

**BOARD OF SUPERVISORS MEETING  
FIRST MEETING, 2006 SESSION (1)  
JANUARY 3, 2006**

The Buena Vista County Board of Supervisors met for the first meeting of the 2006 session on Tuesday, January 3, 2006 at 9:00 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Crampton, Gustafson, Lanphere and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Prior to the beginning of today's meeting, Supervisors Crampton and Lanphere completed the count of cash in the Treasurer's office.

Motion by Vail to approve the minutes of the 12/27/2005 meeting as printed, and the 2<sup>nd</sup> Qtr FY'06 report of Sheriff's fees. Ayes—Burnside, Crampton, Gustafson, Lanphere, and Vail. Nays-none. Abstentions-none. Carried.

Motion by Gustafson to adjourn the 2005 session sine die. Ayes—Burnside, Crampton, Gustafson, Lanphere, and Vail. Nays-none. Abstentions-none. Carried.

The first order of business for the 2006 session was election of the Chairman. The Auditor called for nominations for Chairman of the Board of Supervisors. Motion by Burnside to nominate Lanphere. Motion by Lanphere to nominate Burnside. There were no additional nominations. The votes for Lanphere were: Burnside, Crampton, Gustafson and Vail. The vote for Burnside was: Lanphere. Lanphere was declared chairman for 2006.

Unless otherwise indicated, all of the following motions offered at this meeting were carried with the following vote: Ayes: Burnside, Crampton, Gustafson, Vail and Lanphere. Nays: none. Abstentions: none.

Chairman Lanphere called for nominations for Vice-Chair. Motion by Gustafson to nominate Crampton for Vice-Chair. There being no other nominations, motion by Vail that nominations cease. Carried. Motion by Vail for a unanimous ballot for Crampton. Carried.

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

Motion by Burnside to appoint the following persons as delegates and representatives to the committees, commissions and boards as noted for 2006:

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

Crampton-delegate, Gustafson-alternate, to the NW Iowa Planning and Development Commission and Barry Thongvanh as the non-elected at-large representative for Buena Vista County.

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.

Lloyd Galbraith to the Western Iowa Tourism Council.

Crampton-representative and Vail-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 Local Community Empowerment Area Board, with Gustafson as alternate, and with Rhonda Christensen as the citizen representative.

Bill Lanphere to the DHS Service Area Advisory Board

Lanphere-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.

Lanphere-delegate, Gustafson-alternate, for the Regional Investment Board (formerly 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 Vail, with the other board members as alternates for Vail, to the Weather Committee.

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

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

Vail-delegate to the Drainage District #14-42, #22 and #150 Interim Boards.

Crampton, Lanphere 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-Board's representative, and Phil Driver-at large representative, to the Iowa Lakes RC&D Board.

Burnside to the Gingerbread House Board.

Chuck Eddy, Dewyne Stucynski and Vail to the Courthouse/Judicial Security Committee.

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

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

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

Karen Strawn-ADA Coordinator.

To the County Safety Committee (including the Right-to-Know program): Lanphere with Gustafson as the alternate, Chuck Eddy, Tom French (as Jon Ites' designee), Karen Strawn, Ron Reckamp, Steve Wolf, Norm Lund, Sally Bonnesen, Dewyne Stucynski, Kim Johnson, Shirley Johnson, 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.

Vail-representative, Crampton-alternate, to the NW IA Juvenile Detention Center (YES).

Sandy Johnson-representative, to the Regional Housing Authority until 12/31/2006.

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

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

Planning & Zoning Commission members: Mark Bertness, Roger Peterson, Vic Hansen, Arvid Baughman, Dennis Gutz and Bob Rebhuhn, Jim Anderson, and Brian Drzycmski.

Zoning Board of Adjustment members with terms as follows: John Massop-6/21/06, Greg Sundblad 6/21/07, Bruce Engelmann-6/21/08, Cynthia Smith-6/21/09, and Bob Stoughton-6/21/10.

Marc Bertness, Bob Rebhuhn & Sandy Johnson to the County-wide Comprehensive Plan Board.

Becki Drahota, Ron Haraldson and Bill Lanphere to the Judicial Magistrate Appointing Commission for 6-yr terms expiring 12/31/2008.

Crampton-representative, Lanphere-alternate, to the S.H.I.E.L.D. Board.

Vail-representative, Crampton-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.

Tami Mills-Thomas and Kara Napierala-Case Managers, Dawn Mentzer-CPC, Jim Gustafson-BofS representative, Brent Mangold-family representative, Cindy Wiemold-MR Community Based Services representative, John Winkelman-Howard Center-MR Community Based Services representative, Bryce Jepson-consumer, and Veronica Kosky to the Targeted Case Management Advisory Board.

Charleen Anderson-MH Advocate; Dorie Pedersen, John Winkelman, Sue Morrow, Brent Mangold, Cindy Wiemold-providers; Jim Gustafson-Supervisor; Kathy Nichols-consumer; Tami Mills-Thomas & Kara Napierala-Case Managers; Dawn Mentzer-CPC; all to the Managed Care Planning Council.

Dawn Mentzer to the Representative Council of the Seasons Center.

Charlene Anderson to the Cherokee MHI Advisory Council.

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

Don Diehl to the Civil Service Commission, term expiring 12/31/06.

Gustafson and Lanphere to the Lake Improvements Commission.

(The) County Auditor, and in her absence the Deputy Auditor, as Custodian of Supervisors' records.

The motion carried.

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

Motion by Vail to appoint the following persons to the committees, commissions, and boards as noted for 2006:

Mark Kirkholm for a 5-yr term expiring 12/31/10 to the Buena Vista County Conservation Board

Dr. David Crippin, County Medical Examiner, and Tim Speers- BVRMC EMT, and Deputy Doug Simons, Ken McClure, Sac County Sheriff, and independent EMT's Greg Ebersole, Mark Kirkholm & Bob Christensen, as Deputy Medical Examiners (Chapter 331.801). Terms expire 12-31-06.

Rich Haldin, Lloyd Galbraith and Ray Kurtz to the Veterans Affairs Commission for the 2006 year, or until their terms expire (Chapter 250).

To the Buena Vista County Eminent Domain Compensation Commission (Chapter 6B.4): Farmers-Dale Bodholdt, Don Diehl, Rolf Mosbo, Steve McKenna, Nick Ackerman, Becky Dirkx, Kevin Cone; Realtors-J.D. Lehr, Margie Robinson, Darwin Johnson, Bob Hall, Joe Aube, Dick Schmidt, Clark Fort; for Cities: Edward Groth, Nola Jensen, Jim Haraldson, Nancy Sadusky, Tom Huseman, Jeff Elbert, Norris Olney, Jr.; for their Occupation-Mark Rehnstrom, Tim Brown, Harry Schaller, Marvel Olsen, Ronnie Brown, Brian Drzycimski, Ronald Haraldson.

Crampton and Lanphere, with Gustafson as alternate, to the Northwest Iowa Alcohol and Drug Treatment Unit Board, and Gustafson & Lanphere, 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-12/31/07, Jackie Bertness & Brenda Halverson-12/31/08, Bill Lanphere and Jon McKenna-12/31/06.

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.

#### Mileage Rate and Meal Reimbursement

Motion by Gustafson to pay mileage to employees (including deputy medical examiners) at the rate of 35 cents per mile for each mile traveled by private vehicle (not for county owned vehicles) for county business in 2006. Carried.

Motion by Crampton to set the mileage reimbursement rate for sheriff's service fees at the current IRS rate (\$.445/mile on 1/1/06). Carried.

Motion by Gustafson 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 \$25.00 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 Olson, Eaton, Svendsen Agency for the remainder of FY'06: 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 2006 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
Central Bank, Storm Lake	\$5,000,000.00
Security Trust & Savings Bank, Storm Lake	\$10,500,000.00
MetaBank, 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
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Auditor:

Citizens First National Bank, Storm Lake	\$10,000.00
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Sheriff:

Central Bank, Storm Lake	\$250,000.00
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 2006 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 Burnside 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 Crampton to establish 5% as the rate of interest to be paid during 2006 on all stamped warrants, and charged on Improvement Certificates and Drainage District waivers, effective this date (for Buena Vista County drainage districts only). Carried.

### **Resolutions of Appointment**

Motion by Vail that Jon L. Ites be re-appointed Buena Vista **County Engineer** for 2006 with his salary according to his employment contract (Chapter 309.17). Carried.

Motion by Gustafson to adopt **Resolution 2006-01-03a** authorize the engineer to sign certain documents regarding farm to market construction projects and to authorize all Board members to sign. Carried.

### **Resolution 2006-01-03a – 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).

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

Motion by Vail 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 Burnside 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, 6/22/04, & 4/26/05 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.

### **Resolutions on Wage Schedules**

Motion by Gustafson that the following **wage schedules**, adopted as shown, shall be in effect for 2006: Current full & part-time Courthouse Clerks 6/11/96, 'New-hire' courthouse clerks 10/14/03, 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, amended 2/11/97 and 10/14/03, matrons 2/29/00, all subject to future amendment. Carried.

Motion by Vail that **election workers** be paid \$7.50/hr. and chairpersons \$8.00/hr. effective this date. Carried.

Engineer Jon Ites presented a final pay vouchers for bridge deck overlays. Motion by Gustafson to approve and to authorize the Chair to sign final pay vouchers for **project #s L-M – 651 & 652**. Carried.

Two proposals for providing bridge inspection services have been received. Motion by Burnside to accept the low proposal submitted by Calhoun-Burns to perform **bridge inspections** for 2006 and 2007 for a cost of \$12,004. Carried. The second proposal was in the amount of \$12,350.

#### **Fence Removal & Replacement Policy & Right-of-Way Purchases**

Motion by Crampton to adopt Resolution 2006-01-03b setting policy on right-of-way and associated costs. Carried.

#### **RESOLUTION 2006-01-03b**

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 \$10,000.00. The County will offer 6.5 times the current assessed value.
- Temporary Right-of-Way and Dirt borrow purchases for use on construction projects. The County will offer 4.5 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 Gustafson to set a letting date for project #L-C-529—73-11 for March 7, at 10:00 a.m. Carried.

#### **Beaver Control Resolutions for Drainage Districts & Non-Drainage District Areas**

Motion by Gustafson that the beaver control policy (payment of \$35 per beaver tail for beavers trapped in drainage districts), as adopted January 1, 1986, and, the beaver control program for the non-drainage district areas of the county (\$35/beaver tail); the program requiring that the claimant possess a fur-bearer's license as required by law, and to limit the payout for the program to \$1000 in each fiscal year shall be in effect for 2006. 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 2006: Storm Lake Pilot-Tribune, The Storm Lake Times, and Buena Vista County Journal. Carried.

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

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

Motion by Crampton to designate NW IA ADTU as the agency providing pre-screening services to persons, prior to admission to Synergy, and, to designate the Seasons Center as the agency providing pre-screening services to persons, prior to admission to Cherokee MHI. Carried.

Motion by Vail to approve and to authorize the Chairman to sign Resolution 2006-01-03c declaring the need for a housing authority in Buena Vista County, Iowa. Carried.

### **RESOLUTION NO. 2006-1-03c** DECLARING THE NEED FOR A HOUSING AUTHORITY IN BUENA VISTA COUNTY, IOWA.

**BE IT RESOLVED** by the Board of Supervisors of the County of Buena Vista County, Iowa,

That the Board of Supervisors of the County of Buena Vista, Iowa, hereby determines, finds, and declares that:

1. Unsanitary and/or unsafe inhabited dwelling accommodations exist in Buena Vista County, Iowa;
2. There is a shortage of safe and/or sanitary dwelling accommodations in Buena Vista County, Iowa, available to persons of low income or rentals they can afford; and
3. There is need for a housing authority to function in Buena Vista County, Iowa; and
4. That Buena Vista County, Iowa, will join with other counties and municipalities similarly situated for purpose of creating a multi-county housing authority that can command the resources necessary to develop housing in Buena Vista County, Iowa, and other counties and municipalities similarly situated; and
5. That the County Board of Supervisors of Buena Vista County, Iowa, shall join together with other counties and municipalities to create the Northwest Iowa Regional Housing Authority. Such Authority may exercise any power, privilege of authority, authorized by the Iowa Constitution or statute or charter, including the development and management of housing in Buena Vista County, Iowa and similarly situated Counties and Municipalities; and
6. The shortage of safe and sanitary dwelling accommodations in Buena Vista County, Iowa, at rent which persons of low income can afford, compels that this resolution become effective without delay; and, therefore, the same shall take effect and be in force immediately upon its adoption.

**WHEREAS**, a resolution has been passed and adopted entitled "Resolution Approving and Authorizing the Execution of a Certain Joint Exercise of Powers Agreement for the purpose of Creating a Multi-County Housing Authority."

**NOW, THEREFORE**, Pursuant to the provision of Chapter 28E. Code of Iowa, and by virtue of our office as Board of Supervisors, we hereby appoint the one (1) person hereinafter named to serve as Representative of the Northwest Iowa Regional Housing Authority, representing Buena Vista County, Iowa, and to serve for the number of years appearing after her name, respectively, from the 3<sup>rd</sup> day of January, 2006 – December 31, 2006. Name of Representative: Sandy Johnson. Number of years: 1 (until 12/31/06).

**IN WITNESS WHEREOF**, I have hereunto signed my name as Chairperson of Buena Vista County, Iowa Board of Supervisors and caused the official corporate seal of Buena Vista County, Iowa to be attached hereto this 3<sup>rd</sup> day of January, 2006.

/s/ Bill Lanphere, Chairperson  
Attest:  
Buena Vista County Board of Supervisors.....Karen M. Strawn, County Auditor

Ken Rohlk, Paul Park Co., discussed several issues with the courthouse ramp and door. The doors and glass, which were damaged by welding sparks, can be polished out, but would be replaced if polishing doesn't correct the problem. The east handrail on the steps needs to be re-set due to it having been moved before the concrete was set. Rohlk said that no harm would be done in using sno-melt on the ramp, and suggested potash as a good alternative. The steel plate holding the 'southwest-most' vertical roof support will be cut back even with the ramp wall. The plans did not specifically call for railing to be installed on the top of the ramp sides; the plans showed a 10" center. Rohlk advised against painting the galvanized railings to match the vertical roof supports. (Rohlk left.)

Architect Glen Huntington will meet with Rohlk to review the courthouse ramp issues which Rohlk had discussed with the Board. He also noted that the concrete will receive a coat of sealer next summer. Motion by Gustafson to retain an additional 5% on the pending pay voucher until the repairs have been completed. Carried.

There being no further business, motion by Gustafson to adjourn at 11:45 a.m. until Tuesday, January 10 at 8:30 a.m. for a regular meeting.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
SECOND MEETING, 2006 SESSION (2)  
JANUARY 10, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 10, 2006 at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, and Gustafson, and with Auditor Karen Strawn as clerk for the meeting. Absent: Vail.

Unless otherwise indicated, all of the following motions offered at this meeting were carried with the following vote: Ayes: Burnside, Crampton, Gustafson and Lanphere. Nays: none. Abstentions: none.

County Attorney Phil Havens informed the Board of his selection of a candidate to fill the vacant Assistant County Attorney position. Motion by Burnside to approve the employment of Meghann Whitmer as a part-time Assistant County Attorney at an annual salary of \$39,000, effective 1/16/2006. Carried.

Motion by Burnside to approve and to authorize the Chair to sign today's approval list of claims. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign a letter of support for the Council Against Domestic Abuse application for a major funding grant. Carried.

Kuehl & Payer Engineer Ivan Droessler presented his preliminary report on the investigation of DD #35 resulting from a request received from David Degner Sr. Droessler recommends an informational, informal hearing to notify all of the property owners. With an informal hearing there are no time requirements for a published notice. Motion by Burnside to set a date of February 28<sup>th</sup> at 1:30 p.m.

in the Courthouse Public Meeting, for an informational meeting on the engineer's investigation of DD #35. Carried.

Environmental Health/Zoning Director Kim Johnson discussed renewal of the construction evaluation resolution for 2006. Motion by Gustafson to approve and to authorize the Chair to sign Resolution 2006-01-10-A renewing the county's policy for CAFO Construction Evaluations for 2006. Carried.

**RESOLUTION 2006-01-10-A  
CONSTRUCTION EVALUATION RESOLUTION**

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

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

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

**WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2006 and January 31, 2007 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

/s/ Bill Lanphere, Chair, Board of Supervisors.....ATTEST: /s/ Karen M. Strawn, County Auditor

Johnson also discussed application for a \$40,000 DNR grant for a waste utility management project. It was the consensus of the Board to support Johnson preparing application for the grant.

Sheriff Chuck Eddy identified several FY'07 budgetary issues to be considered before submitting his budget including 1) whether or not the Communications Center will be moved to the new building, 2) facility costs including utilities, custodial, maintenance, etc. for March 2007-June 2007 operation of the new building, 3) a proposal for a different staff structure which establishes 3 new positions -- 2 sergeants (with a small salary differential from the deputies), and 1 major (at the same wage as the current jail administrator and patrol supervisor), all to be civil service commission appointments, 4) contracting with a food-service company to prepare jail meals in the jail kitchen (would avoid staff wage and benefit expense, and would access efficiencies not available to county operation), 5) employment of an IT person to be shared with all departments. The Board agreed to extend their meeting on Wednesday, January 11 to discuss these issues (at 1:00 p.m.).

**Nokomis Township** Trustees Dave Mortensen and Russell Post discussed a number of issues related to their management of the Woodlawn and Scandinavian Cemeteries. Many cemetery lots, sold years ago, have been left unused for such an extended period of time that there are no longer any

relatives or interested parties that can be identified to make use of them. In Cherokee County, Pitcher Township has taken action to reclaim their abandoned cemetery lots. Can they do the same? This issue might interest other townships which have cemeteries. Woodlawn Cemetery has a waterline through it running east to west. These days there is little need for running water; they would like to donate the waterline to Hill Chiropractic. They would need to have an attorney draw up an easement. The officers would also like to donate Woodlawn Cemetery to the City of Alta; Woodlawn is commonly referred to as Alta's cemetery. They would keep Scandinavian Cemetery. The County Attorney has not responded on these issues, so can they hire their own? In order to take action on any of these issues, they need an attorney's help. The auditor suggested that the county attorney has a line item in his budget which would allow for hiring an outside attorney when circumstances warrant it.

**Weed Commissioner** Norm Lund advised the Board that his 2005 report has not been received. A signed copy needs to be forwarded to the State Weed Commissioner.

Motion by Burnside to approve the minutes of the 1/3 meeting as printed and the following reports: Nov fund balances, Dec Spectra lagoon monitoring report, 12/12/05 Jail inspection. Carried. Also reviewed: Nov NWIPDC Policy Council minutes

Motion by Crampton to approve and to authorize the Chair to sign, a change to the Employee Handbook regarding 5.12 Military Leave, so that benefits are calculated on a calendar year. Carried.

Motion by Crampton to approve and to authorize the Chair to sign amendment #1 to the B801/CMA agreement dated 12/7/05 which specifies that the on-site Jail construction manager shall be full-time. Carried.

The Chair has received several telephone calls asking what BV County's intent is on joining the Iowa Great Lakes Corridor of Opportunity Association. The Association is preparing a grant application which needs the information on member counties. Gustafson commented that he believes we should join. No matter what agency provides economic development funding, only groups of counties are considered eligible. A single county cannot expect to have access to such grants or loans. Motion by Gustafson to approve and to authorize the Chair to sign a letter of intent to join the Iowa Great Lakes Corridor of Opportunity Association. Carried. The Association is requesting 3 year commitment for funding at \$20,000 per year.

The Chair introduced a discussion on an article in the Sioux City Journal reporting that Woodbury County is urging the legislature to enact a new law to allow counties to collect hotel/motel tax inside the city limits, as well as in the unincorporated area. The Chair asked the Board to consider joining Woodbury County in support of their efforts. The details of how the tax would be administered would have to be worked out by the legislature. The consensus of the Board was to approve the Chair contacting Woodbury County to inform them of BV County's support.

Now that the holidays are behind, the Board discussed hosting an employee lunch. There was some consideration of pot luck vs. catered or preparing the meal themselves. It was the consensus of the Board to host the lunch, the details to be worked out later.

A heater in the engineer's office caught fire last week, but was quickly put out. The Chair informed the Board that it was possible that a retrofit could be placed within the box currently in use. He has had some discussion about checking the other courthouse heating units (a different style than in the engineer's office), and perhaps the breaker boxes as well, due to their age.

A discussion opened on employees paying a portion of their health insurance premium; this is happening in both the public and private sectors. Tomorrow the Board will receive the FY'07 rates, so the discussion today is timely. One idea might be to multiply the cost of living increase by 2 or 2.5 and have the employee pay the portion of the increase in premium which exceeds that multiple. (For example, if the cost of living adjustment is 3.2%, at 2.5 times that amount, the county would pay up to an 8%

premium increase, with the employee paying anything over 8%).) Gustafson stated that although this has been mentioned in the past, he would suggest waiting for the rate increase first. Rate information may be requested on an 'employee plus one' option, however, lowering premiums for one 'subset' results in an increase for another. In summary, the Chair stated that it may be that nothing will happen this year; it is just discussion, but the Board needs to keep looking at options.

There being no further business, the Chair adjourned the meeting at 12:15 p.m. until Wednesday, January 11 at 9:00 a.m. for a special meeting.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRD MEETING, 2006 SESSION (3)  
JANUARY 11, 2006**

The Buena Vista County Board of Supervisors met in special session on Wednesday, January 11, 2006 at 9:00 A.M. in the Public Meeting Room with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Burnside, Crampton, Gustafson, Vail and Lanphere. Nays: none. Abstentions: none.

Keeli Thomas from Group Services reviewed the county's **employee health insurance** claims history for similar periods. Usage has been less than budgeted. Types of services received and facilities used were noted. The Wellmark premium for current coverage will increase 3.82% for FY'07, with no increases for administration or the Safe-T fund. Tom Fleming, Wellmark Representative reported that the trend is an increase of 12.75%. Our 3.82% increase is somewhat a reflection of our SafeT fund (partial self-funding). Rates are based 50% on experience and 50% on demographics. The Board requested that Fleming run our current contract numbers and provide rates for an insurance program which includes single, family, and single plus one contracts to see if the county could achieve some savings. If this would yield some savings, and the premium for family coverage increased, there was discussion of supplementing the family premium from the Safe-T (employee health insurance) fund.

The Board reconvened in the Boardroom for a teleconference with Midwest Construction Consultants' John Hansen. His conversation with Bond Counsel, Bob Josten, has confirmed that (LEC) transition/training expense can be paid from the Sheriff's budget and not counted against the total project cost. He suggested authorization for him to contact Josten and draw up the contract for the transition/training services. Eddy would like to work with StrataVizion for these services. Motion by Gustafson to authorize Midwest Construction Consultants to negotiate additional services with StrataVizion and to request that Josten prepare a contract for the **LEC** transition/training services for a fee of \$15,000 to be paid from the Sheriff's budget. Carried.

Hansen also recommends that the County consider underwriting services from StrataVizion with direct issuance for the **LEC**. This company offers the necessary services, and works with local financial institutions for a fee of approximately \$6,000. Motion by Burnside to authorize Midwest Construction Consultants to secure a proposal from StrataVizion Consulting Group, Inc., Des Moines, for the necessary financing services and to forward the proposal to Bond Counsel and the Board of Supervisors

for review. The Board requested Josten's review and approval in writing. Hansen will secure references and forward them to Josten. The vote on this motion carried.

Hansen report that after resolving a number of issues, the LEC floor plan is being reworked so that drafting of design drawings can begin. The proposed schedule calls for bid letting in April and groundbreaking in May.

Sheriff Chuck Eddy and Deputies Don McClure and Doug Simons, were present to discuss FY'07 budget items associated with the LEC. Eddy has consulted with the Plymouth County Sheriff to get an estimate of several budgetary items. In Plymouth County utilities run about \$5,000/month. Eddy will project a \$20,000 need for FY'07, and \$350/mo will be allowed for cleaning supplies. Eddy has arranged for a presentation at the next meeting on a food service program for an estimated \$5,000/mo. His staff currently produces meals for \$1.64/meal without labor factored in. The food service's charge is approximately \$2.50/meal. He plans for jailers and prisoners to handle jail custodial duties, and will plan \$2,500 for a custodial contract for the Sheriff's offices. Snow removal/lawn care will not be needed in the FY'07 budget. A line item will be needed for Inmate issue (clothing, personal supplies, etc.) With funds available in this year's budget, he will replace some of the mattresses now; the mattresses will then be used in the new facility. Eddy is looking into the commissary services provided by Swanson Commissary Services. Their system manages inmate purchases of hygiene items, snacks, writing materials, soft beverages and other items. The profit that is realized from this program is used toward inmate programs or items that specifically benefit the offender population. The Swanson system also provides inmate banking services, maintaining current and historical records of all transactions incurred while an offender is in custody. This would give the County the ability to collect for all debts currently owed as well as past debts.

