°32' East a distance of 400.00 feet, thence South 89°25' East a distance of 200.51 feet to the point of beginning and containing an area of 1.84 Acres. The East line of the SE¼ of Section 8, Township 90 North, Range 37 West is assumed to have a bearing of North 00°36' East.

Hereafter referred to as Lot 1 Clough's Addition. A part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

DESCRIPTION OF RECORD (LOT TWO)

THE NORTH HALF (N ½) OF THE FOLLOWING:

THE SOUTH TWO HUNDRED (200) FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE EAST HALF (E½) OF SECTION EIGHT (8), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M., BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the SE¼ of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., thence South 00°36' West along the East line of said SE¼ a distance of 389.50 feet to the point of beginning; Thence continuing South 00°36' West along the East line of said SE¼ a distance of 400.00 feet to the North Right of Way line of the County Road, thence North 89°25' West along the North Right of Way line of the County Road a distance of 200.05 feet, thence North 00°32' East a distance of 400.00 feet, thence South 89°25' East a distance of 200.51 feet to the point of beginning and containing an area of 1.84 Acres. The East line of the SE¼ of Section 8, Township 90 North, Range 37 West is assumed to have a bearing of North 00°36' East.

Hereafter referred to as Lot 2 Clough's Addition. A part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

DESCRIPTION OF RECORD (LOT THREE)

THE SOUTH HALF (S ½) OF THE FOLLOWING:  
THE SOUTH TWO HUNDRED (200) FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE EAST HALF (E½) OF SECTION EIGHT (8), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M., BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the SE¼ of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., thence South 00°36' West along the East line of said SE¼ a distance of 389.50 feet to the point of beginning; Thence continuing South 00°36' West along the East line of said SE¼ a distance of 400.00 feet to the North Right of Way line of the County Road, thence North 89°25' West along the North Right of Way line of the County Road a distance of 200.05 feet, thence North 00°32' East a distance of 400.00 feet, thence South 89°25' East a distance of 200.51 feet to the point of beginning and containing an area of 1.84 Acres. The East line of the SE¼ of Section 8, Township 90 North, Range 37 West is assumed to have a bearing of North 00°36' East.

Hereafter referred to as Lot 3 Clough's Addition. A part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: none

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of:

DESCRIPTION (LOT ONE)

THE NORTH TWO HUNDRED (200) FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE EAST HALF (E½) OF SECTION EIGHT (8), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M., BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the SE¼ of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., thence South 00°36' West along the East line of said SE¼ a distance of 389.50 feet to the point of beginning; Thence continuing South 00°36' West along the East line of said SE¼ a distance of 400.00 feet to the North Right of Way line of the County Road, thence North 89°25' West along the North Right of Way line of the County Road a distance of 200.05 feet, thence North 00°32' East a distance of 400.00 feet, thence South 89° 25' East a distance of 200.51 feet to the point of beginning and containing an area of 1.84 Acres. The East line of the SE¼ of Section 8, Township 90 North, Range 37 West is assumed to have a bearing of North 00°36' East.

Hereafter referred to as Lot 1 Clough's Addition. A part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

DESCRIPTION OF RECORD (LOT TWO)

THE NORTH HALF (N½) OF THE FOLLOWING:

THE SOUTH TWO HUNDRED (200) FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE EAST HALF (E½) OF SECTION EIGHT (8), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M., BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the SE¼ of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., thence South 00°36' West along the East line of said SE¼ a distance of 389.50 feet to the point of beginning; Thence continuing South 00°36' West along the East line of said SE¼ a distance of 400.00 feet to the North Right of Way line of the County Road, thence North 89°25' West along the North Right of Way line of the County Road a distance of 200.05 feet, thence North 00°32' East a distance of 400.00 feet, thence South 89°25' East a distance of 200.51 feet to the point of beginning and containing an area of 1.84 Acres. The East line of the SE¼ of Section 8, Township 90 North, Range 37 West is assumed to have a bearing of North 00°36' East.

Hereafter referred to as Lot 2 Clough's Addition. A part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

DESCRIPTION OF RECORD (LOT THREE)

THE SOUTH HALF (S ½) OF THE FOLLOWING:

THE SOUTH TWO HUNDRED (200) FEET OF THE FOLLOWING DESCRIBED REAL ESTATE: A PART OF THE EAST HALF (E½) OF SECTION EIGHT (8), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY-SEVEN (37) WEST OF THE FIFTH P.M., BUENA VISTA COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the SE¼ of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., thence South 00°36' West along the East line of said SE¼ a distance of 389.50 feet to the point of beginning; Thence continuing South 00°36' West along the East line of said SE¼ a distance of 400.00 feet to the North Right of Way line of the County Road, thence North 89°25' West along the North Right of Way line of the County Road a distance of 200.05 feet, thence North 00°32' East a distance of 400.00 feet, thence South 89°25' East a distance of 200.51 feet to the point of beginning and containing an area of 1.84 Acres. The East line of the SE¼ of Section 8, Township 90 North, Range 37 West is assumed to have a bearing of North 00°36' East.

Hereafter referred to as Lot 3 Clough's Addition. A part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 8, Township 90 North, Range 37 West of the 5<sup>th</sup> 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 26th day of June, 2001.

/s/ Lorna Burnside, Chairperson, Board of Supervisors

Attest: /s/ Karen M. Strawn, Auditor

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Head Custodian Dewyne Stucynski discussed the need to prepare to replace the courthouse generator which was original equipment with the courthouse (1971). The current generator is hard to regulate, but still runs. The 90 amp unit is large enough to power the Communications Center and provide heat in the Jail but no air handling Jail or heat in the Communications Center. The cost to replace it is \$29,000 installed, with no trade. An 800 amp which would be required to run the entire courthouse, would be about \$63,000. Stucynski will check to see what the draw is during normal operation. The board needs to decide what size the replacement should be – being able to run the entire courthouse is probably not necessary. Bruns suggested consulting Gull Wing of Alta, to see what they have to offer. Gustafson suggested checking on a re-built unit, since it is not used frequently. To assure that it is in working order, it is run bi-weekly 4-5 hours each time, and other periodic maintenance is performed. Stucynski has difficulty maintaining it at 60 cycles. The Chairman posed the question of designating some dollars in the General Basic ending fund balance for replacement of the courthouse generator at a future time. The issue was scheduled for action at the 6/29 meeting. Stucynski reported that the courthouse exterior restoration is complete.

CPC Dawn Mentzer presented service contracts for signature. Motion by Vail to approve and to authorize the Chairman to sign a services contract with the Howard Center for FY'02 with a rate of \$37.69. Carried. The facility is no longer on the POS system, making the contract necessary.

Mentzer reported that Genesis Development had increased their half day rate since budget setting time. 3% had been approved, but Genesis has set it substantially higher. Motion by Bruns to approve a services agreement for FY'02 with Genesis Development with the rate at \$22.05, a 5% increase for the half day rate, and 3% for the full day or \$37.03. Carried.

Deputy Auditor Leigh Madsen discussed direct deposit of paychecks. She has received comments on the program and would like to send out an employee survey to determine the level of interest prior to researching program costs, etc. The board agreed.

Deputy Auditor Sue Kennedy explained some of the capabilities of the financial software which can't currently be used due to the policy of accruing vacation on the anniversary date, rather than monthly. If the policy were changed, accounting for the employer's liability for accrued vacation would be simplified. The board suggested discussing this issue with the department heads prior to the board considering a change.

Assessor Ted Van Grootheest was present at the Board's request to discuss the new valuations, and how the taxes will change due to the increase in valuations. The revaluation is only one of the elements which effects the tax bills. After discussion the board concluded that a blanket statement can't easily be made, since each property is effected differently by the various elements.

The board discussed the insurance program for FY'02, one of which is from a 'pool'. The board has concerns about joining a pool in the event the county would want to leave and obtain regular insurance at some future time - it may be difficult to find companies willing to offer a proposal.

Motion by Vail to accept the insurance proposal of Olson-Eaton-Svendsen for FY'02 with coverage from Berkshire Hathaway Homestate/Cornhusker Casualty/Oak River Insurance Company in the total amount of \$145,027. The Chairman reported on the agency information requested in the specs - Berkshire Hathaway writes insurance for three other counties, but the servicing agents for those counties are other local agents, not OES. It was also noted that Berkshire Hathaway does not guarantee dividends but they do have a dividend program. Motion carried.

Motion by Crampton to reverse an earlier resolution and to approve mileage reimbursement for supervisors for regular session days. Ayes—Crampton, Gustafson, Vail, Burnside. Nay-Bruns. Carried.

Motion by Crampton to set the fiscal agent fee at \$450 for FY'02 for the Empowerment/TANF programs. Carried..

Motion by Vail to approve and to authorize the Recorder to destroy records as follows: daily tapes (1990-1991); accounts receivable (1990-1991); daily tickets (1990-1991); game licenses-reports (1997-1998); game licenses-reports (1999); boat, snowmobile, ATV, use tax, hunting, fishing, document stamps (1998-1995); game licenses-reports (1995); daily tapes (1994-1995); daily tickets (1994-1995). Carried.

Motion by Bruns to authorize the Auditor to void and reissue a lost warrant as follows: #111488, dated 6/30/00 to Carlene Nothwehr for \$118.16. Carried.

Motion by Gustafson to approve the minutes of the 6/12 and 6/19 minutes as corrected, and the following reports: 6/19 budget reports and 4/12/01 NWIPDC Policy Council minutes. Carried.

Motion by Crampton to approve the request of Gary Grundmeier, to shoot fireworks at his residence, on July 4, 2001, with Mr. Grundmeier to assume all responsibility for safety and liability. Carried.

Motion by Crampton to approve the request of Richard Rice, to shoot fireworks at one of the following locations: (6418 120<sup>th</sup> Ave., 6431 120<sup>th</sup> Ave, or 6521 120<sup>th</sup> Ave. depending on wind direction), on July 3, 4 or 5, 2001, (depending on weather conditions), with Mr. Rice to assume all responsibility for safety and liability. Carried.

Motion by Crampton to approve the request of Howard Stille, to shoot fireworks at his residence, on July 4 and July 6, 2001, with Mr. Stille to assume all responsibility for safety and liability. Carried.

Motion by Vail to approve and to authorize the Chairman to sign the flex benefits plan for Buena Vista County employees for FY'02. Carried.

Motion by Gustafson to increase the mileage reimbursement rate effective 7/1/01 to \$.30/mi. (for miles traveled after 7/1/01). Ayes—Crampton, Gustafson, Vail, Burnside. Nays—Bruns. Carried.

Motion by Gustafson to appoint the following persons to the county's Hazard Mitigation Committee: Lorna Burnside, Richard Vail, Tom French, Sheriff Chuck Eddy or his representative, Jon Ites, Mike Sexton, Gary Molgaard, Dennis Williams, Steve Faust, and Bob Christensen. Carried.

There being no further business, motion by Vail to adjourn at 11:55 a.m. until Friday, June 29 at 3:00 p.m. for a special, end of fiscal year session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SEVENTH MEETING, 2001 SESSION (27)  
JUNE 29, 2001**

The Buena Vista County Board of Supervisors met in special session on Friday, June 29, 2001, at 3:00 p.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Environmental Health Director Kim Johnson reported on a septic system installed in 1998 which has failed. The owner has contacted her attorney on the matter.

Engineer Jon Ites discussed a letter from Oscar Sundblad regarding the C-13 grading project which is not due to be completed until after July 28, the date of Tall Corn Days in Sioux Rapids. The road is in the area of the parade route for that event.

Ites discussed a potential change order on the Carol Peterson/Willie Christensen bridge in Brooke Township. Motion by Gustafson to offer \$1,117.50 towards a change work order on piers for project #L-B-510. Carried.

Motion by Gustafson to approve the request of the Conservation Board and to direct the Auditor to transfer the unspent remainder of the Conservation FY'01 operating budget to the Conservation land Acquisition Trust Fund in the amount of \$7,705.38. Carried.

Motion by Vail to select the following options for the county's FY'02 insurance: \$2,000,000 - general liability, \$2,000,000 - law enforcement professional liability, and \$2,000,000 public official's errors and omissions. Carried.

Motion by Burnside to void warrant #130541 issued 4-10-01 in the amount of \$1,750 and to re-issue to Buena Vista County Soil Conservation Service, the warrant having been lost. Carried.

Motion by Crampton to approve the cigarette permit application of Little Sioux Golf and Country Club. Carried.

Motion by Vail to approve the minutes of the 6/26 meeting as corrected. Carried.

It was the consensus of the board to approve replacement of the garbage disposal at **Spectra Health** for an estimated \$1,375.00.

Motion by Bruns to approve and to authorize the Chairman to sign an agreement for mental health services with the **Season's Center** for FY'02 in the total amount of \$138,393.00. Carried.

The time having arrived to count cash in the Treasurer's and Sheriff's offices, and, there being no further business, motion by Vail to adjourn at 4:05 p.m. until Tuesday, July 3 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-EIGHTH MEETING, 2001 SESSION (28)  
JULY 3, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 3, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Cynthia Bowman, Executive Director of **NW Aging**, and Board Members Floyd Courtright, Lucille Cochran, Ken Ingram, and Marvin Molitor, were present to update the Supervisors on their agency. The Senior Living Trust fund has allowed the agency to serve an additional 425 persons. These were federal dollars distributed through the state. Now the State of Iowa is using it as a funding stream for these types of services, rather than reserving it to provide services to previously unserved seniors. Support service funding at approximately \$450/mo can keep a person at home, instead of moving into a nursing home at cost beginning at \$1,700/mo. Bowman discussed a number of programs which have really provided support to seniors. The state's budget cut will impact the agency 11.3% in FY'02, and at least that much in FY'03, but likely more. The NW Aging Board has been meeting to determine how to absorb the cuts, and has already made changes in staffing and programs. Bowman anticipates grave problems when the Senior Living Trust funds are exhausted, and the new clients can no longer be served.

Motion by Bruns to approve the following **claim**: Rasmussen's in the total amount of \$19,464 for a new vehicle. Carried.

Motion by Vail to approve the **minutes** of the 6/29 meeting as corrected. Carried.

Nurse Administrator Karole Graen met to review **Board of Health** minutes for March, April, May and June. Graen also reported that her agency has also been notified of budget cuts by the State of Iowa. Motion by Crampton to approve the March, April, May and June Board of Health minutes. Carried.

Engineer Jon Ites presented documents for approval for the Brooke Township bridge project. Motion by Bruns to approve and to authorize the Chairman to sign the contract with Merryman Bridge Construction Co. in the amount of \$195,388.30 for project **#L-B-510—73-11**, and to approve the contractors certificate of insurance and contractor's bond. Carried.

Ites reported that **IDOT** is re-structuring again, but it is anticipated that Storm Lake will not lose its site.

Motion by Vail to approve and to authorize the Chairman to sign a contract for the **seasons fuel supply** with 1<sup>st</sup> Coop of Alta and Marathon. Carried.



Motion by Vail to approve and to authorize the Chairman to sign the following **utility construction permits** applications:

- from Cherokee Rural Water to install a 2" line, bored under M-27, approximately 100' north of 600<sup>th</sup> St. on M-27 at the SW corner of Section 32 to the SE corner Section 31, Nokomis Township;
- from Alliant Energy, Cedar Rapids, to extend the existing overhead power line 1100' north to the new hog facility on the east side of Section 25, Poland Township;
- from Iowa Telecommunications Services, Inc., Grinnell, for installation of 25 pr. copper telephone cable along the east side of M-50 (along Section 34, Fairfield Township), to be bored under C-25 & M-50 to the pedestal;
- from Iowa Telecommunications Services, Inc., Grinnell, for installation of 50 pr. copper telephone cable along the east side of the road on the west side of Section 32, Lee Township;
- from Iowa Telecommunications Services, Inc., Grinnell, for installation of 5 pr. copper telephone cable along the south side of C-25 to Section 33, Lee Township.

Carried.

Ites reported that a meeting is set for Thursday between an engineer from McClure Engineering, **City of Storm Lake** Engineer Jim Winterton, and himself to discuss crossing C-63 with a city water main.

Motion by Bruns to approve and to adopt Resolution 2001-07-03-A which appropriates funds for expenditure by the county departments during FY'02. Carried.

#### **RESOLUTION 2001-07-03-A**

**WHEREAS**, it is desired to make appropriations for each of the different officers and departments for the fiscal year commencing July 1, 2001 in accordance with section 331.434 (Sec 6) 2001 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 2001-02 are hereby appropriated at 100% from the resources of the funds, to the department or office listed in the 2001-02 budget (see 'budget by department' document), with one exception: Dept 23 Activity 3020 is appropriated at \$127,370 (\$18,708) less than shown in the 'budget by department' document; to correct an error).

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, 2001.

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 2001-02 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 2000-01 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, 2002.

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Motion by Vail to approve Resolution 2001-07-03-B, authorizing interfund operating transfers from the general and rural funds to the general supplemental, secondary road and capital projects funds as detailed in the FY'02 budget. Carried.

### **RESOLUTION 2001-07-03B**

**WHEREAS**, it is desired to transfer monies from the General Basic Fund to the General Supplemental Fund, the Secondary Road Fund, and the Capital Projects 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, 2001 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 \$544,347 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, 2001 and the last one-half to be transferred no earlier than January 1, 2002. The sum of \$121,208 is ordered transferred from the General Basic Fund to the Secondary Road Fund with one-half the amount (\$60,604) transferred no earlier than July 1, 2001 and the last one-half transferred no earlier than January 1, 2002. The sum of \$199,393 is ordered transferred from the General Basic Fund to the Capital Projects Fund at appropriate times during the FY'02 as needed to meet the obligations of the fund. The sum of \$1,011,137 (Rural Basic levy) plus \$375,576 (estimated, the actual transfer to be 70% of the local option sales tax collected for FY'01) is ordered transferred from the Rural Services Basic Fund to the Secondary Road Fund (levy and FY'00 L.O.S.T. collections) with one-half the amount transferred no earlier than July 1, 2001 and the last one-half transferred no earlier than January 1, 2002. Note: county assistance/personal property receipts from the State of Iowa shall be deposited in General Basic for expenditure in that fund, with one-half of the funds to be allocated to the Secondary Road Department for expenditure for the Secondary Roads' share of the liability, property and worker's compensation insurance premiums for FY'02.

Section 2. The total maximum transfer from the General Basic Fund to the Secondary Road Fund shall not exceed \$121,208 (levy) and the total maximum transfer from the Rural Basic Fund to the Secondary Road Fund shall not exceed \$1,011,137 (levy) plus 70% of the actual local option receipts for the tax collected for FY'01), all for the fiscal year beginning July 1, 2001.

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.

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Motion by Gustafson to amend today's **agenda** to add consideration of the EMS training money contract for FY'02. Carried. Motion by Vail to approve and to authorize the Chairman to sign a contract with the Iowa Department of Public Health for **EMS training funds** in the amount of \$6,752 for FY'02. Carried.

The board set July 31<sup>st</sup> at 7:00 p.m. as the date and time to host a **Jt. City County Meeting**. The auditor was directed to send out invitations to the cities along with requests for agenda topics.

11:00 a.m. – The time having arrived for a telephone conference with Engineer Ivan Droessler regarding **Jt. DD #274**, Droessler first addressed an issue regarding a request from Tom Smith to do some cleanout work above DD #274 at his own expense. Droessler recommends against individual work due to future issues for payment on a future cleanout. The Board requested that Bud Vote go out and view the site and make a recommendation.

A payment authorization to L. A. Carlson on the contract to replace a bridge in **Jt. DD#274** had been received by the Auditor, but upon information from the Sac County Auditor's office, it was not processed pending receipt of information from Droessler, the engineer on the project. An error by the contractor resulted in the installation of the culvert higher than called for by the plan. The engineer's recommendation for penalty was a \$750 deduction from the bid. The consensus of the Board was to approve the \$750 deduction. Droessler will send through a change order.

In reviewing the pay estimate, Vail asked about the accuracy of some of the figures. Droessler located the error and will prepare a new estimate. The pay estimate will require approval of the joint boards on July 17. There being no further business, the Board terminated the call.

Motion by Vail to adjourn at 11:45 a.m. until Tuesday, July 17 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-NINTH MEETING, 2001 SESSION (29)  
JULY 17, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 17, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Burnside. Nays: none. Abstentions: none.

Motion by Crampton to approve and to authorize all board members to sign a letter to the YES Center Chairman encouraging the **YES Center** board to implement the internal controls recommended by the State Auditor. Carried.

Treasurer Kathy Bach discussed current **investments** and cash flow at the end of the FY'01 and beginning of FY'02.

**Genesis** Executive Director Terry Johnson, and Storm Lake Site Director Kim Wiemold, were present for a FY'01 report of persons served by Genesis. They also discussed a successful transition of a long time Woodward resident to non-institutional living with services provided by Genesis.

Engineer Jon Ites discussed a request from Chuck Offenburger for assistance in putting together a windfarm tour for **RAGBRAI**. It was the consensus of the board to approve use of a short portion of a county gravel road.

Motion by Bruns to authorize expenditure to Schoon Construction, Inc. for a directional bore to facilitate correction of a drainage problem along the **Lakeside blacktop** at the rate of \$45/ft for labor and \$5.40/ft. for material. Carried.

The board received a telephone call from the Sac County Board of Supervisors regarding action needed on 2 claims and a change order for a project in Jt. **DD #274**. Present in Sac County were Boardmembers Russ Kroeger, Rebecca Hillmer, & Jack Bensley, Auditor Jim Dowling, member of the media and 2 persons from the public. In Buena Vista County, in addition to Boardmembers Burnside, Crampton, Bruns, Gustafson and Auditor Strawn were Engineers Jon Ites and Ivan Droessler, and Joel Hermann from KAYL. Motions during this joint meeting reported as carried, indicate ayes as follows: Crampton, Bruns, Gustafson, Burnside, Kroeger, Hillmer, Bensley. Motion by Hillmer, second by Bruns, that Lorna Burnside serve as Chairperson and Karen Strawn as Secretary for the meeting. Carried.

Droessler reviewed the pay estimate that had previously been submitted for payment and then corrected. Motion by Gustafson, second by Kroeger, to approve payment of \$13,887.13 to L. A. Carlson Contracting, Merrill, Iowa. Carried.

Droessler also reviewed the change order which had been prepared to address the problem with the ditch grade which had not been prepared according to the specifications and plans. The change order allows for the ditch grade as constructed by Carlson, with a \$750.00 deduction from the contract price to be withheld in the event that a future clean out will be necessary due to the higher than spec grade. Motion by Bensley, second by Crampton, to approve and to authorize the Chairman to sign change order #1 for a \$750.00 deduction from the contract price. Carried.

Droessler reported that the project is now complete and recommended that a completion hearing be scheduled. Final payment would be made 30 days after the completion hearing. Landowner Chuck Wadsley is the only one requiring notice by mail, otherwise a notice must be published not less than 10 days prior to the hearing. Motion by Hillmer, second by Bruns to set the date of completion hearing for 8/14/01 at 11:00 a.m., to be conducted by telephone, and with landowner Wadsley to be invited to be present in Buena Vista County where Droessler will be present; notice will be published in both counties. Carried.

The Chair presented a claim from Kuehl & Payer for approval. Motion by Gustafson, second by Kroeger, to approve payment of \$911.21 to Kuehl & Payer for plans and specifications for the bridge project. Carried.

Motion by Bensley, second by Crampton, to adjourn the Jt. DD #274 meeting. Carried.

Engineer Ivan Droessler reported that the City of Albert City had requested him to investigate the city's drainage problem. He will be meeting with the city on 7/18 to discuss plans he has prepared for a road ditch cleanout related to drainage problems of the city and **DD#81**. The plans would have the city drain through the road ditch. It is possible that DOT will cost share at 50/50. The surface channel of DD #81 also needs to be cleaned. Partial cleanout work is scheduled for July by the Secondary Road Department. A question needs to be answered: should the surface channel cleanout and the city's road ditch project be done together or separately? Droessler asked for direction from the board regarding proceeding with preparing plans for cleanout. Motion by Gustafson to request Droessler to proceed with plans for the DD#81 surface channel cleanout. Carried. It was the consensus of the Board that the Secondary Road Department should not proceed with their scheduled work on two small areas so that the estimated cost of that work (approximately \$1,000.00) would not be re-spent if the entire surface channel is done.

Karole Graen introduced Diane Anderson as her replacement as **Nurse Administrator** of the Public Health Department.

The Chairman reported on her investigation of the site where a **water pipe** was installed in the ditch near Truesdale, the pipe having been damaged by county equipment during snow clearing operations. Gustafson suggested that both parties be asked to present their cases to the Board at the 7/31 meeting.

The Chairman introduced Chris Nolte, the new Executive Director of **SLADC**/SL Chamber of Commerce, and Carmen Davis, Office Manager for the Chamber. Nolte stated that the SLADC Board will be developing a marketing plan which highlights the entire county, and looks forward to working with all of the communities.

Chairman Burnside left the meeting, appointing Crampton to conduct the remainder of the session. Unless otherwise indicated, all remaining motions were carried with the following vote: Ayes: Bruns, Gustafson, Crampton. Nays: none. Abstentions: none.

Motion by Gustafson to accept the proposal of Jerry's Tree Service for removal of one tree at **Spectra Health Care**, including clean-up and stump removal, for a total of \$220. Carried.

Motion by Gustafson to set public hearings for **subdivision requests** as follows: Ron Dierwechter request on 7/31 at 1:00 p.m., and Bill Holmes request on 7/31 at 1:05 p.m. Carried.

Motion by Gustafson to accept the proposal of Paul Park Construction (subject to confirmation that the proposal price includes the material) in the total amount of \$18,223.15 for the project to replace ceiling tile, and to paint the gridwork at the county care facility building occupied by **Spectra Health Care**. Carried.

Motion by Gustafson to approve the **minutes** of the 7/3 meeting as printed, and the following **reports**: June Clerk's fee-fines-surcharges, 4<sup>th</sup> Qtr FY'01 Sheriff's fees, June Spectra lagoon monitoring report by Mangold, June budget reports, and June Conservation Board minutes. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the 28E agreement, effective 7/1/01 until 6/30/02, for the School-Based Supervision (**Juvenile Liaison**) Program with Juvenile Court Services, the Iowa Department of Human Services, the IDHS-BV Co. Decat Project, and the following school districts: Storm Lake CSD, St. Mary's School, Sioux Central CSD, Newell-Fonda CSD, Albert City-Truesdale CSD, and Alta CSD. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the service rate agreement with **Genesis** for FY'02. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the final report – State Reimbursement for Counties for **Substance Abuse** Funding FY'01, claiming \$4,742.75 from the state for it's 25%-75% match. Carried.

Motion by Gustafson to adjourn at 12:20 p.m. until Tuesday, July 31 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING**  
**THIRTIETH MEETING, 2001 SESSION (30)**  
**JULY 31, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 31, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Willis Strawn and Ron Madsen, BV County Re-Districting Commission, presented the Commission's plan for Supervisor **Re-districting** based on Census 2000 data. Supervisors reviewed the corrections made to the map following the commission's public hearing on 7/18. Motion by Crampton to accept the re-districting plan as presented (description of districts, see below). Carried.

## **BUENA VISTA COUNTY SUPERVISOR DISTRICTS** (prepared with 2000 Census data)

### **Supervisor District #1:** Population – 4,101

shall consist of all of Brooke, Barnes (except that portion lying within the incorporated area of Sioux Rapids), Elk, Scott, Nokomis and Maple Valley Townships; and, in *Hayes Township* ---

- census tract #9606 - census block #'s 4001, 4002, 4003, 4039, 4051, 4052, 4053, 4054, 4079.

This description includes the cities of Alta, Linn Grove, and Rembrandt.

### **Supervisor District #2:** Population – 4,075

shall consist of all of Lee, Poland, Lincoln, Fairfield, Coon, and Newell Townships. This description includes the cities of Albert City, Marathon, Newell, Sioux Rapids.

### **Supervisor District #3:** Population – 4,065

shall consist of all of Grant and Providence Townships; and the city of Lakeside; and city of Truesdale; and the unincorporated part of Washington Township; and in *Hayes Township* ---

- census tract #9604 the following census block #'s - 1009, 1010, 2000, 2038, 2039, 2059, 2041, 2999, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2061, 2067, 2068, 2069, 2085, 2086, 2087, 2091, 2092, 2093, 2094, 2095, 2096, 3050, 3999, and in
- census tract #9605 the following census block #'s – 1999, 2008, 2025, 2998, 2999, 4999, and in
- census tract #9606 the following census block #'s – 4000, 4006, 4008, 4077, 4078, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4112, 4113, 4998, 4999;

and in the *city of Storm Lake* in ---

- census tract #9605 the following census block #'s – 1011, 1012, 1013, 1014, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, and in
- census tract #9604 the following census block #'s – 1004, 1020, 1021, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 2060.

### **Supervisor District #4:** Population – 4,086

shall consist of the westerly part of the *city of Storm Lake* including in ---

- census tract #9606 the following census block #'s – 4004, 4005, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, and in
- census tract #9605 the following census block #'s – 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 2000, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 3013, 3014, 3015, 3016, 3017, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022.

### **Supervisor District #5:** Population – 4,084

shall consist of the easterly part of the *city of Storm Lake* including in ---

- census tract #9604 the following census block #'s – 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2059, 2060, 2062, 2063, 2064, 2065, 2066, 2088, 2089, 2090, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020,

- 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049; and in
  - census tract #9605 the following census block #'s – 3018, 3019, 3020, 3021, 3034, 3035, 4000, 4001, 4011, 4012, 4013, 4014, 4023, 4024, 4025.
- 

Motion by Vail to amend today's agenda by deleting the discussion of the Truesdale waterline (not all parties could be present) at 11:00 a.m. and adding Ken Hach for discussion of the development of additional windpower generation in Buena Vista County. Carried.

CPC Dawn Mentzer was present to discuss an appeal to the state for reimbursement from Medicaid funds. The county was notified over a year ago that these funds were due from the State of Iowa, but has never received them. Motion by Gustafson to proceed with an appeal to the State Appeal Board to release funds in the amount of \$72,389.83 for outstanding charges prior to July 1, 1999, and to approve and to authorize the Chairman to sign the appeal form and cover letter. Carried.

Mentzer advised the board that the FY'02 case management proposed rate has been reduced. She expects the county's reimbursement for case management to be approximately \$10,000 less than budgeted this year. The proposed rate was \$148.90, and may now be \$131.36.

Mentzer also reviewed a client case management report, and an activity program evaluation for FY'01.

Lutheran Family Services has requested that the county consider raising the service rate again, now that they have reduced the number of service hours. Originally, a 3% increase was approved with LFS having requested more. The board approved a \$5/hr increase effective 5/1/01, and agreed to review the request again in 6 months. Motion by Bruns to approve a service rate increase for LFS of 50% of the difference between the current rate and that requested for 1/1/01, for a rate of \$29.56/hr effective 8/1/01. Carried.

Regarding a placement at Spectra Health Care, a bill has been incurred for maintenance which will eventually be covered by SSI, if the client is found eligible, but would be paid by the county, if SSI is not approved. Administrator Sue Morrow has requested that the county consider paying this amount in the interim until the SSI decision is known. The consensus of the board was to wait for the SSI decision.

Engineer Jon Ites reported that the company providing CDL drug testing services (DATA) will now be charging an annual fee of \$100 based on the county having more than 15 employees subject to the testing. This amount is in addition to the testing fees.

Ites reported on the cost to light the intersection of Hwy 71 and the extension of E Milwaukee Ave. Installation of 2 lights by Iowa Lakes Electric Cooperative at the location would be \$1,286 with a usage bill of \$165/yr. Motion by Gustafson to accept the Iowa Lakes Electric Cooperative proposal and proceed with the intersection lighting project. Carried.

Motion by Vail to accept the proposal of Fort Dodge Asphalt, and to proceed with slurry leveling and crack filling projects at three locations (approximately 8 miles) at a cost of \$17,612. Carried.

Motion by Bruns to authorize the Engineer to sign proposal for day labor work with Kooiker Construction for culvert replacement projects at the following locations for the amounts noted: south of Vigorena-\$12,450, north of Section 28 Scott Township-\$10,480, and 3 locations on M-31 \$7,950 for each of 2 and \$5,980 for the 3<sup>rd</sup>. Carried.

Motion by Gustafson to authorize the engineer to negotiate a contract with Barga, Inc., Mountain Lake, MN, for a maintenance project to rout and rubberize the joints on Business 71, a total of 6.5 miles. Carried.

Ites reported that final estimates have been received for his signature on the following **projects** #’s **STP-S-11(40)—5E-11**, **FM-11(43)55-11**, and **FM-11(48)—55-1**.

Motion by Crampton to authorize the engineer to sign a contract with Equity Contracting, Adel, in the amount of \$10,644.42 for maintenance **bridge sealing** for 13 bridges. Carried.

It was the consensus of the board to proceed with a project to add a lean-to extension to the **Rembrandt maintenance building** at an estimated cost of \$5,000 for materials plus concrete, and using secondary road labor. The City of Rembrandt owns the adjoining parcel, and will give the county 12 feet to allow for the building addition.

It was the consensus of the board to authorize the engineer to negotiate a contract for gravel crushing at the **Hayes Pit** later this year or early next year. Carried.

A letter from **Union Pacific Railroad** requests \$9,000 in damages for gravel moved on their tracks. Ites has attempted contacting them by telephone and is waiting for a response.

**Treasurer** Kathy Bach presented her semi-annual report and noted that the amount of outstanding warrants on June 30 was extremely large due to having paid bills on June 29.

Ken Hach, **Clipper Wind Power**, discussed his company’s activities and that they have submitted a proposal to Mid-American Energy to provide 100 megawatts of wind power in a project in Maple Valley Township and Sac County. He also noted that Enron has announced that they will not be developing any additional windfarm projects, but instead will focus their efforts in providing windpower equipment.

Engineer Ites presented utility permits for approval. Motion by Vail to approve and to authorize the Chairman to sign the following **utility construction permits**:

- from Peoples Telephone Company, Aurelia, to install fiber, telephone cable and cabinet in the right-of-way from the county line at the southwest corner of Section 6, Elk Township going across 10<sup>th</sup> Ave. and on the north side of 490<sup>th</sup> St. to 100’ east of the intersection;
- from Qwest Corp., Omaha, to install 2,800’ of copper telephone cable along the new grade of C-13 from Sioux Rapids east to the T intersection at the cemetery;
- from Iowa Telecommunications Services, Inc, Grinnell, to install copper telephone cable along 510<sup>th</sup> St. from the intersection of 170<sup>th</sup> St. & 510<sup>th</sup> St. east 2,000’ on the south side of 510<sup>th</sup> St., Lincoln Township, total of 2,045’;
- from Iowa Telecommunications Services, Inc, Grinnell, to install copper telephone cable for E & M Pork along 460<sup>th</sup> St. from 100<sup>th</sup> Ave. west approximately 550’, then crossing to the north ROW, all between Sections 21 and 28 Barnes Township;
- from Iowa Lakes Electric Cooperative, Estherville, for Pork Ridge L.C., to install a 7200 volt single phase overhead transmission line from the NE¼ of Section 35 across 180<sup>th</sup> Ave. to the east and then south in the east ROW between Sections 35 & 36, Providence Township.

Carried.

1:00 p.m.—The time having arrived for the public hearing on the **subdivision request** of Ron Dierwechter, the Chairman opened the hearing with Zoning Director Kim Johnson present. The Zoning Commission has recommended approval. There being no objections, motion by Vail to close the public



hearing. Carried. Motion by Gustafson to approve and to authorize the Chairman to sign Resolution 2001-07-31A approving the subdivision request of Ron Dierwechter. Carried.

**RESOLUTION 2001-07-31-A**

**WHEREAS**, Ronald Dierwechter has presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¼ SE¼) OF SECTION 15, TOWNSHIP 91 NORTH, RANGE 37 WEST, OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Southeast Quarter (SE¼) of said Section 15; Thence on an assumed bearing of North 90°00'00" West, along the South line of said Southeast Quarter (SE¼), 1020.18 feet to the Point of Beginning. Thence continuing North 90°00'00" West along said South line, 201.74 feet; Thence North 01°19'44" West, 270.07 feet; Thence South 90°00'00" East, 201.74 feet; Thence South 01°19'44" East, 270.07 feet to the Point of Beginning.

Hereafter known as Lot A of Section 15, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 1.25 Acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: none.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: none.

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¼ SE¼) OF SECTION 15, TOWNSHIP 91 NORTH, RANGE 37 WEST, OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Southeast Quarter (SE¼) of said Section 15; Thence on an assumed bearing of North 90°00'00" West, along the South line of said Southeast Quarter (SE¼), 1020.18 feet to the Point of Beginning. Thence continuing North 90°00'00" West along said South line, 201.74 feet; Thence North 01°19'44" West, 270.07 feet; Thence South 90°00'00" East, 201.74 feet; Thence South 01°19'44" East, 270.07 feet to the Point of Beginning.

Hereafter known as Lot A of Section 15, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: none.

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTH EAST QUARTER (SE¼ SE¼) OF SECTION 15, TOWNSHIP 91 NORTH, RANGE 37 WEST, OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Southeast Quarter (SE¼) of said Section 15; Thence on an assumed bearing of North 90°00'00" West, along the South line of said Southeast Quarter (SE¼), 1020.18 feet to the Point of Beginning. Thence continuing North 90°00'00" West along said South line,

201.74 feet; Thence North 01°19'44" West, 270.07 feet; Thence South 90°00'00" East, 201.74 feet; Thence South 01°19'44" East, 270.07 feet to the Point of Beginning.

Hereafter known as Lot A of Section 15, Township 91 North, Range 37 West of the 5<sup>th</sup> 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 31st day of July, 2001.

/s/ Lorna Burnside, Chair Board of Supervisors

Attest: /s/ Karen M. Strawn, Auditor

1:05 p.m. — The time having arrived for the public hearing on the **subdivision request** of Bill Holmes, the Chairman opened the hearing with Zoning Director Johnson present. The Zoning Commission has recommended approval. There being no objections, motion by Gustafson to close the public hearing. Carried. Motion by Vail to approve and to authorize the chairman to sign Resolution 2001-07-31B approving the subdivision request of Bill Holmes. Carried.

**RESOLUTION 2001-07-31-B**

**WHEREAS**, William and Donna Holmes have presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NW¼ SW FRAC¼) OF SECTION 7, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Southwest Fractional Quarter (SW Frac.1/4) of said Section 7. Thence on an assumed bearing of South 00°00'00" East, along the West line of said Southwest Fractional Quarter (SW FRAC.1/4), 678.44 feet to the Point of Beginning; Thence continuing along the West line of said Southwest Fractional Quarter (SW FRAC.1/4) South 00°00'00" East, 387.39 feet; Thence South 90°00'00" East, 215.59 feet; Thence South 73°18'07" East, 87.65 feet; Thence North 70°24'32" East, 150.78 feet; Thence North 00°07'27" East, 128.03 feet; Thence North 46°47'42" West, 149.95 feet; Thence North 03°42'40" West, 61.85 feet; Thence South 89°49'43" West, 202.48 feet; Thence North 04°56'37" West, 50.16 feet; Thence North 80°33'36" West, 123.43 feet to the Point of Beginning.

Hereafter known as Lot A of Section 7, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 3.13 acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: none.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: none.

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NW¼ SW FRAC¼) OF SECTION 7, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup>

P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Southwest Fractional Quarter (SW Frac.1/4) of said Section 7. Thence on an assumed bearing of South 00°00'00" East, along the West line of said Southwest Fractional Quarter (SW FRAC.1/4), 678.44 feet to the Point of Beginning; Thence continuing along the West line of said Southwest Fractional Quarter (SW FRAC.1/4) South 00°00'00" East, 387.39 feet; Thence South 90°00'00" East, 215.59 feet; Thence South 73°18'07" East, 87.65 feet; Thence North 70°24'32" East, 150.78 feet; Thence North 00°07'27" East, 128.03 feet; Thence North 46°47'42" West, 149.95 feet; Thence North 03°42'40" West, 61.85 feet; Thence South 89°49'43" West, 202.48 feet; Thence North 04°56'37" West, 50.16 feet; Thence North 80°33'36" West, 123.43 feet to the Point of Beginning.

Hereafter known as Lot A of Section 7, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: none.

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NW¼ SW FRAC¼) OF SECTION 7, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Southwest Fractional Quarter (SW Frac.1/4) of said Section 7. Thence on an assumed bearing of South 00°00'00" East, along the West line of said Southwest Fractional Quarter (SW FRAC.1/4), 678.44 feet to the Point of Beginning; Thence continuing along the West line of said Southwest Fractional Quarter (SW FRAC.1/4) South 00°00'00" East, 387.39 feet; Thence South 90°00'00" East, 215.59 feet; Thence South 73°18'07" East, 87.65 feet; Thence North 70°24'32" East, 150.78 feet; Thence North 00°07'27" East, 128.03 feet; Thence North 46°47'42" West, 149.95 feet; Thence North 03°42'40" West, 61.85 feet; Thence South 89°49'43" West, 202.48 feet; Thence North 04°56'37" West, 50.16 feet; Thence North 80°33'36" West, 123.43 feet to the Point of Beginning.

Hereafter known as Lot A of Section 7, Township 91 North, Range 37 West of the 5<sup>th</sup> 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 31st day of July, 2001.

/s/ Lorna Burnside, Chair, Board of Supervisors

Attest: /s/ Karen M. Strawn, Auditor

1:10 p.m. The time having arrived for the public hearing on the **subdivision request** of Terry Peters, the Chairman opened the hearing with Zoning Director Johnson present. The Zoning Commission has recommended approval with a stipulation. There being no objections, motion by Bruns to close the public hearing. Carried. Motion by Crampton to approve and to authorize the chairman to sign Resolution 2001-07-31C approving the subdivision request of Terry Peters with a stipulation that the newly described parcel be added to Peter's original parcel. Carried.

**RESOLUTION 2001-07-31-C**

**WHEREAS**, Terry Peters has presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼ NE¼) OF SECTION 36, TOWNSHIP 90 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Northeast Quarter (NE¼) of said Section 36; Thence on a previously recorded bearing of South 90°00'00" East, along the North line of said Northeast Quarter (NE¼), 1005.31 feet to the Point of Beginning. Thence continuing along said North line, South 90°00'00" East, 308.69 feet; Thence South 01°26'20" East, 604.10 feet; Thence North 90°00'00" West, 432.57 feet; Thence North 01°28'47" West, 18.52 feet; Thence South 88°45'14" East, 317.48 feet; Thence North 01°20'17" West, 277.18 feet; Thence North 86°44'57" West, 86.09 feet; Thence North 69°46'06" West, 116.22 feet; Thence North 01 25'51" West, 270.21 feet to the Point of Beginning.

Hereafter referred to as Lot A of Section 36, Township 90 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 3.04 Acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: above described parcel is to become part of Peters' original lot and shall not become a parcel to be sold on it's own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: above described parcel is to become part of Peters' original lot and shall not become a parcel to be sold on it's own.

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼ NE¼) OF SECTION 36, TOWNSHIP 90 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Northeast Quarter (NE¼) of said Section 36; Thence on a previously recorded bearing of South 90°00'00" East, along the North line of said Northeast Quarter (NE¼), 1005.31 feet to the Point of Beginning. Thence continuing along said North line, South 90°00'00" East, 308.69 feet; Thence South 01°26'20" East, 604.10 feet; Thence North 90°00'00" West, 432.57 feet; Thence North 01°28'47" West, 18.52 feet; Thence South 88°45'14" East, 317.48 feet; Thence North 01°20'17" West, 277.18 feet; Thence North 86°44'57" West, 86.09 feet; Thence North 69°46'06" West, 116.22 feet; Thence North 01 25'51" West, 270.21 feet to the Point of Beginning.