Eddy reviewed his plans for staff re-structuring. If the Board were favorable, he would like to order the Civil Service testing and study guides. The Board will take action on the request at the next meeting.

BV Co Communications Commission Chair Mark Prosser, Supervisor Mark Van Hooser, Sheriff Eddy, and Deputies McClure and Simons were present for the Board's discussion of the County's membership on the Communications Commission. The discussion opened with Gustafson explaining that in the course of moving the Communications Center to the LEC, which will free up space in the courthouse for other departments, he believes it is in the best interest for the County to put the Communication Center under the management of the Sheriff. Burnside mentioned that the fire last week in the Engineer's office caused her to consider that if anyone was to move out of the courthouse, it should be the Communications Center which is a 24 hour-safety agency. We need to consider the electrical safety of that agency. The Chair mentioned the need to finalize the floor plan for the LEC so that plans can be started. This decision is necessary to keep the project on track. Van Hooser commented that he really doesn't know where the Comm. Center sits in the LEC plans. Is there room? Where? The response was that it will be on first floor, but adjacent to outside wall rather than in the jail control room. This will allow the control room to be smaller. The new location would have the amount of space Van Hooser had identified in plans he had prepared for the Jail Task Force. The Chair reiterated that the idea had come up last fall, but we are now down to the business of making a decision. The new bldg will give the Comm. Center more space and free up courthouse space for other purposes, as there are other needs for other departments. He invited comments. Prosser commented that today's agenda refers to termination of the Board's membership on the Commission, but the discussion has so far been to move the Comm. Center to the LEC. He had not heard any prior information that termination was being considered. The Chair responded that the agreement notes that most of the equipment is county owned. The 28E Agreement says that the Comm. Center would dissolve if the Board of Supervisors withdraws its membership. This action doesn't shut down the operation; just the management of the Comm. Center would be changed. Prosser responded that right now city law enforcement (Storm Lake, Alta, Newell, and Sioux Rapids), fire departments, EMS (ambulance service) and Emergency Management have input into the management. He asked, "Why does moving the Comm. Center trigger changing the management?" Gustafson responded that the Sheriff is elected countywide and will be fair to all agencies, which use the Comm. Center. He believes it is time the county takes the management back

and puts it under the Sheriff. The County continues to be obligated to fund it. Although usage has been discussed, none of the agencies have been asked to help fund it. The Board has to make a decision. As Chair of the Comm. Commission, Prosser stated that he had no previous knowledge that this action was being considered. Vail responded that the Board believes the Communications Center can be more efficiently run under the Sheriff. The Board believes it is best to make this change.

Motion by Gustafson, second by Vail, to approve and to authorize the Chair to sign Resolution 2006-01-11 withdrawing the membership of the Buena Vista County Board of Supervisors from the **Buena Vista County Communications Commission** effective 6/30/2006. The Chair stated that under discussion, the resolution could be tabled pending discussion with the Communications Commission. Prosser requested that the Board meet with the governing boards and councils of the Communications Commission members. Burnside agreed that the Supervisors could contact them. Gustafson stated that twenty plus years ago, no one had questions, and Vail stated that the commission was organized by the members, not the governing boards or councils of the members. If the other organizations were partially funding the operation, he could agree. But that is not the case. Gustafson called for the question. Crampton commented that the Construction Manager discussion called for prompt action on this decision. The vote on the resolution was: Ayes-Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays—none. The resolution was approved. A cover letter and copies of the resolution will be sent to EMS, the Fire Association, and Emergency Management. A letter will be sent to members thanking them for their management at the conclusion of the fiscal year when the Commission is dissolved.

**RESOLUTION 2006-01-11**  
Terminating Buena Vista County Membership on the  
Buena Vista County Communications Commission

**WHEREAS**, the Buena Vista County Board of Supervisors is a member of the Buena Vista County Communications Commission; and

**WHEREAS**, the 28E agreement for the Buena Vista County Communications Commission provides in Article IX-Membership, that the Buena Vista County Board of Supervisors membership to this agreement may be withdrawn upon submission of a resolution of the Board of Supervisors to the Chairperson of the Commission; and

**WHEREAS**, it is the Buena Vista County Board of Supervisors' goal for the Communications Commission to be moved to the new Law Enforcement Center;

**NOW THEREFORE BE IT RESOLVED** that the Buena Vista County Board of Supervisors does hereby withdraw from the Buena Vista County Communications Commission effective June 30, 2006, that it acknowledges that its financial obligation to pay in full for the operation shall not terminate until 6/30/06, and that the Buena Vista County Board of Supervisors confirms that this action shall effect the dissolution of the Commission on June 30, 2006; and

**BE IT FURTHER RESOLVED** that the Chairman of the Buena Vista County Board of Supervisors is authorized to sign this resolution and to file a copy with the Chairman of the Communications Commission.

**PASSED AND APPROVED** this 11<sup>th</sup> day of January, 2006.

/s/ Chairman, Board of Supervisors.....Attest: /s/ Karen M. Strawn, County Auditor

Motion by Vail to approve and to authorize the Chair to sign the 2005 Weed Commissioner's report. Carried.

Motion by Crampton to approve the minutes of the 1/10 meeting as printed. Carried.

There being no further business, the Chair adjourned the meeting at 4:05 p.m. until Tuesday, January 17 at 8:30 a.m. for a special meeting.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FOURTH MEETING, 2006 SESSION (4)  
JANUARY 17, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, January 17, 2006 at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following motions offered at this meeting were carried with the following vote: Ayes: Burnside, Crampton, Gustafson, Vail and Lanphere. Nays: none. Abstentions: none.

8:30 a.m.—The time having arrived for a public hearing on a budget amendment for FY'06, the Chair opened the hearing with no interested persons present. Following a review of the amendment by the Auditor, motion by Burnside to close the public hearing, and to approve and authorize the Chair to sign the certificate of FY'06 budget amendment, and to approve the following amendments to appropriations:

• increase activity 1000	General Basic Fund (0001)	Dept. 5	\$13,825
• increase activity 6420	General Basic Fund (0001)	Dept. 98	\$3,500
• increase activity 7100	Secondary Roads Fund (0020)	Dept. 20	\$25,000
• increase activity 7110	Secondary Roads Fund (0020)	Dept. 20	\$340,000
• increase activity 7120	Secondary Roads Fund (0020)	Dept. 20	\$15,000
• increase activity 7130	Secondary Roads Fund (0020)	Dept. 20	\$20,000
• increase activity 0100	Hospital Debt Service (2004)	Dept. 74	\$335,000
• increase activity 0110	Hospital Debt Service (2004)	Dept. 74	\$165,703
• increase activity 0210	Conservation Land Acq (0027)	Dept. 22	\$35,000. Carried.

Emergency Management Coordinator Bob Christensen updated the Board on the installation of warning sirens around the county. He provided a map of the prior coverage showing the weak areas, before the new installations. Storm Lake and Lakeside received multi-directional sirens. He will seek approval from the Conservation Board to install one in South Cove Park on the southwest side of the lake. Christensen also discussed the training provided during 2005 and the funding brought into the county from Homeland Security since 1999 - \$732,000. Also some of the training he has provided has allowed the fire chiefs to apply for and receive fire service grants totaling \$476,000. He assists with their grant applications. The court system has also received \$25,000 to upgrade security for the courtroom. Gustafson believes that satellite phones would be important due to the communications problems experienced on 9/11 and the Katrina disaster. Christensen responded that the phones are on the list of items that need to be applied for.

Don Van Oort, R&D Industries, re-scheduled his appointment for today to next week.

The Board looked at and discussed how the department heads should handle wage lines.

Motion by Vail to approve the minutes of the 1/11 meeting as printed. Carried.

Motion by Burnside to accept the final plans for project #'s BROS-CO11(65), L-C-529, FM-CO11(60), FM-CO(58), FM-CO11(74) (bridge, culvert and asphalt projects), and to authorize members to sign. Carried.

EnvHealth/Zoning Director Kim Johnson informed the Board of a construction application subject to the matrix evaluation. The facility, McPig LLC, will be owned by Joe and Pat McKenna and Rusty Kosky. Gustafson suggested a waiver to solve the ownership question regarding additional separation distance. The facility is proposed for Section 32, Providence Twp. and will be for 4,800 head. Motion by Burnside for the McPig LLC matrix evaluation hearing on January 31<sup>st</sup> at 8:30 a.m. Carried.

The Board looked at some preliminary figures for employee health insurance, changing the programs currently available.

Treasurer Kathy Bach introduced a discussion of the Clerk's wage schedule which was approved in 1996. In 2003, there was a change to the schedule which effected new hires only. Only the Treasurer, Recorder, Auditor and EnvHealth/Zoning Director's departments use the wage schedule. She proposes eliminating the 'new hire' schedule and adding to the Clerk's schedule with a 69% top after 8 years. Recorder Shari O'Bannon would like to raise the current cap for the part-time clerks as well. Motion by Gustafson to return the 6/11/96 Clerk's wage schedule (eliminating the new hire schedule approved 10/14/03) and add a step at 7 years for 69%, to become effective 7/1/2006. The Chair believes it would be prudent to table the decision to allow additional time to consider the ??. Ayes—Burnside, Crampton, Gustafson, Vail. Nays—Lanphere. Carried.

Rob Green, CBM Food Service (Catering by Marlin—a family owned business) gave a presentation on providing food and commissary services for the new jail. The company is 25 years old and covers 8 states in the upper Midwest with about 600 employees. They offer a quality program, which exceeds the letter of the law, with a savings to the county, and can maintain existing kitchen employees matching current wage and benefits, and can provide an employee meal program, if desired. They provide customized programs, with tried and tested menu, employee training programs, with a local building strategy combined with strategy opportunity buys and ongoing communication for adjustments with no long term contracts unless desired by the county. Green's review of BV County's staff needs would be 2 FTE's (2pt and 1ft). Sheriff Eddy has discussed the food storage space needs for the new facility with the CM; a desk space will need to be located. Eddy sees the real benefit in avoiding the employment of additional jailers.

Jeff Kestel, Coordinator for IA Lakes RC&D, presented an update on their computer recycling project. They are requesting \$2,000 to assist with the project to deal with the goal of proper disposal of the computer waste, reduce recycling fees, and to educate the public on the topic.

Burnside left the meeting.

Kathy Evert, Exec Director for Iowa Great Lakes Corridor of Opportunity, Inc., discussed their efforts to expand to meet the state's definition of a regional organization which will qualify them for economic development grants. The number of counties in the regional group will make a difference in how many dollars are available. She is preparing an application for those dollars from IDED; the deadline is January 31<sup>st</sup>. A portion of the dollars must be used for marketing. The Association was originally Clay and Dickinson Counties; Emmet County has just joined. Evert is asking Buena Vista to consider joining, and to provide \$10,000 now, and commit \$20,000 per year beginning with FY'07. She would be working with, not in place of SLADC. Motion by Gustafson to approve the appropriation and payment of \$10,000 to the Iowa Great Lakes Corridor of Opportunity, Inc. to be paid with the next claims group. Ayes—Crampton, Gustafson, Vail, Lanphere. Nays—none. Carried. The Board will need to appoint three representatives to the Iowa Great Lakes Board which meets the second Tuesday of the month.

There being no further business, motion by Vail to adjourn at 12:15 p.m. until Tuesday, January 24 at 8:30 a.m. for a regular meeting.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FIFTH MEETING, 2006 SESSION (5)  
JANUARY 24, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 24, 2006 at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Burnside, Crampton, Gustafson, Vail and Lanphere. Nays: none. Abstentions: none.

IM Supervisor Barb Smith and Secretary Charlene Lickiss, DHS, reviewed their requests for the FY'07 budget.

Motion by Burnside to approve and to authorize the Chair to sign today's **claims** approval list. Carried.

Treasurer Kathy Bach presented a tax suspension notice from DHS. Motion by Gustafson to approve the **suspension of current and future taxes** on parcel #1109300005 pursuant to Chapter 427.9 of the Code of Iowa. Carried.

Telepartners, the former provider of cable TV services in Newell, is insolvent. **Tip-Top Communications**, Arcadia, has requested abatement of their taxes. Tip-Top proposes to take over their cable equipment and cable lines and restore cable services, if the County waives the taxes and releases the lien against Telepartners. Bach suggested waiving the delinquent taxes, but asking the current taxes be paid. The consensus of the Board was to contact Tip-Top with an offer to abate 2002 and 2003 taxes, if the 2004 taxes are paid.

Motion by Burnside to approve and to authorize the Chair to sign a purchase agreement for 'Eagle' **(imaging) software**, in the total amount of \$9,270 (less \$3,360 for conversion of existing files, if the decision is made not to convert them). Carried.

Motion by Crampton to set a public hearing for January 31 at 9:00 a.m. for the **subdivision request** of Roger Potratz, for a parcel in Section 35, Nokomis Township. Carried.

**Compensation Board** (CB) President Tom Daniels presented the recommendations of his Board for FY'07 salaries for elected officials. He stated that the CB was trying to move Buena Vista officials up more in line with similar size counties around the state. They want to recommend wages that will encourage others to consider public office. He noted that the vote on the recommendations was not unanimous, however the increase is not a large percentage of the total county budget. The CB wanted to give the Supervisors a space to move. The Supervisors thanked him for his and the CB's work and presentation.

Motion by Vail to approve the minutes of the 1/11 meeting as corrected. Carried.

Engineer Jon Ites circulated the 2005 **OSHA 300A** which shows 9 recordable incidents, (7 injuries and 6 workdays lost). It will be posted for the month of February at all worksites. The Board signed a letter of congratulations and thanks to Secondary Road employees for a safe work record. Board members commented that it is a great record and that employees should be commended.

Motion by Crampton to approve and to authorize the Chair to sign the Statement of Completion and Final Acceptance of project #FM-CO11-(66)—55-11 presented by Ites, in the amount of \$497,686.77, completed by Godberson-Smith Construction, Ida Grove. Carried. This project was the paving of 90<sup>th</sup> Ave. Carried. The Board has heard good comments on the road.

Ites discussed attending a retirement party for the Winnebago County Engineer, using the county vehicle. Several members had no objection, but the suggestion was made that Ites reimburse the county for those miles.

Ites presented his **FY'07 budget request**. In the current year, the property tax for the Secondary Road fund is 87.5% from both General Basic and Rural Basic funds. He reviewed the legal maximum amount for the transfers. Local Option dollars is decreased due to the change in the distribution formula. Also reviewed were construction projects and equipment purchases. Motion by Gustafson to reduce the property tax revenue to Secondary Roads for FY'07 to the '05 level of \$1,118,436 (Gen Bas-\$102,219, Rur Bas \$1,016,217. Ayes--Gustafson-aye; nays-Burnside, Crampton, Vail, Lanphere. The motion failed.

Don Van Oort and Carl Vogel of R&D Industries presented a proposal for future hardware needs of the county's computer system. The goal is to move to a system that reduces future costs due to the way it is designed.

Paul Peterson addressed the Board on the subject of decriminalization of marijuana by use of a prosecutorial discretion policy. His agenda is to ask the Board to help with the decriminalization. He also encourages a save ride program (which encourages asking for a ride when a person has alcohol in their system) to avoid being picked up for public intoxication. He would like the Board to appoint someone to review the documents he has on these subjects, and then report back to the Board. He advocates passing an ordinance to decriminalize marijuana. Ann Peterson Pyle, Peterson's mother, supports approval of the use of marijuana for medical purposes. Gustafson reported that the Season's Mental Health Center is working towards a drug and alcohol court. Season's has successfully applied for a couple of grants for this program.

The Board discussed the proposed contract for training and transition services for the LEC. The Chair will review it with the Sheriff prior to approving it.

**FY'07 budget** requests for data processing, conservation, general relief & veterans affairs, recorder, mental health and insurance were also reviewed.

There being no further business, motion by Gustafson to adjourn at 4:40 p.m. until Wednesday, January 25 at 8:30 a.m. for a special meeting.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING**  
**SIXTH MEETING, 2006 SESSION (6)**  
**JANUARY 25, 2006**

The Buena Vista County Board of Supervisors met in special session on Wednesday, January 25, 2006 at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting. Absent: Crampton, for another meeting.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Burnside, Gustafson, Vail and Lanphere. Nays: none. Abstentions: none.

Along with review of the **Communication Center's** budget, the Board also discussed moving expense for that department to the new LEC. CC Supervisor Mark Van Hooser will investigate several possibilities for location and cost of the tower.

Gustafson left for another meeting.

Other **'07 budgets** reviewed were: general services, custodian, sheriff & jail, environmental health and zoning, supervisors, auditor.

At the conclusion of his meeting in Odebolt, Crampton placed a call to the Boardroom for action on the contract with StrataVizion for services for the **LEC**. Motion by Burnside to approve and to authorize the Chair to sign the services agreement with StrataVizion in the amount of \$15,000 for transition and training services for the new LEC. Carried.

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

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
SEVENTH MEETING, 2006 SESSION (7)  
JANUARY 31, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, January 31, 2006 at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Burnside, Crampton, Gustafson, Vail and Lanphere. Nays: none. Abstentions: none.

Environmental Health/Zoning Director Kim Johnson reviewed the **matrix evaluation** for the McPig L.L.C., CAFO project in Section 32, Providence Township. Also present were Nate McKenna, Joe McKenna, Rusty Kosky, and Deb Witt. Johnson proceeded through the matrix noting that the project scored 450. 440 credits are required for approval. The owners did not take credit for many features for which they would have qualified since a special permit from the DNR would be required to make any changes to those items for which they take credit. Gustafson asked if the manure would be incorporated into the soil – yes. There being no objections, motion by Crampton, second by Burnside, to close the public hearing and to approve and to authorize the Chair to sign Resolution 2006-01-31-A approving the McPig CAFO construction application. Carried.

## RESOLUTION 2006-01-31-A

Recommending approval of the Mc Pig LLC Construction Application to the Iowa Dept. of Natural Resources.

**WHEREAS**, the Buena Vista County Board of Supervisors has adopted the Master Matrix CAFO construction applications to provide an opportunity for local input; and

**WHEREAS**, a construction application for two 61 X 308 feet finish hog building has been submitted by Mc Pig LLC on January 20, 2006; and

**WHEREAS**, the Buena Vista County Environmental Health Director has reviewed the application using the Master Matrix, finding a score of 450 points, and has verified all of the elements of the application for accuracy; and

**WHEREAS**, the minimum score set by the DNR is 440 points.

**WHEREAS**, the Board of Supervisors published a notice in the Pilot Tribune as required, and held public hearing in the Supervisors Meeting Room at the Courthouse on January 31, 2006, for the purpose of receiving public comment; with no response provided and

**WHEREAS**, the Board of Supervisors shall submit the recommendation within 30 days of DNR receipt of application,

**WHEREAS**, the Board of Supervisors, has assembled their comments with knowledge provided for submission to the DNR;

**NOW THEREFORE BE IT RESOLVED** that the Buena Vista County Board of Supervisors hereby recommends approval of the construction application of the Mc Pig LLC Construction Application.

**PASSED, APPROVED AND ADOPTED** this 31<sup>st</sup> day of January, 2006.

/s/ Bill Lanphere, Chairperson, Board of Supervisors...../s/ Karen Strawn, Auditor

The Board discussed the community meetings for the Comprehensive Plan which are scheduled for the week of February 6<sup>th</sup>.

Roger Potratz has requested approval for the subdivision of a parcel in Section 21, Nokomis Township, along Hwy 7 on the north side. There being no interested persons presents, and no objections, motion by Gustafson to close the public hearing. Carried. Motion by Gustafson to approve and to authorize the Chair to sign Resolution 2006-1-31-B approving the subdivision request of Roger Potratz in Nokomis Township. Carried.

## RESOLUTION 2006-1-31-B

**WHEREAS** Roger W. Potratz has presented a preliminary and final plat (of survey) on the following described property:

Description: Lot A

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER (S $\frac{1}{2}$  SE $\frac{1}{4}$ ) OF SECTION 21, TOWNSHIP 91 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 of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section 21; Thence on a previously recorded bearing of South 89°58'53" West, along the

North line of the South Half of the Southeast Quarter (S $\frac{1}{2}$  SE $\frac{1}{4}$ ) 535.00 feet to the Point of Beginning. Thence continuing South 89°58'53" West, along said North line, 970.99 feet to the North line of Iowa Highway No.7; Thence along the arc of a 2765.00 foot radius curve concave northeasterly, 792.10 feet, said arc having a chord which bears South 70°33'40" East for 789.40 feet; Thence continuing along said North line South 78°46'05" East, 231.01 feet; Thence North 00°00'00" East, 308.02 feet to the Point of Beginning.

Hereafter known as Lot A of Section 21, Township 91 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. Tract contains 4.07 Acres and is subject to all easements of record.

**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 SOUTH HALF OF THE SOUTHEAST QUARTER (S $\frac{1}{2}$  SE $\frac{1}{4}$ ) OF SECTION 21, TOWNSHIP 91 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 of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section 21; Thence on a previously recorded bearing of South 89°58'53" West, along the North line of the South Half of the Southeast Quarter (S $\frac{1}{2}$  SE $\frac{1}{4}$ ) 535.00 feet to the Point of Beginning. Thence continuing South 89°58'53" West, along said North line, 970.99 feet to the North line of Iowa Highway No.7; Thence along the arc of a 2765.00 foot radius curve concave northeasterly, 792.10 feet, said arc having a chord which bears South 70°33'40" East for 789.40 feet; Thence continuing along said North line South 78°46'05" East, 231.01 feet; Thence North 00°00'00" East, 308.02 feet to the Point of Beginning.

Hereafter known as Lot A of Section 21, Township 91 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: 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 SOUTH HALF OF THE SOUTHEAST QUARTER (S $\frac{1}{2}$  SE $\frac{1}{4}$ ) OF SECTION 21, TOWNSHIP 91 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 of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section 21; Thence on a previously recorded bearing of South 89°58'53" West, along the North line of the South Half of the Southeast Quarter (S $\frac{1}{2}$  SE $\frac{1}{4}$ ) 535.00 feet to the Point of Beginning. Thence continuing South 89°58'53" West, along said North line, 970.99 feet to the North line of Iowa Highway No.7; Thence along the arc of a 2765.00 foot radius curve concave northeasterly, 792.10 feet, said arc having a chord which bears South 70°33'40" East for 789.40 feet; Thence continuing along said North line South 78°46'05" East, 231.01 feet; Thence North 00°00'00" East, 308.02 feet to the Point of Beginning.

Hereafter known as Lot A of Section 21, Township 91 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 31st day of January, 2006.

/s/ Bill Lanphere, Chair, Board of Supervisors...../s/ Karen M. Strawn,  
Auditor

Motion by Crampton to approve the 1/24 & 1/25 minutes as printed, and the following reports: 2<sup>nd</sup> Qtr '06 Recorder's fees and Veterans' van usage, Jan 10<sup>th</sup> Board of Health minutes, amended 2<sup>nd</sup> Qtr '06 Farm-to-Market fund report, and Dec fund balances. Carried.

Motion by Vail to approve a claim for Jt. DD 22 in the amount of \$125 to Clay County Secondary Roads for a tile repair. Carried.

Motion by Burnside to amend today's agenda by adding claims approval for Jt. DD #19-26 and Jt. DD #16-30-92 Carried. Motion by Crampton to approve the following claims: \$70 to Kuehl & Payer, Ltd.-watchman duties for DD #16-30-92 Jt., and \$262 to Kuehl & Payer, Ltd. for watchman duties for Jt. DD #19-26 MOD; both were previously paid by Sac County-the payee. Carried

Craig Neulieb, Control Systems Specialists, reviewed his findings with piping at Spectra (cold water line, women's lounge heating). Crampton, who looked at the piping, agreed that the plumbing needs to be replaced. Neulieb would also like to remove some unneeded pipes. The facility is on city water so it really needs a backflow 'preventer' and expansion tank to meet current Iowa Code. \$3,000 or less would cover all of these items for all materials, supplies, and labor. It was the consensus of the Board to approve the changes in the piping, including fixing leaky areas, but to wait on the backflow preventer and tank. The care facility committee will take a walk-through of the facility to examine all of the repair needs. Neulieb also mentioned the 'SAGE' field panel in the courthouse which could be used to control the new LEC if there will be a fiber optic connection to the courthouse. This information will be provided to the Construction Manager of the LEC.

Weed Commissioner Norm Lund was present to report that his driver has resigned, and he needs to hire a replacement. The Board indicated that this approval should be given by the Conservation Board. The Supervisors will still have the weed notice published, and accept the bids for weed chemicals since the Code of Iowa places the responsibility for the weed program in the hands of the Supervisors. The bid opening for the chemicals will be March 6, 2006 at 8:30 a.m. and the engineer will publish the notice for the chemicals.

Clerk of Court Donna McPherren reviewed her '07 budget request.

Engineer Jon Ites presented plans for a culvert which is scheduled for letting in May. Motion by Vail to approve and to authorize all Boardmembers to sign the plans for project #BROS-4395(601)—8J-11 which is for a twin box culvert on Bluebird Creek in Linn Grove. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the final payment voucher for project # BROS-CO11(64)—8J-11 for the Jackson bridge located in Sections 21 & 28, Lincoln Township. Carried.

The engineer reviewed a letter from the CN (Chicago Central and Pacific Railroad), regarding the rail crossing of 60<sup>th</sup> Ave. east of Alta, and its use by Ag Partners. The railroad has made a recommendation regarding Ag Partners request to periodically close the road. Ites recommended that any time the road is closed, the Communications Center should be notified so that emergency personnel can be advised, and that Ag Partners be responsible for signing and for any expense. He showed pictures of the signs used in Hardin County which has an ordinance. Ites will contact Ag Partners to see if they are interested in this solution with the requirements he recommends. The Board concurred. An agreement and a certificate of insurance will be required, if approved.

Ites has received phone calls about a jake brake ordinance at two locations: C-63 adjacent to West Lake Estates, and at the intersection of Hwy's 3 & 71. The City of Newell has enacted an

ordinance, and with enforcement by the Police Department, the noise reduction is noticeable. No action will be taken until paperwork is submitted for 3 & 71, and ites will contact the City of Storm Lake.

Motion by Gustafson to approve the underground utility permit application submitted by Iowa Telecom, Grinnell, Iowa, for new telephone cable for service at 6170 210<sup>th</sup> Ave., between Sections 3 & 9, Newell Township. Carried.

It was the consensus of the Board to negotiate the price on a truck chassis which is in the FY'07 new equipment list. Vail suggested negotiating the price, since the last time, negotiation resulted in a better price than the bid price.

Public Health Nurse Administrator Sally Bonnesen reviewed her FY'07 budget request and discussed the wage step schedule approved by the Board of Health last fall.

Treasurer Kathy Bach delivered a request from a person to purchase a vacant lot owned by Buena Vista County, located in Linn Grove. The consensus of the Board was to first take a look at the lot and determine whether or not it has value to the county. If they decide to sell, it must be offered by public sale. Bach also reviewed her semi-annual report and her '07 budget request.

Sheriff Eddy was present for the Board's consideration of his request to create 3 new positions in the Sheriff's department – 2 sergeants (at 81% of the Sheriff's salary) and 1 major (at 85% of the Sheriff). Eddy commented that these changes will have minimal financial impact on his budget, and he believes that creating the positions will have a stabilizing effect on the workforce. County Attorney Phil Havens has provided an opinion that the Sheriff has the authority to create these positions without the approval of the Board. The Code of Iowa states that the Board must approve the wages of deputies classified as non-exempt under FLSA. The Chair noted that he does not have an objection to the positions nor the wage differential, but does have an objection to the permanence of the appointment. Eddy states that many of the surrounding counties have these positions. Creation of the positions will provide an opportunity for advancement. The civil service status gives some protection that an employee's position would not be subject to the whim of the officeholder since success results are required for appointment to these positions. Burnside asked about the jail administrator position; Eddy responded that the Sheriff makes that appointment. Motion by Gustafson, second by Crampton, to approve the Sheriff's request to appoint 2 sergeants (at 81% of the Sheriff's salary) and 1 major (at 85% of the Sheriff's salary); the applicants will be required to pass the civil service test; these are not additional positions. Ayes—Burnside, Crampton, Gustafson, and Vail. Nays—Lanphere. Carried.

Vail left the meeting.

The Board reviewed additional non-departmental budgets.

There being no further business, the meeting adjourned at 4:30 p.m. until Tuesday, February 7<sup>th</sup> at 8:30 a.m. for a regular meeting.

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Karen M. Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
EIGHTH MEETING, 2006 SESSION (8)  
FEBRUARY 7, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 7, 2006 at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, and Gustafson, and with Auditor Karen Strawn as clerk for the meeting. Absent: Crampton and Vail.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Burnside, Gustafson and Lanphere. Nays: none. Abstentions: none.

Emergency Management Coordinator Bob Christensen reviewed the changes in his **FY'07 budget** from the current year. The EM Commission is requesting an increase of \$2,020 in county funding. He noted that equipment acquired in BV County is available to all of the 16 counties in Region 3, as well as equipment in other counties is available to BV County.

Storm Lake City Clerk Justin Yarosevich was present for the Board's discussion on **trails**. He informed the Board about the drive trail sign progress this year. He suggested that funds requested for the bike trails in future years could be set-aside in a reserve for whenever the additional grant/matching funding is obtained and projects constructed. The committee is concentrating on Hwy 7 from Newell to SL and on to Alta, and, Hwy 71 for the bike trails. Gustafson suggested that there is local interest for C-65, but since that is a county road, DOT would probably not provide funds for that area. Yarosevich also confirmed that the county's commitment to the trails funding at the request of the city, was a part of the application to, and the award of, Vision Iowa funding.

**Nokomis Township** Trustee Dave Mortensen delivered a list of issues for which the township needs legal assistance. The Chair had requested the list for the County Attorney to review.

EnvHealth/Zoning Director Kim Johnson has received a CAFO construction application. Motion by Burnside to set a public hearing on February 21<sup>st</sup> at 8:30 a.m. in the Boardroom for the **matrix evaluation** of the New Fashion Pork-Farm 185-Siepker CAFO construction application. Carried. The location for the CAFO is in Section 3, Coon Township.

Motion by Burnside to approve today's **claims** listing and to authorize the Chair to sign. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign **Resolution 2005-02-15-A** authorizing the transfer of General Supplemental funds to General Basic for Central Services provided to the Court system. Carried.

#### **RESOLUTION 2006-02-7-A**

A Resolution authorizing the transfer of funds from the General Supplemental Fund to the General Basic Fund for the purpose of reimbursing the cost of Central Services.

**WHEREAS**, Chapter 331.423.1 of the 2005 Code of Iowa sets the maximum levy for the General Basic Fund at \$3.50 per thousand of taxable valuation; and,

**WHEREAS**, Chapter 331.424.1.g of the 2005 Code of Iowa authorizes the Board of Supervisors to levy a General Supplemental levy to the extent that the General Basic levy is insufficient to meet the county's needs, for the maintenance and operation of the courts, and

**WHEREAS**, the budget proposed for FY'07 will include a General Basic levy of \$3.50/thousand of taxable valuation; and

**WHEREAS**, Buena Vista County approved a Central Services Cost Allocation Plan prepared by Maximus for FY'2003, which allocated \$4,322.34 as the cost of Central Services provided for Clerk of Court services during FY'03;

**WHEREAS**, Buena Vista County approved a Central Services Cost Allocation Plan prepared by Maximus for FY'2004 (the most recently completed), which allocated \$62,762.11 as the cost of Central Services provided for District Court and Clerk of Court services during FY'04;

**NOW, THEREFORE BE IT RESOLVED** by the Buena Vista County Board of Supervisors that pursuant to Iowa Code Section 331.424.1g, the Auditor is hereby directed to transfer \$67,084.45 from the General Supplemental Fund to the General Basic Fund during the current fiscal year.

**AND IT IS FURTHER RESOLVED** by the Buena Vista County Board of Supervisors that until rescinded, the Auditor is directed to transfer in each fiscal year, the amount of Central Services expense allocated to the District Court and the Clerk of Court in the certified Cost Allocation Plan for the fiscal year two years prior to the year the transfer is made.

**PASSED AND APPROVED**, by the Buena Vista County Board of Supervisors this 7<sup>th</sup> day of February, 2006.

/s/ Bill Lanphere, Chair, Board of Supervisors.....Attest: /s/ Karen M. Strawn, Co. Auditor

Engineer Jon Ites presented 3 projects for SAFTEA-LU funding. Motion by Burnside to approve and to authorize the Chair to sign, and the Auditor to attest, a SAFTEA-LU funding application for the 2007 budget year for project #STP-S-CO11(61)—5E-11 for the resurfacing of the road beginning at the intersection of M-43 and C-65 south to the Sac County line; the project estimate is \$330,000 with 60% or \$198,000 in federal funds being requested. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign, and the Auditor to attest, a SAFTEA-LU funding application for the 2009 budget year for project #STP-S-CO11(77)—5E-11 for the reconstruction and resurfacing of the road beginning at the intersection of C-29 & M-54 east to the Pocahontas County line; the project estimate is \$700,000 with 60% or \$420,000 in federal funds being requested. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign, and the Auditor to attest, a SAFTEA-LU funding application for the 2010 budget year for project #STP-S-CO11(71)—5E-11 for the resurfacing of the road beginning at the intersection of M-50 & C-49 to Iowa Hwy 3; the project estimate is \$720,000 with 60% or \$432,000 in federal funds being requested. Carried.

Regarding last week's letter from the CN Railroad about closing procedures for 60<sup>th</sup> Ave east of Alta when Ag Partners is loading grain, Ites has met with DOT and has received a sample of the DOT's required signing and an application form. Other possibilities could include removing the road, or allowing northbound traffic only. Ites asked if the Board wants to proceed. The Chair noted that the county would be negligent if nothing is done. Gustafson stated that county needs to try and accommodate the business, and the Chair and Burnside agreed that Ites should proceed.

ROW negotiations are proceeding, but were started under the 2005 ROW policy. The Board changed the policy in January, 2006. Motion by Burnside to proceed with negotiations using the new policy using the new rates for ROW purchase. Carried.

Burnside and the Chair reported on their meeting with Secondary Road employees regarding wage and benefit requests for FY'07. The Board members explored the possibility of limiting the amount of premium increases that would be paid by the county by setting a factor of, for instance, 2 or 2½ times the CPI percentage. The employee would pay any percent increase exceeding this factor. This would apply to employees with single policies as well as to those with family or 2-person policies.

Motion by the Chair to approve and to allocate \$3,500 from the Employee Health Insurance Fund for Wellness activities. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign Resolution 2006-02-07-B providing notice of, and establishing the weed control policy for 2006, providing a penalty for non-compliance; the auditor is directed to have the notice published during the week of March 20th. Carried.

**RESOLUTION 2006-02-07-B  
PUBLIC NOTICE  
DESTRUCTION OF NOXIOUS WEEDS  
& FINES ASSESSED**

**TO ALL PROPERTY OWNERS:**

Be it Resolved, by action of the Board of Supervisors of Buena Vista County, Iowa, that pursuant to the provisions of Chapter 317.13 and 317.14 2005 Code of Iowa, it is hereby ordered:

1. That each owner and each person in the possession or control of any land in Buena Vista County shall cut, burn, or otherwise destroy all noxious weeds thereon, as defined in this chapter, at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel. Noxious weeds shall be cut or otherwise destroyed on or before the following dates and as often thereafter as is necessary to prevent seed production:

Group 1. June 1, 2006, for Leafy Spurge, Perennial Pepper grass, Sour Dock, Smooth Dock, Sheep Sorrel, Tall Thistle, and Musk Thistle.

Group 2. June 20, 2006, for Canadian Thistle, Russian Knapweed, Buckthorn, Wild Mustard.

Group 3. July 1, 2006, for Horse Nettle, Perennial Sow Thistle, Quack Grass, Butter Print, Puncture Vine, Cocklebur, Bull Thistle, Marijuana (Hemp), Sunflowers, Wild Carrot, and Buckhorn Plantain.

2. That each owner and each person in possession or control of any lands in Buena Vista County infested with any noxious weeds including Quack Grass, Perennial Sow Thistle, Canadian Thistle, Field, Bindweed, Horse Nettle, Leafy Spurge, Perennial Peppergrass, Russian Knapweed, Poison Hemlock, shall adopt a program of weed destruction described by the Weed Commissioner to destroy and will immediately keep under control such infestations of said noxious weeds.

3. That if the owners or persons in possession or control of any land in Buena Vista County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including costs of serving notice and other costs, if any, to be assessed against the real estate upon which the noxious weeds are destroyed.

4. That the County Auditor be and is hereby directed to cause notice of making and entering of the foregoing order by one publication each of the Official Newspapers of the County.

5. Anyone wishing not to have noxious weeds sprayed in any given area, he or she shall sign an agreement at the County Engineer's office and receive official signs to be posted on each side of the area designated and shall be responsible to destroy such weeds, all season.

**PENALTY**

Be it further Resolved, that failure to comply by the date prescribed in an order, pursuant to Chapter 317, for destruction of weeds, the weed commissioner may have the weeds destroyed with the costs assessed back to the owner, or may impose a penalty of \$10.00 per day for each day the owner of the land fails to comply.

By order of the Board of Supervisors of Buena Vista County, Iowa.

Motion by Burnside to approve and to authorize the Chair to sign the Jt. DD #19-26 claim to BV Journal in the amount of \$12.36 for publication of the legal notice for today's hearing in Sac City. Carried.

Board members reviewed comparative figures for the employer's cost for employee health insurance premiums under the current program and 2 other programs, which offer other coverage options. More information is needed on the self-funding portion of the rates. Board members requested that a simple survey be distributed to department heads to request their assistance in obtaining feedback from employees about the other coverage offerings. Burnside and the Chair will meet with department heads on Friday.

The Auditor presented a chart showing the impact of wages and benefit (FICA & IPERs) increases over a range of 1% to 10% increases for employees paid from the General Basic, Mental Health and Rural Basic Funds.

The Auditor reviewed the first draft of the FY'07 budget which includes department budget requests for all items except wages & benefits (FICA & IPERs), using a 4% across the board employee health insurance increases, and with levies left the same as for the current year.

Due to the absence of two members of the board, those present agreed to make no decisions today on any of the FY'07 budgetary items.

There being no further business, the meeting adjourned at 11:55 a.m. until Tuesday, February 14<sup>th</sup> at 8:30 a.m. for a special meeting.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
NINTH MEETING, 2006 SESSION (9)  
FEBRUARY 14, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 14, 2006 at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following motions offered at this meeting were carried with the following vote: Ayes: Burnside, Crampton, Gustafson, Vail and Lanphere. Nays: none. Abstentions: none.

Motion by Burnside to approve the minutes of the 1/31 and 2/7 meetings as printed. Carried.

Motion by Crampton to request that Kuehl & Payer proceed with obtaining proposals for tree removal in the MOD and Laterals 2 & 7 of DD #34. Carried.

Motion by Crampton to approve a 4% increase in the provider rate for Spectra Health Care for FY'07. Carried.

Rod and Charlene Plagman, and Scott Schuelke were present to request that the Board construct a bike path on C-65 along the north shoulder, from Bel-Air Beach to the Storm Lake Airport. They also advocate a bike path from the airport along Hwy 110 to Emerald Park. They believe that since C-65 is scheduled to be re-surfaced in 2007, the time may be right to increase our recreational infrastructure. The approximate distance is 2.5 miles. They thanked the Board for the positive feedback.

The Chair introduced a brief discussion on courthouse space assignment changes to better accommodate departmental space needs. The Board will begin working on the ideas after the budget is completed. They also discussed what the courthouse generator needs will be after the LEC is built. In the course of completing the budget, there may be funds available in the ending fund balance that could be utilized to make some of these changes.

The Chair reported that he'd spoken to Dan Connell and Dale Wordekemper regarding White Cap Road. The county can't build a road on land that the county doesn't own. There are similar situations in other parts of the county. Burnside stated that if the March 8, 2005 motion was unworkable, it should be rescinded. Motion by Burnside to rescind the March 8, 2005 action to move White Cap Road. The existing 16' of right-of-way is insufficient to build the road. The county believes it has the area by prescription. Gustafson suggested that if the March 8<sup>th</sup> action was unworkable, someone should have spoken up when the motion was offered. Crampton asked if the property owners on the north have been contacted. Burnside would have liked to get the situation finished up so that the seal coating could have been done this summer. The Chair had originally hoped that the subject would be put before a judge to make the decision. On the motion to rescind, the vote was: ayes—Burnside, Crampton, Vail. Nays—Gustafson. Abstain—Lanphere. The motion carried.

Motion by Gustafson to fund NW IA ADTU at \$.75/capita for FY'07. Carried.

Motion by Crampton to approve and to authorize the Chair to sign the IDPH grant application in the amount of \$3,827.06 which is 25% of the total FY'07 amount to be allocated to NW IA ADTU to be used for substance abuse prevention and education services. Carried.

Pat Schmitz, Plains Area Mental Health, met with the Board to re-introduce himself and the services PAMH is providing in Buena Vista County. They have an office in BVRMC's Vista Building on W Milwaukee Ave., and they are staffed 2 full days and 2 half days per week. PAMH also serves BV County residents at the Cherokee office. Most are self-pay or private pay. The county has provided about \$1,000 in funding.

The Board reviewed employee health insurance premium renewal rates and new options for employee health insurance. The Chair reported to representatives of the various departments that the Board is considering not offering an employee-plus-one option but perhaps a higher deductible option. Rates for that option will be requested.

The Board discussed the proposal from NRCS for a new soil survey. The county would be asked to provide about 16% of the total cost (\$159,573), to be paid over 4-5 years. The survey in current use was done in the mid '70's. Assessor Kathy Croker commented that if a new one is done, the results would need to be digitized before she could utilize the new information; she hasn't yet sought a quote for the digitization, but will do some research on the project.

The Chair introduced a discussion of wages for the FY'07 budget year and stated that the Compensation Board had recommended a 10% increase for elected officials. In a meeting with employee representatives of the Secondary Road Department it had been suggested that since the increase in health insurance premiums was relatively small, it might be a good year for wages to catch up. For the purpose of starting the discussion, motion by Crampton to decrease the Comp Board's recommendation by 30% and to approve a 7% increase for elected officials. Referring to the Engineer's current employment contract which expires 6/30/2006, Gustafson stated that the Engineer's increase is to be equal to the percent increase approved for the Auditor, and that the contract automatically renews unless the Board takes action prior to April 1<sup>st</sup>. Gustafson called the question. Ayes—Burnside,

Crampton, Vail. Nays—Gustafson, Lanphere. Carried Gustafson believes that the appointed Engineer's wage should not be tied to what the Compensation Board recommends for elected officials.. (The approved salaries are: Attorney-\$51109, Auditor-Recorder-Treasurer-\$43.735, Sheriff-\$58,118, Supervisors-\$23,115 plus \$500 for the Supervisor Chair.) Vail commented that the approved percentage is higher than he might have suggested, but there have been years where the increase was not high enough. The Chair stated, for clarity, that this decision effects only the elected officials and the employees whose wages are based upon them.

With regard to compensation requests received from Secondary Roads employees, motion by Lanphere to decline the request for an increase in their uniform allowance, and to approve a 7% increase for road employees, basing the increase on the hourly rate of the Equipment Operator 3, or \$1.17/hour. The vote on this motion carried.

Regarding the funding for **bike trails** in the FY'07 budget, motion by Gustafson that \$50,000 (\$37,500-General Basic, \$12,500-Rural Basic) of the total \$80,000 be included in the tax asking, and \$30,000 (\$22,500-General Basic, \$7,500-Rural Basic) from reserves. Carried.

Motion by Gustafson to allocate \$20,000 in the FY'07 budget for **SLADC**. Ayes—Gustafson, Crampton. Nays—Burnside, Vail, Lanphere. The motion failed. Motion by Vail to allocate \$28,750 for SLADC. Motion by Lanphere to amend Vail's motion by stipulating that \$8,750 of the \$28,750, go to direct marketing of the community (demonstrated by presenting bills evidencing 'eyeball-to-eyeball' contact), seconded by Crampton. Motion by Gustafson to amend Lanphere's amendment by stating that the \$8,750 not be appropriated until bills which evidence business recruitment are presented on a timely basis to the Board of Supervisors, and that any unspent of the \$8,750 remains in the county's general fund. The vote on Gustafson's amendment was carried. The vote on Lanphere's amended amendment was carried. The final amended motion to be voted upon is: to allocate \$28,750 to SLADC for FY'07 with \$8,750 to go to direct marketing of the community (demonstrated by presenting bills evidencing 'eyeball-to-eyeball' contact), and not to be appropriated until bills which evidence business recruitment are presented on a timely basis to the Board of Supervisors; any of the \$8,750 unspent remains in the county's general fund. Ayes—all.

Motion by Burnside to approve and to authorize the Chair to sign the payment voucher (services rendered on LEC project) to Midwest Construction Consultants In the amount of \$5,000 for payment on 2/21/06. Carried.

There being no further business, motion by Gustafson that today's meeting adjourn until Tuesday, February 21<sup>st</sup> at 8:30 a.m. for a regular session.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TENTH MEETING, 2006 SESSION (10)  
FEBRUARY 21, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 21, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other

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

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Burnside, Crampton, Gustafson, Vail and Lanphere. Nays: none. Abstentions: none.

Attorney Dan Connell and Dale & Bev Wordekemper were present to respond to the action of the Board of Supervisors last week when the March 5<sup>th</sup>, 2005 motion to move **White Cap Road** was rescinded. Connell has had a warranty deed from Wordekemper to the County prepared since July 1 waiting on some action from the county engineer. Engineer Jon Ites has not responded to phone calls from Wordekemper. He would prefer to resolve the problem without legal action, but if necessary, they will proceed. The county has taken no action regarding the neighbors to the north who have plantings/structures that abut the north line of the platted road and have thus benefited by lack of enforcement. Connell asked Lanphere what his role is in the matter – he appears to be the spokesperson for the board, yet he has an interest in the matter. The Chair responded that he does not see how the neighbors on the north have benefited. Ites has said that he can't construct a road on property not owned by the County. Wordekemper asked why the motion was rescinded last week, and if it wasn't any good, why it was ever passed in the first place. Connell asked if Ites would proceed after Wordekemper's deed, and a similar one from Lanphere to the County, is recorded. Wordekemper had been waiting until Ites' drawing was complete so that he knew how much property should be transferred. He would also be willing to sell additional property for the radius of the curve at the northwest corner, if needed. He has asked for the north property owners to move off their south property line. Gustafson believes the issue could be settled if the engineer would prepare the drawing, making going to court unnecessary. Burnside commented that her intent was to clear up the matter so that the issue could be solved, since the March 5th motion was unworkable. The Chair stated that the County should have taken the 16' on the north when the 16' on the south was deeded over. He promised that the Board would get something done as soon as possible. Connell requested notice of when the subject would be placed on the agenda so that they can be present when it is to be discussed.

A claim which was submitted late will not be approved for payment today as the **claims policy** requires submission by Thursday noon prior to the Board meeting when claims are paid.

The time having arrived for the public hearing on the New Fashion Pork CAFO construction application, the Chair opened the hearing with EnvHealth/Zoning Director Kim Johnson and Jay Moore present. Johnson reviewed the application for matrix scoring, the application receiving 440 points, with 440 points required. Motion by Burnside, second by Gustafson, to close the public hearing, and to approve and to authorize the Chair to sign **Resolution 2006-02-21-A** approving the New Fashion Pork CAFO construction application. Carried.

#### **RESOLUTION 2006-02-21-A**

Recommending approval of the New Fashion Pork Farm 185 (Siepker)  
Construction Application to the Iowa Dept. of Natural Resources.

**WHEREAS**, the Buena Vista County Board of Supervisors has adopted the Master Matrix CAFO construction applications to provide an opportunity for local input; and

**WHEREAS**, a construction application for an 102 X 332 feet finish hog building has been submitted by New Fashion Pork LLP on February 2, 2006; and

**WHEREAS**, the Buena Vista County Environmental Health Director has reviewed the application using the Master Matrix, finding a score of 440 points, and has verified all of the elements of the application for accuracy; and

**WHEREAS**, the minimum score set by the DNR is 440 points.

**WHEREAS**, the Board of Supervisors published a notice in the Pilot Tribune February 11, 2006, as required, and held public hearing in the Supervisors Meeting Room at the Courthouse on February 21, 2006, for the purpose of receiving public comment; with no response provided and

**WHEREAS**, the Board of Supervisors shall submit the recommendation within 30 days of DNR receipt of application,

**WHEREAS**, the Board of Supervisors, has assembled their comments with knowledge provided for submission to the DNR;

**NOW THEREFORE BE IT RESOLVED** that the Buena Vista County Board of Supervisors hereby recommends approval of the construction application of the New Fashion Pork Farm 185 (Siepker) Construction Application.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of February, 2006.

/s/ Bill Lanphere, Chairperson, Board of Supervisors...../s/ Karen Strawn, Auditor

Motion by Burnside to approve a transfer of \$3,815 from the General Basic fund to the Rural Basic fund to correct an error in the source of funds for an expenditure. Carried.