Hereafter refereed to as Lot A of Section 36, Township 90 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: above described parcel is to become part of Peters' original lot and shall not become a parcel to be sold on it's own.

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW¼ NE¼) OF SECTION 36, TOWNSHIP 90 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Northeast Quarter (NE¼) of said Section 36; Thence on a previously recorded bearing of South 90°00'00" East, along the North line of said Northeast Quarter (NE¼), 1005.31 feet to the Point of Beginning. Thence continuing along said North line, South 90°00'00"

East, 308.69 feet; Thence South 01°26'20" East, 604.10 feet; Thence North 90°00'00" West, 432.57 feet; Thence North 01°28'47" West, 18.52 feet; Thence South 88°45'14" East, 317.48 feet; Thence North 01°20'17" West, 277.18 feet; Thence North 86°44'57" West, 86.09 feet; Thence North 69°46'06" West, 116.22 feet; Thence North 01 25'51" West, 270.21 feet to the Point of Beginning.

Hereafter referred to as Lot A of Section 36, Township 90 North, Range 35 West of the 5<sup>th</sup> 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 31st day of July, 2001.

/s/ Lorna Burnside, Chair, Board of Supervisors

Attest: /s/ Karen M. Strawn, Auditor

Motion by Vail to appoint Ginger Vietor to the Buena Vista County **Zoning Commission** representing Barnes and Brooke Township. Carried.

Drainage Watchman Bud Vote presented his report on his review of the trees and brush in the county's open drainage ditches. Motion by Vail to direct Bud Vote to prepare a work order for tree removal on the upper end of **DD #49**. Carried.

Vote reported on his review of Tom Smith's request to do some private work on the upper end of **Jt. DD#274**. Vote recommended that due to potential future concerns, it would be best if Smith would go through the appropriate process and request cleanout in the district, rather than do the work privately. Vote will prepare a letter noting these concerns.

Motion by Crampton to approve the **minutes** of the 7/17 meeting, and the following **reports**: 2<sup>nd</sup> Qtr 2001 Farm to Market Road Fund statement, 4<sup>th</sup> Qtr FY'01 Recorder's fees, FY'01 semi-annual Treasurer's report. Carried.

Motion by Bruns to approve the **cigarette permit** and **liquor license application** of Simar Food Corporation dba as Pronto Market, Storm Lake. Carried.

Motion by Gustafson to adjourn at 3:00 p.m. until Tuesday, August 7, at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING**  
**THIRTY-FIRST MEETING, 2001 SESSION (31)**  
**AUGUST 7, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 7, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

**Iowa Lakes RC&D** Exec. Director Jeff Kestel met with the Board to request seed money to acquire a building for the computer recycling program. The Board had previously agreed to support the project, provided the other 4 counties also participated. At the current time, Palo Alto is not supportive, but the funds are needed. Kestel is also pursuing funding from DNR, called a Renaissance grant. Motion by Crampton to provide \$2,000 and a letter of support to Iowa Lakes RC&D for the computer refurbishing

project. Carried. Kestel also discussed some of the other economic development business efforts in which his organization has been involved.

Engineer Jon Ites reported that Borgen Inc. believes that routing and crack filling on **Business 71** can be done without damaging the epoxy paint on the center line. Motion by Gustafson to approve the routing and crack filling maintenance project for Business 71 by Borgen Inc., Mountain Lake, MN for \$1.35/lb. using 8-10,000 pounds, or approximately \$12,150.00. Carried.

A letter from Dave and Ann Degner Jr. requested that the county consider **vacating the level B road** between Sections 1 and 12, Newell Township. So far, there has been no contact with other landowners adjacent and nearby. Provides access to a major county tile. Since there has been no contact with any other landowners, Gustafson suggested a petition from all landowners so that the Board has assurance that there is support from all who might be effected. Ites will assist by drafting an appropriate document. The Chairman suggested that all Board members take the opportunity to view the road.

Ites discussed (Kuehl & Payer) Engineer Ivan Droessler's letter to IDOT Engineer Clyde Bartels regarding the **Albert City drainage** project. Ites will check on the status of plans Droessler is drafting for the surface channel cleanout.

Corn Belt Power will be conducting a public hearing for their proposal to install a 69 kv transmission line to **Rembrandt Industries**. They have requested feedback from the county. The road along which the installation is proposed is not heavily traveled. It was the consensus of the Board to respond with "no comment".

The Board considered the cost of several options for a **bridge** along Section 34, Lee Township. The cost of a new bridge of simple design is approximately \$80,000. The existing bridge requiring work is 16' wide. Replacement with culverts would cost \$9-10,000. Another option is to add new supports for the existing structure since the bridge deck is in good condition. The new pilings would give 15-20 years of life to the bridge, but keeps it at the narrow 16' width. Motion by Vail to proceed with plans to repair the existing bridge by adding new pilings and to direct the Engineer to negotiate with Calhoun-Burns, bridge consultant for a 1-page plan for the project. Carried.

The City of **Marathon** has requested approval to place a flush hydrant in county ROW on the north side of the east-west county road at the extension of Agora St. where the city already has a facility. The Board requested that they submit an utility construction permit application with their request.

Motion by Bruns to approve and to authorize the Chairman to sign the following **utility construction permit** applications:

- from Iowa Telecommunications Services of Grinnell, Iowa, to install 25 pair copper telephone cable along Section 5, Brooke Township, on 30<sup>th</sup> Ave. west 672' to the pedestal in the south shoulder of the gravel road, to maintain the existing facility in repair;
- from Iowa Telecommunications Services of Grinnell, Iowa, to install 25 pair copper telephone cable along Section 13 and 25, Elk Township, from M-36 west to PSA Genetics entrance in the north shoulder of the gravel road, to improve the service.

Carried.

Motion by Crampton to appoint Nurse Administrator Diane Anderson to the **Safety Committee**, replacing Karole Graen who retired. Carried.

Motion by Vail to approve the **minutes** of the 7/31 meeting as printed. Carried.

Motion by Burnside to adjourn at 11:30 a.m. until Tuesday, August 14, at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING**  
**THIRTY-SECOND MEETING, 2001 SESSION (32)**  
**AUGUST 14, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 14, 2001, at 10:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Gustafson, Vail, and with Auditor Strawn as clerk for the meeting. Absent: Bruns, Crampton.

Unless otherwise indicated, all of the motions were carried with the following vote: Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

The Board teleconferenced with the Sac County Board of Supervisors. Auditor Strawn reported that the publication deadline for the notice had been missed and that a new date and time needed to be set for the completion hearing for the **DD #274** bridge/culvert project. Both boards agreed to setting September 4, 2001 at 11:00 a.m. by teleconference with Engineer Ivan Droessler to attend in Storm Lake, as the new date, place and time. The two boards also discussed the request of Tom Smith to do some private cleanout work at his own expense in the upper end of DD #274. Watchman Bud Vote has investigated and given a recommendation that Smith go through the request for cleanout petition to the drainage district, in order to avoid future questions regarding who should pay for other work. A copy of Vote's letter will be sent to Smith with the information that Buena Vista and Sac Counties would be meeting by telephone on September 4, in the event he has questions or would like to submit a petition for cleanout.

Engineer Jon Ites has investigated the traffic in the **Bargloff Addition** following a request for additional signing to slow or stop traffic. He reported that he finds no current need for additional signing, so no action was taken.

Ites reported on costs for the **bridge** inventoried as #195 in Section 34, Lee Township. The plan cost from Calhoun Burns is \$1,250, plus \$3,948 for pilings, \$500 for steel. The total to install will be about \$15,630. It was the consensus of the Board to proceed.

Ites asked what the Board's guidelines were for determining when to request **certificates of insurance** from contractors and others doing work for the county.

Ites reported on current **project status** including C-13 and the bridge west of PSA Genetics.

Sheriff Chuck Eddy reported that a \$300 check had been received from the RAGBRAI Committee for the **Sheriff's Reserves** who assisted with safety and traffic activities during RAGBRAI. By consensus, the Board approved endorsing the check over to the fund for the Sheriff's Reserves.

The auditor reviewed a number of questions regarding **insurance** coverage on the current policies. The Board requested that the agent meet with them to further discuss the issues on extending blanket bond coverage, and contractor's equipment.

The Board took up the discussion of merging or dividing **precincts** based upon 2000 Census information. The auditor gave a report of the public meeting held August 8 to discuss this subject, and answered the Board's questions regarding cost, etc. At the public meeting most of the comments concerned **not reducing access** by requiring that voters drive any further than necessary to vote. Motion

by Vail to approve and to authorize the Chairman to sign the following resolution regarding election precincts for Buena Vista County. Carried.

#### **RESOLUTION 2001-08-14**

**WHEREAS**, pursuant to Chapter 49, 2001 Iowa Code, the Board of Supervisors shall review precincts for towns under 2000 in population and for the unincorporated areas of the county in light of the changes in population following the 2000 Census, and

**WHEREAS**, the population has increased 2.2% countywide, with some small decreases in certain small towns and townships, and

**WHEREAS**, no economic or other imperatives suggest a great need for increasing or decreasing the number or size of precincts,

**NOW THEREFORE BE IT RESOLVED** that the existing precincts for the towns under 2000 in population and for the unincorporated areas of the county be declared valid and continued without change for 2001-2010, as follows:

1. Alta-Nokomis Precinct (AN) shall include all of the city of Alta and all of the remainder of Nokomis Township.
2. Brooke Precinct (BR) shall include all of Brooke Township.
3. Elk Precinct (EL) shall include all of Elk Township.
4. Fairfield-Coon Precinct (FC) shall include all of the city of Albert City, all of the remainder of Fairfield Township, and all of Coon Township.
5. Grant-Providence Precinct (GP) shall include all of Grant and Providence Townships.
6. Hayes-Maple Valley Precinct (HM) shall include all of Hayes and Maple Valley Townships.
7. Lakeside Precinct (LK) shall include all of the city of Lakeside, and no part of Hayes Township.
8. Lee Precinct (LE) shall include all of the city of Sioux Rapids in Barnes and Lee Township, and all of the remainder of Lee Township.
9. Lincoln-Scott Precinct (LS) shall include all of Lincoln and Scott Townships.
10. Linn Grove Precinct (LG) shall include all of the city of Linn Grove, and Sections 1-21 and 29-30, Barnes Township.
11. Newell Precinct (NE) shall include all of the city of Newell and all of the remainder of Newell Township.
12. Poland Precinct (PO) shall include all of the city of Marathon and all of the remainder of Poland Township.
13. Rembrandt Precinct (RE) shall include all of the city of Rembrandt, and Sections 22-28 and 31-36 Barnes Township.
14. Truesdale Precinct (TR) shall include all of the city of Truesdale and all of the remainder of Washington Township outside the city limits of Storm Lake.



**PASSED AND APPROVED** THIS 14<sup>th</sup> day of August, 2001.

/s/ Lorna Burnside, Chairperson, Board of Supervisors    ATTEST: /s/ Karen M. Strawn, Auditor

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Motion by Gustafson to approve and to authorize the Chairman to sign a service agreement for FY'02 with **Humboldt Workshop, Inc.** for 1 person with a rate increase from \$26.40/day to \$27.19. Carried.

Motion by Vail to approve and to direct the Auditor to prepare **certificates of adjustments** canceling public bidder certificates #'s 1692 and 1699 for two properties for which Quit Claim Deeds were issued to Buena Vista County. Carried.

**Spectra** Administrator Sue Morrow had submitted a request for some plumbing repairs at Spectra. A new estimate is needed, but Morrow was authorized to proceed with a new contractor if the new estimate is not substantially different from the previous one which is no longer valid from Curtis Plumbing.

Motion by Gustafson to approve the **minutes** of the 8/7 meeting as printed, and the following **reports**: July budget reports, Spectra lagoon monitoring report by Mangold, July Clerk's fines-forfeitures-surcharges. Carried.

Motion by Vail to approve and to authorize the Chairman to sign a work order for proposed tree removal work in **DD #49**. Carried.

Motion by Vail to approve and to authorize the Chairman to sign a contract with **DMG Maximus** to provide a cost allocation report preparation services for FY'01 and '02. Carried.

Present for the discussion of the **Truesdale waterline**, damaged in February, 2001, by county equipment during snow clearing operations, were: Stan Buchholz, Mike Meusbarger, and Jim Weiland - Councilpersons from Truesdale, Engineer Ites, Maintenance Superintendent Tom French, and County Attorney Phil Havens. Meusbarger described the location of the waterline standpipe in the ditch. (Water is purchased by Truesdale from Storm Lake by way of an extension of the waterline to Spectra Health Care.) Trees near the fenceline helped to create a large snow drift. Pushing the snow off the roadway put it in the ditch and on the private drive. French indicated that the position of the standpipe would indicate that it was knocked over while pushing snow from the roadway with the endloader. At the time the waterline was installed, the city requested approval to use the county ROW for the line. The utility agreement approved by the county states that the county assumes no liability for maintenance operations. The city is asking for help with the expense - \$2,472 in costs for the water over and above average usage, and the repair bill. Motion by Gustafson to reimburse the city for the cost of the repair in the amount of \$902.00. Vail stated that he believes payment would set a dangerous precedent for similar occurrences. Many mailboxes, telephone pedestals, etc. are struck when they are hidden by snow. Gustafson called the question. Aye-Gustafson. Nays-Vail, Burnside. The motion was lost.

Motion by Burnside to adjourn at 1:30 p.m. until Tuesday, August 21, at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING**  
**THIRTY-THIRD MEETING, 2001 SESSION (33)**  
**AUGUST 21, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 21, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

**Insurance** agent Doug Svendsen was present to discuss several issues. The amount of the current theft/employee dishonesty coverage can be increased, but the blanket bond is currently at the maximum. Contractors should provide certificates of insurance. Contractor's equipment limits and deductibles were also discussed.

Custodian Dewyne Stucynski was present to discuss the proposal from **Swift Air** for re-doing the heating/cooling of the sheriff's office and jail control room area. The changes should assist in saving some energy dollars over the weekends by permitting shutdown of the courthouse major systems. Stucynski will discuss a revision of payment terms with Swift Air prior to taking action on a proposal. The **DLR Group** has sent a letter indicating interest in providing engineering services to evaluate the mechanical system of the jail.

Motion by Vail to **void warrant** #'s 133322 & 134313 issued for \$13.00 each (in June and July, 2001) to Aetna Insurance, and to deposit them into the issuing fund as the company shows the account paid in full. Carried.

Motion by Vail to approve the **minutes** of the 8/14 meeting as printed. Carried.

Sheriff Chuck Eddy stopped in to inform the Board of a letter from the City of Sioux Rapids asking him to meet with the Council on September 10 to discuss the county providing **contract law enforcement** to the city. Vail was appointed to represent the board at the meeting.

**Community Services** Director Dawn Mentzer informed the Board that her secretary has submitted her resignation. The Board approved that she proceed with filling the position.

Mentzer noted that the county's **managed care plan** may need to be revised to permit community mental health services from other providers in addition to Season's Center, for persons with legal settlement in Buena Vista County.

Mike Corderman stopped in to ask about grazing sheep on the old **Pampered Beef** property. The board informed him that the county has never taken deed to the property.

Motion by Crampton to **void warrants** #132259, #132260, #132261, and #132262 dated 5/24/01 issued to the Hartford, as the company shows the four employee accounts paid in full, and to deposit into the original issuing fund the corresponding check from the Hartford in the amount of \$330.00. Carried.

Motion by Gustafson to adjourn at 10:35 a.m. until Tuesday, August 28, at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING**  
**THIRTY-FOURTH MEETING, 2001 SESSION (34)**  
**AUGUST 28, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 28, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Jim Sinek and Brad Strader, **BV Regional Medical Center**, were present to update the Board on the center's current building/fundraising campaign. They are in the schematic drawing/design development stage with Ruble and Architects, and anticipate using a 3<sup>rd</sup> party firm for cost estimation. The next step will be to draft construction documents. If everything stays on schedule, they will accept bids in December, and award them in January, with construction to begin in Spring, 2002. Construction is expected to take about 20 months.

Assistant County Attorney Dave Patton, Zoning Director Kim Johnson, Darrel Rettig, Rembrandt Enterprises, and Bill Malloy, Attorney for **Rembrandt Enterprises, Inc.**, were present to discuss Patton's letter to Malloy regarding the proposed use for the company's building currently under construction. Patton stated that he had intended by his letter to keep the Board informed, but apparently it raised questions. Gustafson asked what the intended use is of the building currently under construction. It is not for egg washing or egg breaking. Malloy stated that when the company is ready for the egg breaking building, they intend to proceed under the county's zoning ordinance. Malloy's goal is also to keep the county personnel informed of the company's progress. Eggs collected from the #2-layer house will be moved into the #1 layer house for cooling, packing and shipping. When ready for the building specifically constructed for egg-breaking, the cooling equipment will move to that new building. Gustafson noted that a ditch has been dug. Did the company request a wetland determination? Malloy responded that their engineering firm had looked into all matters and had taken care of the permitting. Gustafson mentioned a situation in Wright County where the Board of Supervisors has chosen to contest the decision of the DNR permitting the building of a poultry raising operation with an egg washing and processing facility. Gustafson asked Patton to contact the Wright County Attorney and research this situation to see what implications it has for Rembrandt Enterprises. Gustafson stated that the board needs to treat everyone the same. Malloy again stated that the company plans to apply for all of the appropriate permits. The manure management process at the facility has been redesigned – it will now flow into one of 2 buildings for drying and storage. The manure distribution equipment to be used was designed by Ranco of Sioux Rapids. The Chairman thanked those present for attending the meeting and providing the requested information.

**Zoning** Director Johnson discussed a complaint about a zoning issue in Casino Beach where the property owner is re-building a building. The Board directed her to require compliance.

Engineer Jon Ites reported on his discussion of **Hwy 71** intersection lighting with IDOT Engineer Clyde Bartel. Lighting has been approved for a 3<sup>rd</sup> location. Bartel had also reviewed the detour route to be used during re-construction of the bridge on **Hwy 7**. The project, which was being let that day, will not begin until March, 2002. Bartel will also look into safety issues on the **Hwy 110** curve.

Motion by Crampton to accept the proposal of Becker Gravel Co., Inc., Stratford, Iowa, to crush approximately 75,000 ton of gravel at the **Hayes Pit** for \$1.88/ton, and to authorize the engineer to negotiate on the proposal for crushing, loading, hauling, and stockpiling approximately 10,000 ton for the Maple Valley stockpile. Carried.

Ites has been notified that the Rick & John Anderson farming operation is changing, and a new lease for the **Whitney Pit** for the coming crop year is needed. Andersons would like to have the lease in Rick Anderson's name only. Motion by Bruns to approve and to authorize the Chairman to sign a cash farm lease with Rick Anderson for the 104 tillable acres at the Whitney Pit for the 2002-2005 crop years for a lease price per period of \$7,800, or \$75/ac. Carried.

The roofs on many of the county sheds were designed with a 20 year life, but are about 30 yrs old. Most are galvanized steel roofs and are rusty and leaking. Ites presented quotes from Borgen, Inc., Mountain Lake, MN., who offers a 10 year warranty on their work. Two other contractors were contacted, but did not respond. Motion by Crampton to accept the proposal of Borgen, Inc., to repair and apply sealant to the Rembrandt shed roof for \$9,757.45, plus \$154 for 10 yr. warranty. Carried. No action was taken on the proposal for the Hudson St. shop in the amount of \$17,057.75 plus \$375 for a 10 yr. warranty. The roof on the shed in Alta is also leaking. It was noted that it is less costly to do this repair than to shingle or re-roof. This expense puts the secondary road building expense category about \$3,000 over budget for the current year. Ites noted that the next roof on the list for repair should be for the Luedke bldg.

Motion by Vail to accept the quote of Gus Construction Co., Inc., Casey, Iowa, for patching two areas on C-13 in a total amount of \$22,294.00. Gustafson commented that he was concerned about the rural fund balance, and that money spent now won't be there later. Burnside commented that if the engineer is satisfied that the funds are available within the Secondary Road fund, she favors the project. Ayes-Bruns, Crampton, Vail, Burnside. Nays-Gustafson. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the utility construction permit application of Qwest, Sioux City, to install buried telephone cable on the west side of Section 35, Elk Township. Carried.

Doug Svendsen informed the board that the contractor's equipment policy is written on a per occurrence basis, so that if equipment is destroyed along with the building it is stored in, there would be a single deductible for all of the items listed. The premium is \$4/thousand, and the deductible is \$2,500. Motion by Gustafson to add Conservation's 3 mowers and grain drill to the coverage. Carried.

After a discussion of requesting certificates of insurance from contractors doing business for the county on the county's premises, motion by Gustafson to require certificates of insurance with a minimum of \$500,000 coverage naming the county as an insured. Carried. This policy shall apply to all contractors.

Motion by Vail to increase the crime/employee dishonesty policy coverage to \$250,000 per employee, which is the maximum coverage available, for an additional premium of \$125.00. Carried.

Motion by Gustafson, to approve and to authorize the Chairman to sign the services agreement with Echo Plus, Inc., Spirit Lake, for one person. Carried.

Motion by Bruns to approve the Class C and Sunday sales liquor license application of Al's Corner Oil Truck Stop dba Sparky's One Stop, Storm Lake. Carried.

Motion by Crampton to approve the minutes of the 8/21 meeting as printed, and the following report: July Conservation Board minutes. Carried.

Referencing the earlier discussion with Rembrandt Enterprises, Gustafson mentioned that he wanted to get the zoning question clarified by putting it on the agenda, and that he still wants verification that the drainage requirements are met.

Motion by Vail to adjourn at 11:35 a.m. until Tuesday, September 4, at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING**  
**THIRTY-FIFTH MEETING, 2001 SESSION (35)**  
**SEPTEMBER 4, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, September 4, 2001, at 10:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Crampton, Vail, and with Auditor Strawn as clerk for the meeting. Absent: Bruns, Gustafson.