Motion by Vail to approve the 2/14 minutes as amended. Carried.

Motion by Crampton to set the date of public hearing on the FY'07 budget as March 14<sup>th</sup> at 11:00 a.m. in the Public Meeting Room. Carried.

The Board reviewed the draft of the "jake brake" ordinance". Vail spoke in opposition stating that he can't support an ordinance which would penalize truckers who use the "jake brake" to save their regular brakes, just because of a few irresponsible truckers who use them unnecessarily. Most truckers use them when they need them. Straight pipes (unmuffled) are the problem. Engineer Jon Ites reported that the County Attorney changed some of the language regarding how to tell when the brakes are muffled or not. If the language is changed back, the ordinance may have to be adopted as a noise ordinance which is difficult to enforce. Motion by Gustafson to set the time of 1<sup>st</sup> reading of the proposed Ordinance 4.5 "Limits to the Use of Engine Brakes" as presented for 8:30 a.m. on Feb 28<sup>th</sup> in the Boardroom. Carried.

US Bio-Albert City (ethanol plant) has contacted the County Engineer regarding getting rid of water from their cooling tower. Ites presented 3 options, asking the Board for their preference. DD 67 is not an option except for the retention pond for controlled disposal of rainwater. The cooling water tower disposal will require a 6" plastic force main. The Board directed Ites to talk first to the City of Albert City for their comments prior to the Supervisors commenting on any of the options.

Motion by Gustafson to accept the Kuehl & Payer design proposal, and to authorize the Engineer to sign, in the amount of \$7,655 for design of the vertical let-down structure for project #BROS-CO11(81)—8J-11K to be located on the west side of Section 7, Elk Township. Carried.

Ites asked about roofing a building at the Hudson St. site, and whether the building purchased by the General Fund a few years ago, will be available for re-purchase by the Secondary Road Fund once the LEC is completed. The status of building for re-purchase will effect whether or not to re-roof the other building. The Board will need to consult the Sheriff.

Motion by Gustafson to approve and to authorize the Chair to sign at a later date, the underground utility permit submitted by Northern Natural Gas to upgrade their pipe to a 6" for the US

Bio-Albert City location, and further to approve as Trustees of the following Drainage Districts: 146, 81, 204, and 67. Carried.

Motion by Crampton to approve and to authorize the Chair to sign the underground utility permit submitted by Clay Regional Water, Spencer, to install new water main distribution lines in Providence Township, east and south of Storm Lake within a mile of the county line. Carried.

Ites inquired how the Board would like to respond to the request for constructing a bike trail on C-65. The plans for the re-construction of the road are about 50% completed. Gustafson suggested that Ites go to the IDOT website to see what types of plans are available there. He would like to see the path adjacent to the road, not in the ditch. Ites estimate the cost at \$700-\$750,000 to add bike paths on both sides of the road for that distance. Burnside asked if federal dollars might be available – Ites said no, not in this situation. It isn't on the agenda today, and those making the request would like to have notice so that they can be present. There may be some state bike funds available.

The time having arrived for the public hearing on the McPig CAFO construction application, there were no interested persons present. Environmental Health/Zoning Director Kim Johnson reported that due to the delayed delivery of some document to the IDNR, a second public hearing on this application was required. However, there have been no changes to the application, no objections, and no new paperwork to consider. Motion by Gustafson to close the public hearing on McPig CAFO construction application. Carried. Motion by Burnside to approve and to authorize the Chair to sign Resolution 2006-02-21-B approving the McPig CAFO application. Carried.

#### **RESOLUTION 2006-02-21-B**

Recommending approval of the Mc Pig LLC Construction Application to the Iowa Dept. of Natural Resources.

**WHEREAS**, the Buena Vista County Board of Supervisors has adopted the Master Matrix CAFO construction applications to provide an opportunity for local input; and

**WHEREAS**, a construction application for two 61 X 308 feet finish hog building has been submitted by Mc Pig LLC on January 20, 2006; and

**WHEREAS**, the Buena Vista County Environmental Health Director has reviewed the application using the Master Matrix, finding a score of 450 points, and has verified all of the elements of the application for accuracy; and

**WHEREAS**, the minimum score set by the DNR is 440 points.

**WHEREAS**, the Board of Supervisors published a notice in the Pilot Tribune on January 26<sup>th</sup>, 2006 as required, and held public hearing in the Supervisors Meeting Room at the Courthouse on January 31, 2006, for the purpose of receiving public comment; with no response provided and

**WHEREAS**, the Board of Supervisors published a notice again in the Pilot Tribune on February 11<sup>th</sup>, 2006 as required, and held a public hearing in the Supervisors Meeting Room at the Courthouse on February 21<sup>st</sup>, 2006 for the purpose of receiving public comment; with no response provided and

**WHEREAS**, the Board of Supervisors shall submit the recommendation within 30 days of DNR receipt of application,

**WHEREAS**, the Board of Supervisors, has assembled their comments with knowledge provided for submission to the DNR;

**NOW THEREFORE BE IT RESOLVED** that the Buena Vista County Board of Supervisors hereby recommends approval of the construction application of the Mc Pig LLC Construction Application.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of February, 2006.

/s/ Bill Lanphere Chairperson, Board of Supervisors...../s/ Karen Strawn, Auditor

Johnson reported that the Iowa Department of Public Health is moving toward establishing minimum level of education for Environmental Health/Sanitarian personnel – a Master's degree or equivalent.

Treasurer Kathy Bach reported that TipTop Communications, who had requested abatement of the current and delinquent taxes on the cable TV lines abandoned by Telepartners in Newell, is not interested in paying any of the current taxes. They want all 3 years abated. Bach stated that there doesn't seem to be a trend amongst the other counties which have been approached, in what they have been willing to do. Vail suggested going back and stating that the original offer stands. Motion by Burnside to offer to abate 2002 and 2003 taxes and all penalties, with no abatement of 2004 taxes, this offer will expire in 45 days. Carried.

The Chair has been informed that the By-laws for the Iowa Great Lakes Corridor Association provide for 3 representatives from each member county; not the county, nor SLADC, nor the city will necessarily have their own representative. The Corridor would be willing to interview individuals on the county's behalf, if desired. He distributed a list of possible names. Gustafson suggested that there should be a name(s) of rural residents. Gustafson suggested that the Board should consider one of its members so that there is a good communication link between the association and the county, since the county will be providing funding.

Assessor Kathy Croker discussed her research on the proposed soil survey. New methods and new technology (including aerial photography) has allowed for greater accuracy in the survey. The soils may not change, but the accuracy is better. The new survey will allow for more equity in the assessments. Webster County is just finishing, and Dickinson County has just signed on to be the next county to do a survey. If we were to commit now, it would be 3 years before ours would be started, which would give us the ability to spread the cost over 8 years. She will call Gertsma for additional information on committing to the survey, when funds would be needed, and how much.

John Geist, Ruan Securities, was present to discuss the financial services provided by his company in regard to the LEC. Interim financing could be used until construction is complete. The time at which construction is complete will be the first time we will know the actual project cost. Interim financing has a cost to it. It requires taking the market risk for the interest rate at the time of completion. Ruan can also assist with a negotiated sale or a public sale, with or without an underwriter's discount. On a project of this nature, and over 20 years, he suggested that we would probably want to go ahead and issue the bonds up front. Geist will prepare some comparative costs for the Board to review next week.

Public Health Administrator Sally Bonnesen reported that the Board of Health has approved filling a nursing position which has been vacant for some time. This will increase her FY'07 budget asking. The Supervisors approved adding \$36,000 to the General Basic fund and an additional amount to General Supplemental for benefits.

Keeli Thomas, Group Services, presented additional options for employee health insurance including \$1,500 and \$2,000 deductibles. The Board discussed what other options might be available to better manage the county's expense in providing coverage. Several persons present asked why the Board is looking at changes when we have had good claims experience, the use of generic drugs over private label has increased, and the premium increase is quite modest. Thomas suggested these comments are likely to be the norm. The consensus was to wait to look at other options until next fall prior to the budget season, and to stay with the current options (a \$2,000 base policy from Wellmark, and self-funding down to \$750 and \$1,000 deductibles) for coverage beginning August 1, 2006.

Motion by Burnside to approve and to authorize the Chair to sign today's claims approval list, and to approve the following reports: Jan Clerk's fees, Jan 12 minutes of NWIPDC Policy Council, Jan 19 and Feb 16 minutes of Emergency Management Commission, Certificate of Organization of BV County Ag Extension Council, Jan, 2006 Spectra lagoon monitoring report by Mangold Environmental. Carried.

The Board reviewed the revised floor plan for the LEC, currently configured at 28,335 sq.ft. The architect and project manager have requested comments and questions. A new cost estimate is not available at this time. Once the floor plan is approved, specs and drawings can be completed for bidding. The floor plan does not have a basement and includes the communications center in the building, though separate from the control center.

There being no further business, the Chair adjourned today's meeting until Tuesday, February 28<sup>th</sup> at 8:30 a.m. for a special session.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
ELEVENTH MEETING, 2006 SESSION (11)  
FEBRUARY 28, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 28, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following motions offered at this meeting were carried with the following vote: Ayes: Burnside, Crampton, Gustafson, Vail and Lanphere. Nays: none. Abstentions: none.

The Chair advised members of upcoming meetings on drainage and REAP.

Copies of proposed Ordinance 4.5 limiting the use of engine brakes were distributed for review. Russ Camerer, representing the Crossroads Motel, was told by DOT that they would not post a 'no engine brake' sign. Engineer Jon Ites added that the DOT wouldn't post without a county ordinance, on a state highway. Mike Dick commented that the brakes are annoying, but it is the 'cowboys who take the mufflers off' that are causing the problem. There is concern as to whether the ordinance can be enforced without a decibel meter. A noise ordinance would be required to be (decibel) metered. At 3 & 71, Camerer estimated that 1/3 of the truck traffic uses the 'jake brake'. Mike Dick distributed some information about the use/misuse of 'jake brakes'. The county has received notice of interest in posting signs for three separate locations: the Lakeside blacktop, C-63 adjacent to West Lake Estates, and at 3 & 71. Motion by Crampton to approve the 1<sup>st</sup> Reading of Ordinance 4.5 limiting the use of engine brakes, and to set the date and time of 2<sup>nd</sup> Reading as March 7<sup>th</sup> at 1:15 p.m. Carried.

Motion by Burnside to approve the minutes of the 2/21 minutes as printed. Carried.

Due a conflict with the March ISAC School which ends on Tuesday, March 21 (a regular meeting day), and with the 2006 Midstates Community and Economic Development Conference scheduled for

March 22 in Sioux City, motion by Burnside to delay the regular meeting during the week of March 20<sup>th</sup> to Thursday, March 23<sup>rd</sup> at 8:00 a.m. Carried.

Sheriff Chuck Eddy reviewed the list of changes to the floor plan, which he has requested for the LEC. Most changes were re-assignments of rooms and re-location of doors to make a smoother traffic pattern as deputies and jailers perform their duties. The architect is making the changes. The new plans are expected next Tuesday.

The Chair reported that the security system at Spectra Health Care needs to be replaced at an estimated cost of \$5,000. The estimate has been included in the budget.

Engineer Jon Ites presented a 'form' of agreement between county and Ag Partners for closure of 60<sup>th</sup> Ave. to allow for railroad car movement. There will not be any signing on Hwy 7, but warning signs from south will utilize 'zebra boards'. Ag Partners will be required to pay for installation of the signs, and to notify the Sheriff when the road is to be closed and re-opened. The agreement has been reviewed by the County Attorney and includes a hold-harmless clause from 3<sup>rd</sup> parties, and requires insurance. Ites requested approval of the form so that it can be submitted to Ag Partners for their review before signature. The Chair asked if the county could require a greater distance between the railroad cars and 60<sup>th</sup> Ave. The engineer responded that the number of cars, which Ag Partners needs to hold on the siding, prevents the greater distance. Motion by Gustafson to approve the form of road closure agreement between Ag Partners and the County so that it can be presented to Ag Partners for their review. Carried.

Ites reported on his research on constructing a bike trail along C-65. Present for the discussion were Marilyn Monson, Scott Schuelke, Larry Godfredson. There are no bike path dollars available in the region. Federal monies are committed at this time and most of them are stand-alone paths, not along highways. The statewide enhancement fund application deadline is in October, with the approval scheduled for Feb-March. If approved, funds would not be available until October '07. The County's current timeline for C-65 re-construction is summer '07. Paying from local funds upfront, and receiving reimbursement after the project is completed is not permitted, so the C-65 bid award would have to wait until bike trail funds are approved to complete both projects. Ites also discussed dimensions of the widened roadway and bike paths, as well as a standalone path in the ditch was discussed. The state has put a 4' extension for bicycles on 25' wide roadways. C-65 is currently 22', and will be widened to 24'. Story County received a statewide grant and put in a 5' wide path. There have been 'bike accommodations' approved which are 2' wide with gravel after that.

A cost estimate is difficult since we would have to establish additional width and put the path on a road that doesn't currently exist. He estimated an expense of \$8,000 to change the current engineering contract. Hopefully the changes could be done within ROW currently being negotiated. Additional fill will be needed to be brought in (\$130,000). A 5' wide (on both sides of the roadway), 5" thick slab with stabilization below would be approximately \$380,000. This does not include an estimate for base treatment. It might be cheaper to lay 2" more concrete. There are no Farm to Market funds available at the current time and no STP dollars. Ites would like to propose a design that would allow for some outside funding, but that funding would not be available until October, 2007, but currently bids are to be let in April '07 for construction in summer '07.

Gustafson asked what would happen if a 30' wide road were put in and not call it a bike path? He believes some local option sales tax and ending fund balance could fund the project. The Chair reported that the County Trail Committee is not interested in this particular project. If it were connected to something, for instance the Great Lakes Corridor, it might be different. The committee also would prefer that the county not apply for the bike path funds since the Committee would be going after the same outside funding. He believes another route, closer in to the lake might be a possibility--getting into Casino Beach and going to Stoney Point. There are other options that could be investigated. Gustafson believes we should be concerned about safety. Can this be approached as a wider road for safety reasons? He asked if the other board members didn't think there was money in the Sec'y Road Fund ending balance that could be used. The Chair restated that he doesn't necessarily agree with building it

along the road according to road specs, but would rather go off the road and build it to bike specs. These alternatives need to be investigated. If the path is on the roadway, the bikes have to go the same direction as traffic. ROW, buried lines, culverts, drainage, driveways would all be harder and more expensive to place it in the ditch. Scott Schuelke said their group had considered the ditch, but a path alongside the road would in the long run be more cost effective, to tear it up when the work is being done on the road. Ites stated that a plan and cost estimate must be sent with an application, so the 1<sup>st</sup> step is to decide if the path is an option or not, and then put a plan together. Gustafson asked if the county were to match a higher percent, would that increase the chance of funding? Ites will ask the question, contact Kuehl & Payer about the cost of designing a bike path, and make a trip to Ames to investigate what criteria was used for the applications that have been awarded in the past. Marilyn Monson stated that this is a great opportunity – it's a given that this is a critical piece of Awaysis.

Brian Gibson and Dave Roederer, StrataVizion, were present to discuss the financing services they can provide for the law enforcement center. Their approach is to work directly with local banks and arrange for interim financing, a straight up-front loan, or a combination. They would expect to save the cost of the underwriter's discount with their approach. Their fee is somewhat lower than the amount quoted by Ruan Securities' John Geist last week.

John Geist has spoken with bonding attorney Bob Josten and confirmed the \$15,000 fee for his services. He noted that often, local banks can participate but can't necessarily handle all of it. When Ruan is involved, they do all of the paperwork and the banks like that feature. Ruan has contacted Citizen's and Security and would propose to work with them. Ruan has a greater/wider marketing ability than the banks on his or her own, so typically, a value for the underwriter's discount can be seen. The underwriter's discount could be built into the interest rate, if the county prefers, so it doesn't come out of the \$4,800,000. Obtaining a Moody's Rating and insurance are options, but will cost approximately \$30,000. In response to the appropriate timeline for making a decision, Geist responded that if the county chooses Ruan for the financing, making a decision quite soon would allow them to begin preparation of the official statement.

1:30 p.m.--The time having arrived for an informal hearing on the engineer investigation of DD #35, the Board moved to the Public Meeting Room. Upon conclusion of the hearing, the Board, minus Burnside, returned to the Boardroom at 3:25 p.m. for the remainder of the meeting.

The Chair discussed the county's representatives to the Iowa Great Lakes Corridor Association Board. The first meeting is on the 7<sup>th</sup> of March, so names need to be submitted soon.

Francis Svuba stopped in to state that he would like to see DD #35 and DD #98 put together so that maybe something could get done to provide drainage relief.

Engineer Droeßler returned to the Boardroom to discuss the DD #35 hearing. The Board will need to make a decision on any action to be taken on the petition. The Chair suggested that whatever is done, all persons who were present today should be notified of the decision, along with the options available to anyone seeking some other result.

There being no further business, the Chair adjourned today's meeting until Tuesday, March 7<sup>th</sup> at 8:30 a.m. for a regular session.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWELFTH MEETING, 2006 SESSION (12)  
MARCH 7, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 7, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail and Lanphere. Nays--none. Abstentions--none.

Public Health Nurse Administrator Sally Bonnesen forwarded a request from Tri-County Health for office space at the **E Richland Annex** for one, or possibly two grant writers. They are currently housed in the AC-T school facility but would like to be in a more central location. She will take an offer to them for rent, custodial fees and utilities.

Weed Commissioner Norm Lund was present and reported that only one **bid for weed chemicals** was received, from Farmer's Coop, Newell, but without a bid bond. The bid was nearly \$8/gal higher than the price paid last year. Motion by Vail to reject the bid of Farmer's Coop, Newell, due to the lack of bids. Carried. Motion by Gustafson to direct Lund to solicit quotes from several sources. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the 2/28 **LEC pay request** in the amount of \$11,024.81. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the **claims approval list** for today, and, the **minutes** of the 2/28 meeting as printed. Carried.

Motion by Vail to approve and to authorize the Chair to sign the Little Sioux Golf & Country Club class C **liquor license** application. Carried.

Motion by Gustafson to give written notice to the County Engineer of the Board's intent to negotiate a new **employment contract** with him for a period of time beginning July 1, 2006. Carried.

The Chair reported on his conversation with Leesa McNeil, Court Administrator for the 3<sup>rd</sup> Judicial District. She suggested that if the county wished to make space available to hold **court in the LEC**, the room would need to be outside of the secure area and very near the front door so that the public and family members could attend. With a judge's bench added, the situation room near the front of the facility would be a satisfactory location. This information has not been communicated as of yet to the Construction Manager and is not incorporated in the current plans. No decision was made to add this detail to the plans.

It was the consensus of the Board to turn down the request that the county accept an offer from **Godfather's Pizza** to provide a 'coupon' card to county employees. It was noted that this program would be in direct competition to high school students' DECA program in which students sell coupon cards/books. The Board agreed to avoid the competing program.

Terry Johnson, Executive Director of **Genesis Development**, and Cindy Wiemold, Storm Lake site director, updated the Board on current activities and individuals served. The Storm Lake site shows a cumulative savings during FY'02-'05 of \$1,372,438 due to Title XIX funding. The number of BV County

persons served has been 43, 46, 48, and 51 in those four years. They noted that the paperwork required for the Title XIX funding is extremely burdensome.

Motion by Crampton to approve and to authorize the Chair and Auditor to sign the 1<sup>st</sup> amendment to the FY'06 IDOT budget. Carried. Engineer Jon Ites must have approval of the amendment prior to submitting the FY'07 IDOT budget which is due in April.

Ites has concerns about a 1400' length of road near Albert City: 235<sup>th</sup> Ave: from the **US-Bio Albert City** ethanol plant to the corner of Main St. When production at the plant begins, the road will have a substantial increase in truck traffic and the road may not last until 2009 when it is currently scheduled for restoration. Work on it should be cost-shared with the city. The Chair suggested talking to the city, and then consider making a request to the ethanol plant. The work needs to be done before the operation of the plant begins, or it will not be possible to do it. Gustafson asked if this would be done with local funds-yes. He noted that local funds will also be needed for C-65. Ites responded that there is not enough in the farm to market account for M-27 next year. 2007 L.O.S.T. funds may be needed, which will set 3 structures back. No RISE money is available except prior to a decision by a new industry to locate. 235<sup>th</sup> Ave. needs to be designed for 60-70% truck traffic, rather than 15%. The estimated cost of \$50,000 would be found by deleting a structure. Since the estimate is below \$67,500, Ites will ask for approval to negotiate with the contractor who gets the bid in April for other work. Motion by Crampton to authorize Ites to negotiate with Albert City for cost-sharing the work on 235<sup>th</sup> Ave and later C-29 through Albert City. Carried.

Ites reviewed IDOT Roxanne Seward's letter regarding "**jake brake**" **ordinances** and signs. He suggested that the IDOT position might be a good one for the county (placement of signs only at the county line, or at corporate limits). The Chair asked if the DOT's policy means that placing of the signs at the county line would make the ordinance limiting their use countywide—yes.

IDOT will be working on a railroad crossing on Hwy 10 at Marathon and will need to designate a detour route. They have suggested N-14 to C-29 to M-54 as the detour route which will be needed for 7-10 days. An agreement will be sent.

Negotiations are in progress with IDOT on the stepped up amount of sampling, inspection, and testing on asphalt paving materials, PCC paving materials and concrete structures. The new requirements may require more personnel on the job for the extra work. The county may need to outsource some of the work.

Ites will be trying to work on a way to 'untie' projects that are let together. Tying the projects requires additional costs when all of the projects are then subject to additional and costly standards. He would like to see different options for the project letting process.

10:00 a.m.—The time having arrived for the bid letting for project #L-C-529-73—11, 8 bids were received. Motion by Burnside to tentatively accept the low bid of Midwest Contracting, LLC, Marshall, MN in the amount of \$67,570.00 for project #L-C-529-73—11, subject to the a review of the bid tabs. Carried. Ites later confirmed that the bid tabs were correct and that Midwest Contracting, LLC was the low bidder.

Motion by Vail to approve the following reports: Jan & Feb budget reports, Jan 10 & Feb 17 Conservation Board minutes, and Feb monitoring report of Spectra lagoon by Mangold Environmental. Carried.

Motion by Vail to authorize the Chair to sign the letter of assurances to the independent auditor for the FY'05 audit. Carried.

Motion by Burnside to approve and to authorize the Chair to sign the agreement with the Secretary of State for grant funds to make the LKHM polling place accessible. Carried.

The Board moved to the public meeting room for a presentation of the revised LEC floor plans. John Hansen, LEC Project Manager – Midwest Construction Consultants, reviewed the changes that have been requested. Due to groundwater problems and the need to use the space most efficiently, the basement was eliminated, and the square footage reduced by 5,000. The mezzanine and dorm space were added to increase the capacity up to 51 beds, expandable to 75. The booking area was moved slightly to within 8' of the control room. Outside walls will be sandwiched pre-cast. Materials are 16 weeks out on delivery at this time. Hansen is targeting May for bids, with design specs and construction documents to be completed yet. All of this needs to be accomplished as soon as possible so as to not delay the bidding any more than necessary. However, tightening up the plans can only be done at this time. Changes at a later time would be cost prohibitive, if not impossible. The maintenance building will be considered after better estimates are available for the LEC itself. Adding the Comm Center has made a dramatic change in both the floor plan and cost. A question was raised about squaring off all of the outside corners so as not to lose any space which may be needed in the future, if not at this time. The Construction Manager will meet with the Board on March 14 to give final approval on the floor plans.

(The following minutes were recorded by Leigh Madsen, Deputy Auditor.)

Kathy Showalter, PlanScape Partners and Terry Argotsinger member of the Raccoon Valley Biodiesel, gave a presentation on the proposed **Raccoon Valley Biodiesel** plant to be located on the east side of Storm Lake. Construction of the plant is scheduled to start in September 2006. The construction phase is expected to employ 204 full time employees. The production of Biodiesel is scheduled to begin in August of 2007, which should employ 25-30 full time positions. The starting wage is expected to be \$15.27 with an annual payroll of 1.5 million. Showalter requested property tax abatement of 100% for the first 10 years, 75% for the next 5 years and 50% for the following 5 years. She also requested non monetary support from the Board of Supervisors for state grants and loans.

The Supervisors returned to the board room for continued discussion on the Raccoon Valley Biodiesel plant. Kathy Showalter will be contacted to set up an appointment with the Board. Assessor Kathy Croker will be contacted regarding the property abatement.

(On completion of the PlanScape Partners presentation, Auditor Karen Strawn resumed acting as the Clerk to the Board.)