Unless otherwise indicated, all of the motions were carried with the following vote: Crampton, Vail, Burnside. Nays: none. Abstentions: none.

Motion by Crampton to amend the agenda by adding discussion of **DD#81** with Engineer Ivan Droessler, and approval of a work order on **DD #64-105 Jt.** Carried.

Motion by Vail to approve and to authorize the Chairman to sign a work order for **DD #64-105 Jt.** for a location in Section 1 Delaware Twp., Sac County (cost estimate--\$350-\$400). Carried.

Bruns arrived for the meeting. Unless otherwise indicated, all succeeding motions were carried with the following vote: Bruns, Crampton, Vail, Burnside. Nays: none. Abstentions: none

Vail will attend the September department head meeting for the Chairman.

The Board reviewed a quote in the amount of \$3,860 from Kooiker Inc. for **bridge repair** at a site located on county road N-14 between Sections 34 & 35, Poland Township. The bridge was damaged when a truck was blown over by high winds.

Zoning Director Kim Johnson advised the Board of the need for 2 public hearings for a property in the Linn Grove area. Motion by Vail to hold a public hearing on the **subdivision request** of Ryan and Julie Siebrecht on September 11, 2001 at 9:00 a.m. and a second public hearing for their zoning re-classification request for the same property on 9/11/01 at 9:05 a.m. Carried.

Johnson informed the Board that **Rembrandt Enterprises, Inc.** has requested that their subdivision, which was approved 2/13/01, be vacated. This requires 2 publications before the Board of Supervisors can take action. The proposed layout of the buildings has been changed from the original plan, causing a need for re-doing the subdivision. Bruns asked if Rembrandt Enterprises would incur any costs for the vacation. Johnson answered that there are no fees required for this action. Motion by Crampton to set date and time of public hearing to vacate the 2/13/01 subdivision decision on property owned by Rembrandt Enterprises, Inc. as 9/25/01 at 8:30 a.m. Carried.

Johnson also reported that the owner of the **Casino Beach** property, which is being rebuilt but not in compliance with the county's zoning ordinance, will be notified by mail of the proper procedure for any future situations.

11:00 a.m.—The time having arrived for the teleconference with the Sac County Board of Supervisors for the **DD #274 Jt.** culvert project completion hearing, it was noted that the following persons were present in Sac County: Supervisors Rebecca Hillmer, Russ Kroeger, and John Bensley, Auditor Jim Dowling, and 1 person from the media. Present in Buena Vista County in addition to Supervisors Burnside, Bruns, Crampton and Vail, and Auditor Karen Strawn, were Kuehl & Payer Engineer Ivan Droessler, Chuck Wadsley, Tom Smith, and 1 person from the media. Motion by Hillmer, second by Vail, that Burnside serve as Chairman, and Strawn as clerk for the meeting. Carried.

Engineer Droessler reviewed the project from its initial discussion through to completion, which was to replace a wooden bridge on Wadsley's property with a 10' culvert. Wadsley thanked the board for the work done - he is very happy to have had the problem fixed that way. No objections or claims had been filed against the project. Droessler stated that the purpose of the hearing was to accept the project

as complete, and to approve the final payment. Motion by Hillmer, second by Bruns, to accept the DD #274 Jt. culvert project as completed, and to approve payment of the retainage in 30 days. Carried.

Motion by Vail, second by Kroeger, to close the completion hearing. Carried.

Tom Smith was present for a discussion of Watchman Bud Vote's recommendation against private cleanout (by Smith) of Smith's property. Vote recommended that if Smith wants to proceed, he could petition for clean-out, because just cleanout of just a portion would not necessarily help his drainage. Droessler stated that if a petition were filed, the joint board would have the petition investigated, followed by hearing for the clean-out. If approved, the project would be let, and a contractor hired. The work would probably be done in Spring, 2002. Smith asked if the elevation levels could be shot north of the bridge, which is where the problem is located, for about ¾ mile. Droessler responded that yes, profiles could be run. He also stated that the board could order preliminary work as a part of maintenance, without a petition. A preliminary investigation would determine how far the work would need to go to achieve natural flow. Smith stated that he doesn't want to ask to have more done than is necessary. Motion by Vail, second by Kroeger, that pursuant to Smith's verbal petition, Droessler is directed to do a preliminary investigation to determine the sedimentation level in the upper part of DD#274 Jt. Carried.

Droessler stated that he will try to get a crew out in the next 2 weeks. There being no further business, the Chairman closed the meeting of the joint boards.

Droessler also discussed **DD#81**. He has prepared plans and specs for cleanout of the surface channel, and estimates the work would cost \$13,408.00 which is under 75% of the original cost of \$18,185.54. Any project over 75% requires a hearing to proceed. The Board was satisfied that the cost estimate was under the 75% requirement, and directed Droessler to present the plans and specifications at the 9/11/01 meeting for the Board's approval. A tentative timetable would be to accept bids for letting on September 25, so that the work could begin this fall, if the weather is suitable.

Regarding the work that the City of **Albert City** is doing on their drainage problem, Droessler reported that the IDOT is not favorable to assisting with the project.

Motion by Crampton to approve the **minutes** of the 8/28 meeting as printed. Carried.

Motion by Bruns to adjourn at 11:45 a.m. until Tuesday, September 11, at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING**  
**THIRTY-SIXTH MEETING, 2001 SESSION (36)**  
**SEPTEMBER 11, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 11, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Motion by Bruns to amend the **agenda** by adding CPC Dawn Mentzer at 11:15 a.m. to discuss a new employee. Carried.

Treasurer Kathy Bach was present to address several property tax issues. Motion by Vail to approve the suspension of taxes on parcel #08-23-105-003, pursuant to Chapter 427.8 of the 2001 Code of Iowa. Carried.

Motion by Crampton to abate the current taxes on two mobile homes (VIN)#'s: 0509653354 and 0519695275, as they have been junked. Ayes—Crampton, Gustafson, Vail, Burnside. Nay-- Bruns. Carried.

Mike Corderman, who previously spoke to the board about renting the land formerly known as the Bryant Beef lagoon, and upon which the county holds a tax sale certificate, has contacted an attorney to assist him in investigating the purchase of the property. Treasurer Bach advised the board that she has been unable to contact the deed holder to the property, and that DNR has said that the lagoon can't just be filled in. Additional testing would be required. Corderman has made an offer of the back taxes. Gustafson stated that he didn't want the county to take the property over due to any potential future liability for clean-up. Testing by the DNR would not be free if the county did not take it over. Buena Vista County took the tax sale certificate in 1987. Bruns also indicated that he didn't want to set a precedent by taking the property.

Bach also discussed a building on leased land - personal property which has delinquent taxes on it – however, the owner can't be reached. The only action that can be taken is to get a personal judgment on it, which is a filed lien. Delinquent taxes are \$6,791 and over \$3,000 in interest is due. It was the consensus of the board that Bach consult Attorney Jon Murray on this process.

9:00 a.m.—The time having arrived for the public hearing on the subdivision request of Ryan and Julie Siebrecht, the Chairman opened the hearing with the Zoning Director Kim Johnson present, who reviewed the details of the request. She reported that the Zoning Commission had recommended approval. There being no objections to the request, motion by Crampton to close the public hearing. Carried.

Motion by Vail to approve and to authorize the Chairman to sign Resolution 2001-09-11 which approves the subdivision request of Ryan and Julie Siebrecht for a parcel in the Linn Grove area. Carried.

#### **RESOLUTION 2001-09-11-A**

**WHEREAS**, Ryan and Julie Siebrecht have presented a preliminary and final plat (of survey) on the following described property:

A parcel of land in the Northwest corner of the East Half of the Southwest Quarter (E½ SW¼) located South of the centerline of the local highway, all in Section Two (2), Township Ninety-Three (93) North, Range Thirty-Seven (37) West of the 5th P.M., Buena Vista County Iowa. From the Center of the road in the Northwest corner of the formally described property due south 32 rods, then East-Southeast at 77° 18 rods, then North 90° 28 rods to the center of the Highway thence West-Northwest 20 rods to the point of beginning. Tract contains 3.09 Acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: none.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: none.

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that:  
A parcel of land in the Northwest corner of the East Half of the Southwest Quarter (E½ SW¼) located South of the centerline of the local highway, all in Section Two (2), Township Ninety-Three (93) North, Range Thirty-Seven (37) West of the 5th P.M., Buena Vista County Iowa. From the Center of the road in the Northwest corner of the formally described property due south 32 rods, then East-Southeast at 77° 18 rods, then North 90° 28 rods to the center of the Highway thence West-Northwest 20 rods to the point of

beginning. Tract contains 3.09 Acres and is subject to all easements of record, is hereby accepted subject to the following if any: none.

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of

A parcel of land in the Northwest corner of the East Half of the Southwest Quarter (E ½ SW ¼) located South of the centerline of the local highway, all in Section Two (2), Township Ninety-Three (93) North, Range Thirty-Seven (37) West of the 5th P.M., Buena Vista County Iowa. From the Center of the road in the Northwest corner of the formally described property due south 32 rods, then East-Southeast at 77° 18 rods, then North 90° 28 rods to the center of the Highway thence West-Northwest 20 rods to the point of beginning. Tract contains 3.09 Acres and is subject to all easements of record, and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 11th day of September, 2001.

/s/ Lorna Burnside, Chairman, Board of Supervisors

Attest: /s/ Karen M. Strawn, Auditor

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Zoning Director Johnson discussed the petition of Rembrandt Enterprises, Inc., to re-zone a parcel from agricultural to industrial. The company does not plan to construct the egg breaking facility at this time, but would like to run the cement this fall. Motion by Vail to set the public hearing on the **zoning re-classification** request (from A-1 to I) of Rembrandt Enterprises as September 25, 2001, at 8:00 p.m. in the courthouse public meeting room. Carried.

9:05 a.m. -- The Chairman opened the public hearing on the **zoning re-classification** request (from A-1 to A-2) of Ryan and Julie Siebrecht with Zoning Director Kim Johnson present. Johnson reported that the parcel is classified A-1, but that it is not prime agricultural ground. There being no objections to be heard, motion by Bruns to close the public hearing. Carried.

Motion by Vail to accept the recommendation of the Zoning Commission to approve the request of Ryan and Julie Siebrecht to re-classify the zoning, from A-1 to A-2, for the following parcel:

"A parcel of land in the Northwest corner of the East Half of the Southwest Quarter (E ½ SW ¼) located South of the centerline of the local highway, all in Section Two (2), Township Ninety-Three (93) North, Range Thirty-Seven (37) West of the 5th P.M., Buena Vista County Iowa. From the Center of the road in the Northwest corner of the formally described property due south 32 rods, then East-Southeast at 77° 18 rods, then North 90° 28 rods to the center of the Highway thence West-Northwest 20 rods to the point of beginning. Tract contains 3.09 Acres and is subject to all easements of record."

Carried.

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Kuehl & Payer Engineer Ivan Droessler filed specifications and plans, for a waterway/cleanout of DD #81. He reviewed a specifications summary for decision items which the board approved. Motion by Vail to approve the final plans and specifications for the waterway/cleanout for **DD #81**, to set the bid letting date as September 25, 2001, at 10:30 a.m. in the boardroom, and, to publish the notice to bidders as follows: twice in the Storm Lake Pilot-Tribune, and once in the BV Journal. Carried.

Droessler also reported on city of **Albert City's** drainage project and their negotiations with the IDOT.



Engineer Jon Ites provided the board with project update on current projects. Motion by Bruns to approve and to authorize the Chairman to sign a contract with Becker Gravel Co., Inc., Stratford, to process and stockpile 75,000 tons of gravel at the S. Hayes Pit. Carried.

It was the consensus of the board to authorize the engineer to solicit quotes for review on 9/25 to replace the maintenance superintendent's pickup. The same specs can be used for the Env Health/Zoning Director's pickup. The Director's van and the last of the secondary road diesel pickups will be used as trade-ins on the replacement vehicles.

It was the consensus of the board to approve that the engineer investigate a cure for the particular type of damage suffered by 2 bridges on C-65, which are not of the usual design.

Motion by Gustafson to approve and to authorize the Chairman to sign the following utility construction agreements:

- Iowa Lakes Electric Cooperative, Estherville, Iowa, to install an underground 3-phase, 7200/12470 volt distribution line replacing existing, failing cable, along the south side of 640<sup>th</sup> St. from the NW corner of Section 30, Newell Twp., going west approximately 1.25 miles;
- Iowa Telecommunications Services, Inc, Grinnell, Iowa, to install 1650' of copper telephone cable along 200<sup>th</sup> Ave. on the west side of Section 20, Poland Twp.

Carried.

MER Engineering has submitted plans for the **City of Newell** for a utility construction agreement, but at Ites' recommendation, they will be asked to go over the plans prior to the board's consideration of the application.

Nurse Administrator Diane Anderson reviewed Board of Health minutes for July and August, and discussed the new Wednesday evening clinic at BV Regional Medical Center through which Dr. Archer provides services to TB patients. The 6-8 p.m. clinic includes chest x-rays, and lab work for \$25. Assistance from the Buckingham Estate is available for children who qualify.

Community Services Director Dawn Mentzer reported selection of a new secretary. Motion by Crampton to approve the employment of Margaret Anderson at \$8/hr. for 35 hrs/wk effective 9/10/01 as secretary for Community Services. Fifty percent of the cost of her wages for 6 months (during the training period) will be reimbursed by the federal government through an OJT program through ICCC and Workforce Development. Carried.

A letter was received from Spectra Administrator Sue Morrow requesting the board to re-consider its decision to wait for a decision from the Social Security Administration on qualification for funding for 1 client, before paying for the cost of the client's care at Spectra. Though the SSA's decision is due soon, Spectra has been providing services for 6 months with no reimbursement. The board requested that Morrow meet with them on 9/25 to enter into an interim assistance agreement, if the decision is not made prior to that time.

Motion by Vail to approve the minutes of the 9/4 meeting as printed, and the following reports: July Conservation Board minutes, Aug Clerk's fines-forfeitures, July and August Board of Health minutes; the board also reviewed—July Mangold monitoring report of Spectra lagoon, June NWIPDC Policy Board minutes. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the cost allocation report certification statement for the FY'2000 report prepared by DMG Maximus. Carried.

Motion by Bruns to approve a claim to the Sac Sun newspaper in the amount of \$28.08 for publication of the legal notice of completion hearing for DD #274 Jt. Carried.

Motion by Burnside to adjourn at 12:10 p.m. until Friday, September 14, at 8:30 a.m. for a special session to canvass the 9/11/01 Regular School Election. Carried.

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**BOARD OF SUPERVISORS MEETING**  
**THIRTY-SEVENTH MEETING, 2001 SESSION (37)**  
**SEPTEMBER 14, 2001**

The Buena Vista County Board of Supervisors met in special session on Friday, September 14, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Gustafson, Vail, and with Auditor Strawn as clerk for the meeting. Absent: Bruns, Crampton.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Upon completion of the canvass of the September 11, 2001, Regular School Election and pursuant to Chapter 50.24 of the 2001 Code of Iowa, motion by Vail, second by Gustafson, to declare the results of the canvass as follows:

**Alta Community School District:** total voters - 50

For School Board Director - elect 1		
Wesley Holmes	48	elected
Scattering	2	

**Albert City-Truesdale School District:** total voters - 199

For School Board Director - elect 2		
Phil Buchholz	162	elected
Charlie Hogrefe	160	elected
Mark H. Nielson	60	

**Newell-Fonda School District:** total voters - 57

For School Board Director, District 1 - elect 1		
Tony Buchholz	54	elected
For School Board Director, District 2 - elect 1		
James V. Wernimont	56	elected

**Sioux Central School District:** total voters - 93

For School Board Director, District 1 - elect 1		
Mark Sickelka	85	elected
For School Board Director, District 5 - elect 1		
Carol Hermstad	85	elected
Scattering	2	

**Storm Lake School District:** total voters - 373

For School Board Director - elect 2		
DiAnne Mudge Fikkert	148	
Edward J. McKenna	302	elected
Mark Schultz	271	elected

Carried.

Motion by Vail to approve a claim to Kuehl & Payer Ltd. for drainage watchman services for **DD** **#183 Jt.** in the amount of \$14.30. Carried.

There being no further business, the Chairman adjourned the meeting at 9:05 a.m. until Tuesday, September 25, at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING**  
**THIRTY-EIGHTH MEETING, 2001 SESSION (38)**  
**SEPTEMBER 25, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 25, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

8:30 a.m.—The Chairman opened the **public hearing** and requested that Zoning Director Kim Johnson explain the purpose of the hearing. In February, 2001, Rembrandt Enterprises had requested a subdivision, but a change in the building plan causes them to request to vacate the subdivision. Attorney Paul Havens, for Rembrandt Enterprises, stated that they will be requesting a new subdivision. There being no objections, motion by Crampton to close the public hearing. Carried.

Motion by Vail to approve and to authorize the chairman to sign Resolution 2001-09-25A vacating the subdivision approved 2/13/01. Carried.

**RESOLUTION 2001-09-25A**

**WHEREAS**, Rembrandt Enterprises, Inc. has presented a vacation of the final plat (of survey) on the following described property:

**DESCRIPTION: LOT A**

That part of the South Half of the South Half of the Northeast Quarter and the North Half of the Southeast Quarter all in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows: Commencing at the Northeast Corner of said Southeast Quarter; thence N 00°00'00" E, 115.00 feet along the East line of said Northeast Quarter, also being the East line of that Parcel of land described in Document 001345, filed May 16, 2000, in the Office of the Buena Vista County Recorder, to the Northeast Corner of said Parcel; Thence N 90°00'00" W, 726.00 feet along the North line of said Parcel to the Northwest Corner of said Parcel and the point of beginning; thence S 00°00'00" W, 440.00 feet along the West line of said Parcel; thence N 90°00'00" W, 778.00 feet; thence N 00°00'00" E, 595.00 feet; thence S 90°00'00" E, 778.00 feet; thence S 00°00'00" W, 155.00 feet to the point of beginning; containing 10.63 acres, subject to any easements either recorded or unrecorded.  
and,

**DESCRIPTION: LOT B**

That part of the North Half of the Southeast Quarter in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa described as follows: Commencing at the Northeast Corner of said Southeast Quarter; Thence S 00°00'00" W 485.00 feet along the East line of said Southeast Quarter, also being the East line of that parcel of land described in Document 001345, filed May 16, 2000 in the Office of the Buena Vista County Recorder to the Southeast Corner of said parcel; thence N 90°00'00" W, 1504.00 feet along the South line of said parcel and the West extension of said South line to the point of beginning; thence S 00°00'00" W, 842.51 feet along a line parallel with said East line to a point on the Southerly line of said North Half of the Southeast Quarter; thence S 89°52'19" W, 260.00 feet along said Southerly line to a point 1764.00 feet West, measured at a right angle, from said East line; thence N 00°00'00" E, 1003.09 feet along a line parallel with said East line to a point on the West extension of the South line of Lot A to the Southwest Corner of said Lot A; thence S 00°00'00" W, 160.00 feet along a line

parallel with said East line to the point of beginning; containing 5.99 acres, subject to any easements either recorded or unrecorded.

**WHEREAS**, the vacation of final plat of Lot A and Lot B of Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa approved 2-13-01 contains no areas previously set aside or dedicated for public use.

**WHEREAS**, the vacation of final plat of Lot A and Lot B of Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa approved 2-13-01 meets with the approval of the Board subject only to the following if any: none

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that: the vacation of final plat of Lot A and Lot B of Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; is hereby accepted subject to the following if any: none

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of September, 2001.

/s/ Lorna Burnside, Chair, Board of Supervisors

Attest: /s/ Karen M. Strawn, Auditor

Motion by Bruns to set the date and time of **public hearing** for the (new) subdivision request of Rembrandt Enterprises as Tuesday, October 2, 2001, at 8:30 a.m. Carried.

Deputy Auditors Sue Kennedy and Leigh Madsen were present to discuss **payroll direct deposit**. Clarification information was requested by the board.

Motion by Vail to **void warrant** #135747 (which was lost in the mail) issued 9/11/01 to Merryman Bridge Construction, Algona, Iowa, in the amount of \$42,857.89 and reissue to the same vendor. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the final payment to L.A. Carlson, Merrill, Iowa, in the amount of \$793.02 for the **DD #274 Jt.** bridge/culvert replacement project, the warrant to be issued on 10/4/01, which is 30 days following the completion hearing. Carried.

Motion by Vail to **employ** Marie Fibelstad as secretary in the Veterans Services Officer's department effective 9/25/01 at \$8.00/hr. Carried.

Eldon Rossow, MER Engineering, Fort Dodge, reviewed plans he had prepared for a sanitary sewer system for the City of Newell. They would like to utilize the county's right-of-way on county road M-54. Motion by Gustafson to approve the city of Newell's request, by MER Engineering, agent for the city, for an **underground utility permit** to install a sewer main in the county's right of way along Sections 17 & 20 Twp 90 Range 35 Newell Township (along county road M-54); the county requests that the city council consider installation in the right of way on the east side of the road because of the number of tile and other infrastructure already on the west side of the road. Carried.

Engineer Jon Ites presented **quotes** from Rasmussen Ford and Fitzpatrick's, both of Storm Lake, for a ½ ton extended cab pickup with trade of a Chevrolet diesel pickup: Rasmussen's-\$22,494. Fitzpatrick's-\$24,539. Motion by Gustafson to purchase an F-150 pickup from Rasmussen Ford for \$22,494, including the trade-in. Carried.

Environmental Health/Zoning Director Kim Johnson also presented **quotes** from Rasmussen's and Fitzpatrick's for a pickup with the same specifications, but with trade-in of a 1989 Dodge Caravan: Rasmussen's \$22,594, Fitzpatrick's \$25,339. Motion by Vail to accept the quote of Rasmussen's for an F-150 pickup for \$22,594, including the trade-in. Carried.

Ites provided the board with a copy of his Secondary Road annual report for FY'01.

Ites discussed a letter from Union Pacific Railroad regarding a claim for damages resulting from a derailment due to gravel left on the tracks in Albert City. He recommended that it be turned over to the insurance company. Gustafson stated that he doesn't believe the claim should be turned over to the insurance company, the same as the Truesdale waterline claim wasn't, because it would set a precedent. Ites stated that the circumstances were different, since the Truesdale waterline was 'permitted' to be in county right-of-way, and the track is on the railroad's property. It was the consensus of the board to ask the county attorney to review the matter.

Motion by Bruns to approve and to authorize the Chairman to sign the following utility construction permit applications:

- from the Alta Municipal Utility to install a 6" PVC water main along Lake St. extended from the city limits on the east side of Lake St., to the city limits on the west side of Lake St.
- from MidAmerican Energy, Storm Lake, to bury a 8000 kv power line on the south right-of-way along 570<sup>th</sup> St. between 50<sup>th</sup> Ave & 70<sup>th</sup> Ave., then boring under county road M-31 at the NW corner of Section 23, Nokomis Twp then going north into the west ditch for ¼ mile and crossing to the east ditch to the overhead power line;
- from Iowa Telecommunications Services to install 60' of copper telephone cable across N. River Road in Section 2, Barnes Twp.

Carried.

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Ites distributed copies of his current employment contract for the board's review prior to the next budget cycle.

Kuehl & Payer Engineer Ivan Droessler was present for the bid opening on the DD #81 cleanout project. Bids were received from Christian Brothers-Sioux Rapids (\$14,921.42), Schoon Construction-Cherokee (\$19,474.27), King Construction-Odebolt (\$17,461.58), Lundell Construction-Cherokee (\$15,118.60), and Valley Contracting-Estherville (\$17,962.00). Motion by Vail to accept the low bid of Christian Brothers, Sioux Rapids, in the total amount of \$14,921.42 for the DD #81 cleanout project, the project to begin when crop is out. Carried.

Droessler reported that he is still working with Albert City and IDOT on the city's drainage problem.

Spectra Administrator Sue Morrow reported that there continues to be leaking through the new roof, and that not all of the ceiling tile project is complete. However, the insulation project has eliminated leaking of the pipes. Room 22 still has the leak and is scheduled for ceiling tile repair.

Morrow was also present to request payment for a client she has been serving (for 6 months) who came in with no other source of funding. The client has applied for SSI, but no decision has been made, pending settlement of her parent's estate. Morrow stated that 6 months is a long time to provide services without payment. CPC Dawn Mentzer, also present, stated that she had agreed that the county would ultimately provide the funding if the client's SSI application is denied, but that according to the Managed Care Plan, the county is payor of last resort. Motion by Bruns to approve advancing payment for 6 months basic care rate (for 1 client) that is past due to Spectra Health Care, provided the client signs an interim assistance agreement for reimbursing the county with SSI funds, if eligibility is approved. Mentzer pointed out that, if the board approves this motion, reversing a July consensus to wait for SSI eligibility decision, the county's Managed Care Plan needs to be revised, as it currently does not allow for interim payments, and that all other providers would reasonably expect to receive the same consideration. Mentzer was directed to contact the county attorney to draft an agreement for repayment by the client should she receive a settlement from the estate. The motion carried.

The Chairman left the meeting temporarily.

Mentzer presented her FY'01 case management cost report. Motion by Gustafson to approve and to authorize the Vice-Chairman to sign the FY'01 BV County Actual **Case Management cost report** establishing the reimbursement rate at \$188.88. Ayes—Bruns, Crampton, Gustafson, Vail. Nays—none. Absent—Burnside. Carried. This report will result in additional reimbursement to the county.

Motion by Crampton to approve the minutes of the 9/11 and 9/14 **minutes**, and the following **reports**: 9/13/01 DNR site reports for 2 locations, FY'01 Secondary Road annual report. Ayes—Bruns, Crampton, Gustafson, Vail. Nays—none. Absent—Burnside. Carried. Chairman Burnside returned.

The Chairman reviewed correspondence from IDOT regarding the Hwy 71 corridor, and Iowa State Association of Counties regarding legislative meetings.

The meeting was recessed at 12:10 p.m. until 8:00 p.m. for a public hearing.

8:00 p.m.—The time having arrived for a **public hearing** on the zoning reclassification request of Rembrandt Enterprises, the Chairman opened the hearing in the 2<sup>nd</sup> Floor PMR of the Courthouse with Zoning Director Kim Johnson, 5 persons from Rembrandt Enterprises, 3 media, and 3 additional interested persons present. Johnson explained that the purpose of the public hearing was to hear the recommendation of the Zoning Commission, and to act on the **zoning reclassification** request of Rembrandt Enterprises for re-classifying 4.02 acres from A-1 to Industrial. Johnson confirmed that proper notice had been published, and that there were no owners other than Rembrandt Enterprises within the 500' distance from the 4.02 acres who were required to be notified of the re-classification request. She also reported that the recommendation from the Zoning Commission (from their meeting held just prior at 7:00 p.m.) was to approve the re-classification request.

Gustafson recommended that Rembrandt Enterprises consider a shelterbelt around the facility to protect the adjacent property owners. Mike Gidley responded that the company is in fact working on a plan for a vegetation screening. Gustafson acknowledged the comment and requested that the company let the Board of Supervisors know if they plan to proceed with the screening. He also commented that he thought that containment of the manure in a building is a good idea, and asked if the new manure rules affect them. Attorney for the company, Bill Malloy, answered that they are consulting with Dr. Dennis Keene (sp?) to achieve appropriate application rates, as farmers will not want to overload their land with too much phosphorus. The company has access to a sufficient number of acres to utilize the manure produced.

There being no objections and no further comments, motion by Bruns to close the public hearing. Carried.

Motion by Crampton to accept the Zoning Commission's affirmative recommendation and to approve the request of Rembrandt Enterprises to rezone the following location from A-1 to Industrial:

#### LEGAL DESCRIPTION

That part of the Southwest Quarter of Section 32, Township 93 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows: Commencing at the Southwest Corner of said Southwest Quarter, thence S 89°21'17" E, 975.06 feet along the Southerly line of said Southwest Quarter; thence S 89°21'17" E, 975.06 feet along the Southerly line of said Southwest Quarter; thence N 00°00'00" E, 520.48 feet along a line parallel with the West line of said Southwest Quarter to the point of beginning; thence N 90°00'00" W, 200.00 feet along a line at a right angle to said West line to a point 775.00 feet East, measured at a right angle, from said West line; thence N 00°00'00" E, 350.00 feet along a line parallel with said West line; thence N 90°00'00" W, 300.00 feet along a line at a right angle to said West line to the point of beginning; containing 4.02 acres, subject to any easements either recorded or unrecorded. Carried.

There being no further business, motion by Vail to adjourn the meeting at 8:10 p.m. until Tuesday, October 2, at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING**  
**THIRTY-NINTH MEETING, 2001 SESSION (39)**  
**OCTOBER 2, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, October 2, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

8:30 a.m.—The time having arrived for the public hearing on the subdivision request of Rembrandt Enterprises, the Chairman opened the hearing with Zoning Director Kim Johnson and Attorney Paul Havens present. Johnson explained that the subdivision request was for the grower unit, not the egg laying complex. There being no objections, motion by Crampton to close the public hearing. Carried.

Motion by Vail to approve and to authorize the chairman to sign Resolution 2001-10-02-A regarding the subdivision of a parcel of land in Barnes Township . Carried.

**RESOLUTION 2001-10-02-A**

**WHEREAS**, Rembrandt Enterprises has presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION: LOT C**

A portion of the North Half of the Southeast Quarter and a portion of the South Half of the Northeast Quarter, all located in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa described as follows: Beginning at the Southeast Corner of said Northeast Quarter; Thence N 00°00'00" E, 115.00 feet along the East line of said Northeast Quarter; thence N 90°00'00" W, 726.00 feet along a line at a right angle to said East line; thence N 00°00'00" E, 155.00 feet along a line parallel with said East line; thence N 90°00'00" W, 1328.00 feet; thence S 00°00'00" W, 795.00 feet along a line parallel with said East line; Thence S 90°00'00" E, 2054.00 feet to a point on the east line of said Southeast Quarter; Thence N 00°00'00" E, 525.00 feet along said East line to the point of beginning, said Lot C containing 34.90 acres subject to existing public road right of way across the East 33.00 feet thereof and also subject to any other easements either recorded or unrecorded.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: none.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: none.

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that:

**DESCRIPTION: LOT C**

A portion of the North Half of the Southeast Quarter and a portion of the South Half of the Northeast Quarter, all located in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa described as follows: Beginning at the Southeast Corner of said Northeast Quarter; Thence N 00°00'00" E, 115.00 feet along the East line of said Northeast Quarter; thence N 90°00'00" W, 726.00 feet along a line at a right angle to said East line; thence N 00°00'00" E, 155.00 feet along a line parallel

with said East line; thence N 90°00'00" W, 1328.00 feet; thence S 00°00'00" W, 795.00 feet along a line parallel with said East line; Thence S 90°00'00" E, 2054.00 feet to a point on the east line of said Southeast Quarter; Thence N 00°00'00" E, 525.00 feet along said East line to the point of beginning, said Lot C containing 34.90 acres subject to existing public road right of way across the East 33.00 feet thereof and also subject to any other easements either recorded or unrecorded, is hereby accepted subject to the following if any: none.

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of

**DESCRIPTION: LOT C**

A portion of the North Half of the Southeast Quarter and a portion of the South Half of the Northeast Quarter, all located in Section 26, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa described as follows: Beginning at the Southeast Corner of said Northeast Quarter; Thence N 00°00'00" E, 115.00 feet along the East line of said Northeast Quarter; thence N 90°00'00" W, 726.00 feet along a line at a right angle to said East line; thence N 00°00'00" E, 155.00 feet along a line parallel with said East line; thence N 90°00'00" W, 1328.00 feet; thence S 00°00'00" W, 795.00 feet along a line parallel with said East line; Thence S 90°00'00" E, 2054.00 feet to a point on the east line of said Southeast Quarter; Thence N 00°00'00" E, 525.00 feet along said East line to the point of beginning, said Lot C containing 34.90 acres subject to existing public road right of way across the East 33.00 feet thereof and also subject to any other easements either recorded or unrecorded; and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED this** 2nd day of October, 2001.

/s/ Lorna Burnside, Chair, Board of Supervisors

Attest: /s/ Karen M. Strawn, Auditor

Deputy Auditors Sue Kennedy and Leigh Madsen discussed their findings regarding **payroll direct deposit**. Laser warrants will need to be ordered before a program can begin

Motion by Gustafson to approve the **minutes** of the 9/25 meeting as printed, and the following reports: Sept budget **reports**, 1<sup>st</sup> Qtr Sheriff's fees, 9/18 DNR site investigation reports. Carried.

The board discussed a proposal from Swift Air to retrofit the Sheriff's office with an air handling system. Motion by Gustafson to accept and to authorize the Chairman to sign the proposal of **Swift Air**, Sioux Falls, SD, to install air handling, and condensing units in the Sheriff's office for \$15,820, with 10% of the total to be paid 60 days after completion of the project. Carried.

Engineer Jon Ites informed the board that the soybeans from the **S. Hayes Pit** farm have been harvested.

The board discussed proposed amendments to Iowa Administrative Rules from the Iowa Environmental Protection Commission regarding manure management plans and industrial pollution prevention equipment property tax exemptions. The latter would give a **property tax exemption** intended for industrial property to agricultural property (i.e. property used to store or convey manure such as concrete or steel storage tanks, earthen lagoons, etc. and ventilation fans). Vail suggested sending a letter that the Board is not in favor of this change. Gustafson agreed stating that this helps to further erode the county's tax base. Motion by Vail to approve and to authorize the Chairman to sign a letter to the Iowa Department of Natural Resources opposing an IAR change which would add specific language referring to manure storage and such items as ventilation fans to those eligible for property tax exemption. Carried.

There being no further business, motion by Vail to adjourn the meeting at 9:40 a.m. until Tuesday, October 9, at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING**  
**FORTIETH MEETING, 2001 SESSION (40)**  
**OCTOBER 9, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 9, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Phil Redenbaugh, Gene Lyster, and Gary Lalone, representing the Lake Preservation Association, were present to discuss the current activity of the organization. A fundraising campaign has begun for the purpose of developing local support and participation in the **Storm Lake dredging project**. The LPA believes that more dredging, beyond the 180 acres currently scheduled, is necessary. They believe that the local support and participation is critical if efforts to secure additional state and federal funding are to be successful for a larger project. The fundraising will be a public/private partnership. Additional spoil site is also needed. They also discussed other ideas including, local ownership of a dredge to provide greater control of timing and cost, in-kind donations, and having the city and/or county run the operation. The LPA is asking the county to consider providing \$350,000 a year for 10 years. The board will give consideration to the request, but will first conduct a public meeting to obtain public comment. Motion by Gustafson to conduct a public meeting at 7:00 p.m. on November 20 in 2<sup>nd</sup> Floor PMR, and to publicize the meeting by publishing a notice in all of the legal newspapers. Carried.

Roger Baker, a landowner in Poland Township, was present to again ask that the trees be removed from **DD #49**. The board had previously arranged for spraying, but the contractor did not get the work done. The board informed him that Watchman Bud Vote has been directed to engage the services of a contractor for the project. Baker stated that his drainage assessment will cause him to pay the largest portion of the bill for the removal, so he would like it done now to avoid a larger bill that would result if the project is put off. The Chairman will contact Vote and then contact Baker with the results of her communication.

Engineer Jon Ites discussed 2 locations for possible **signage**. Motion by Vail to direct the engineer to do a traffic investigation at the intersection of 132<sup>nd</sup> Ave and 440<sup>th</sup> St for the purpose of evaluating the need for signage. Carried.

Ites discussed a reminder letter from IDOT about the law change which now allows heavier **implements of husbandry** on the roads at certain times of the year. Another letter from IDOT advises counties about the current condition of the **farm-to-market funds**. BV County will not be in the position of having to delay projects due to not having borrowed ahead.

Ites has placed ads asking for **sealed bids** on 2 vehicles - a 1986 1-ton truck, 1990 Chevy Caprice, and reported that the tandem truck damaged in June has been repaired and 3 others with similar bodies, have been inspected.

This year's **bridge inspection** has been completed, and the report is on file. Ites noted that if it had not been removed for the re-construction project, the bridge on C-13 would have had to be posted with a 10 ton limit due to its condition.

Motion by Vail to set a **public hearing** to close the road and bridge on the north side of Section 16, Lincoln Township for 11/20/01 at 8:30 a.m. in the boardroom. Carried.

Responding to a request from Francis Svuba, it was the consensus of the Board that Svuba would pay for the pipe and installation for an outlet to the southeast into **DD 34 Main** at a location opposite of the Goldsmith pit.

Romaine Kiischer has inquired about whose cost it would be to install backflow prevention at a location in **DD 49 Garton Branch**. Additional communication with Kiischer is needed.

Motion by Bruns to approve and to authorize the chairman to sign the following **utility construction permit** applications:

- from McLeod USA, Irene, SD, to install telephone and CATV from the east side of Hwy 914 to the west side of Hwy 914 (old Hwy 71), to be bored under the road;
- from West Iowa Telephone, Remsen, IA, to place 36 count fiber optic cable in the roadway from Peterson to Linn Grove along 40<sup>th</sup> St., S River Road, 440<sup>th</sup> St. & C-13 in Brooke and Barnes Townships;
- from Iowa Lakes Electric Coop, Estherville, IA to install overhead single-phase, 7200 volt power line to pig setup along 550<sup>th</sup> St. from the NE corner of Section 11 going east across the road to the NW corner of Section 12, Coon Township.

Carried.

The board acknowledged receipt of a petition signed by Rodney Kleaveland for a cleanout of **DD 14-42 Jt.** above Section 6, Poland Township, and directed the auditor to send copy of petition to Clay County asking them to investigate, and to schedule a joint meeting.

Motion by Crampton to authorize the auditor to **void warrant** #132983 issued 6-19-01 to North Park Apartments in the amount of \$202.00, and to re-issue a replacement. Carried.

Sheriff Chuck Eddy discussed a **jail** staffing issue with the board. It was the consensus of the board to make a temporary change in status of 1 person.

**Zoning** Director Kim Johnson reported on the current non-compliant status of a building project at Casino Beach.

Deputy Auditors Sue Kennedy and Leigh Madsen reviewed **direct deposit** materials which will be distributed with payroll.

**Weed** Commissioner Norm Lund discussed the test results relating to a claim for alleged damage from weed spray. No spray residue was found to be present.

Motion by Bruns to approve the **minutes** of the 10/2 meeting as printed, and the following **reports**: Sept. Mangold test of Spectra lagoon, and Sept. Communications Commission minutes. Carried.

There being no further business, motion by Vail to adjourn the meeting at 11:50 a.m. until Tuesday, October 23, at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING**  
**FORTY-FIRST MEETING, 2001 SESSION (41)**  
**OCTOBER 16, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, October 16, 2001, at 7:30 p.m. in the 2<sup>nd</sup> Floor Public Meeting Room of the Courthouse with Chairman Burnside

presiding, and with the following other members present: Bruns, Crampton, Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail, due to illness. Also present from the county were: County Attorney Phil Havens, Zoning Director Kim Johnson, and Sheriff Chuck Eddy. Twenty interested persons, plus media also attended.

The subject of the special fact-finding meeting was the construction of a building by Jim Bauer on property owned by Jon Bauer at a location in Casino Beach (address—206 Scott St.)

The Chairperson asked county personnel to introduce themselves, and then asked those who wished to speak to give their name before making remarks. The Chairman read a letter submitted by Ellis and Phyllis Francis who were unable to be present for the meeting. The Francis's oppose the Bauer project and requested that the county take action to stop construction.

A zoning compliance permit had been issued on 8/15/01 by the Zoning Director along with information about what the zoning ordinance permits in the way of re-construction on an existing foundation. Information provided by Jim Bauer, agent for Jon Bauer, on the permit application indicates that the construction was to be an alteration/addition to a garage on the same foundation. Buena Vista County does not issue building permits.

Many issues were introduced by those persons present including: the construction is of a completely new building, not alteration of an existing building; it is larger than the garage it replaced; the building has substantial living quarters in it and so is not really an alteration of the 'garage'; dirt and rock has been added between the building and the lake to create additional 'land' upon which to build and separate the building from the water; trees were removed without permission from DNR land; the septic system is likely inadequate for the living quarters in the new construction plus the house that sits on an adjoining lot also owned by Jon Bauer; the new construction is not limited to the prior existing foundation; existing survey pins have not been found so it is likely that the construction extends past the high water mark of the lake; harm has been done to other properties by constructing a building without complying with zoning law or getting appropriate variances as other Casino Beach residents have done. Those present also felt that the building was too high, however, the Zoning Director stated that it is under the maximum height allowed in the zoning ordinance. She also indicated that there are incidences of non-compliance on other properties in Casino Beach.

The Chairman thanked those in attendance for the information that they had provided. Havens requested that those persons present provide him their names, addresses and phone numbers so that he could contact them to clarify and further document the information that they had provided.

Motion by Bruns to direct the Zoning Director to cancel the zoning compliance permit (#01-01-02) issued 8/15/01 to Jon Bauer immediately, and to direct the County Attorney to take whatever action necessary, including legal action, to enjoin and abate the nuisance created by the non-compliance with Buena Vista County's Zoning Ordinance. Ayes—Bruns, Crampton, Gustafson, Burnside. Carried.

There being no further business, the Chairman adjourned the meeting until Tuesday, October 23, at 8:30 a.m. for a regular session.

After the meeting, the Board informally discussed a proposal by the Director of the Iowa Department of Management, Cynthia Eisenhauer, for counties to fund salaries of some DOM employees who are proposed for layoff due to state budget cuts. Although the positions have frequent and direct contact with counties, and the elimination of those persons would have an adverse impact on counties, the board was hesitant to agree to providing funding. At this time the cost to the county could only be estimated, and all state departments are having to make adjustments, so it is unlikely this would be the only area where the county could be asked to pick up some additional cost. In addition, the county expects to lose some of the revenue that was included in the budget. It was the consensus to provide

feedback to David Vestal, ISAC, who is accumulating county responses, that the county opposes the proposal to provide county funding for the DOM positions.

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**BOARD OF SUPERVISORS MEETING  
FORTY-SECOND MEETING, 2001 SESSION (42)  
OCTOBER 23, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 23, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Head Custodian Dewyne Stucynski reported that the retro-fitting of the HVAC system of the sheriff's office is in progress, and that Swift Air will be here tomorrow to review the jail, if the board is serious about proceeding. They will be here at 11:00 a.m.

Motion by Gustafson to approve and to authorize the Chairman to sign two letters of agreement with the City of Storm Lake regarding the assignment of 3 census blocks in unincorporated Hayes Township to voting precincts within the city of Storm Lake. Carried.

**Letter of Agreement – 2001-10-23A**

City of Storm Lake and the Buena Vista County Board of Supervisors  
Allowing Certain Hayes Township Residents Residing in Buena Vista County  
to Vote With Storm Lake Precinct 03 Residents

Chapter 49.6 of the Code of Iowa grants cities and counties the power to combine township and city precincts as long as the combined precinct does not have a total population in excess of three thousand five hundred, as shown by the most recent federal decennial census, and the combined precinct is contained wholly within a legislative district.

A precinct must be composed of contiguous territory, and all precinct boundaries shall follow census block boundaries (49.3(3) 2001 Code of Iowa). The city of Storm Lake is contiguous to and completely surrounds Census Block 4042 which is unincorporated Buena Vista County. The (2000) Census count for Block 4042 is 0. It is not practical to establish a precinct containing only Census block 4042. Therefore, the Storm Lake City Council and the Buena Vista County Board of Supervisors have decided that it is in the best interests of any (potential/current) residents of Census block 4042 to combine with the residents of the Storm Lake 03 Precinct for voting purposes. However, residents of Census Block 4042 would be ineligible to vote in Storm Lake city elections, but eligible to vote for Hayes Township officers, since Block 4042 is not in the incorporated area of the City of Storm Lake, but is in an unincorporated area of Hayes Township.