Sheriff Chuck Eddy was present for the discussion of Ordinance 4.5. Enforcement for excessive noise would require a decibel meter. Having deputies in the right place at the right time would be unmanageable without adding deputies. The 3 & 71 intersection can only be posted by the IDOT due to 3 & 71 being state roads. IDOT has determined that they would post only at the county line or at corporate limits. Vail repeated his concern that the ordinance is aimed at a few, but will impact many, besides there being a difficulty in enforcing the ordinance. He would favor aligning the ordinance with the IDOT guidelines. The Chair dispensed with the reading of the proposed ordinance since all persons present had a copy. Motion by Vail to amend the proposed ordinance by substituting language in Section 3 as follows: "Each road and section of road so established shall be in an area where the noise from the use of an engine brake may interfere with the permitted use and enjoyment of property in such area. This shall apply only to the corporate limits of the appropriate jurisdiction.", and, to refer the amended ordinance to the County Attorney for his review. Gustafson believes it should be countywide or not at all – this is only a 'band aid' approach. The vote on amending the ordinance language was: ayes—Burnside, Crampton, Vail, Lanphere, nays—Gustafson. Carried.

Treasurer Kathy Bach presented a request for a tax suspension. Motion by Vail to approve the suspension of current and future taxes on parcel #0215300001 in Sioux Valley-Barnes pursuant to Chapter 427.9 of the 2005 Code of Iowa. Carried.

The Board reviewed a financial services agreement for the LEC. Motion by Burnside to select Ruan Securities to provide LEC financing services, and to approve and authorize the Chair to sign an agreement with Ruan Securities in the amount of \$8,800.00. Carried.

A question has been received about "what type of publicity has there been" to let the trucking industry know that **Ordinance 4.5** is being proposed. After the County Attorney comments on the revised ordinance, the Board may consider a KAYL radio program and/or a news release to the papers.

Discussion of the **DD #35** informal hearing held last week was postponed until next week pending the comments of the Drainage Attorney on the proposed resolution and proposed public notice of the Board's action.

EnvHealth/Zoning Director Kim Johnson has accepted for filing four new **manure management plans**. Motion by Vail to set the public hearings on four MMP's for March 23<sup>rd</sup> beginning at 8:30, then 8:35, 8:40, and 8:45 for the following locations and in this order: Section 21-Fairfield Twp (owner: FMP II/Green Acres), Section 4-Fairfield Twp (FMP II/Don's home), Section 21-Coon Twp (FMP II-Robinson) and Section 28-Coon Twp (FMP II-DRA site). Carried.

The Chair introduced a discussion of **courthouse remodeling** priorities that might be initiated this year. Court Administrator Leesa McNeil does have some interest in a courtroom at the LEC. Concerning the occasional conflict between the Magistrate Court's day and the Board meeting, the court day can be changed by the District Judge. He suggested speaking first with the Magistrate, and also offered the possibility of changing the Board's meeting day. McNeil has asked about adding to the jury box in the Magistrate courtroom. Some of the changes needing to be done in the courthouse are not tied to when the LEC is completed, so could be done now. The Juvenile PO's must stay in the courthouse. What should be accomplished prior to July 1<sup>st</sup>? This discussion will be taken up after the next couple weeks.

There being no further business, the Chair adjourned today's meeting until Tuesday, March 14<sup>th</sup> at 8:30 a.m. for a special session.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRTEENTH MEETING, 2006 SESSION (13)  
MARCH 14, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 14, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail and Lanphere. Nays--none. Abstentions--none.

BVRMC Administrator Todd Hudspeth, and Director of Quality Michelle Kelly, visited with the Board about the availability of **mental health services** in the county. Seasons Center was approached a

few years ago about providing additional services in the county, but were unable to do so at that time. Hudspeth approached Plains Area Mental Health, which is now providing services 4 days a week. Hudspeth introduced the idea of the possibility of the county switching from 'block grant funding' to 'fee for service' funding. CPC Dawn Mentzer stated that the county is providing some services on a 'fee for service' basis, in addition to the block grant funding. Gustafson suggested that BVRMC has the ability to levy tax dollars for the services. He is concerned about services for the very poor who don't have insurance and can't afford to pay. Hudspeth believes that competition could improve the access. Seasons isn't always able to provide the emergency services on a timely basis and on the timeframe which meets the expectation of the medical community. Mentzer suggested the possibility of educating the medical community on the protocol for the Seasons' services. Mentzer added that an option for the county would be to pay on a 'fee for service' basis up to a certain amount without increasing the budget. The Chair suggested that the Board do a little research and then discuss the situation, perhaps calling Hudspeth and Kelly back for additional discussion. Dorie Pedersen, from Seasons, mentioned the difficulty of accessing professionals in rural Iowa. Hudspeth also mentioned that he would like to see collaboration amongst the providers.

Mentzer discussed a request from Spectra Health Care for an additional fee increase. If the facility is not able to bill for 'leave days' (when a resident is not at the facility over the weekend or for several days), a fee increase would be needed to make up for the loss. Mentzer is concerned that if the county pays for leave days at Spectra, it might open the door for other providers to bill for leave days. She would like to tighten up the language in the Managed Care Plan in order to prevent and avoid litigation regarding its interpretation. The advisory board has discussed whether a provider should be paid for services that are not provided, i.e. a psychiatrist can't bill an insurance company for services not provided. The state allows payment of SSA dollars for a person having up to 30 days leave per year. However, professionals are not paid if they don't provide the services. The advisory board sees a need to review the policy. Mentzer requested input from the Board to take back to the advisory board.

EnvHealth/Zoning Director Kim Johnson updated the Board on the expansion plans for Rembrandt Enterprises. A public hearing will be set after all of the necessary information is filed.

Dave Mortensen and Russel Post, Nokomis Township Trustees, updated the Board on their new schedule of fees for their two cemeteries. New signs have been installed prohibiting private burials and liquor on the grounds. They are still in need of legal services. Motion by Gustafson to hire an attorney to provide the services requested by the Nokomis Township Trustees. Carried. Mortensen informed the Board of the additional cemetery related duties they have since funeral directors no longer provide some of the services. The law places management of the cemeteries in the hands of the Trustees who can make decisions to pay for the services no longer provided by the funeral directors. The have been unable to find someone to perform the duties of sexton.

Weed Commissioner Norm Lund reported on several quotes for weed chemicals. Motion by Gustafson to accept the low quote of Van Diest, Webster City, for 600 gallons HiDep (weed chemical) at \$16.34 to be delivered after April 1, 2006.

Deputy Doug Simons reported that the new sheriff's vehicle has been received. At Sheriff Eddy's request, he inquired whether a warrant could be written today so that he could begin installation of the equipment. The consensus of the Board was to approve the claim with all others next week.

Emergency Management Coordinator Bob Christensen reported that Sioux Lakes EMS Association has open positions on their board. Sioux Lakes serves as a liaison between the state and local healthcare providers. Christensen is willing to serve under the 'consumer heading', unless one of the Board members wishes to serve. Motion by Vail to appoint Bob Christensen as the county's consumer representative to the Sioux Lakes EMS Association Board. Carried.

Motion by Crampton to approve the minutes of the 3/7 meeting as printed. Carried.

Motion by Crampton to approve and to authorize the Chair to sign the Class C liquor license application submitted by Lake Creek Country Club, including Sunday sales, outdoor and catering. Carried.

The Board considered taking action on the DD #35 petition which was the subject of the February 28<sup>th</sup> informal hearing. The Chair reported that David Degner Sr., one of the petitioners, had stopped in the courthouse to request that the Board delay action for a short time as he was trying to obtain some additional information. Engineer Ivan Droeessler has recommended the Board proceed with action on the existing petition and send notice to everyone. It is inadvisable for the Board to proceed with additional investigation on the open ditch or an alternative design without a new petition requesting such investigation. A new petition would need to show support of several landowners in the District. Motion by Gustafson to postpone action on the DD #35 petition and the report of the Engineer's investigation until April 4 to allow Degner time to provide the information he said was coming, and to notify Degner of this action. Carried.

After due consideration and discussion, Supervisor Gustafson introduced the resolution next hereinafter set out and moved its adoption, seconded by Supervisor Burnside. The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted: Ayes: Burnside, Crampton, Gustafson, Vail, Lanphere; Nays: none. Whereupon, the Chairperson declared the resolution duly adopted as hereinafter set out.

#### **RESOLUTION NO. 2006-03-14-A**

Authorizing a Loan Agreement and the issuance of \$4,800,000 General Obligation Law Enforcement Center Notes and providing for the levy of taxes to pay the same

WHEREAS, pursuant to an election held in accordance with the provisions of Section 331.402 of the Code of Iowa, the Board of Supervisors (the "Board") of Buena Vista County (the "County"), State of Iowa, is authorized to contract indebtedness and enter into a loan agreement (the "Loan Agreement") in the principal amount of \$4,800,000 to provide funds to pay the cost, to that extent, of constructing, furnishing and equipping a county law enforcement center; and

WHEREAS, it is deemed necessary and advisable to provide for the levy and collection of taxes to pay the principal of and interest on \$4,800,000 General Obligation Law Enforcement Center Bonds or Notes (the "Notes"), to be issued pursuant to the Loan Agreement;

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

Section 1. The County hereby determines to enter into the Loan Agreement in the future, providing for a loan to the County in the principal amount of \$4,800,000 for the purpose or purposes set forth in the preamble hereof.

Section 2. The Notes are hereby authorized to be issued in the future, as funds are needed.

Section 3. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Notes as the same become due, there is hereby levied on all the taxable property in the County the following direct annual tax:

For collection in the fiscal year beginning July 1, 2006, sufficient to produce the net annual sum of \$360,459;

provided, however, that at the time the Lender is selected, the actual tax levy amounts required to pay the principal of and interest on the Notes in each subsequent year shall be determined based upon the

interest rate or rates at which the Notes are issued, and this resolution shall be amended by resolution of the Board to provide for such actual and necessary tax levy amounts.

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

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

Passed and approved March 14, 2006.

/s/ Bill Lanphere, Chair, Board of Supervisors.....Attest: /s/ Karen M. Strawn, County

Motion by Burnside to approve to approve and authorize the Chair to sign the letter of responses to the independent auditor regarding the county's **FY'05 financial audit**. Carried.

Don Reffer, B&W Control Specialists, with Drainage District Watchman Brian Blomme, presented a proposal for a **purple loosestrife control** spray program in the drainage districts. This may include spraying 2 times during the year. Reffer noted that the loosestrife growth must be caught before it spreads because then it becomes nearly impossible to eliminate. There is one spot which already has significant spread. Reffer reported that there are 3 effective chemicals for the weed: a) 24D L-V-4 at approximately \$20/ac; b) 'Habitat' at approximately \$40/ac is non-selective--if used on the bank of a channel, it may undermine the other growth, but it does have some residual value on flat ground; c) Garlon 3-A does not 'invert', but would be broadcast on the channel because it does not drift--it is one of the most effective chemicals used. This would be used for select sites, not everywhere. Reffer will put together a plan for the Board's consideration.

Reffer and Blomme recommended locations for this year's **drainage district brush and weed program**, with the locations to be on a 3-year rotation. Motion by Burnside to approve and to authorize B&W to proceed with the chemical treatment program in the following drainage districts: DD #34 MOD (approx. 7.0 miles), DD #49 MOD (approx 1.9 miles), #DD 34 Lat 2 OD (approx. 6.7 miles), #DD 1 Lat 1 OD (approx 3.25 miles), DD #20 (approx 3.7 miles), and Jt. DD #274 MOD (approx 2.0 miles). Carried.

The Board moved to the Public Meeting Room for the public hearing on the proposed **FY'07 county budget**. A number of department heads, employees, and three persons from the public, in addition to one person from the media were present. The Board was commended for putting together a budget with a tax asking which marginally increased despite the addition of debt service for the LEC. The Chair noted that we are beginning to reap the benefits of economic development (wind turbines, Rembrandt Industries, etc.), and also through local option sales tax. Burnside commented that it is also good that all of the economic development is not the same (wind, chickens, ethanol, soy-biodiesel, etc.) so as to have all of the 'eggs in one basket'. The Chair highlighted a number of areas including valuation changes, levies, and ending fund balances. There were no comments or questions from the audience. Motion by Burnside, second by Crampton, to close the public hearing, to approve the FY'07 county budget as presented, and to authorize the Chair to sign the adoption and certificate of taxes. Carried. The Chair thanked the Department Head's for their work on the budget.

John and Steve Hansen, Midwest Construction Consultants, with John Bixler, Construction Manager, were present for one last review of the floor plan for the LEC. Hansen, again reviewed the changes needed to get the project scope down to a project that would fit under the \$4,800,000 cap. He has identified a small amount of contingency funds which he would like to increase so that there is some leeway when construction actually begins. At the current time he doesn't see much of a materials

delivery delay, but they would like to do early bids for the foundation, steel and pre-cast since there is a 16-18 week lead time on these items. The cost estimates provide a very small contingency which Hansen would like to see increased to \$280,000-\$300,000 (3%). There are some changes that may deliver some savings such as eliminated the 'wing' walls in the video visitation booths, reduction of the number of video-visitation stations, reduction of kitchen equipment to precise needs (no extras), reduction of single occupancy cells in the mail G.P., and elimination of some security redundancy. Some features may be added as alternates which can be included if the bids come in low enough. Hansen recommends a committee with representatives of the Board, Sheriff's office, and Communications Center to finalize the needs with the architect and engineers. Grants should be pursued for all portions of the building. The committee will need to prepare an application for a variance for the Comm Center tower, and also a budget with a determination of where the funds will come from. Hansen recommended approval of the plans with the changes that have been reported, and to proceed with design specs. Motion by Crampton to approve the LEC schematic drawings as presented, and to authorize the architect to proceed with design specs. Carried.

The Board discussed tonight's REAP meeting in Everly and the Mid-State Conference in Sioux City on March 22nd.

There being no further business, the Chair adjourned today's meeting until Thursday, March 23<sup>rd</sup> at 8:30 a.m. for a regular session.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FOURTEENTH MEETING, 2006 SESSION (14)  
MARCH 23, 2006**

The Buena Vista County Board of Supervisors met in regular session on Thursday, March 23, 2006, (postponed from 3/21 due to meeting conflicts) at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, and Vail, and with Auditor Karen Strawn as clerk for the meeting. Absent: Gustafson, for another meeting.

Unless otherwise indicated, all of the following motions offered at this meeting were carried with the following vote: Ayes--Burnside, Crampton, Vail and Lanphere. Nays--none. Abstentions--none.

Motion by Burnside to approve and to authorize the Chair to sign today's list of claims for payment. Carried.

Motion by the Chair to approve and to authorize the Chair to sign a letter declining a waiver for the requirement to affiliate with a community mental health center. Carried.

EnvHealth/Zoning Director Kim Johnson presented information on four newly filed manure management plans (MMPs). 8:30 a.m.—There being no objections or comments on the MMP filed for FMP II Green Acres at a location in Section 21, Fairfield Township, motion by Crampton to close the public hearing. Carried.

Motion by Crampton to decline to demand a hearing on the construction application of McPig LLC for a facility to be located in Sections 29 & 32, Providence Township. Carried.

Motion by Vail to set a public hearing on the MMP filed by Ned & Deb Lenhart for a location in Section 11, Washington Township for Tuesday, April 4<sup>th</sup> at 10:55 a.m. Carried.

8:35 a.m.— There being no objections or comments on the MMP filed for FMP II Don's Home at a location in Section 4, Fairfield Township, motion by Burnside to close the public hearing. Carried.

Motion by Vail to set a public hearing for the matrix evaluation of the construction application submitted by Rembrandt Enterprises for April 4<sup>th</sup> at 11:00 a.m. Carried.

Johnson reported that an MMP had been filed for a location in Clay County, but with some land in BV County being designated to receive the manure. It was the consensus of the Board not to take any action on the MMP.

8:40 a.m.— There being no objections or comments on the MMP filed for FMP II Robinson at a location in Section 21, Coon Township, motion by Crampton to close the public hearing. Carried.

Rusty Kosky thanked the Board for going through the public hearing process for all of the new hog facilities in the county. His company appreciates their efforts, and they believe their company has brought something positive to the County since they provide employment for over 50 people.

8:45 a.m.— There being no objections or comments on the MMP filed for FMP II DRA site at a location in Section 28, Coon Township, motion by Vail to close the public hearing. Carried.

Engineer Jon Ites reported that Ag Partners had agreed to the form of the agreement, and had signed the agreement proposed by the county, for the closing of 60<sup>th</sup> Ave. Motion by Burnside to approve and to authorize the Chair to sign the following agreement with Ag Partners, Alta, for the periodic closing of 60<sup>th</sup> Avenue at times when rail cars are loaded. The Chair asked how the County could address a failure to provide the required notification of the Sheriff when signs are activated and de-activated. Ites responded that the agreement contains no language for that circumstance; however, the Board could rescind the agreement in that event. The motion carried. Ag Partners will be required to pay for all of the signing materials.

## AGREEMENT

This agreement is entered into by and between Buena Vista County, Iowa and Ag Partners of Alta. The purpose is to detail responsibilities that would arise from the closure of 60<sup>th</sup> Avenue during certain times of the year when railcar unit trains are being loaded. It is estimated that this will occur approximately 30 times a year for a duration of at least 15 hours each time. In order to accomplish the road closures, gates will be installed on the northbound leg of 60<sup>th</sup> Avenue at the intersection of 60<sup>th</sup> Avenue and Highway 7 south of the railroad crossing, and also at the southbound leg of 60<sup>th</sup> Avenue at the intersection of 60<sup>th</sup> Avenue and Highway 7 north of the railroad crossing. Various warning signs will be installed as detailed in Appendix A and B. When not in use the gate panels will be hung parallel to Highway 7 with flashers not active.

Ag Partners agrees to reimburse Buena Vista County for expenses incurred in purchasing materials. Ag Partners agrees to install and maintain all material as shown in Appendix A and B; to unfold all the signs and close the gates when the road is closed as a result of railcars across the siding on 60<sup>th</sup> Avenue; to notify the Sheriff's Office of the closure and also notify the Sheriff's Office when the road is reopened; to hold Buena Vista County harmless for liability to third persons and to Ag Partners arising from each temporary closure. A certificate of insurance showing Buena Vista County as the insured in the amount of \$1,000,000.00 shall be submitted to the County Auditor.

Buena Vista County agrees to closure of 60<sup>th</sup> Avenue for the purposes, at the location, and under the circumstances of this Agreement.

Signed this 14<sup>th</sup> day of March, 2006.

/s/ Bill Lanphere, Chair, Board of Supervisors  
BUENA VISTA COUNTY, IOWA

/s/ Brett Moody  
AG PARTNERS

ATTEST: /s/ Karen Strawn, Buena Vista County Auditor.....

Ites presented a proposal for maintenance pavement markings contract to be completed this spring. Motion by Crampton to accept the proposal from Vogel Traffic Services, Orange City, in the amount of \$35,273.75 for approximately 80 miles of maintenance pavement marking. Carried.

Motion by Crampton to approve and to authorize the Chair to sign the agreement with IDOT to use the following county roads for a detour route (for 6-10 days) while work is done on Hwy 10 in Aug-Sept: beginning at the Marathon railroad crossing on Hwy 10, from M-54 south to C-29, then east to Albert City, then north on N-14 to Marathon. Carried. The county will be reimbursed for the use of the county roads.

(Sue Kennedy, Deputy Auditor, recorded the following minutes.)

Dale Arends, Mike Schmidt, Norm Wolfe, Steve Samelson, Dave Rydstrom, Larry Grote, and Dale Schumann met with the Board to discuss their proposal for tax abatement for the Raccoon Valley BioDiesel plant. Dale Arends asked if there were any questions from the Board that they would like answered. There was a question as to how their meeting went with the railroad. Arends stated that they have met with the railroad and everything is fine with them. The railroad will provide the switches, at Raccoon Valley's cost. Chairman Lanphere mentioned comments that he and the other members have heard from the public. In comparison to the Fagen ethanol plant in Albert City, they had tremendous support from the public, wanting their project. The ethanol plant was going to tax our road system, and this project won't, since it will be on a state highway. Dale Arends responded to the public comments that Raccoon Valley has different legal procedures than Fagen's ethanol plant. They were able to go public and ask for financial support, whereas Raccoon Valley is in a quiet period, and there are certain things that cannot be discussed yet. Arends commented that they don't have final figures yet on the construction cost, only an estimate of approximately \$44,000,000. Arends stated that they did not want to ask for the same property tax exemption as Fagen's did. It is a Buena Vista County project, and the bulk of the workforce will be coming from a thirty-mile radius. He encourages the Board to grant their proposed property tax exemption as presented, as the County stands to reap benefits over time, more than what the taxes would have been. A question was asked as to how many people they would employ. Arends stated that originally, they thought there would be 24 people. Now, the numbers are up to 30-32 people, all technical jobs, not entry-level positions, with an annual payroll of \$1,500,000.

Motion by Vail, second by Burnside to approve and authorize the Chairman sign Resolution 2006-3-23-A, regarding the tax abatement for Raccoon Valley BioDiesel. The abatement will be 10 yrs at 100% exemption, 5 yrs at 75% exemption, and 5 yrs at 50% exemption. The roll call vote was Burnside-aye, Crampton-aye, Vail-aye, Lanphere-aye. The motion carried. Gustafson was not present due to another conflict.

**RESOLUTION 2006-3-23-A  
RESOLUTION TO AUTHORIZE FINANCIAL SUPPORT FOR  
RACCOON VALLEY BIODIESEL, LLC**

**WHEREAS**, Raccoon Valley Biodiesel, LLC is interested in building a 42,000,000 gallon per year biodiesel processing plant in Buena Vista County, Iowa; and

**WHEREAS**, this facility will create 20-25 new high quality jobs and make an investment of more than \$70,000,000 in the project which includes working capital; and

**WHEREAS**, this project will provide an important new market for area soybean producers providing them with another revenue source, expand the area's economy and allow area residents to invest in this effort resulting in a positive economic impact for the County and its residents; and

**WHEREAS**, the project intends to apply for grants and loans through various state and federal programs; and

**WHEREAS**, Raccoon Valley Biodiesel, LLC is in need of financial assistance in the form of tax abatements through Buena Vista County in order to make this project a reality,

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

Section 1: The County wholly endorses this project and all applications for state and federal grant and loan funding without incurring any financial responsibility for such grant or loan applications; and

Section 2: The County intends to negotiate a development agreement, with Raccoon Valley Biodiesel, LLC which, if approved and executed by the parties, will provide for property tax exemptions for Raccoon Valley Biodiesel, LLC on the following schedule:

- 100% exemption of the new taxes for a period of the first ten (10) years, and then
- 75% exemption of the new taxes for a period of the following five (5) years, and then
- 50% exemption of the new taxes for a period of the following five (5) years.

**PASSED AND APPROVED** this 23rd day of March, 2006.

/s/ Bill Lanphere, Chair.....ATTEST: /s/ Sue Kennedy, Deputy County Auditor  
(Upon approval of the resolution, Auditor Karen Strawn continued as Clerk to the Board.)

Sue Morrow and Amanda Stevenson, **Spectra Health Care**, were present to discuss their concerns about a change in the Managed Care Plan, which will be presented at a public hearing on March 28<sup>th</sup>. Morrow explained that currently, Spectra receives revenue for the number of days a client resides at Spectra, including 'leave days' (day or days when the client is away and not sleeping at the facility, up to 30 per year). If the managed care plan is changed so that 'leave days' are not billable, the revenue loss would be approximately 4.8%. In that event, an adjustment would be needed for their per diem rate. She further explained that the rate structure is different at Genesis and the Howard Center. After the completion of the year, if the costs to provide the services are greater than the rates charged, they get a rate adjustment to make up the difference. Spectra does not, but it has the expense if the person is there or not. With only one client at Spectra, who uses very few leave days, the savings for Buena Vista County is insignificant. Community Services Director Dawn Mentzer commented that professionals, such as psychiatrists, are not allowed to bill insurance/Medicare for services not provided. Morrow thanked the Board for the opportunity to meet with them, and explained that due to a prior conflict, she would be unable to attend the hearing on the 28<sup>th</sup>.

Weed Commissioner Norm Lund discussed a letter received from **Mickey Morrow** who has requested assistance in getting access to her land in order to comply with NRCS requirements to mow and keep the weeds down on her CRP acres. The possibility of a bridge across the creek (drainage ditch) to gain access was discussed. The ditch is part of DD #101, so approval for a bridge would have to be by the Board of Supervisors as Trustees for DD #101. More research would need to be done before the Board could consider this as a possible solution. Another possibility would be private condemnation, which is allowed by law for an owner or lessee of land, which has no public or private way to the land. Lund will contact her to suggest that she meet with the Board to learn more about her options.