It is therefore agreed that the portion of unincorporated **Hayes Township**, Census Block 4042 in Census Tract 9606, which lies entirely within the city limits of Storm Lake, shall combine with the residents of **Storm Lake 03 Precinct** for voting purposes.

The City Council of the City of Storm Lake and the Buena Vista County Board of Supervisors agree to create the combined township and city precinct as named above.

**/s/ Jon Kruse, Mayor, City of Storm Lake  
Supervisors 10/23/01**

**/s/ Lorna Burnside, Chair, Board of**

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**Letter of Agreement – 2001-10-23B**

City of Storm Lake and the Buena Vista County Board of Supervisors  
Allowing Certain Hayes Township Residents Residing in Buena Vista County  
to Vote With Storm Lake Precinct 01 Residents

Chapter 49.6 of the Code of Iowa grants cities and counties the power to combine township and city precincts as long as the combined precinct does not have a total population in excess of three thousand five hundred, as shown by the most recent federal decennial census, and the combined precinct is contained wholly within a legislative district.

A precinct must be composed of contiguous territory, and all precinct boundaries shall follow census block boundaries (49.3(3) 2001 Code of Iowa). The city of Storm Lake is contiguous to, and surrounds on three sides, Census Blocks 1009 & 1010, and, borders on two sides Census Block 2000 which is unincorporated Buena Vista County. Block 2000 has Washington Township on the third side and Providence Township on the fourth side. The (2000) Census count for Blocks 1009, 1010 & 2000 is 25. It is not practical to establish a precinct containing such few residents. Therefore, the Storm Lake City Council and the Buena Vista County Board of Supervisors have decided that it is in the best interests of any (potential/current) residents of Census Blocks 1009, 1010 & 2000 to combine with the residents of the Storm Lake 01 Precinct for voting purposes. However, residents of Census Blocks 1009, 1010 & 2000 would be ineligible to vote in Storm Lake city elections, but eligible to vote for Hayes Township officers, since Blocks 1009, 1010 & 2000 are not within the incorporated area of the City of Storm Lake, but in an unincorporated area of Hayes Township.

It is therefore agreed that the portion of **Hayes Township**, Census Blocks 1009, 1010 & 2000 in Census Tract 9604, which lay contiguous to the city of Storm Lake, shall combine with the residents of **Storm Lake 01 Precinct** for voting purposes.

The City Council of the City of Storm Lake and the Buena Vista County Board of Supervisors agree to create the combined township and city precinct as named above.

/s/ Jon Kruse, Mayor, City of Storm Lake    /s/ Lorna Burnside, Chair, Board of Supervisors    10/23/01  
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The board briefly discussed the **FY'03 Budget** process and agreed to hearing requests from outside entities in December.

Clerk of Court Donna McPherran has been requested to prepare a **Disaster Plan** to provide for ongoing judicial activities in the event that the courthouse is destroyed. Since it is the responsibility of the Board of Supervisors to provide appropriate space for the court system, Supervisors Burnside and Crampton agreed to participate in the planning which includes identifying alternate locations.

Executive Director Terry Johnson and Storm Lake Site Director Cindy Wiemold updated the board on **Genesis Development** activities. There is currently one opening in the Storm Lake waiver home. The Woodward placement continues to do extremely well. Genesis has closed the Madison County Care Facility -a 51 bed facility in Winterset. Residents have moved to group settings. Next week is the CARF review, which will include the Storm Lake site. Genesis still does not have a current contract with Rides.

Motion by Bruns to approve and to authorize the Chairman to sign a Certificate of Appreciation for Jim Christiansen, who retires on 10/26 from the **Secondary Road Department**. Carried.

Engineer Jon Ites reviewed the county's **farm-to-market fund** report which is on target, but doesn't yet reflect the \$408,000 in safety funds for the C-13 project.

Ites reported that he has not been able to find the property pins set by a land surveyor for the **Bauer** property at Casino Beach. He stated that it may take as many as 3 surveys to get all the

information needed. He noted that he does surveys for right-of-way but does not survey to set lot lines. The chairman and the engineer will talk to the county attorney as to what needs to be done by whom to determine lot lines. Gustafson suggested No Parking signs be placed near the fire hydrant. 3<sup>rd</sup> Qtr site monitoring report at SL Shop has been filed, and reimbursement app has been submitted.

The city of Linn Grove has asked to buy a 1-way plow from the county's excess property. Its estimated the value at \$250. The consensus of the board was to agree.

A bid was received on the used 1986 Chevy truck with the blown engine - \$675 from Buzz's salvage – accepted. No bids were received on the Chevy Caprice, so it will be re-advertised until 11/16.

Motion by Vail to approve the following utility construction permit applications:

- from West Iowa Telephone Company, Remsen, IA, to install buried fiber optic cable on the shoulder of the road on the north side of 440<sup>th</sup> and the west side of 132<sup>nd</sup> along Section 7 & 18 Lee Township;
- from Qwest, Omaha, NE, to bury cable along C-13 along Sections 7, 8, 9, & 3, Lee Township;
- from Qwest, Omaha, NE, to bury cable along 150th Ave., Section 4, Lee Township;
- from Iowa Telecommunications Services, Inc., Grinnell, IA, to expose existing cable and splice in a loop in a loop in a pedestal for access in Section 13, T93N, R37W along Hwy 71;
- from Iowa Telecommunications Services, Inc., Grinnell, IA, to expose existing fiber optic cable and placing loop in pedestal for access in Section 12, Barnes Twp., along 440<sup>th</sup> St.;
- from Iowa Telecommunications Services, Inc., Grinnell, IA, to place copper telephone cable along north shoulder of 570<sup>th</sup> St. & west shoulder of 190<sup>th</sup> Ave., total length of approx. 400' Section 18-Coon Twp and Section 13-Grant Twp.;
- from Iowa Telecommunications Services, Inc., Grinnell, IA, to place copper telephone cable along south shoulder of 550<sup>th</sup> St. from 240<sup>th</sup> Ave. east 350', Section 12, Coon Twp.;
- from Iowa Telecommunications Services, Inc., Grinnell, IA, to place copper telephone cable for service to 1801 510<sup>th</sup> St., along 510<sup>th</sup> St. along Sections 13 & 24 Lincoln Twp.;
- from Iowa Lake Electric Cooperative, Estherville, IA, to install single-phase, 72—volt overhead distribution lines along the south side of 570<sup>th</sup> Ave., Section 24-Grant Twp.;
- from Iowa Lake Electric Cooperative, Estherville, IA, to install poles and single-phase, 72—volt overhead distribution lines along the south side of 180<sup>th</sup> Ave., along Sections 13, 23, 24-Lincoln Twp.;
- from Clay Regional Water, Spencer, IA, to install a water main line along N. River Road, Section 1 & 2-Barnes Twp.;

Carried.

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Motion by Bruns to approve and to authorize the Chairman to sign Resolution-2001-10-23C setting date and time of public hearing on a road closing. Carried.

**RESOLUTION #2001-10-23C**

**WHEREAS**, A request has been filed with the Buena Vista County Engineer asking that action be taken to vacate and or close a section of Buena Vista County Secondary Road, described as follows:

The bridge located 4377.12 ft east from the NW corner of Section 16, T92N, R36W of Buena Vista County, Iowa. The intention of this road closure is to vacate or close this structure to the public.

**NOW, THEREFORE BE IT RESOLVED** that a hearing on the proposed vacation will be held in the Board Room, Buena Vista County Courthouse, Storm Lake, Iowa, 50588, at 10:30 a.m. on November 20, 2001 in accordance with Iowa Code Chapter 306.

/s/ Lorna Burnside, Chair, Board of Supervisors      ATTEST: /s/ Karen M. Strawn, County Auditor  
10/23/01

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10:25 a.m.—The time having arrived for the **DD #274 teleconference** with Sac County Board of Supervisors Russ Kroeger and Jack Bensley, and with Sac Co. Auditor James Dowling also present, motion by Bensley that Burnside serve as Chair and Strawn as secretary for the meeting, seconded by Vail. Ayes—Bruns, Crampton, Gustafson, Vail, Burnside, Kroeger, Bensley. Nays—none. Carried.

The Chair reviewed the sales tax reimbursement claim for the Wadsley culvert project. Motion by Gustafson, second by Kroeger, to approve and to authorize the Chairman to sign the sales tax reimbursement claim in the amount of \$403.18 for materials for the Wadsley culvert project. Ayes—Bruns, Crampton, Gustafson, Vail, Burnside, Kroeger, Bensley. Nays—none. Carried.

Motion by Kroeger, second by Gustafson, to approve and to authorize the Chairman to sign for payment a claim from Kuehl & Payer in the amount of \$345.01 for final payment on the Wadsley culvert project. Ayes—Bruns, Crampton, Gustafson, Vail, Burnside, Kroeger, Bensley. Nays—none. Carried.

There being no further business, motion by Gustafson, second by Bensley, to adjourn. Ayes—Bruns, Crampton, Gustafson, Vail, Burnside, Kroeger, Bensley. Nays—none. Carried.

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Executive Director Joan Blundall reported on progress of the Season's Center **MH jail project**. Both Blundall and the jail staff are pleased. She noted that the County isn't being billed because of the award of a federal grant. The jail staff is also pleased with the improved relationship with NW IA ADTU and the hospital – this is leading to systemic changes. In Season's catchment area, only BV County is participating this year until after federal compliance and judicial reviews. The Merit Corporation has called to get involved.

In other areas, Blundall reported that she has trained over 100 US Marshalls, National Reserves, and Law Enforcement Reserves. They are being deployed now, but had joined their ranks without ever expecting to be active. They deliver death notices and provide crowd control. **Season's Center** is not effected by state budget cuts. Grant funds are available for treating farmers - 5 or 7 visits. For the purpose of improved management of dollars, she has implemented a program which received input from staff.

NRCS Director Renee Braun and Dan Grabe, NRCS Engineer, discussed the wetland land reserve program. They are currently working on a project in Poland Township which will require involvement with the Board. The County's approval is necessary to proceed because it is in **DD #47**. An engineer will need to be appointed.



CPC Dawn Mentzer presented an agreement drafted by the county attorney for approval. Motion by Gustafson to approve and to authorize the Chairman to sign an agreement with one client which provides for the reimbursement by the client from her social security benefits, the basic care expenses paid by the county to **Spectra Health, Inc.**, which total \$5,116.00 to date. Carried.

Mentzer reported that the **Medicaid funds** due the county from the State of Iowa and for which an appeal application has been filed, will come back to the county in the form of credits against future bills, rather in than in a lump sum, due to the state's budget problems.

**General Relief** Director Paula Guerra presented an assistance request from one person who has already, twice, received assistance. Upon consideration of the facts, motion by Crampton to approve 2 months rent assistance for 1 person. Carried.

Zoning Director Kim Johnson discussed the Otteman **subdivision request**. Motion by Vail to se a Public Hearing date for the Otteman subdivision request for 11/6 at 8:30 a.m. Carried.

Johnson distributed copies of the preliminary results of the **housing survey** which will be reviewed with Darrin Baumgarner, NWIPDC, at a later meeting.

Motion by Crampton to approve the minutes of the 10/9 and 10/16 **minutes** as printed, and the following **reports**: Sept Conservation Board minutes, FY'01 annual report of Genesis Development, Gray Spirit, Inc. vs BV Co. Board of Review voluntary settlement, IMWCA Sept. claims report, Sept 13 NWIPDC Policy Council minutes, 10/11 Mangold Env Testing report of Spectra lagoon. Carried.

Motion by Vail to approve corrective FY'01 **fund transfers** as follows: \$50,000 from General Supplemental to General Basic, and \$5,000 from Capital Projects to General Basic, these transfers having been made twice. Carried.

Having been approved as to form by the county attorney, motion by Bruns to approve and to authorize the Chairman to sign the "Amendment to Agreement for School Based Supervision Services" (**Juvenile Liaison Project**), the original agreement having been entered into July 1, 1999. Carried.

Motion by Vail to approve the **suspension of current taxes** on parcel #08-23-105-003, pursuant to Chapter 427.8 of the 2001 Code of Iowa. Carried.

There being no further business, the Chairman adjourned the meeting until Wednesday, October 24, at 11:00 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
FORTY-THIRD MEETING, 2001 SESSION (43)  
OCTOBER 24, 2001**

The Buena Vista County Board of Supervisors met in special session on Wednesday, October 24, 2001, at 11:00 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Crampton, Gustafson, and with Deputy Auditor Kennedy as clerk for the meeting. Absent: Bruns and Vail.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Crampton, Gustafson, Burnside. Nays: none. Abstentions: none.

Head Custodian Dewyne Stucynski met with Swift Air, toured the jail and then reported to the Board. They discussed several options for retro-fitting the HVAC system. The board asked Swift Air to give them options and cost estimates.

There being no further business, the Chairman adjourned the meeting until Tuesday, October 30, at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
FORTY-FOURTH MEETING, 2001 SESSION (44)  
NOVEMBER 6, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 6, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Zoning Director Kim Johnson reported on the Zoning Commission's recommendation (to approve, with stipulation) the Otteman subdivision. There being no objections, motion by Gustafson to close the public hearing. Carried. Motion by Crampton to approve and to authorize the Chairman to sign Resolution 2001-11-06 approving the subdivision request, with stipulation, of Delwin & Miea Otteman. Carried.

**RESOLUTION 2001-11-06-A**

**WHEREAS**, Delwin and Meda Otteman have presented a preliminary and final plat (of survey) on the following described property

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW¼ NW¼) OF SECTION 10, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW¼) of said Section 10; Thence South 00°00'00" West, along the West line of said Northwest Quarter (NW¼), 238.94 feet; Thence North 89°11'15" East, 714.29 feet; Thence South 00°00'00" West, 354.61 feet to the Point of Beginning. Thence continuing South 00°00'00" West, 5.00 feet; Thence South 90°00'00" East, 66.65 feet; Thence South 00°00'00" West, 82.09 feet; Thence South 90°00'00" East, 170.40 feet; Thence North 00°00'00" East, 87.09 feet; Thence North 90°00'00" West, 237.05 feet to the Point of Beginning.

Hereafter known as Lot A of Section 10, Township 91 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. Tract contains 0.35 Acres and is subject to a 25' access easement recorded in Misc. Bk. 34, Pg. 178 and to all other easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: above described parcel is to become part of the original acreage lot and shall not become a parcel to be sold on it's own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: above described parcel is to become part of the original acreage lot and shall not become a parcel to be sold on it's own.

**NOW THEREFORE, BE IT RESOLVED** by the Buena Vista County, Iowa Board of Supervisors that:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW¼ NW¼) OF SECTION 10, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW¼) of said Section 10; Thence South 00°00'00" West, along the West line of said Northwest Quarter (NW¼), 238.94 feet; Thence North 89°11'15" East, 714.29 feet; Thence South 00°00'00" West, 354.61 feet to the Point of Beginning. Thence continuing South 00°00'00" West, 5.00 feet; Thence South 90°00'00" East, 66.65 feet; Thence South 00°00'00" West, 82.09 feet; Thence South 90°00'00" East, 170.40 feet; Thence North 00°00'00" East, 87.09 feet; Thence North 90°00'00" West, 237.05 feet to the Point of Beginning.

Hereafter known as Lot A of Section 10, Township 91 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. Tract contains 0.35 Acres and is subject to a 25' access easement recorded in Misc. Bk. 34, Pg. 178 and to all other easements of record.

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of:

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW¼ NW¼) OF SECTION 10, TOWNSHIP 91 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW¼) of said Section 10; Thence South 00°00'00" West, along the West line of said Northwest Quarter (NW¼), 238.94 feet; Thence North 89°11'15" East, 714.29 feet; Thence South 00°00'00" West, 354.61 feet to the Point of Beginning. Thence continuing South 00°00'00" West, 5.00 feet; Thence South 90°00'00" East, 66.65 feet; Thence South 00°00'00" West, 82.09 feet; Thence South 90°00'00" East, 170.40 feet; Thence North 00°00'00" East, 87.09 feet; Thence North 90°00'00" West, 237.05 feet to the Point of Beginning.

Hereafter known as Lot A of Section 10, Township 91 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. Tract contains 0.35 Acres and is subject to a 25' access easement recorded in Misc. Bk. 34, Pg. 178 and to all other easements of record.

**PASSED, APPROVED AND ADOPTED** this 6th day of November, 2001.

/s/ Lorna Burnside, Chairperson, Board of Supervisors /s/ Karen M. Strawn, Auditor

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Treasurer Kathy Bach and Recorder Shari O'Bannon were present to request that the Board consider **closing the courthouse on December 24** due to the fact that it occurs on a Monday. Motion by Crampton to approve the request of the department heads to close the courthouse on Monday, December 23, 2001, with no change to be made on December 31 for New Year's Eve. Carried.

Head Custodian Dewyne Stucynski proposed language for departmental rules regarding winter work hours, time off and winter vacation for his department. Motion by Vail to approve and to authorize the Chairman to sign "**Custodial Departmental Rules**" for the custodial department. Carried.

Brent Mangold, Mangold Environmental Testing, reported that the sludge needs to be removed from the **Spectra lagoons**. The sludge could be hauled away, or another method could be used. He has spoken to the DNR which has approved a pilot project to add bullheads and catfish to clean the lagoons. The pilot project will require taking measurements before adding the fish, and then monitoring sludge

levels. It was the consensus of the Board to proceed with the pilot project. Mangold also reported there are other maintenance projects for the lagoons which should be addressed in FY'03. It was the consensus of the board to have Bill Mangold continue, (in 2002), mowing at the lagoon site.

Steve Gustafson was present with a copy of the letter sent by the County Attorney to Jim Bauer's attorney. He also showed the results of a survey recently completed of Lot 5 of Bauer's property at Casino Beach. The Board agreed that the next step is to notify Bauer to remove the improperly placed rock which is on the county right-of-way. Motion by Supervisor Gustafson to approve and to authorize the Chairman to sign a letter to Jim Bauer citing Buena Vista County Ordinance 4.1.4 which prohibits placing debris on the county right-of-way, and giving Bauer a deadline of November 15, 2001 to remove the debris. Carried. Steve Gustafson also showed pictures showing where the snow has been pushed by the county up on his property. He has installed a fence to prevent snow from being piled on his property.

The Board acknowledged receipt of the engineer's report (Kuehl & Payer) on the cleanout of Jt. DD #274. A copy was sent to Tom Smith who had requested approval to do a private cleanout. No action was taken pending receipt of a petition from Smith.

Motion by Bruns to approve and to authorize the Chairman to sign a letter of assignment of Buena Vista County's agreement (Project No. 27-A131100) with DMG-Maximus to Maximus, Inc. Carried.

General Relief Director Paula Guerra discussed a request for assistance with a doctor and hospital bill for one person. Motion by Vail to pay one-half of the hospital and one-half of the physician's bill. Carried.

Environmental Health Director Kim Johnson, followed by Nurse Administrator Diane Anderson, reviewed September and October Board of Health minutes. Anderson also reported to the Board how the cut in FY'02 Community Services funding would be distributed among home care, public health nursing and senior health programs, a total of \$3,577.

Motion by Gustafson to approve the minutes of the 10/23 and 10/24 meetings as printed, and the following reports: FY'01 annual report of BV Co. Conservation Board, September Recorder's fees, October budget reports, September and October BV Co. Board of Health minutes. Carried.

John Torbert, Executive Director of the Iowa Drainage District Association, introduced himself to the Board and discussed the history of the ISAC drainage committee, followed by IDDA. He is meeting with all member counties, and hopes to increase the number of participating counties to build a strong organization.

Deputy Auditor Sue Kennedy discussed the status of billings from the YES Center. A duplicate bill was received and paid. Bob Fritz, Juvenile Probation Officer, agreed to provide admission and discharge information to verify the invoices.

DHS Area Administrator Lyle Fleshner was present to discuss some of the proposed DHS restructuring plans and how they would impact the county. A face to face meeting has been scheduled for Friday afternoon at Cherokee MHI.

The Board recessed to walk through the DHS Annex to investigate utilization of the building. Buena Vista County expects to retain a full time DHS office, but could be asked to provide office space for additional personnel. With some reassignment of space, 1 or 2 additional persons could be accommodated.

The Board walked through the jail to see the Sheriff's proposal for changing the traffic pattern of prisoners moving from cells to visitation rooms by re-arranging hallway doors and walls.

Kuehl and Payer Engineer Ivan Droessler informed the board that Christian Brothers Excavating has not been able to provide performance and payment bonds for the **DD #81** project awarded to them. He has called Lundell Construction, Cherokee, IA, whose bid was second low. Lundell will honor its bid, (which originally was submitted to be good until October 10) but could not mobilize in less than 2 weeks. Droessler noted that this delay could prevent the project from being done this fall, should bad weather set in. Droessler has contacted Drainage Attorney Gary Armstrong who has agreed that in lieu of the performance and payment bond, Christian Brothers could provide a \$15,000 certified check to be held by the county until completion of the project. Motion by Gustafson to approve and to authorize the Chairman to sign the contract with Christian Brothers Excavating, Rembrandt, upon receipt of a cashier's check in the amount of the \$15,000 and their certificate of insurance. Carried.

There being no further business, the Chairman adjourned the meeting until November 13, at 8:30 a.m. for a special session to canvass the results of the 11/6/01 Regular Municipal Election.

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**BOARD OF SUPERVISORS MEETING  
FORTY-FIFTH MEETING, 2001 SESSION (45)  
NOVEMBER 13, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, November 13, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Steve Gustafson presented copies of 2 surveys on the **Bauer Casino Beach property**. The description on the most recent survey does not match the prior one.