The Board discussed several communications from Midwest Construction Consultants regarding the **LEC**, and, considered what the need would be for a secure room when a prisoner is brought from the new LEC to the courthouse for trial. Deputy Don McClure explained what the specific needs would be including a secure room with secure access to restroom facilities, plus an office space for the deputy. The Board discussed where those spaces would best be located, with no firm conclusions drawn.

Motion by Vail to increase the budget for beaver bounties trapped in non-drainage district waters by \$500 for the current fiscal year (for a total of \$1,500). Carried.

The Chair reported to the Board that the Iowa Great Lakes Corridor Association, which Buena Vista County has recently joined, has successfully obtained a \$175,000 marketing grant from IDED. The names submitted to the association as representatives for Buena Vista County are: Bill Kruse, Tom Olsen and Gary Lalone. Since very little is yet known about the amount of time required, Kruse and Olsen have tentatively agreed to serve, if they determine that they have sufficient time to actively participate.

The Chair also informed the Board that a site investigation at Spectra Health Care is needed for long range planning of infrastructure needs.

Motion by Vail to approve the minutes of the 3/14 meeting as printed, and the following reports: Feb 20 Board of Health minutes and Clerk's fees. Carried.

Motion by the Chair to approve paying \$25/meeting for up to 4 meetings per year of the deputy medical examiners for planning and schooling discussion. Carried.

Due to conflicts, motion by the Chair to cancel the special Board meeting on 4/11. Carried.

There being no further business, the Chair adjourned today's meeting until Tuesday, March 28<sup>th</sup> at 8:30 a.m. for a special session.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FIFTEENTH MEETING, 2006 SESSION (15)  
MARCH 28, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 28, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following motions offered at this meeting were carried with the following vote: Ayes--Burnside, Crampton, Gustafson, Vail and Lanphere. Nays--none. Abstentions--none.

8:30 a.m.—The Board convened in the Public Meeting Room for a public hearing on the Buena Vista County FY'07-09 Managed Care Plan and the new Strategic Plan. With 20 persons present, CPC Administrator Dawn Mentzer discussed the development of the Strategic Plan. Due to the County's MH Fund being in a solid condition, the Advisory Committee developed a plan to take services to a new level. The goal is to develop employment opportunities for 20 persons during the three year period for the plan.

A review of the Managed Care Plan highlighted a few changes including a proposal to discontinue the practice of paying for 'leave days'. Approximately 50 counties participate in ISAC's CRIS (County Rate Information System). Most have already eliminated payment for leave days in their Managed Care Plans. It was noted that Spectra had submitted its request for a provider rate increase for FY'07 prior to learning that a change was to be proposed for the Managed Care Plan. If this change is included in the approved Plan, they expect to submit a request for an adjustment to their rate due to an expected revenue loss of 4.8%. Motion by Gustafson to accept and to approve the FY'07-09 Managed Care Plan and Strategic Plan with the addition of the names of the Mental Health Institutes in the order that they are to be contacted, and, with the stipulation that Spectra has the right to come in with a request for a rate increase at a later time. Carried.

Engineer Jon Ites presented documents for approval on the project to replace a bridge with a culvert. Motion by Vail to approve and to authorize the Chair to sign the contract, bond, and certificate of insurance of Midwest Contracting of Marshall, MN, for project #L-C-529—73-11 to install a culvert at a location between Sections 29 & 32, Providence Township in the amount of \$67,570.00. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the underground utility application submitted by Iowa Telecom, Grinnell, IA, to upgrade an existing service with a 25 pr telephone cable at a location in the west ROW in the ditch on M-44 (100<sup>th</sup> Ave) on the east side of Section 9, Scott Township. Carried.

Motion by Burnside to approve and to authorize the Chair to sign the underground utility application submitted by Iowa Telecom, Grinnell, IA, to install a 5 pr telephone cable (crossing 610<sup>th</sup> St.) between Sections 3 & 10, Providence Township. Carried.

Due to conflicts with other meetings and training, the regular Board of Supervisors' meeting scheduled for April 18, will be held on the 17<sup>th</sup> beginning at the usual time of 8:30 a.m.

Motion by Gustafson to approve and to authorize the Chair to sign a letter to the Alta City Council requesting that they address a drainage problem prior to approving the subdivision plat for a location north of the northwest corner of the County Fairgrounds in Alta. Carried.

Motion by the Chair to approve and to authorize his signature on a letter to Storm Lake City Administrator Patti Moore on behalf of the Storm Lake City Council requesting a waiver of the building permit fee for the law enforcement center. Carried.

The Board of Health has invited the Board of Supervisors to attend their March 30th meeting where there Donna Schneider, Region 3 Epidemiologist, will be giving a program on communicable diseases and how to handle them. A quorum is required to receive the Bioterrorism incentive money.

Motion by Crampton to approve and to authorize the Chair to sign the S.H.I.E.L.D. contract for FY'07; S.H.I.E.L.D. coordinates the county's safety program and provides safety training for the employees. Carried.

Motion by Crampton to approve the minutes of the 3/23 meeting as amended. Carried.

Motion by Gustafson to amend the agenda for today by adding 'acceptance of bids on tree clearing projects in drainage districts'. Carried.

A report of tree clearing bids for DD 34 has been received from Brian Blomme, Watchman for Buena Vista County drainage districts. Blomme reported that Bawden Tiling was the low bidder in a field of five on DD #34, Lateral 2, however, the bid was \$21,150, which is not under the \$15,000 threshhold. Blomme negotiated with Bawden to an amount of \$15,000. Motion by Burnside to accept the low negotiated bid of Bawden Tiling in the amount of \$15,000 for 2005 tree clearing in DD #34 Lat 2. Carried.

Motion by Vail to award bids for DD #34 Lat 7 (\$9,900.00) and DD #34 MOD (\$4,700.00) to the low bidder: Christian Bros. Excavating L.C. for 2005 tree clearing. Carried. For Lat 7 there were five bidders, and for MOD there were four.

A report of the number of trips made in the Veterans' Affairs van during the first quarter of 2006 was reviewed. Yesterday the county received a new van – a green 2006 Dodge Caravan GR SE.

Henry and Mickey Morrow were present to request permission to install a bridge over the drainage district that goes through land she inherited in DD #101. She is unable to get a tractor across the drainage ditch to be able to mow her CRP acres. Mr. Morrow estimates the ditch width at 39', and he thinks the cost to condemn land to acquire an access would be approximately \$7,000. Engineer Jon Ites suggested that the County Attorney be consulted to determine if the right to condemn land to acquire access is available on property received by inheritance. The Board suggested that if a bridge is to be considered, a drainage engineer should be consulted to investigate and determine what bridge specs would be necessary to make an adequate crossing and protect the drainage district. The Chair has talked to drainage engineer Ivan Droessler who agrees that there is a need to investigate and determine specs for the bridge. If the bridge were to be put in, the Morrows would be responsible to assure that it doesn't cause an obstruction, and would also be responsible for the cost of installation and maintenance. Morrows have considered an old semi flatbed with the biggest issues being installation of an abutment and hauling the truck bed in. The engineer would need to determine the height, length and location, etc. All costs incurred would be the Morrow's. Motion by Vail to allow Morrows to meet with Ivan Droessler to get a preliminary idea of the cost to investigate the installation of a bridge over an open ditch in DD #101, and if they decide to proceed, to engage his services, all at their own expense. Carried. Another solution was also suggested. Morrows could obtain an easement to gain access to the other side of the ditch and the CRP acres. An easement would follow the property even if it is sold to another person.

The Chair introduced a discussion of a county open house either during National County Government Week or at some other time. Outlying secondary road facilities have been updated – an open house could be held at several facilities at different times. Other issues of public interest include the LEC floor plans and new handicap accessible voting equipment. The Chair will discuss this at the next Department Head meeting, and will attempt to gauge the interest of the public through a letter to the editor.

Motion by Crampton to approve and to authorize the Chair to sign approval of the March claim for LEC expenses totaling \$21,317.71. Carried.

Burnside reported that she had attended a NIMS (National Incident Management System) meeting and reminded other members of upcoming meetings and locations. The purpose of the meeting is to communicate the need for, and how to address disasters such as bio-terrorism and hurricanes.

There being no further business, the Chair adjourned today's meeting until Tuesday, April 4 at 8:30 a.m. for a regular session.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
SIXTEENTH MEETING, 2006 SESSION (16)  
APRIL 4, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 4, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, and Vail, and with Auditor Karen Strawn as clerk for the meeting. Absent: Gustafson.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes--Burnside, Crampton, Vail and Lanphere. Nays--none. Abstentions--none.

Brian Waldstein was present to discuss creation of a wetland on his property in Section 11, Lee Township. He would like to 'raise' a drainage tile in DD #202 to the surface to create the area. He is looking for permission to proceed so that construction can begin this spring. Christine Chafa and Dan Grabe, NRCS, reviewed maps of the proposed wetland and explained that drainage in DD #202 will be improved with this installation. The engineering has been completed, and all that remains is approval from the Board. An agreement will need to be prepared for the Board's approval. The location will be visible from C-13, so the area will be marked to identify the location to promote this type of environmental activity. Motion by Vail to direct Engineer Ivan Droeßler to prepare a **wetland restoration** agreement, at Waldstein's expense, for approval of the Waldstein wetland project in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 11, Lee Township. Carried.

The Chair discussed the precautions determined by the Sheriff for **courthouse safety** in anticipation of a demonstration or other similar event.

Lakeside City Councilman Burt Bonebrake and Lakeside Attorney Dave Jennett were present to discuss the extension of the Storm Lake **lake trail through Lakeside** and into Bel Air Beach. The current trail stops at the Cobblestone Inn. They want to extend it 3,366' south to the Lakeside city limits, then past the outlet and into Bel Air Beach. Information from the Engineer's office indicates that the ROW on each side of the road is 22' wide from the edge of the blacktop to the residential line; the ROW is wide enough to allow for the trail. The width of the trail coming out of Storm Lake is 8'. Concerns have been voiced about the safety of the bikers, walkers, and drivers, and there are numerous incidents of speeding in that area. Bonebrake would like to use concrete for the trail. The Chair suggested that bikers and walkers actually prefer asphalt thinking that it is softer; a white line should be painted down the middle for safety reasons. Bonebrake said they are working on grant funding and are hoping that the county will work with them. The Board generally favored the project. The outlet is DNR property, so Bonebrake has contacted them to discuss the project.

Paul Peterson was present to again discuss **decriminalization of marijuana** by asking the Board to approve an ordinance making possession a misdemeanor but exempting those persons who use it for medicinal purposes. After the Board reviews his proposal, Peterson offered his services to re-write those sections where the Board wants changes.

Sheriff Eddy informed the Board of the **medical/mental health bills** that he has and will be receiving for jail inmates. There are conflicting opinions on whether the Sheriff is responsible for those expenses or not. More research is needed.

Engineer Jon Ites presented a copy of the written report of the County Engineers' Association to the **Road Use Tax Fund** Committee on the history of road funding. Cities believe they should receive a larger share of the funding because more people live in cities/towns, without recognition of how the needs are different for city residents vs. rural residents.

Ites also reported that Buena Vista County has had funding approved for two SAFTEA-LU applications: project #STP-S-CO11(77)—5E-11 in FY'09 and project #STP-S-CO11(71)—5E-11 in FY'10, both for the reconstruction and resurfacing of roads.

Ites recommended FY'07 salary increases for two salaried employees in his department: \$56,200 (a 5% increase) for the Assistant County Engineer and \$52,000 (an 8.8% increase) for the Maintenance Superintendent. Motion by Burnside to approve a FY'07 salary to \$56,200 for the Assistant County Engineer. Carried. Vail expressed concern about approving a higher percentage for the Maintenance Superintendent than what was given to other employees. Motion by Vail to approve a 7% increase for a FY'07 salary of \$51,138 for the Maintenance Superintendent. Carried.

Ites proposed a 3 year employment contract for himself with the terms being the same as the current contract but with the following salary increases: 1<sup>st</sup> year - \$82,500 (a 4.72% increase over FY'06), 2<sup>nd</sup> year - \$86,000 (a 4.2% increase) and in the 3<sup>rd</sup> year, the same dollar amount increase as will be approved for the Sheriff. Sharing county engineers was discussed with Ites noting that over the past 10 years there has been an increase of only 1 engineer shared between 2 counties. Motion by the Chair to accept the proposed engineer's employment contract and set April 25<sup>th</sup> for formal approval. Carried.

The engineer reported on the results of price negotiations with Barry Motors, Danbury, for equipment purchases. There is currently a 120 day delivery time. An LT9500 truck chassis, replacing the 1997 Ford LT9000 without trade-in is \$73,269. Additional equipment to be installed is estimated at \$48,600. Ites discussed the possibility of trading in two Internationals which are out of warranty and replacing them with LT9500's. The trade-in price would be \$35,769. Motion by Crampton to purchase three Sterling chassis LT9500's (two for \$35,769 each with trade-ins, and a third at \$73,269 without trade-in, the old truck to be sold to the BV Co Solid Waste Commission for \$22,000). Carried.

With the equipment changes approved above, motion by Burnside to approve and to authorize the Chair to sign the FY'07 IDOT budget and 5-year construction plan. After including the purchases above, the FY'07 ending funding balance is projected to be \$1.738 million, or about 35%. Carried.

Motion by Crampton to approve and to authorize the Chair to sign today's claims approval list. Carried.

David Degner Sr., Russell Smith and Merlyn Smith were present to discuss two new options for improving the drainage in DD #35. Degner asked if the engineer could be present. He noted that the farming community suffered a loss when Drainage Engineer Daryl Burns was not replaced. At the informal hearing on Feb. 28<sup>th</sup> a petition was filed in opposition to the three options presented by Drainage Engineer Ivan Droessler. Degner believes that there was a change of mind amongst those present at the hearing; at least 13 people favored doing something. Degner presented two other proposals.

First option--take the drainage system down the dirt road in the ditch. His estimate for this improvement is \$168,156, and would take the facility to the Pocahontas county line. When asked, he did not know who would pay for this. This option would not provide any relief to Merlyn Smith. Vail commented that it appears that annexation and then re-classification would be necessary for this option; the cost of these activities was not included in Degner's estimate.

A second option would be add a 24" tile along side of the 36" tile and make adjustments at the 'Y'. This would improve the drainage by increasing the capacity. Degner believes this option would cost \$80,000-\$90,000. Due to the late hour and a pending public hearing, the Board suggested that this information be given to Engineer Ivan Droessler. The Board will require a petition for improvement if the options are to be investigated.

There being a need to take action on the July, 2005 petition which was investigated by the Drainage Engineer, motion by Burnside to approve and to authorize the Chair to sign Resolution 2006-04-04-A dismissing the petition due to too high of a cost in comparison to the benefit received. Carried.

**RESOLUTION OF THE TRUSTEES OF  
DRAINAGE DISTRICT NO. 35  
ACTION ON PETITION**

**WHEREAS**, the Buena Vista County Board of Supervisors acting as Trustees of Drainage District #35, having received a petition for repairs on July 5, 2005, did appoint Kuehl & Payer Ltd. as Engineer to investigate; and

**WHEREAS**, the Engineer's report offering three options was presented at an informal hearing of the landowners in DD #35 on February 28<sup>th</sup>, 2006; and

**WHEREAS**, the landowners present were generally opposed to all three options citing too high of a cost for the benefit received;

**NOW THEREFORE BE IT RESOLVED** by the Buena Vista County Board of Supervisors acting as Trustees of Drainage District No. 35, that the petition for repairs is hereby dismissed on the basis of too high of a cost for the benefit to be received; and

**BE IT FURTHER RESOLVED**, that the County Auditor is hereby directed to send a notice of the dismissal of the petition to all persons who signed the original petition, those who signed the paper submitted at the February 28<sup>th</sup> informal hearing stating their opposition to the proposal, and, to all persons who attended said hearing.

**PASSED AND APPROVED** by the DD#35 Trustees present at this April 4<sup>th</sup>, 2006 meeting of the Board of Supervisors, they being Lanphere, Burnside, Crampton, and Vail on this 4<sup>th</sup> day of April, 2006.

/s/ Bill Lanphere, Chair, Board of Trustees DD #35.....Attest: /s/ Karen M. Strawn, Auditor

10:55—The time having arrived for a public hearing on a manure management plan filed by Ned & Deb Lenhart, the Chair opened the hearing with Truesdale Mayor Stan Buchholz, and Council members Linda Anderson, Jim Weiland, and Tom Smith present, and also Nick Smith. The city officials are concerned about the proximity of this facility to their town. City officials believe that the location will discourage any building or growth in Truesdale. Board members asked EnvHealth/Zoning Director Kim Johnson if it was possible to move to a different site. Johnson did not know if the Lenharts had considered another location. The facility is currently planned for Section 11, Washington Township. Ned Lenhart will be putting up the building, with the manure to be put on property owned by Terry Stull. The MMP shows that the intent is to knife the manure in, but that type of application is not required. Board members explained that the county does not have any authority in the matter of locating facilities, and cannot make any requirement of the owner. All that can be done is to ask the owners to adjust their plans. Board members encouraged those present to talk to the Lenharts and make their concerns known. Motion by Vail to close the public hearing. Carried.

The time having arrived for the master matrix evaluation for the Rembrandt Enterprises animal feeding operation application, the Chair opened the hearing in the District Courtroom with over 100 persons present. He thanked those present for their patience as the hearing was delayed due to another hearing scheduled just prior to this one. He asked EnvHealth/Zoning Director Kim Johnson to proceed with a review of the application under the master matrix. Johnson reviewed the points Rembrandt Enterprises applied for which totaled 465, where 440 is the minimum needed for approval.

The Chair asked for questions on the matrix, followed by comments. The County will file its comments with the DNR, along with any other written comments filed by attendees, on Friday.

Karla Madsen—believes that RE has not lived up to its promise to be a good neighbor. Her family is dealing with odor, flies, manure, spillage and high traffic. They are dealing with illness due to the intense odor, and have to wear masks due to the acidic quality of the air. She asked that RE fix the current problems before expanding.

Rosio Flores—has had no experience with a fly problem or odor. RE is providing jobs to put food on the table. The jobs have allowed them to send their kids to school, put food on the table, and build a life. She wants to see RE expand. Since she works there, she knows how clean the buildings are on the inside; there are no flies.

Julio Hernandez—Eggs are an important product. He is grateful for his job. It's not easy work but that's how they pay their bills. The employees are provided the right equipment to do their jobs.

Jan Klahs—The original plan was that RE was going to dry the manure. If that plan had been followed there might not be such a problem. The plan was to freeze dead birds and haul them away, but that's not what RE is doing. The buildings are outfitted with lots of fans but she never sees more than 1 or 2 running at a time.

Dennis Anderson--said that they do have fly problems.

Rich Madsen—lives closer to the facility than any other neighbor. The fly problem at his home is very bad and getting worse. The odor is so bad that they have had to leave home at times.

Attorney Tom Lipps—is representing Smith and Sorenson who have specific complaints and have filed their comments, to be forwarded with those of the Supervisors, to the DNR. They are asking the Board to recommend that the DNR deny the application and, that if the application is instead approved by the DNR, that the Board request a hearing before the Environmental Protection Commission. They believe that the Supervisors can recommend denial for two reasons: 1) public opposition, and 2) not passing the matrix. A person needs to look at what RE has represented to the public (Pilot-Tribune 6-13-2001) – they aren't drying the manure, the moisture is too high. They weren't going to be killing birds, and they aren't being slaughtered, but they are gassing a building to kill them when the hens are too old. It is reported that they are being ground and added to the manure. They have claimed 465 points, but #'s 5 & 7 don't meet the spirit or the letter of the law. The matrix doesn't allow for points to be deducted for odor, flies, or manure which was the focus of complaints made to the DNR, but RE is taking points on the fact that the complaints were not acted upon by the DNR. RE takes points for landscaping, but they are only planning to move what already exists. They are adding turnarounds only to get points. The manure is not dry. Smith and Sorenson are asking the Board of Supervisors to recommend that the DNR deny the permit.

Roger Skelton—asked what the MMP requirements are for RE. [RE has a license issued by the IA Dept. of Agriculture to sell manure, but doesn't control the people who buy and apply it, so the county has no authority to say where it is applied or in what amounts.]

Vicki Anderson—asked if the county doesn't have some type of control on the amount of moisture. [No.]

Engineer Ivan Droessler—Kuehl & Payer does the permitting for RE. 'Wet' or 'dry' is a classification based on the method of application, not on the percentage of moisture. The matrix was not available when RE built in 2001—the operation was legal at that time. DNR says that the matrix evaluation is for the expansion only, not the earlier buildings. Measurements for distance are for the expansion only. The watering and feeding equipment choices were the best options available at the time. The extra turn-arounds are intended to reduce extra traffic, accidents and spills. The existing trees (landscaping) will be destroyed by the expansion; that is why they are being moved. The matrix was completed in line with the intent of the DNR.

Ken Stone—asked how 'you' would feel about 145,000 head of hogs moving in next to you. This size is currently in litigation. This expansion could have been 25 million birds, next year it could be more. There are no limits.

Ray Eickholt—Last fall manure was applied next to his property. He called to complain. A representative of RE came out and agreed that it was unreasonable.

Tom Lipps—His clients would like to exercise their political rights before the EPC, which is why they request the Board to recommend denial.

Karla Madsen—This expansion is a quality of life issue. It may improve the lives of the employees, but at the expense of the neighbors.

Jan Klahs—RE *could* be a good neighbor, but they are abusing the area by not doing what they said they would do by not drying the manure and using the fans.

Mark Walenbergs—was hired by RE about a year ago. It has taken some time to figure out the best way to handle manure. They are continually working to improve the quality and reduce the smell. During this time he believes the improvements have been phenomenal.

Ray Eickholt—the ‘new process’ is a smokescreen. With the expansion, the smell will move further south.

Ben Johnson--The truckers are not at fault. They follow directions given to them on where to deliver the manure.

Tom Lipps—The sheer magnitude of the operation is the problem. RE must get control of the problems before expansion.

Vicki Anderson—Just because the expansion can be done, and you have the dollars to do it, doesn’t make it right.

Brad Former—RE is trying to be responsible. They have a \$2.5 million dollar payroll.

Ken Stone--How many people have been put out of business?

Tom Lipps—The number of people RE employs does not give them the right to blight the neighbors.

Dennis Anderson—Most of the employees can go home at night and get away from the odor.

Roger Skelton--RE says they are a work in progress. He believes that management is the problem. How can adding birds make the existing problems any easier to handle.

Pedro (no last name)—RE doesn’t close its doors to anyone. Anyone can go to work there. He just wants to make a living.

Maria Garcia—is 65 and working there. RE gives the opportunity to work to those who can’t work at Tyson or Sara Lee.

With no further comments or questions, the Chair closed the public hearing and thanked everyone for their comments reminding the public that if written comments are to be filed, they must be in by noon on Wednesday.

In discussion with Johnson, the Board considered whether the points taken for #'s 5 & 7 (60 points for distance from the well and the road) on the matrix should receive credit since the existing facility would not qualify for the points. Motion by Burnside to approve and to authorize the Chair to sign Resolution 2006-04-04-B recommending that the DNR deny the application of Rembrandt Enterprises based on the county’s evaluation that the total number of points the company should be eligible to count is 405 (giving no credit for the distance from the well or the road), seconded by Crampton. Ayes—Burnside, Crampton, Vail, Lanphere. Nays—none. Carried.

**RESOLUTION 2006-04-04-B**  
Recommending denial of the Rembrandt Enterprises Construction Application

to the Iowa Dept. of Natural Resources.

**WHEREAS**, the Buena Vista County Board of Supervisors has adopted the Master Matrix CAFO construction applications to provide an opportunity for local input; and

**WHEREAS**, a construction application for two 462 X 145 feet Chicken layer confinement buildings, one 469 X 81 Chicken pullet confinement building, and one 414 X 111 dry manure storage building has been submitted by Rembrandt Enterprises on March 15, 2006; and

**WHEREAS**, the Buena Vista County Environmental Health Director has reviewed the application using the Master Matrix, finding a score of 405 points, and has verified all of the elements of the application for accuracy; and

**WHEREAS**, the minimum score set by the DNR is 440 points.

**WHEREAS**, the Board of Supervisors published a notice in the Pilot Tribune on March 21<sup>st</sup> as required, and held public hearing in the Public Meeting Room at the Courthouse on April 4, 2006, for the purpose of receiving public comment; with the following responses provide and

**WHEREAS**, the Board of Supervisors shall submit the recommendation within 30 days of DNR receipt of application,

**WHEREAS**, the Board of Supervisors, has assembled their comments with knowledge provided for submission to the DNR;

**NOW THEREFORE BE IT RESOLVED** that the Buena Vista County Board of Supervisors hereby recommends denial of the construction application of the Rembrandt Enterprises Construction Application.

**PASSED, APPROVED AND ADOPTED** this 4<sup>th</sup> day of April, 2006.

/s/ Bill Lanphere Chairperson, Board of Supervisors...../s/ Karen Strawn, Auditor

Motion by Burnside to approve the minutes of the 3/28 meeting as printed, and the following report: March Sheriff's fees. Carried.

It was noted that a letter has been received from Tim Pierce regarding the re-surfacing of South Shore Drive and the two cul-de-sacs north of it. The letter was referred to the county engineer.

Due to schedule conflicts, there will be no Supervisors' meeting the week of April 10. There being no further business, the Chair adjourned today's meeting at 1:05 p.m. until Monday, April 17 at 8:30 a.m. for a regular session.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
SEVENTEENTH MEETING, 2006 SESSION (17)  
APRIL 17, 2006**

The Buena Vista County Board of Supervisors met for this week's regular session on Monday, April 17, 2006, at 8:30 A.M. in the Boardroom with Vice Chairman Crampton presiding and with the following other members present: Burnside, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting. Absent: Lanphere.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes--Burnside, Gustafson, Vail and Crampton. Nays--none. Abstentions--none.

Motion by Vail to approve and to authorize the Vice-Chair to sign today's **claims approval list**. Carried.

Deputy Auditor Leigh Madsen discussed several payroll related issues. Motion by Burnside to renew the **flex benefit** contract for FY'07 with the following maximum deduction limits: \$2,500 medical maximum for full time employees, and \$1,000 for part-time employees, and with a \$5,000 maximum for dependent care. Carried.

**BV County Extension** has requested approval to allow their three county-paid employees to participate in the county's flex benefits plan and deferred compensation program. Extension would pay their share of the cost of administration and claims processing. Motion by Vail to approve the participation of BV County Extension in the county's flex benefit and deferred compensation programs. Carried. Madsen also discussed the employee benefits fair which is scheduled for May 24<sup>th</sup>.

EnvHealth/Zoning Director Kim Johnson reported that MMP's have been filed for hog facilities in Coon and Providence Townships. Motion by Vail to set the date of **public hearing** on the MMP for the FMP II-Schumann site (2,400 head) located in Section 27, Coon Township for Tuesday, April 25<sup>th</sup> at 8:45 a.m., and for the Doug White site located in Section 26, Providence Township for April 25<sup>th</sup> at 8:50 a.m. Carried.

Johnson informed that Board that Gene Lloyd has been selected for the **environmental health specialist** opening in her department. He will be responsible for septic systems and the well program, and Mindy Pyle, also an environmental health specialist, will be performing food establishment inspections.

Chamber of Commerce Managing Director Marilyn Monson discussed the April 20<sup>th</sup> **Western Iowa Tourism** meeting in Carroll during which Buena Vista County will be recognized for support of the Western Iowa Tourism organization.

Monson encouraged the Board to put the **Conservation** department information on the county web page, to develop a Buena Vista County tourism brochure (at a cost of \$2,000-\$2,500) which would be used to highlight all of the activity in the county, and to re-develop the overall website.

Engineer Jon Ites discussed the upgrade of **railroad crossing surfacings**. He has received a proposal from the railroad for a joint project at the Canadian National Railway crossing at 200th Ave. on the west city limits of Newell where the county would buy the materials, the railroad would install them, and then the city or county would do the approaches. Motion by Gustafson to approve the county's participation with the city of Newell and the Canadian National Railroad to upgrade the crossing south of the secondary road facility in Newell this summer. Carried. The Canadian National Railway representative Greg Batian also proposed applying for Iowa Grade Crossing Surface Repair Funds to improve the crossings at 210th Ave (M54), 50th Ave (M31) and 20th Ave (M27). Currently these

applications have a three to four year lag in funding. Motion by Gustafson to submit applications for the three locations. Carried.

Motion by Burnside to set a letting date of June 13<sup>th</sup> at 10:00 a.m. for project #L-B-707--73-11 for a pre-cast bridge to be located between Sections 15 & 16, Fairfield Township. Carried.

Motion by Vail to approve and to authorize the Vice-Chair to sign the following utility permits submitted by:

- Iowa Telecom, Grinnell, to install 25 pr copper telephone cable at a location on 625<sup>th</sup> St.;
- Clay Regional Water, Spencer, for a directional bore to install a water main under the railroad on 158<sup>th</sup> Ave, which is Sulphur Springs Road;
- Iowa Lakes Electric Coop, Estherville, for overhead 7200 volt single phase service crossing 220<sup>th</sup> Ave. between Sections 21 & 22, Coon Township;
- Iowa Lakes Electric Coop, Estherville, for overhead 7200 volt single phase service crossing 210<sup>th</sup> Ave between Sections. in Sections 20 & 21 Fairfield Township;
- Iowa Lakes Electric Coop, Estherville, for overhead 7200 volt single phase service crossing 580<sup>th</sup> St. and following the west ROW line of 230<sup>th</sup> Ave. in Section 27, Coon Township. Carried.

The Board left the boardroom for the field review of the re-location of White Cap Road at Casino Beach. Preliminary drawings were reviewed as well as stepping off the new location. Following discussion of the unsuitable sharp curve that would be required, motion by Burnside to move ahead immediately to investigate a square corner. Carried. The Board returned to the boardroom.

Motion by Burnside to approve the minutes of the 4/4 meeting as printed, and the following reports: March 13 minutes of the BV Co Conservation Board, March Clerk of Court fees, March Mangold monitoring report of Spectra lagoon, 1st Qtr 2006 Farm to Market Fund report, February ending fund balances, and March budget reports. Carried.

Motion by Vail to approve and to authorize the Chair to sign the agreement with the IA Dept of Public Health for FY'07 substance abuse prevention funding in the amount of \$3,827.00. Carried.

There being no further business, the Chair adjourned today's meeting at 11:30 a.m. until Tuesday, April 25 at 8:30 a.m. for a special session.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
EIGHTEENTH MEETING, 2006 SESSION (18)  
APRIL 25, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 25, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting. Absent: Burnside.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes--Crampton, Gustafson, Vail and Lanphere. Nays--none. Abstentions--none.

Veterans Affairs Clerk Paula Guerra discussed an increase in pay for the members of the Veterans' Affairs Commission. The current pay rate is \$25/month. Motion by Gustafson to increase the pay of the **Veterans' Affairs Commissioners** from \$25 to \$40/month, effective 7/1/2006. Carried.

The Chair presented the plaque received last week from the **Western Iowa Tourism** Board, awarded to the Board in Appreciation of their support of tourism

The Chair asked the members if they should consider an increase in the rate of **mileage reimbursement** given the increase in fuel cost. Gustafson suggested considering a change at the beginning of the new fiscal year.

8:45 a.m.--EnvHealth/Zoning Director Kim Johnson met with the Board to present the **manure management plan** filed for a site located in Section 27, Coon Township. There being no objections or comments, motion by Gustafson to close the public hearing on the MMP filed for the FMP II-Schumann site. Carried.

8:50 a.m.—Johnson also presented an MMP for a site in Section 26, Providence Township. There being no objections or comments, motion by Crampton to close the public hearing on the **MMP** filed for the Doug White site in Section 26, Providence Township. Carried.

Motion by Crampton to approve the **minutes** of the 4/17 meeting as amended. Carried.

Motion by Gustafson to decline the request for reimbursement to one employee for re-calculation of income tax due to a corrected **W-2**. Carried.

9:00 a.m.--The Chair announced that he would like the Board to consider a closed session for discussion of the **purchase of real estate**. Motion by Vail, second by Crampton, to go into closed session for discussion of a real estate purchase pursuant to Chapter 21.5 j of the 2005 Code of Iowa. A 2/3<sup>rd</sup>'s majority vote is necessary for approval. The vote was: Crampton-aye, Gustafson-aye, Vail-aye, and Lanphere-aye. Motion carried. Upon completion of the discussion held in closed session, the Chair announced the end of the closed session, and the meeting resumed.

Engineer Jon Ites has been contacted by the city of **Marathon** regarding the assistance that was approved for the city on their community center building project. The Board had approved a \$35,000 allocation in FY'06 contingent upon approval of their grant applications. The CAT fund application also allowed for in-kind contributions such as hauling away the building debris, accepting debris at the county dump site, or providing fill. Ites stated that the space left in the old bury pit is a resource which has a dollar value; he suggested that the city calculate the amount to be buried so that an in-kind dollar amount could be reported in the CAT application. No board action was taken on an in-kind contribution.

Ites informed the board that the Luedke building would have a fairly high proposed assessment if a **Storm Lake storm water utility** is formed.

9:20 a.m.—Supervisor Burnside joined the meeting by teleconference for discussion of the engineer's employment contract which expires 6/30/06. With the exception of section 5 on compensation, the terms are identical to the current agreement. Proposed is \$82,500 in the 1<sup>st</sup> year, a 4.7% increase; \$86,000 in the 2<sup>nd</sup> year, a 4.2% increase; in the 3<sup>rd</sup> year, an increase in the same dollar amount as the Sheriff receives. The 1<sup>st</sup> year is within a couple hundred dollars of the Sheriff's increase. Gustafson stated that he didn't like the old contract which tied the salary into an elected official's increase, and asked why the Board does an evaluation if the engineer is going to get an increase anyway. Lanphere stated that he negotiated with the engineer, taking him off of the tie to the Auditor's salary, and suggested that the Board consider a 3 year contract due to Ites' willingness to negotiate. Motion by the Chair, second by Crampton, to approve a 3-year employment contract for Engineer Ites as presented. For the record, Gustafson stated that his vote would be based on his evaluation of the engineer, trust issues, and his spending. Vail called for the question. The vote was ayes—Burnside, Crampton, Vail, and Lanphere Nays—Gustafson. Carried.

Ites reported that the asphalt bids came in 40% higher than the estimates due to increasing fuel costs and other factors.

Motion by Crampton to approve the following reports; March 13 Board of Health minutes, and March ending fund balances. Carried.

The Chair and Gustafson reported on the Lake Improvement Commission meeting. Although federal funding for other projects has been frozen, funds have been allocated for the restoration of Little Storm Lake, and have even been moved up one year.

The Chair asked the board to review the EnvHealth/Zoning Director's job description for revision.

Motion by Vail to approve and to authorize the Chair to sign claims for watchman duties to Kuehl & Payer in the amount of \$6.80 in Jt. DD #19-26, and \$89.30 in Jt. DD #16-30-92. Carried.

The appointment with Bonnie Kubik for contract renewal with the Child Support Recovery Unit was postponed to another time.

CPC Dawn Mentzer discussed the DHS proposal for counties to take over the management of state cases. Though some funding would be available, but the numbers currently being used to estimate the amount are not accurate. She anticipates the eventual loss of mental health property tax relief. DHS has proposed takeover by 10/1/06, despite the fact this is substantially after county budgets have been finalized.

Addressing a letter received from Spectra Health Care requesting a FY'07 rate adjustment due to the change in the county's managed care plan, she cautioned about being careful when approving increases without reviewing cost factors. If the DHS plan for counties to take over state cases is approved, the county would gain 8 clients at Spectra.

EnvHealth/Zoning Director Kim Johnson and Public Nurse Administrator Sally Bonnesen reviewed the Iowa Department of Public Health plan for re-design of Public Health. The goal is to elevate the roles of Local Boards of Health, and to make over Public Health into a more professional organization. Public input is requested at a meeting scheduled for May 9<sup>th</sup> at 12:30 p.m. at the Cherokee County Extension office. The re-design calls for significant and substantial changes beginning with new educational requirements. Local positions would require 2-year associate degrees, bachelor's degrees, a master's degree at the director level, and a doctor in the medical director position. Reaching the goal may force counties to work together to afford the new cost of meeting these requirements. Gustafson requested that Bonnesen and Johnson prepare a brief a message to legislators representing District 3, to make them aware of the impact of the proposed changes.

Bonnesen also informed the Board of the possible mumps exposure of two employees. The Board reviewed how the county's sick leave policy and worker's compensation coverage work together in this type of circumstance.

John Geist, Ruan Securities, stopped in to report that after the most recent interest rate increase, he doesn't anticipate any additional near future increases. He also noted that he is seeing projects coming in both over and below estimates, with no real pattern. When the draw schedule for the LEC construction is known, he will begin the process for issuance of the general obligation bonds. The Chair reported that the county has now received structural, electrical, plumbing, and mechanical drawings for the LEC.

The Board acknowledged receipt of the notice from the DNR that New Fashion Pork-Farm 185-Siepker has received a preliminary determination of meeting the legal criteria to be issued a construction permit; and a dividend from Cornhusker Casualty for a worker's compensation dividend for FY'05 coverage in the amount of \$26,714.00.

There being no further business, the Chair adjourned today's meeting at 11:55 a.m. until Tuesday, May 2<sup>nd</sup> at 8:30 a.m. for a regular session.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
NINETEENTH MEETING, 2006 SESSION (19)  
MAY 2, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 2, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail and Lanphere. Nays--none. Abstentions--none.

SLADC CEO Gary Lalone was present to discuss county economic development incentives. The 2005 Code of Iowa permits adoption of an ordinance granting partial property tax exemption for qualifying new construction of industrial properties. The county could grant exemptions on a case-by-case basis, or adopt an ordinance so that companies could apply directly to the Assessor. The Board reviewed a draft of an ordinance. If construction commences prior to adoption of the ordinance, the project would be disqualified for the exemption. If an ordinance is adopted, Gustafson would want to get the word out to inform small businesses that it is available; small businesses create the most new jobs. If a business qualifies, an application can be made and the exemption would be given, with no decision to be made on granting, or not granting the exemption. The Board will ask the County Attorney to review the draft of the ordinance.

Harlan Matasovsky, Monsanto, was present to discuss his company's plan to construct additional warehouse space to double the distribution from their Storm Lake facility. The new facility will increase trucking and the labor requirement for that location. The cost of the expansion will be approximately \$2.5 million. Monsanto's decision to build has been made; they would like to complete construction by October 15, 2006. Since construction is to begin immediately, the proposed ordinance would not be available for this project. However, Lalone suggested that the Board could approve the exemption for Monsanto prior to enactment of the ordinance, but matching the schedule it contains. The Chair agreed that the Board could approve the terms of the ordinance for Monsanto on a negotiated basis. Motion by Gustafson to approve the granting of a partial property tax exemption for Monsanto's new warehouse space at their Storm Lake location, following the schedule for exemption contained in Chapter 427B.3 of the 2005 Code of Iowa, and proceeding with having the County Attorney draft the necessary documentation for the action approved. Carried.

Motion by Burnside to approve and to authorize the Chair to sign an agreement with the Secretary of State for a supplemental allocation for HAVA voting equipment in the total amount of \$3,282.50 representing \$252.50/precinct. Carried.

Motion by Vail to approve and to authorize the Chair to sign the claim to BV Co Secondary Road for work done on DD #109Jt. in the amount of \$1,044.70 for tile work completed in October, 2005. Carried.

Phyllis Francis, 125 White Cap Road, Storm Lake, addressed the Board about what she has read in the paper about the re-location of White Cap Road. In the entire time that the road has been discussed by the Board, she hasn't been informed about anything that has been planned or discussed with regard to the moving of the road. She has heard that apparently she is going to have to move a building, but does not know how she will accomplish that because she can't afford that cost; she believes that the cost should be paid by the person who will benefit. Since the road was located where it currently exists when Wordekemper bought his property, it should be just left alone. The Chair explained that the utility company has been out to check about moving the electrical pole. Burnside stated that the Board needs to investigate what can be done. The Chair added that the county would have to be careful not to set a precedent by moving the building for a private property owner. Francis would like to be kept informed on the progress of the project.

Engineer Jon Ites requested consideration of the promotion for one employee from Equipment Operator 2 to 3. He is in his 3<sup>rd</sup> year doing the excavating work previously associated with the position of a foreman. Motion by Gustafson to approve a promotion for Dave Fassler from Equipment Operator 2 to 3 effective July 1<sup>st</sup>, 2006. Carried.

After discussion with IDOT about the bids that came in 40%+ over the estimates at the April letting for asphalt work, Ites confirmed that this increase is the trend, probably at the lower end of the trend, and the larger bids are due to oil prices and oil costs. IDOT recommended approving the low bid. Motion by Crampton to accept the low bid of Fred Carlson LLC, Decorah, in the amount of \$1,885,698.32 for the 3 tied asphalt projects (FM-CO11(53)—55-11, FM-CO11(60)—55-11, and L-R-644—73-4). Carried. The cost is nearly \$140,000/mi.

Ites briefly discussed the letter received from Jerry Gosch regarding different sign options if the county adopts a "jake brake" ordinance.

Ites requested approval to purchase the three previously approved truck chassis and snow equipment, from the same vendor in order to speed up the delivery time. He plans to purchase 1-way snow equipment and re-use the existing belly blades. The equipment to be purchased includes the snow plow, wing and sander plus hydraulics. Motion by Burnside to approve and authorize the engineer to negotiate purchase of the truck boxes and equipment from the same vendor. Ayes—Burnside, Crampton, Vail, Lanphere. Nay—Gustafson. Carried.

Regarding the recent request from the City of Marathon for a \$17,500 in-kind contribution toward their community center project, City Clerk Cindy Richardson faxed a copy of a letter sent by the Board of Supervisors in 2004 in which the Board agreed to a cash allocation of \$35,000 during FY'06, and \$17,500 for space in the dump site near the city. Neither the board minutes nor the letter specifically identify hauling to the dumpsite or providing sand for fill as a part of an in-kind contribution approved by the Board. Engineer Ites suggested that the savings of the shorter length of haul to the dumpsite over hauling to Storm Lake or Spencer, plus the savings of no tipping fees, can be used to calculate the economic value of the in-kind contribution. An estimate of the number of loads and volume of the rubble, combined with the cost information for hauling and tipping fees, would provide a defendable number for the grant requirement. The engineer also questioned whether the use of Secondary Road equipment is appropriate for a non-county project. The Chair asked about the wear and tear on the truck that would be used, and whether the county would have to cover the rubble after it is dumped. Ites responded that he also was concerned on the truck wear and tear, and that if the dumpsite wasn't covered properly, the county would have to re-do it. It is actually under water now. Gustafson suggested allowing use of a loader with volunteer county help to run it. Vail stated that he does remember some discussion about providing sand to dress the area after the rubble is hauled away. The Chair questions whether we can figure the value of the pit space until the job is done. Burnside doesn't believe the county should extend itself to do the removal considering that the cash allocation that was approved. Ites asked if the city has someone (architect, consultant) who can estimate the number of loads needed to haul the rubble and to calculate the savings in order to establish what the county's in-kind contribution would be for the service. Vail will meet with the city clerk to discuss the matter further.

Motion by Gustafson, to approve and to authorize the Chair to sign the underground utility permit submitted by Alliant Energy, Storm Lake/Spirit Lake, to install a 4", 40 psi plastic (natural) gas main (not high pressure) on the north side of 470<sup>th</sup> St. from N Broadway (Rembrandt) west to 120<sup>th</sup> Ave., then north in the east ditch in Sections 36, 25 & 26, Barnes Township at a minimum depth of 42", and to bore under 120<sup>th</sup> and 470<sup>th</sup> and any drainage features. Carried.

Motion by Burnside, to approve and to authorize the Chair to sign the underground utility permit submitted by Clay Regional Water, Spencer, to install 2½" service line at a depth of 5 feet, under 510<sup>th</sup> St just west of M-27, then west to serve 123 510<sup>th</sup> St. between Sections 19/18, Elk Township. Carried.

Motion by Gustafson, to approve and to authorize the Chair to sign the underground utility permit submitted by Iowa Telecom, Grinnell, to install a 25 pr copper telephone cable along 610<sup>th</sup> St. between 170<sup>th</sup> & 180<sup>th</sup> Aves. in the roadway 3' from the shoulder for a distance of 650' between Sections 2 & 11, Providence Township. Carried.

Bill Strawn, Buena Vista County Community Foundation President, was present to request that the Board nominate someone to fill the vacancy on the Board created by the resignation of Cari Fossum (representing the county at-large) who has moved out of the area. The Board can recommend one or more persons to represent the county, preferably from the Truesdale area, with the Foundation Board to approve the appointment. Strawn explained that communication among members is done frequently by e-mail; they meet approximately once a month in the evenings. Recently, the Foundation received 26 grant applications totaling \$176,544.72. They awarded \$26,707.68, and will have another \$24,000 to award later this year. About \$16,000 of the total went in the endowment as required by law. Gustafson will make a contact first and then provide a name. The appointment will be for the remainder of a 3-year term expiring 12/31/08. The share of the gambling revenues that non-gaming counties will share next year increase from ½% to 1% of the proceeds received by the state.

Motion by Vail to approve the 4/25 minutes as printed, the following reports: March Recorder's fees, April 18 Board of Health minutes, April 20 Emergency Management Commission minutes, April 17 sampling report of Spectra lagoon by Mangold Environmental, and, to approve an authorize the Chair to sign today's claims approval list. Carried.

CPC/Community Services Director Dawn Mentzer was present for any questions the Board might have regarding a second increase in the FY'07 provider rate which has been requested by **Spectra Health Care** due to a change in the county's managed care plan. Beginning July 1, 2006 leave days will no longer be paid by the county. The DHS proposal for the counties to take over payment for state cases (legal settlement) discussed last week, would impact the county under this additional rate increase. In becoming responsible for the cost of state costs, any gap between the provider rate and the reimbursement rate provided by the state would increase the counties costs. Gustafson is concerned that if the Board approves the increase, that other counties, who follow what the home county approves, will question why Buena Vista County approved a second increase. Although the counties will no longer pay for leave days, the per diem costs will be higher. On one had, not approving the 2<sup>nd</sup> rate increase will cause a loss of revenue for Spectra. But on the other, a rate increase will impact the counties which have clients who do not use leave days. Mentzer stated that next year she will recommend that BV County join CRIS, the ISAC rate setting program which uses an accounting firm to evaluate and determine what the provider costs are. This information is used in preparation for rate negotiations. Gustafson stated that the Season's Center Executive Board has this subject on their next agenda; they manage the Oak Haven facility in Spirit Lake. The Executive Board will have questions for him on the subject. Motion by Burnside to deny the rate increase request submitted by Spectra. Ayes—Burnside, Crampton, Vail, Lanphere. Nays—Gustafson. Carried.

Kuehl and Payer Engineer Ivan Droessler met with the Board on several topics. He provided a copy of a wetland resolution developed in 2002 by the IDDA for use by its members. Drainage Attorney Gary Armstrong has reviewed the resolution and has given his approval, stating that it was developed by the 'experts in the field'. Droessler reviewed several changes he would recommend for improving the basic resolution. Armstrong has not yet seen those revisions. The Chair suggested that since the Board did not adopt the basic IDDA resolution or a revision in 2003 and since Brian Waldstein's proposal was approved subject to drafting an agreement, that the Board proceed with an agreement along the lines of the Board's intent from 3 weeks ago and adding the hearing suggested by Droessler. The Board has the authority to make the decision despite any potential objections by neighbors. Droessler recommended that the Board have the revised resolution and agreement reviewed by the Drainage Attorney for next week's approval, and set a hearing date for the Waldstein proposal. Motion by Gustafson to set a hearing for May 16 at 9:00 a.m. on the Waldstein wetland proposal, with legal review of the resolution and agreement to be completed by the 9<sup>th</sup> for Board approval at that time, and, the engineer is directed to provide a review letter on the wetland proposal. Carried. The Auditor will provide notice of the hearing to Waldstein and landowners above the Waldstein property in DD #202.

**US Bio-Albert City** has submitted an application for an NPDES permit to discharge wastewater from their cooling towers and from their reverse osmosis water treatment equipment. The volume from the towers is approximately 150 gpm and from the water treatment is 500 gpm. US Bio will be requesting approval from the Board of Supervisors acting as Trustees for DD34 to allow the discharge from outside the District boundary of DD #34 into Lateral 2 of DD34. They also want approval to double this discharge in the future. Chapter 468.187 of the 2005 Code of Iowa gives the D.D. Trustees the authority to approve. Since Lateral 2 is the best outlet for this discharge, Droessler recommended approval by the Board with a contractual agreement to allow the discharge, and setting a discharge fee (common outlet fee) into DD34. The ethanol plant is in DD #67 watershed and the Tile Main does not have the capacity to take this discharge.