Motion by Bruns to approve and to authorize the Chairman to sign a letter terminating the Mid American **Energy Manager Agreement**. Carried. The completed evaluation shows there are no apparent nor readily identifiable low cost/no cost energy savings opportunities to be found at this time.

Motion by Vail to approve the **minutes** of the 11/06/01 meeting as printed, and the following **reports**: Oct. IMWCA loss runs, Oct. Clerk's fines-forfeitures-surcharges, Oct. 9 Conservation Board minutes, Oct. 18 NWPIDC Policy Council minutes, Oct. Spectra lagoon monitoring report by Mangold Env, Sept 12 NW Aging Association Board minutes, 10/31/01 Hartford loss runs. Carried.

Upon completion of the canvass of 11/6/01 Regular Municipal Election, and pursuant to Chapter 50.24 of the 2001 Code of Iowa, motion by Crampton to declare the results as follows: (\*=write-in)

**Alta: total voters-55 (4.6% turnout)**

for Mayor	Edwin E. Buckendahl	45	elected
	(write-ins not recorded)	4	
for Councilperson-elect 2	Bruce McGowan	47	elected
	Brian Walsh	45	elected
	(write-ins not recorded)	10	
for Park Board-elect 1	Michael R. Norris	49	elected
	(write-ins not recorded)	1	

**Albert City: total voters-80 (16.6% turnout)**

for Mayor	Carl N. Erickson Jr.	76	elected
	Scattering*	1	

for Councilperson-elect 2	Keith H. Moe	76	elected
	Dale J. Skog	79	elected
	<u>Scattering*</u>	<u>1</u>	
<b><u>Lakeside: total voters-38 (14.0% turnout)</u></b>			
for Mayor	Gene Mandernach*	25	elected
	<u>Scattering* (4 persons)</u>	<u>5</u>	
for Councilperson-elect 3	Dennis Fisher	29	elected
	Al Schutz	31	elected
	Warren F. Wilson	35	elected
	<u>Scattering* (3 persons)</u>	<u>3</u>	
for Councilperson-to fill vacancy, elect 1	Marcella Koth*	12	elected
	<u>Scattering* (8 persons)</u>	<u>10</u>	
<b><u>Linn Grove: total voters-52 (40.9% turnout) (all votes were cast by write-in)</u></b>			
for Mayor	Dennis Graesing	37	elected
	<u>(write-ins not recorded)</u>	<u>13</u>	
for Councilperson-elect 5	Ronda Ellis	45	elected
	Amy Jessen	45	elected
	John Smith	44	elected
	Robert Wadsley	44	elected
	Roger Warkentin	48	elected
	<u>(write-ins not recorded)</u>	<u>8</u>	
<b><u>Marathon: total voters-59 (32.1% turnout)</u></b>			
for Mayor	Jeff Elbert	52	elected
for Councilperson-elect 2	Traci Larsen	29	
	Tony Rydstrom	48	elected
	Grace Weaver	36	elected
	<u>Scattering* (2 persons)</u>	<u>2</u>	
<b><u>Newell: total voters-252 (41.4% turnout)</u></b>			
for Mayor	Rodney L. Johnson	143	elected
	Mark Puhmann*	99	
	<u>Scattering* (1 person)</u>	<u>1</u>	
for Councilperson-elect 3	Ethel Crowley	177	elected
	Pamela M. Kuhn-Schossow	50	
	James A. Martindale	191	elected
	Steve Samelson	181	elected
	<u>Scattering* (13 people)</u>	<u>49</u>	
for Park Board	Donna Larsen	225	elected
	<u>Scattering* (3 people)</u>	<u>4</u>	
<b><u>Rembrandt: total voters-27 (20.5% turnout)</u></b>			
for Councilperson-elect 3	Doyle Engebretson	25	elected
	Paul Utterback	23	elected
	Neal Sennert*	9	elected
	<u>Scattering* (6 people)</u>	<u>11</u>	
<b><u>Sioux Rapids: total voters-190 (41.8% turnout)</u></b>			
for Mayor	Kenneth Schau	150	elected
	<u>Allen Sorenson</u>	<u>39</u>	
for Councilperson-elect 2	Nick Bartley	94	elected
	Janet Johnson	84	
	Richard Stoppelmoor	73	
	James Wise	108	elected

Scattering\* (7 people) 8

**Storm Lake: total voters-689 (14.2% turnout)**

for Mayor	Tom Ellis	167	
	Jon Kruse	515	elected
	<u>Scattering* (3 persons)</u>	6	
for Councilperson-elect 2	Sherise Gibson	126	
	James Treat	615	elected
	Dennis Vaudt	579	elected

**Truesdale: total voters-29 (52.7% turnout)**

for Mayor	Mike Meusbarger*	17	elected
	<u>Scattering* (2 people)</u>	2	
for Councilperson-elect 5	Linda Weiland Anderson	21	elected
	Darcy Buchholz	23	elected
	Stan Buchholz	26	elected
	Mike Meusbarger	9	elected
	James Weiland	27	elected
	Mike Paulsen*	7	
	<u>Scattering* (13 persons)</u>	21	

and to direct the commissioner to prepare abstracts accordingly. Carried.

Zoning Director Kim Johnson and NWIPDC Planner Darren Baumgarner were present to discuss the results of the housing survey for the unincorporated area of Buena Vista County. Baumgarner's review included a historical perspective of population changes beginning with 1860. It also included many other items, giving a wide range picture of the current condition of the county. The next step is to establish some goals and objectives for the county.

Engineer Jon Ites briefly discussed the road use tax revenues which may be higher than previously thought, with the public traveling more by car, instead of flying. The price of calcium chloride up a little over last year, and quantities are booked. The Chevrolet Caprice has been re-advertised. A walnut tree on the Don Biggins' property was damaged and will be replaced. Crack-sealing on old Hwy 71 (M-44 and C-43) is being completed.

Motion by Crampton to approve and to authorize the Chairman to sign project agreements with the city of Alta for projects #STP-CO11(47) (M-31 aka West Highway) and #L-FM-401 (M-31 north from Hwy 7). Carried.

The final acceptance and completion on project #LB-510 (bridge to Carol Peterson) has been signed by the Engineer.

Motion by Bruns to approve and to authorize the Chairman to sign universal payment voucher for project #STP-11(47)—5E-11 to Kuehl and Payer in the amount of \$1,822.50. Carried.

Motion by Vail to authorize the auditor to void and re-issue warrant #135247 issued 8/28/01 to B&M Service in the amount of \$351.40 the original having been lost in the mail. Carried.

Motion by Gustafson, to decline to withdraw the county's appeal to DIA for reimbursement of Medicaid funds due the county from the state of Iowa; the state's obligation to reimburse will come in the form of a reduction of future bills due. Carried.

There being no further business, the Chairman adjourned the meeting until November 20, at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
FORTY-SIXTH MEETING, 2001 SESSION (46)  
NOVEMBER 20, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 20, 2001, at 8:30 a.m. in the Boardroom with Vice Chairman Vail presiding, and with the following other members present: Crampton, Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Burnside, Bruns.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Crampton, Gustafson, Vail. Nays: none. Abstentions: none.

8:30 a.m.—The time having arrived for the public hearing on the proposed closing of a road in Lincoln Twp., the Vice-Chair opened the meeting with the County Engineer and no other interested persons present. The auditor confirmed that the notice of hearing had been published as required, and that the same notice had been mailed, certified with return receipt requested, to the landowners involved. Receipts had been received on 2 of the 3 notices mailed. A receipt was not received from Glen Taylor, however, it was reported that Taylor's tenants were knowledgeable of the notice of hearing. The proposal is to close and vacate a portion of the road on the north side of Section 16, Lincoln Twp., upon which the posted bridge sits. Engineer Jon Ites read the notice and stated that no written or verbal objections have been received. The wood bridge, which is posted because it is unsafe, would cost about \$80,000 to replace, not including improvements. The tenants involved have been consulted, and neither had any objections to closing that portion of the road. There are 9 field entrances along the 1 mile of road, where the road portion is proposed for closure. The road would remain Class B, with the bridge initially barricaded, and eventually removed. The bridge is not safe, but current safety precautions (posting) are being ignored. Of six structures in the immediate vicinity, only 2 are legal. There being no further discussion, motion by Crampton to close the public hearing. Carried. Motion by Gustafson to approve and to authorize the Vice-Chair to sign Resolution 2001-11-20 which closes the section of the road upon which the bridge sits. Carried.

**RESOLUTION #2001-11-20**

**WHEREAS**, This being the date and time set for the hearing on the proposed vacation and/or closure of a portion of Buena Vista County Secondary Road, described as follows:

The bridge located 4377.12 ft east from the NW corner of Section 16, T92N, R36W of Buena Vista County, Iowa. The intention of this road closure is to close this structure to the public.

**WHEREAS**, No objections have been received, either in writing or by persons present.

**NOW THEREFORE BE IT RESOLVED** by the Buena Vista County Board of Supervisors that the subject section of road be closed.

/s/ Richard Vail, Vice Chair, Board of Supervisors      ATTEST: /s/ Karen Strawn, Auditor 11/20/01

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Steve Gustafson discussed his meeting scheduled for next week with an attorney from the Attorney General's office, and a representative from DNR, to discuss the Bauer (Casino Beach) construction on DNR property. He believes the DNR may join in the legal action to remove the structure. Supervisor Gustafson may attend as well. As of the current time, the debris is still on county right-of-way.



Motion by Gustafson to approve and to authorize Vice Chair Vail to sign a certified letter to be sent with return receipt requested to Jon Bauer (photo-copy to Jim Bauer), owner of Lots 5&6, Block 1, Casino Beach, providing a deadline for removal of debris on county right-of-way by November 30, 2001 at 5:00 p.m. Carried. (Later in the meeting it was learned that the debris removal was in progress, and the Board directed the Auditor not to mail the letter.)

Supervisor Gustafson discussed placing a sign near the water hydrant located at Casino Beach immediately adjacent to a parking area (which is often congested) used frequently by persons using that route for access to the lake. Since the parking conditions are so tight, there is more than an average chance of potential damage to the hydrant, if covered by snow when snow removal equipment is operating. Ites suggested that the county attempt to resolve the potential problem by enforcement of existing law. Signage could be added at a later time, if necessary.

The Board considered information previously presented by Renee Braun, NRCS, about the Wetland Reserve project proposed for property located in Poland Township, and owned by Dr. David Dudycha. Since the project is located on land in DD #47, permission to proceed must be given by the Board as Trustees of that Drainage District. The engineer suggested that a study would be necessary to determine the impact of the project on the drainage district, followed by a public hearing to consider the project and the results of the study. Since the project has been requested by a private landowner (Dr. Dudycha) for private property, it would be appropriate for the study to be done at the landowner's expense and not at the county's or drainage district's expense. Motion by Crampton to approve and to authorize the Vice-Chair to sign a letter to Dr. Dudycha acknowledging his preliminary plan, explaining the need for a study at his expense, and requesting his response accordingly. Carried.

Ites reported that Frank Rouse, Clay Co. Engineer's office called regarding the Kleveland request for drainage cleanout in Jt. DD #14-42. Rouse has investigated and will be sending the profiles for the Board's review. Rouse believes the drainage is probably working as well as it ever has, with no change since 1994.

Norm Lund, Weed Commissioner, and Ass't Dave Wiley, were present to review the annual weed commissioner's report. Posting the annual weed notice this year, in addition to publishing it, succeeded in raising awareness of the law. They will do this again next year. Chemicals will need to be ordered again before next season.

Ites reported that 3 sealed bids for the 4-door Chevy Caprice, with the high being \$1,250 from William Hesse, Alta. The blue book lists a \$1,525 'for private sale' value. If not sold now, the vehicle might require additional repairs before selling it in the future, as well as the blue book price declining again. Motion by Gustafson to accept high bid of William Hesse in the amount of \$1,250. Carried.

Ites has received an inquiry from Gordy Miller and Dwight Young about developing a slough into wetland in Sections 34-35 Lee Township.

In the southeast corner of Section 26, Lee Township, there is a bad bridge which would require \$80,000-90,000 to replace. Ites is investigating an alternative - purchasing some right-of-way to build a stub road at a cost of under \$20,000.

Deputy Assessor Kim Carnine presented signed family farm credit applications for approval. Motion by Vail to approve, and to authorize the Chair to sign, those applications recommended by the Assessor, and, to deny applications on the following parcels: #'s 9898.00, and 05-22-300-006. Carried.

Along Sections 16 & 21, Lincoln Township, an open ditch of DD #34 Main runs into the north right of way of the road. The road was pulled up this summer - there were 4-5 bank slough offs into the ditch of DD 34, but these are not stabilized. Ites recommended finding a contractor with an excavator large enough to do the work and then bill to DD 34 Main. It was the consensus of the Board to approve.

A tandem truck is scheduled for purchase this year. Ites asked about negotiating, rather than requesting bids because of the difficulty of writing specs. Gustafson suggested waiting until the full board is present to discuss the matter.

Motion by Crampton to approve the minutes of the 11/13 meeting as printed, and the following reports: FY'01 annual weed commissioner's report, 11/15/01 DNR site visit reports. Carried.

There being no further business, the Vice-Chair adjourned the meeting at 12:20 p.m. until November 26, at 7:00 p.m. for an information public meeting to discuss participation by the county in the funding of a project to expand the dredging of Storm Lake.

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**BOARD OF SUPERVISORS MEETING**  
**FORTY-SEVENTH MEETING, 2001 SESSION (47)**  
**NOVEMBER 26, 2001**

The Buena Vista County Board of Supervisors met in special session on Monday, November 26, 2001, at 7:00 p.m. in the District Courtroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

The purpose of the meeting was to conduct an informational meeting on the request of the Lake Preservation Association for the county to provide funding for expanding the Storm Lake dredging project. The request was for \$350,000 per year for 10 years, in a combination of funds and in-kind contributions. In addition to 4 persons from LPA and 3 media, there were 29 interested persons present.

The Chair welcomed the public and thanked them for attending to provide public input. She introduced Phil Redenbaugh, LPA, who gave a brief history of LPA and its current objective which is to raise funds to extend the current Storm Lake dredging project. He noted recent local efforts aimed at improving the lake – the Storm Lake Watershed Project, and the creation of filter strips to reduce erosion. LPA believes that local fundraising is necessary if they are to be successful in obtaining additional state and federal funds. For that reason, LPA's fundraising efforts will be with the city of Storm Lake, the county, private individuals, corporations and foundations. They will also be seeking in-kind donations. Funds are needed for additional spoil sites, a dredge, as well as the dredging operation. They would like to dredge up to 1500 acres total instead of just the 183 in the current project so that this effort could last perhaps 300 years. The success of fundraising will determine how much can be done and in what time period. They also believe that a local effort can be more cost effective than the current project which is estimated at \$2.67/cubic foot.

Steve Roth, LPA, noted that Storm Lake is a natural treasure, and is unusual in that 31% of its shoreline has public access, with 180 acres of parks. Nearly 8,000 people used the campground this past season, with the lake being the drawing card. The estimated usage of the lake is 169,000/yr. LPA seeks a city/county mutual will to accomplish the project.

Delmar Bruns reflected on a 1940's idea to build a road across the lake. This, of course, did not happen. He stated that at the time it was told that it was illegal to remove black dirt from the lake.

One person asked if anyone is pursuing federal funds. Senator Harkin at one time had \$500,000 for the lake added to a bill, but it has since been removed. LPA will continue their efforts to find federal funds. Senator Steve King mentioned that Vision Iowa funds have been set aside for vertical infrastructure with all of it going to gaming cities. He hopes to have that target expanded to include this type of project.

Senator Mary Lou Freeman thanked the LPA for their tireless work and stated that their efforts to develop local participation should be helpful in future requests for additional state funding. She was recognized for her long term efforts on the project.

Another comment was that currently the taxpayers already have a tax load with the hospital debt. The Alta School District will be voting on a bond issue on 12/4/01. Recreation projects should not be accomplished with bond funds, but rather with gifts. It's not that he is opposed to the project, but the method of funding is the problem.

Redenbaugh asked the question whether there was agreement that the project is needed. No one disagreed with the goal.

Bill Chindlund noted that as a landowner he would be paying through a county levy, as a city property owner he would be paying through a city levy, and if approached as an individual, he could be paying three times, if all of LPA's requests are approved. He favored Delmar Bruns' suggestion that a levy be made against residential property only, and exempt farm land from this taxation.

Lois Cole, and later, Ralph Cole, echoed Delmar Bruns' remarks that there is a point at which the increase in taxes tips the scales and results in the necessity of selling the farm because the taxes are too high.

The Chair read a letter from Don and Donna Christie who were completely opposed to the idea of county funding. No other written comments had been received.

Gene Lyster, LPA, suggested that taking care of the lake is a challenge, one that we should enthusiastically support because it is the right thing to do. Some of us may have to do more than what is comfortable to get the project accomplished. This is a project for generations.

Dennis Requist wonders what value there might be in the silt that is pulled out of the lake, and whether it could be mixed with other 'spoil' type material (lime, dry chicken manure, etc.) to create a marketable product, perhaps to be used by contractors for growing grass at new building sites.

Gary Lalone stated that the pledge cards circulated so far are providing an indication of the level of commitment so that a determination can be made later of how extensive the expanded project can be. No money is being collected at this time. Also, even though 40 million dollars has been suggested as the cost to do the expanded project, this is only an estimate. LPA has to start somewhere. He also noted that the lake is a very attractive draw to the community, that if taken care of, can continue to draw industry and development.

Jim Brauhn cautioned that the development on Five Island Lake is not necessarily an asset.

Steve Neuroth noted that we pay to see a movie, we invest in our community, and this is a project that can use the county's financial support. People won't mind paying into the project if it is a fair tax.

Chris Nolte served notice of the action of the Chamber of Commerce and SLADC boards – they are in favor of city and county funding, and are interested in helping in whatever way they can.

Supervisor Gustafson stated that if the county participates, the funds would come not just from the rural area, but from all county taxpayers. He believes that with the county's reserves of over \$4,000,000, there is room for participation by the county, plus lowering taxes too. If you want the lake dredged, you have to do it locally.

John Hughes stated that he helps to pay for secondary roads, though he lives in town, and he pays a school tax, though his children are out of school. He urged helping pay for the dredging because it is the right thing to do.

Roth stated that since it is the state's policy not to reduce acres of state bodies of water, it would not be possible to build up the shore area outside Methodist Manor or BVU, as suggested by one person. He also stated that none of us alone can pay for roads, other infrastructure, or recreational facilities. We all have to chip in, not just with dollars, but in-kind as well.

Many are not opposed to funding through taxation, but they want it to be a fair tax. It was noted that it can't be made 100% fair. The Chair thanked attendees for the participation in the discussion.

There being no further business, the Chair adjourned the meeting at 8:30 p.m. until November 27 at 8:30 a.m. for a special session

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**BOARD OF SUPERVISORS MEETING  
FORTY-EIGHTH MEETING, 2001 SESSION (48)  
NOVEMBER 27, 2001**

The Buena Vista County Board of Supervisors met in special session on Tuesday, November 27, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Steve Gustafson reported on his meeting yesterday with a representative from each - Attorney General's office and the DNR. He learned that the DNR may join the county's action on the **Bauer (Casino Beach)** property after the decision of the board of adjustment on 12/3/01 at 7:00 p.m. An Attorney General's Opinion has been found addressing a similar situation -- a garage rebuilt as a house had to be removed.

**Community Services** Director Dawn Mentzer reported that she had extended an offer to a replacement for secretary. Motion by Bruns, to approve the employment of Linda White as secretary in the Community Services Department effective 11/27/07, on a part-time basis, and beginning fulltime 12/26, all contingent upon a favorable background check, her wage to be \$8/hr, and when fulltime, 35hrs/wk. Carried.

**Regional Transit Authority** Executive Director Rose Lee, with Operations Supervisor Vicki Robrock, reviewed their annual report for FY'01. For FY'03, their request was \$9,186 for capital improvement funds for the 2<sup>nd</sup> of 3 yr program. They also requested continuation of the night-time shuttle service which cost the county \$7,897.50 in FY'01. The program has grown significantly in popularity since it began in 1993. RTA has lost about \$100,000 in revenue from the state in State Transportation Assistance funds. This will result in some changes in services.

NWIPDC Planner Darrin Baumgarner and Zoning Director Kim Johnson were present for the discussion of goals and objectives on the **housing survey**. Baumgarner will compile the input and prepare the list for review.

Treasurer Kathy Bach discussed a delinquent tax property in Linn Grove which the city has made a request for assignment on a tax sale certificate. Motion by Vail to approve assigning **tax sale certificate** #9331.1 to the City of Linn Grove, and to authorize the Chairman to sign the certificate. Carried.

The city of Newell previously had treasurer's deeds issued to them for several buildings which have now been torn down. All back taxes had been abated at that time of issuance of the treasurer's

deeds. Now the city has requested abatement of subsequent taxes. Motion by Gustafson to deny the request of the city of Newell to **abate 2000 taxes** on parcel #'s 16-17-453-014 & 16-17-453-015. Carried.

Engineer Jon Ites was present for discussion of the renewal of his **employment contract**. Motion by Burnside to increase the engineer's salary for FY'03 by \$3,000 to \$70,790, or 4.4%. Crampton stated he was favorable to the proposal as he believes Ites is doing a good job. Vail stated he would rather wait until other salaries are determined before making a decision. Since there was general agreement to do so, Burnside withdrew her motion.

Motion by Vail to approve and to authorize the Chairman to sign the **snow removal agreements** with the cities of Linn Grove, Rembrandt, and Truesdale. Carried.

Motion by Crampton to approve the final payment to Merryman Bridge Construction Co for **project # LB-510** (Carol Peterson bridge). Carried.

It was the consensus of the board to authorize the engineer to negotiate this year's budgeted **equipment purchase** of a tandem truck chassis plus equipment and box.

Burnside left for another meeting, and Vail assumed the Chair.

The state again has money available in **FUNDCO**. Ites has submitted a proposal for replacement of a bridge.

Frank Rouse, Clay Co. Engineer's office, sent profiles of the area in **DD #14-42 Jt.** where Rod Kleaveland believes a clean out is needed. The board reviewed them but took no action.

Crampton reported that **Don Biggins** is asking \$2,500 for a (volunteer) black walnut tree that was removed along with several others adjacent to a fenceline by secondary roads for better site distance. Ites will propose another alternative in writing.

Motion by Gustafson to approve the **minutes** of the 11/20 meeting as amended, and the following **reports**: Oct Communications Commission minutes, DNR site inspection reports. Ayes—Bruns, Crampton, Gustafson, Vail. Nays—none. Carried.

Burnside returned, and Vail left the meeting for an appointment.

UDMO Executive Director Larry Rohret & Storm Lake Site Director Joan Spooner met to present the **FY'03 budget** request which is the same amount as in the current year - \$19,715. They are seeing a reduction in state funding, though, so far, not in federal funds.

Motion by Crampton to approve that the FY'01 **flex benefit forfeited** funds (\$123.52) be authorized for expenditure by the Wellness Committee. Ayes—Bruns, Crampton, Gustafson, Burnside. Nays—none. Carried.

There being no further business, the Chair adjourned the meeting until 8:30 a.m. December 4, for a regular session

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**BOARD OF SUPERVISORS MEETING  
FORTY-NINTH MEETING, 2001 SESSION (49)  
DECEMBER 4, 2001**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 4, 2001, at 8:30 a.m. in the Boardroom with Chairman Burnside presiding, and with the following other

members present: Bruns, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting. Absent: Crampton due to illness.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Bill Lanphere was present to suggest that the board consider a sound system for the **public meeting room**. The discussion at the 12/3 Board of Adjustment meeting was difficult to hear.

Steve Gustafson checked in with the supervisors to confirm that the Board of Adjustment had not yet rendered a decision after closing their public hearing the night before. The Board of Adjustment had met to consider Jim Bauer's request to vacate the recision of his zoning compliance permit for **the Casino Beach** property. That decision has not yet been made.

Jackie Frantum, **Vista Addiction and Recovery**, was present to discuss how their current funding from the county is being used, and, to request funding in the amount of \$3,000 for FY'03 for a Family/Marital Training program.

**BV Co Landfill** Manager Ellsworth Jeppesen, Treasurer Marty Rowley, and Landfill Board Chairman were present to discuss rates for the upcoming year. They are running out of landfill space, can't open a new landfill at a feasible price, so must haul garbage out of the county (currently to Cherokee Co.). An increase in the per capita assessment is needed at this time, from \$24/capita to \$27/capita which will amount to \$130,626 (4,838 X \$27) for FY'03. \$128,400 was budgeted for the current year (\$24/capita X 5,350 from 1990 census).

Engineer Jon Ites presented plans for approval and signature. Motion by Vail to approve and to authorize the supervisors' signatures on the plans for the following asphalt **projects** to be let in Ames in March, 2002: **#FM-CO11(49)—55-11** [C-65/Hwy 110 to M-31 for 1 mile], **#FM-CO11(44)—55-11** [M-31/C-65 to Alta-4 miles], **#L-FM-401—73-4** [M-31/Hwy7 to Hwy 3 -5 miles], **#L-R-306—73-4** [Bel Air Addition-Mallard Ave .5miles]. Carried.

*Motion by Bruns to nominate Gustafson as the voting delegate to the 12/7/02 IDDA meeting in Fort Dodge at which time there will be an amendment to the by-laws. Carried.* (It was subsequently learned that the IDDA Bylaws require that a county with a supervisor on the IDDA Board of Directors, shall appoint that member as its voting delegate. See the minutes of the 12/6/01 supervisors' meeting.)

Supervisor Gustafson left the meeting to attend a funeral.

Motion by Bruns to approve the interim pay voucher to Kuehl & Payer for their design contract on project #STP-11(47)—53-11 in the amount of \$2,744.75 for **project #STP-11(47)—5E-11**. Ayes--Bruns, Vail, Burnside. Nays--none Carried.

Following his traffic investigation report, motion by Vail to approve the engineer's recommendations for the following additional **stop sign locations**:

1. Bel Air Beach Access & Mallard Ave. – no change;
  2. 132<sup>nd</sup> Ave & 440<sup>th</sup> St. – south bound traffic to stop;
  3. 250<sup>th</sup> Ave & 520<sup>th</sup> St. – north and south to stop (Pocahontas County);
  4. 55<sup>th</sup> Ave & 570 St – northbound traffic to stop;
  5. 60<sup>th</sup> Ave & 570<sup>th</sup> St. – east and west traffic to stop.
- Ayes--Bruns, Vail, Burnside. Nays--none Carried.

Guthrie County is looking for '**pony truss**' bridge for an equestrian trail. It was the consensus of the board to offer them the 80' truss located at the Sturchler Pit. The board questioned whether its

historical value would pre-empt the offer, but the engineer confirmed that there is currently no restriction for disposing of it to Guthrie County.

The Board noted receipt of letter of thanks from Chris Nolte, SLADC/Storm Lake Chamber of Commerce, for lighting at the three Hwy 71 intersections.

Janice Danielson representing the BV Genealogical Society reported that her organization is using their current year's funding for file cabinets to store the probate files donated by the Clerk of Court. They request \$750 in FY'03 for a copier to replace their current one which is expensive to operate. She also represented the BV Co Historical Society and requested \$1,250 for a replacement furnace for the front area of their museum. They have now completed the second stage of Main St and have added a display case for military uniforms. She thanked the Board for their past and continued support.

Motion by Vail to approve the minutes of the 11/26 and 11/27 meetings as printed, and the following reports: 11/20 DNR site investigations reports, and November budget reports. Ayes--Bruns, Vail, Burnside. Nays--none Carried

Motion by Burnside to approve election expense invoices to schools and cities for the 2001 Regular School and Municipal Elections. Ayes--Bruns, Vail, Burnside. Nays--none Carried.

Motion by Bruns to approve and to authorize the Chair to sign the DD #64-105 Jt. work order for a site in Section 2, Delaware Twp, Sac Co. Ayes--Bruns, Vail, Burnside. Nays--none Carried

Motion by Bruns to note that on today's date, the second and final equal payment of \$20,000 from the General Basic to the Secondary Road Fund was made, for a storage building at 401 Hudson St., Storm Lake. The building's use is now transferred from Secondary Road activities to Sheriff/Custodian usage.

Motion by Vail to approve and to authorize the Chair and the Auditor to sign the 28E Law Enforcement Mutual Aid agreement between Buena Vista, Calhoun, Cherokee, Clay, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury County Sheriff's Departments. Ayes--Bruns, Vail, Burnside. Nays--none Carried.

There being no further business, the Chair adjourned the meeting until 2:30 p.m. on December 6, for a special session

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#### **BOARD OF SUPERVISORS MEETING FIFTIETH MEETING, 2001 SESSION (50) DECEMBER 6, 2001**

The Buena Vista County Board of Supervisors met in special session on Thursday, December 6, 2001, at 2:30 p.m. in the Boardroom with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Darren Bumgarner, NWIPDC, reviewed the list of Housing Assessment Goals and Objectives. After discussion, motion by Gustafson, to approve and to authorize the Chairman to sign Resolution 2001-12-06, a resolution adopting 2002 Housing Goals and Objectives. Carried.

#### **RESOLUTION 2001-12-06**

A RESOLUTION OF THE SUPERVISORS OF BUENA VISTA COUNTY, IOWA, SUPPORTING AND APPROVING THE 2002 HOUSING NEEDS ASSESSMENT AND ACTION PLAN.

**WHEREAS;** Buena Vista County has developed and completed a housing needs assessment and action plan; and,

**WHEREAS;** the County supports and approves the housing needs assessment and action plan; and,

**WHEREAS;** the County will send a copy of the completed housing needs assessment and action plan to the Iowa Department of Economic Development.

**NOW THEREFORE, BE IT RESOLVED** by the supervisors of Buena Vista County, Iowa, that the county's 2002 Housing Needs Assessment and Action Plan be approved.

**PASSED AND APPROVED** THIS 6<sup>th</sup> DAY OF December, 2001.

/s/ Lorna Burnside, Chairperson, Buena Vista County, Iowa     Attest: /s/ Karen Strawn, County Auditor, Buena Vista County, Iowa

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Motion by Vail to change the action taken at the 12/4/01 meeting as follows: Bruns, as a member of the **Iowa Drainage District Association** Board of Directors is appointed voting delegate for Buena Vista County (pursuant to the IDDA Bylaws), and Gustafson is appointed alternate. Carried.

Due to the close outcome, the auditor reviewed the status of the 12/4 Alta bond **election** in preparation for the canvass to be held 12/10 at 10:00 a.m.

Vail left the meeting.

Motion by Bruns to approve the **minutes** of the 12/4/01 meeting noting the change to the motion approved above. Ayes—Bruns, Crampton, Gustafson, Burnside. Nays—none. Carried.

To begin the **FY'03 budget** process, the auditor reviewed FY'01 ending fund balances in comparison to 1<sup>st</sup> Qtr FY'02 expenditures. Treasurer Kathy Bach was also present and discussed the same information and its impact on her investments and the liquid cash available for warrants written. The board reviewed several financial charts and the target ending fund balance discussed at the end of the FY'02 budget process. Additional discussion was scheduled for the 12/17 meeting.

There being no further business, the Chair adjourned the meeting at 5 p.m. until 10:00 a.m. on Monday, December 10, for a special session to canvass the 12/4 special elections.

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**BOARD OF SUPERVISORS MEETING  
FIFTY-FIRST MEETING, 2001 SESSION (51)  
DECEMBER 10, 2001**

The Buena Vista County Board of Supervisors met in special session on Monday, December 10, 2001, at 10:00 a.m. in the Magistrate Courtroom of the Courthouse, with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Deputy Auditor Kennedy as clerk for the meeting.



Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Upon completion of the canvass of the December 4, 2001, Special Elections in the School Districts of Alta and Sioux Central, pursuant to Chapter 50.24 of the 1999 Code of Iowa, motion by Vail to declare the results as follows, and to direct the Auditor to prepare abstracts as required: Alta Community School-Public Measure A (\$3,400,000 bond issue for elementary and middle school additions and repairs) – total voters – 963, Yes—583 (60.54%), No—380 (39.46%), with the public measure being declared approved (60% approval required for passage); Sioux Central Community School-Public Measure B (10 yr., 10% Instructional Support levy with income surtax) – total voters – 449, Yes—168 (37.42%), No—281 (62.58%), with the public measure being declared defeated. Carried.

The Supervisors moved their meeting back to the Boardroom.

MH Director Dawn Mentzer presented the MH Management Plan for annual review, and the appeals process and department update. She listed the previous goals that were set and the update on their progress. Regarding the goal of Adult Rehabilitation Services—all of the providers have been approved or are in the process; having a social/leisure resource person—they have not had any applicants. The other goals mentioned were: to increase awareness in dealing with legal issues; and that service providers function as a consortium to provide acute follow up support. Mentzer said that surveys had been sent to clients and family members, and they came back with 100% satisfaction.

MH Director Dawn Mentzer notified the supervisors that they need to revise their appeal process, due to a Supreme Court decision on a case in Woodbury County. The Board can no longer be the final appeal board. Mentzer will check with the State to see if at least one member of the Board can sit in on the appeal board.

Genesis Administrator Cindy Wiemold was present to expand on the discussion of Adult Rehabilitation Option (ARO), which provides Medicaid funding for services that are rehabilitative in nature traditionally funded 100% by county dollars.

The appointment scheduled for 11:00 was cancelled.

Jackie Frantum and Vicki Baxter requested funding for the Ecumenical Institute in the amount of \$1,000 per year for three years. This is a program for ministers and lay people that is currently offered through Cherokee MHI and they want to get it back into the community. The program will be a self supporting program once \$500,000 is raised. Each individual pays their own tuition of \$400 for this course. Gustafson thought there would be a conflict between religion and government in giving them an allocation.

Motion by Bruns to appoint J. C. Eaton and Stan Sievers as the supervisor representatives to the Compensation Board. Carried.

Motion by Vail to approve the minutes of the 12/06/01 meeting as printed. Ayes—Bruns, Crampton, Gustafson, Burnside. Nays—none. Carried.

There being no further business, motion by Gustafson to adjourn the meeting at 11:45 a.m. until 8:30 a.m. on Monday, December 17, for a regular session, this being a day early due to there being a District 3 meeting in Cherokee on Dec. 18. Carried.

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**JT. CITY/COUNTY MEETING  
DECEMBER 12, 2002  
STORM LAKE CITY COUNCIL CHAMBERS**

The City of Storm Lake hosted the December 12, 2001, Jt. City/County meeting at Storm Lake City Hall with the following present:

City: Mayor Jon Kruse, Councilmembers Wally Burns, Julie Egland, Jim Treat, and Denny Vaudt, Administrator John Call, City Clerk Patti Moore, Public Safety Director Mark Prosser, Fire Chief Mike Jones; Police Department Office Mgr. Lee Martin;

County: Supervisors Doug Bruns, Herb Crampton, Jim Gustafson, Dick Vail, Auditor Karen Strawn, Communications Supervisor Mark Van Hooser, Sheriff Chuck Eddy, Deputy Sheriff Don McClure, Emergency Management Coordinator Bob Christensen;

LPA: Steve Roth;

Public: Mike Breecher, Chuck Offenburger, Willard Christensen, Willis Strawn;

Media: Art Cullen, Tom Klett.

Mark Prosser gave an overview of the BV Co. Communications Commissions study on replacement of the **CLUES software** used by the Storm Lake Police Department, BV Co. Sheriff's Dept. and the BV Co. Communications Center. The company which developed CLUES has been sold, and its new owner plans to drop support of the system on 12/31/02, so a new system is needed. A number of companies have been contacted to determine what is available and to get an idea of the cost. The highest cost presented was mid-range at approximately \$139,000 each for each of 2 modules. The purpose of the study was to get an idea of pricing for budget purposes. Payment methods and timelines were also investigated.

Mayor Jon Kruse introduced the discussion of the **Storm Lake dredging project** with announcement of the probable purchase by the city of a piece of ground east of Storm Lake for use as a spoil site. He also reported that property within ½ mile of a city wellhead can be put into CRP. This incentive may increase measures to slow siltation into the lake.

There were a number of questions and answers regarding subjects including the purchase of a dredge, a timeline, other sources of funding, etc., with the discussion concluding at 8:40 p.m.

**BOARD OF SUPERVISORS MEETING  
FIFTY-SECOND MEETING, 2001 SESSION (52)  
DECEMBER 17, 2001**

The Buena Vista County Board of Supervisors met in regular session on Monday, December 17, 2001, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

Deputy Auditor Sue Kennedy presented several report options for the **budget** process. The board discussed other issues regarding budgeting for FY'03, including a letter regarding new health insurance rates. Among the 7 different plans, the increases average 12.5%. There are 2 representatives to the Compensation Board yet to be appointed or re-appointed. The Compensation Board will be asked to prepare its recommendations by January 29.

Engineer Jon Ites reported that a Chamber of Commerce Alliance (Chambers of each of 15 largest cities in Iowa) is asking for a change in the **Road Use Tax** distribution formula. Counties stand to lose a significant amount of money.

**Corn Belt Power Cooperative** has requested approval from the Iowa Utilities Board for a franchise for an electric transmission line in Section 32, Lincoln Township.

Motion by Vail to approve the **underground utility permit application** of Iowa Telecommunications Services, Grinnell, Iowa, to install telephone cable for 1100 feet along 180<sup>th</sup> St. between Sections 35 & 36, Providence Township. Carried.

Marilyn Monson, representing **Newell Historical Society**, was present to request \$2,000 for FY'03. She thanked the board for the current year's support and gave them an update on progress at the Allee Mansion. Tourism is the fastest growing industry in Iowa, so the Storm Lake and BV County Convention and Visitor's Bureaus have been working to showcase the county. She also inquired about funds the board had set aside for the expenses of volunteers attending **Western Iowa Tourism** meetings, and what types of expenses may be covered. Since there previously was no specific amount authorized in the minutes, motion by Crampton to approve up to \$250 for the remainder of the year for volunteer meals and mileage (@\$.30/mile). Carried.

Arlin Hinkeldey, representing the **Hanover Historical Society**, reported that they have buildings to add to their community, but no place to put them. Their current project is the house on the corner at the intersection of county roads M-27 & C-65. They are adding an open porch to it. HHS is requesting \$1,000 again, the same as all other historical societies receive. HHS appreciates the financial support, which is putting that corner on the map again.

Commissioner Dwight Young and Colleen Schwanz, SWCD state secretary, from **BV Co Soil & Water Conservation** thanked the county for its past support, and reviewed the many programs supported by the county's funding. They have received an award for youth education. In FY'03 they are requesting \$5,000, up from the \$3,500 in FY'02.

Jon Murray, representing the BV Co Bar Association, suggested changes to the resources purchased for the **law library**. He recommended eliminating several resources which are used little or not at all by the Bar. Motion by Gustafson to authorize Murray to enter into a 1 year agreement for the subscription services for the law library recommended by him for a total monthly subscription fee of \$752, and to further authorize an option for an additional year if the 2<sup>nd</sup> year is the same price. Carried. Murray noted that those services cancelled will still be available if needed, on a 'pay as you go' basis, and the billing procedures implemented for 'pay as you go' have been working quite well.

Sally Dobson, **Council Against Domestic Abuse** Director, discussed Buena Vista County statistics and the success of their used furniture enterprise which provides a good share of their funding. CADA requests the same amount of funding for FY'03 as in the current year - \$4,500. Dobson believes CADA's other funding sources looks stable for today.

**NW Aging** Executive Director Cynthia Beauman reported that the 2000 Census shows that Buena Vista County has 648 fewer persons age 60+ than they did in the 1990 Census. 16.9% of the population of Buena Vista County is age 60+. Her agency is requesting an increase in their per capita allocation, but due to a decrease in this age group, the request is only \$36 more than the current year, or \$10,697 for FY'03. She noted that the agency has lost state funding for the current year twice so far with one more reduction expected, and, the same decreases are expected next year. They also are having to deal with requirements to reduce the ending fund balance, and to use project income. Floyd Courtright and Marv Molitor, boardmembers, were also present for Beauman's presentation.

Motion by Gustafson to approve and to authorize the Chairman to sign the **DD #181Jt.** work order for a site in Dover Twp., Pocahontas County. Carried.

Motion by Crampton to approve the minutes of the 12/10 meeting as printed, and the following reports: 11/7 BV Co communications Commission minutes, 11/13 & 11/28 BV Co Conservation Board minutes, November clerk's fines-forfeitures-surcharges, and, to note receipt of: November Spectra lagoon-Mangold monitoring report, 11/14 NW Aging Board minutes, 11/15 NWIPDC Policy Council minutes, 2001 Western Iowa Tourism annual report, FY'01 3<sup>rd</sup> Judicial District annual report. Carried.

Motion by Vail to approve and to authorize the Chairman to sign change order #1, and, partial payment #1 to Christian Brothers Excavating L.C. for the DD #81 waterway/cleanout repair. Carried.

Motion by Vail to approve today's payroll, subject to future audit. Carried.

There being no further business, motion by Burnside to adjourn the meeting at 2:20 p.m. until 8:30 a.m. on Monday, December 31, 2001, for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
FIFTY-THIRD MEETING, 2001 SESSION (53)  
DECEMBER 31, 2001**

The Buena Vista County Board of Supervisors met in regular session on Monday, December 31, 2001, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Burnside presiding, and with the following other members present: Bruns, Crampton, Gustafson, Vail, and with Auditor Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions were carried with the following vote: Ayes: Bruns, Crampton, Gustafson, Vail, Burnside. Nays: none. Abstentions: none.

**Zoning** Administrator Kim Johnson reported on what nearby counties do regarding the permitting of buildings in the unincorporated area. Johnson noted that adding a permitting program for all new construction in the unincorporated area would substantially add to the work of her department. No action was taken by the board with regard to such a program, nor was any direction given for planning the **FY'03 budget** for the zoning department. It was the consensus of the board to approve hiring a person to drill holes for percolation tests on a case by case basis.

Motion by Vail, to set the date and time as Jan. 8, 2002, at 8:30 a.m. in the boardroom for the **subdivision request** of Dr. Crotty for a parcel north of Marathon. Carried.

Communications Center Supervisor Mark Van Hooser and Sheriff Chuck Eddy were present for the board's discussion of the funding request for replacement of the **CLUES software** for the Center and for law enforcement. Citing the extremely high cost, Gustafson asked that they be prepared to propose 2 options when the budgets are reviewed. Bruns would prefer to purchase only what is needed, not the extra "bells and whistles".

The board discussed the impact of a \$350,000 allocation to **Lake Preservation Association** which would require a \$.48 levy per thousand dollars of taxable valuation, based on the 2001 valuation. Funding would have to come from the General Fund, or county assistance money. Bruns would like to see it come from Conservation Land Acquisition funds. He believes that the county has acquired enough public land. Gustafson disagreed about the acquisition of additional public land, and stated that CLAT funds are under the direction of the Conservation Board, not the Board of Supervisors. Bruns also mentioned an idea of retiring hospital bonds early by encouraging donations to the county for early payoff on the bonds. The county would promise to make a like contribution to the LPA project. The donation would be tax deductible to the donor, and the county would save interest, ultimately saving tax dollars.

Motion by Gustafson to budget \$125,000 in reserve funds in the FY'03 budget in the General Fund for LPA purposes. Vail stated that most of the people in the north part of the county are opposed to funding this project, however, he believes that funding the LPA request is an economic development issue for the county, and as such he will support the motion. Ayes—Crampton, Gustafson, Vail, Burnside. Nays—Bruns. Carried.

Motion by Crampton to approve the minutes of the 12/17 meeting as printed. Carried.

There being no further business, motion by Gustafson to adjourn the meeting at 11:20 a.m. until 8:30 a.m. on Wednesday, January 2, 2002, for the organizational session. Carried.