In addition to routing US-Bio's wastewater into Lateral 2 of DD #34, the city of Albert City also has water issue. Albert City's wastewater plant discharges to the Tile Main of DD #81 which also outlets to Lateral 2 of DD 34. They have requested Kuehl & Payer to look into a new outfall sewer line for their wastewater plant. K&P has proposed to US-Bio that Albert City will provide a gravity outlet that they can outlet their force main to and save installing 3,450 feet of force main. The City will remove their effluent off of DD #81 Tile Main and free up capacity to the District. The City will need permission from the Drainage District Trustees to install the new outfall line down the waterway of DD #81 paralleling the DD #81 Tile Main. The Trustees would also need to approve providing a secondary easement to the City for installation of their force main within the District right-of-way. Reseeding costs and crop damage cost would be paid by the City. Approval of this plan would be advantageous to DD #81, the City of Albert

City, and US-Bio. Droessler will inform the Drainage Attorney that the Board will request his assistance to draft an agreement between US-Bio and the district, the cost to be paid by US-Bio. The Board gave approval to Droessler to proceed with the proposal.

Regarding an open ditch cleanout for DD #67, motion by Vail to authorize Engineer Ivan Droessler to proceed with final plans and specs in preparation for bidding, with work to be completed after crop harvest, 2006. Carried.

Motion by Burnside to approve and to authorize the Chair to sign the current claims list submitted for payment by Midwest Construction in the total amount of \$55,801.11 for work advanced on the LEC project. Carried.

There being no further business, the Chair adjourned today's meeting at 12:35 p.m. until Tuesday, May 9<sup>th</sup> at 8:30 a.m. for a special session.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTIETH MEETING, 2006 SESSION (20)  
MAY 9, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, May 9, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail and Lanphere. Nays--none. Abstentions--none.

The Auditor reported that Drainage Attorney Gary Armstrong has reviewed the revised drainage wetland resolution and proposed drainage wetland agreement, and has reported that they are acceptable. The Board directed that copies of each be sent to Waldstein.

Motion by Crampton to approve and to authorize the Chair to sign the FY'07 contract with RIDES for subsidized tickets for the Storm Lake Sr. Citizens' dinner date program. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign liquor license with Sunday sales privilege application submitted by Storm Lake Access & Marina. Carried.

Motion by Burnside to approve the minutes of the 5/2 meeting as printed, and the following reports: 4/26 & 5/3 Spectra lagoon monitoring report by Mangold, 4/10 & 4/17 Conservation Board minutes, April departmental budget summaries and budget reports, and April Clerk's fees. Carried.

Ag Extension Councilmember Kent Smith and BV County Fair Secretary Vickie Roberts, were present to discuss a 4-H/Fair Board project for a new beef 'wash rack' at the fairgrounds. They asked for approval to drain the water from the wash rack to the north into the ditch, then allowing it to go east. The normal direction would be to drain to the south. The volume of water would be the equivalent of 2 garden

hoses running for 2 hours on 3 consecutive days. Motion by Gustafson to approve the request and allow the BV Co Fair Board to drain the water from a new beef wash rack facility to the north into the road ditch. Carried.

EnvHealth/Zoning Director Kim Johnson briefly discussed the IDPH proposal for re-design of the **Local Public Health Departments**. A meeting will be held in Cherokee this afternoon to receive public input. June, 2006 is the target date for the re-design to take effect.

Johnson also reported on a letter sent to **Rembrandt Enterprises** by the DNR with the department's scoring of RE Industries matrix. The DNR restored the points which the Board of Supervisors had deducted, but deducted points on another area since the company had been cited and fined for a worker protection violation. Though the company has received notices of violation of environmental rules, those can't be counted against them unless Administrative Orders were issued. The company has 14 days from receipt of notice to schedule an appeal with the EPC. The Chair stated that the Board needs to decide if they want to appeal, and if they want to hire an attorney to represent them. It isn't currently known whether the company will appeal or file with a new matrix. It may be easiest for the company to refile, rather than go through the cost and time of an appeal. Gustafson wants to be involved in the appeal if the company exercises that right. The county should hire its own attorney who can represent the county first.

Engineer Jon Ites reported that the asphalt contracts have not yet been received for signature. He also updated the Board on the status of the **Farm-to-Market Road Use Tax Fund**.

With Ites, the Board reviewed the County Attorney's response regarding changes to the proposed **"jake brake" ordinance**. As a result and with more research, the Board will rework the ordinance and then start the ordinance adoption procedure over.

Deputy Auditor Leigh Madsen informed the Board of their invitation to **Wellmark's** Open House on May 25. Although she has received the re-adoption agreement for flex benefits, she has not received a response on the need for additional language in the agreement if ISU Extension chooses to participate.

Executive Director Kathy Evert, Assistant Director Shaun Arneson, and **Iowa Great Lakes Corridor Association** Board Member Bill Kruse updated the Supervisors on some current activities for the association. They are starting an entrepreneurial institute with a class of students from the 3 state universities. Each member county will be involved in the program. They would also like to start a regional seed capital investment fund. They will work with the local financial institutions, attorneys, and CPA's to identify potential investors. The IGLC Association has been invited to take part in a national windpower conference in Pittsburgh in June. They have received a 3-year grant which will be used to hire a marketing firm to identify the best options and directions for the 4 county area to work on for development.

**Paul Peterson**, who was scheduled to meet with the Board, notified the Chair that he wished to cancel his appointment.

There being no further business, motion by Gustafson to adjourn the meeting at 11:00 a.m. until Tuesday, May 16<sup>th</sup> at 8:30 a.m. for a regular session.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTY-FIRST MEETING, 2006 SESSION (21)  
MAY 16, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 16, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail and Lanphere. Nays--none. Abstentions--none.

Deputy Auditor Sue Kennedy reviewed the proposed **budget amendment**. Motion by Vail to set a public hearing for the 2<sup>nd</sup> amendment to the FY'06 budget for May 30<sup>th</sup> at 8:30 a.m. Carried.

The Board discussed the meeting held last week in Cherokee on the re-design of local **public health**. The purpose of the meeting was to receive public input on the proposal. Few county supervisors attended.

Motion by Gustafson to approve and to authorize the Chair to sign today's **claims approval list**, and to approve the **minutes** of the 5/9 meeting as printed, and the following **reports**: 4/13 NWIPDC Policy Council minutes, and the April monitoring report of Spectra lagoon by Mangold Environmental. Carried. It was noted that approval of the amendment to the BV Co MHDD Policy & Procedures Manual has been received.

The Board discussed the letter from ISAC requesting \$2,000 from each Iowa county to assist in the legal expenses of **Washington County** in their lawsuit against the Iowa, Chicago & Eastern railroad (IC&E). The railroad refused to repair/replace four deteriorating and unsafe bridge/roadway crossings. With two favorable rulings, the case is currently before an administrative law judge. A favorable ruling will set a precedent allowing all counties to seek a share of the cost for repair/replacement from other railroad companies. The Board will seek additional information before making their decision.

9:00 a.m.--The time having arrived for a public hearing on the **wetland** proposed by Brian Waldstein for a location in **DD #202**, the Chair opened the hearing with the following persons present: Brian Waldstein, Kuehl & Payer Engineer Ivan Droessler and NRCS Engineer Dan Grabe. It was noted that the Drainage Attorney has approved the "Resolution on Drainage Districts" and Drainage Wetland Agreement as to form, and, that an objection to the wetland has been filed by Robert Kneedler, a landowner in DD #202. Waldstein responded to the objection stating that above the wetland, the proposed change may improve drainage by decreasing the pressure, and below it, the water flow will be reduced with less water flowing down. Installing the wetland may also help keep water away from road and reduce any back up of water against it. In the district there are only 70 acres above the proposed wetland. The outlet structure will control how much water and how fast it flows into the drainage district system; the flow will not exceed current levels, and for that reason, the water won't build head pressure to then send through the tile system. Drainage Engineer Droessler has reviewed and approved the design of the system. His recommendation is to deny the objection since the wetland will not impact Mr. Kneedler's drainage; also, to send a copy of the minutes and the drawings with the decision on the objection to the landowner. Droessler recommends that the Board, as Trustees of DD #202, approve the modification to the district facility and allow the construction of the wetland with a deepened outlet channel, and to enter into an agreement for the wetland between DD #202 and Waldstein. Waldstein stated that some of Kneedler's concern was that he (Waldstein) might plan to use the wetland for hog manure storage, and that there would be an increase in mosquitoes. Waldstein assured the Board that the wetland would not be used for +manure storage and that his goal was to build a healthy wetland ecosystem. He will allow people to come there and hunt, if they ask permission. He already allows hunting on his land.

Whereas the Drainage Engineer has reviewed the plans for the proposed wetland and finds that there will be no adverse effect to Mr. Kneedler's land/drainage and therefore his interests are protected, motion by Vail to deny **Kneedler's objection**. Carried.

Motion by Vail to approve the modification of the DD#202 district tile to allow Brian Waldstein to construct a **wetland in Section 11, Lee Township**, with the requirement that the outlet channel of the district tile be deepened to a total depth of 12" below the permanent pool elevation of the wetland. Carried. Motion by Gustafson to approve and to enter into an agreement, as Trustees of DD #202, with Brian Waldstein for the wetland, and, to authorize the Chair to execute said agreement. Carried. Motion by Burnside to close the public hearing. Carried.

### **WETLAND DEVELOPMENT DRAINAGE AGREEMENT**

This agreement is made between Brian Waldstein and Joint Drainage District No. 202 of, Buena Vista and Clay Counties. Brian Waldstein is the owner of the Northwest Quarter (NW 1/4) of Section Eleven (11), Township Ninety-Three (93) North, Range Thirty-Six (36), west of the Fifth P.M., Buena Vista, Iowa. Brian Waldstein is hereinafter called the OWNER.

Joint Drainage District No. 202 is a duly established Drainage District according to the laws of the State of Iowa located in, Buena Vista and Clay Counties, hereinafter called the DISTRICT.

The Owner, in cooperation with the Natural Resources Conservation Service of the United States Department of Agriculture (NRCS) desires to create wetland on his property in the NW 1/4, Section 11, Lee Township, Buena Vista County, Iowa. The District does not oppose these plans as long as they result in no negative effects on the District or the lands of other property owners within the affected watershed. The Owner agrees with the District as follows:

1. Owner, with technical assistance from NRCS, will manipulate tile lines of the District as follows (refer to attached work plan map):
  - a) A 15" diameter non-perforated tile will be connected to the 10" District tile on the south side of the county road and will outlet into a constructed channel which will provide a non-restricted surface outlet for the tile water.
  - b) A containment embankment will be constructed upstream of where Tile Lateral No. 4 enters the District's tile main.
  - c) The existing 12" diameter county tile will be broken from 15 ft. upstream of the dike to 50 ft. downstream of the dike centerline.
  - d) an outlet control structure will be installed in the embankment, and will allow the volume of tile water that was surface outletted to re-enter the District's tile main downstream of the containment embankment through a 15" non-perforated tile.
2. Ownership, control and maintenance of the facilities constructed to convey waters of the District located upstream and downstream of the tile outlet channel, wetland pool, and control structure shall be the District's. Owner will allow the District free and unrestricted access to the new tile lines for maintenance and repair. Owner will maintain the tile outlet channel, wetland pool, containment structure and control structure, including the excavation of accumulated sediment.
3. If the landowner fails to perform maintenance activities as required under this agreement, the Drainage District may enter the property and perform maintenance seven or more days after giving notice to the landowner to do the maintenance. If the Trustees deem the maintenance to be an emergency, the District may immediately perform the maintenance. The costs thereof shall be assessed to the landowner.

4. Owner's property the NW 1/4, Section 11, T-93-N, R-36-W, Lee Township will remain within and part of the District and will remain on the existing District assessment schedules. Owner agrees to pay all future drainage assessments that may be levied by the District. This provision does not restrict the right of Owner to legally object to any future reclassifications by the District of Owner's property.
5. In the event the owner of the property no longer wishes to use the property as a wetland, the owner shall restore the system of drainage that was in place prior to the establishment of the wetland or as otherwise allowed by the District.
6. The provisions of this agreement shall apply to any and all future owners of the Owner's property the NW 1/4 of Section 11, T-93-N, R-36-W, Lee Township, Buena Vista County, Iowa including landowners, government agencies or non-profit entities.

This agreement is executed as of the last date indicated below: (May 16, 2006)

DISTRIST: /s/ Bill Lanphere, Chair OWNER: /s/ Brian Waldstein Attest: /s/ Karen M. Strawn, Auditor

Waldstein asked for clarification on the **costs** that he would be responsible for. Droeßler recommends that Waldstein pay for both the development of the agreement, and, the review of his plans, but the Board's motion on April 4, 2006 wasn't that specific. There will also be hearing expenses. After discussion, motion by Vail, that the County split the bill with Waldstein for these expenses due to Waldstein's request prompting the development of the resolution and agreement. Carried. The intent for future requests is that the entire cost incurred by the county will charged to the landowner.

In order to establish standards under which future requests to create wetlands in Buena Vista County drainage districts would be considered, the Board reviewed a draft resolution based upon a model by the Iowa Drainage District Association. The resolution has been reviewed and approved by Gary Armstrong, Buena Vista County Drainage Attorney. Motion by Crampton, second by Vail, to approve and to authorize the Chair to sign **Resolution 2006-05-16** setting a policy on proposed wetlands in Buena Vista County Drainage Districts.

#### **RESOLUTION ON BUENA VISTA COUNTY DRAINAGE DISTRICTS – NO. 2006-05-16**

**WHEREAS**, the Drainage District Board of Trustees are responsible for the maintenance and management of Drainage Districts located within Buena Vista County established under Chapter 468 of the Iowa Code.

**WHEREAS**, Buena Vista County Drainage Districts have been established and constructed with the presumption the drainage of surface water from agricultural lands and all other lands, for the protection of such lands from overflow, is conducive to the public health, convenience and welfare.

**WHEREAS**, certain programs of the State of Iowa and the United States Government have been established to create wetlands within the State of Iowa. The creation of these wetlands is also conducive to the public health, convenience and welfare.

**WHEREAS**, some wetlands may be located within a Drainage District and the creation of the wetlands may potentially compromise the efficiency of the Drainage District improvements.

**WHEREAS**, a procedure is required to promote the establishment of the wetlands and yet protect the improvements of a Drainage District.

**WHEREAS**, the Drainage District Board of Trustees shall be the exclusive governing body to make the decisions affecting the maintenance and management of Drainage Districts within Buena Vista County.

**NOW THEREFORE, BE IT RESOLVED**, a landowner who proposes to establish a wetland in an area in which Drainage District improvements are located, shall file with the Buena Vista County Auditor a Statement of Intent containing the following information:

- The name of the landowner and farm tenant, if any.
- A plat of the wetland identifying any Drainage District improvement within the proposed wetland. Copies of the District's plans showing tile size and grade shall be provided.

A report from the engineer who designed the wetland setting forth any proposed manipulation or destruction of drainage district improvements and the resulting effects on existing drainage of lands within the Drainage District. Capacity computations along with drainage area above the proposed wetland shall be included.

Upon the filing of the Statement of the Intent, the Board of Supervisors shall at its first regular, adjourned, or special meeting examine and consider the same. If the Board of Supervisors approves the Statement of Intent, the plat of the proposed wetland and landowner's engineer's report shall be reviewed by the Drainage District's Engineer, who shall determine the effect the establishment of the wetland will have on the Drainage District. The Engineer shall consider and address maintenance access, the potential effect upon the ability of the District to make further improvements, the effect upon the ability of the neighboring landowner(s) to connect to the facility, the effect upon drainage capabilities available to all landowners, future ownership and maintenance issues which should be addressed in an agreement, potential benefits to lands in the District, and other related issues the Trustees deem important. This requirement for an engineer's review can be waived by a majority vote of the Board.

Upon receipt of the District's Engineer review report or approved Statement of Intent (if engineer's review is waived), the Board of Supervisors shall enter an order fixing a date for a public meeting to be held not less than 10 days after the date of mailing of notice by the Auditor to all affected landowners within the District above the wetland. The Trustees may continue this meeting from time to time.

The creation of the wetland shall not reduce the coefficient of drainage for any landowner within the Drainage District.

The Drainage District shall incur no costs for the investigation and hearing. The cost of these proceedings, including the cost of engineering, legal and providing notice, shall be paid by the landowner or other entity.

The wetland shall retain the classification established by Sections 468.38 through 468.40 (Code of Iowa). In the event the owner of the property no longer wishes to use the property as a wetland, the owner shall restore the system of drainage that was in place prior to the establishment of the wetland or as otherwise allowed by the District.

Ownership, control and maintenance of facilities constructed to convey waters of the District located upstream and downstream of the pool and outlet structure shall be the District's. The landowner is responsible to maintain the pool area, including the excavation of accumulated sediment, the outlet structure, and all other facilities not assumed by the District. (The District may agree to assume part or all of the maintenance responsibilities of the owner.)

If the landowner fails to perform maintenance activities as required under this agreement, the Drainage District may enter the property and perform maintenance seven or more days after giving notice to the landowner to do the maintenance. If the Trustees deem the maintenance to be an emergency, the District may immediately perform the maintenance. The costs thereof shall be assessed to the landowner.

The landowner's request may be approved upon completion of the above conditions, if the Board of Supervisors, acting as Trustees for the District is convinced the drainage within the Drainage District will not be adversely affected and the Drainage District will incur no costs. Upon approval, the Board of

Supervisors and the owner of the wetland shall enter into an agreement incorporating the conditions contained within this resolution, and any other issues the trustees deem worthy.

/s/ Bill Lanphere, Chair...../s/ Karen Strawn, Auditor

Engineer Jon Ites presented a voucher for final payment on the \$53,311.39 culvert project, which was a part of the DD #1 cleanout. Motion by Vail to accept as complete project # LC-518—73-11 and approve the final payment in the amount of \$1,599.34 to Schoon Construction, Cherokee. Carried.

Motion by Gustafson to approve the form of contract, contractor's bond, and certificate of insurance, and to authorize the Chair to sign, for project #'s FM-CO11-053—55-11(C-25), FM-CO11—(60)—55-11 (M-36) and L-R-(644)—73-11 (M-44), all with Fred Carlson Company LLC, Decorah, for asphalt work in the current year. Carried. Ites reported that there are only about 3 large asphalt/concrete firms left in Iowa after several buyouts.

There may be federal bridge replacement money available. Applications are submitted in 2-3 years in advance. Motion by Burnside to approve and to authorize the Chair to sign applications for federal bridge replacement funds for project #'s BROS-CO11-(81)—8J-11 (60<sup>th</sup> Ave between Sections 13 & 14, Elk Township), and, BROS-CO11-(79)—8J-11 (240<sup>th</sup> Ave between Sections 35 & 36, Newell Township). Carried.

The county has a bridge that was removed a number of years ago, but the county doesn't have a use for it, nor has there been any outside interest due to its size (15' wide X 114' long). The bridge has a "Des Moines Steel Company" plate on it, but the bridge itself is not a historical bridge. Story County is looking for a bridge. The Board gave Ites approval to let Story County know of its availability, if the size is acceptable.

Ites has received a proposal for wetland mitigation consulting services from Griggs Environmental Strategies, Boone. The firm is new, but the principal was employed by the company, and performed the actual work, on a wetland determination for a bridge over the Raccoon. The services needed now are to analyze what work is to be done in the bridge replacement, and then negotiate with the Army Corps for the terms of the wetland mitigation. Mitigation has to be done before ROW work can begin. Gustafson mentioned taking quotes for these professional services. Motion by Burnside to accept the proposal from Griggs Environmental Strategies, Boone, in the amount of \$4,473.00 for wetland mitigation services, due to the earlier work on the project, and to request quotes the next time these services are needed. Gustafson stated that his vote would reflect his preference to get another quote. Ayes—Burnside, Crampton, Vail, Lanphere. Nay—Gustafson. The motion carried.

IDOT will accept applications for bike trails at 'midterm', but available funds are limited. During the last round, applications totaled \$7million with \$1million available. It is likely there will be considerable competition this time as well. Burnside stated that the county should at least submit an application. Ites noted that the applicant must be willing to offer an 'in-kind' for the project, and must be a non-profit organization. The county could perhaps offer its 'expertise' for the 'in-kind' contribution, and perhaps the application could move up on the list if the county is willing to put some money in. Ites circulated the results of the last funding award, noting that some projects had a marginal match. Gustafson stated that since C-65 is going to be done, the C-65 bike trail needs to be done at the same time. Ites stated that the bike trail can be done any time, although Gustafson says the economy achieved by grouping projects suggests that the bike trail should be done when the contractor is already on site for the roadwork. Farm-to-market funds are committed, and L.O.S.T. funds are committed to M-27. One project has already been set back due to the increase in asphalt price. If an application is submitted, there needs to be commitment of matching funds. The Chair stated that the county should do the project.

Ites reported that Albert City is looking at open excavation through town for their drainage, which dramatically changes the original design. Discussion had been to bore the project.

Ites had also received the ISAC letter requesting \$2,000 to assist Washington County with their lawsuit against the IC&E Railroad. In that location the road traffic crosses over the railroad track on an

overpass, and most of their overpasses/underpasses are 100+ years old. NW Iowa has mostly low traffic/low speed crossings. The Board will postpone the decision until additional information is received.

Motion by Burnside to approve the following **FY'07 hourly rates/salaries**: Head Custodian (DS) \$15.08/hr, Custodian (JM) \$12.60/hr, Veterans Services Officer (CH) \$13.02/hr, Veteran's Affairs Secretary (PG) \$12.25/hr, Veterans Services Secretary (MF) \$9.46/hr, Community Services Director (DM) \$43,834, Senior Case Manager (TM-T) \$15.66/hr, 2<sup>nd</sup> Case Manager (KN) \$15.12/hr, CS Secretary (LW) \$11.24/hr, 3<sup>rd</sup> Case Manager (AJ) \$13.87/hr, and MH Advocate (CA) \$18.51/hr. Carried.

The Chair stated that due to changes in the **EnvHealth/Zoning department** since the current job description was written, there is a need to re-evaluate the job description of the Director. Due to the start of the Comprehensive Plan project at the end of FY'05, the Board approved vacation carryover for the Director for last year, and changes in personnel requiring the training of new staff has not allowed time off for vacation this year. The Chair suggested that the Board of Supervisors meet with the Board of Health to review the job description, pay rate for FY'07 and the possible buy-down of unused vacation time.

Upon recommendation by the independent auditor, and the concurrence of the County Treasurer, motion by Vail to approve an increase in **depository limit** for the Treasurer at Security Trust & Savings Bank, Storm Lake, to \$20,000,000.00. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the **FY'05 Cost Allocation report** prepared by Cost Advisory Services. Carried.

Motion by Burnside to approve for payment the following claims for joint **drainage districts**:

<b><u>Drainage District</u></b>	<b><u>To</u></b>	<b><u>Amount</u></b>	<b><u>For Professional Services</u></b>
Jt DD #1 Lat 1	Kuehl & Payer	\$610.23	benchmarks/culvert lowering-reclassification
Jt DD #1 Lat 2 MOD	Kuehl & Payer	\$6.80	watchman duties-technician ass't
Jt DD #1 MOD	Kuehl & Payer	\$10.20	watchman duties-technician ass't
Jt DD #1 Lat 2 OD	Kuehl & Payer	\$19.50	watchman duties-tech IV
Jt DD #1 Lat 2 OD	Kuehl & Payer	\$39.65	Tech IV-2006 spray contract
Jt DD #1 Lat 1 OD	Kuehl & Payer	\$20.80	2006 spray map
Jt DD #1 Lat 1	Kuehl & Payer	\$203.86	road culvert staking-reclassification
DD #1 Lat 2 OD	Kuehl & Payer	\$130.00	watchman-road culvert placement
DD #1 MOD	Kuehl & Payer	\$13.35	reimbursable expenses
Jt DD #1 MOD	BV Co Secondary Rds	\$140.40	repair surface drain
Jt DD #274	BV Co Secondary Rds	\$201.76	drainage work
Jt DD #183	Kuehl & Payer	\$6.40	watchman (chemical treatment)
Jt DD 183 MOD	B & W Control Spec.	\$841.25	chemical treatment of trees/brush. Carried.

It was noted that the premiums for **worker's compensation/liability/casualty** coverage from Cornhusker Casualty for FY'07 are approximately \$16,000 less than the current year due to an improvement in the county's MOD factor for the W/C coverage. Motion by Vail to decline terrorism coverage for FY'07. Carried. Agent Doug Svendsen has offered to secure a proposal from ICAP for the property/casualty coverage. It was the consensus of the Board to decline to request the proposal from ICAP.

The Board has previously received a proposed agreement for services from the **Child Support Recovery Unit**. After discussion with other counties about the proposed changes, motion by Burnside to decline to sign the agreement. Carried. The result is that the CRSU will move to administration by the State Judicial System, as most other Units in Iowa have done.

There being no further business, motion by Gustafson to adjourn the meeting at 12:30 p.m. until Tuesday, May 23<sup>rd</sup> at 8:30 a.m. for a special session.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SECOND MEETING, 2006 SESSION (22)  
MAY 23, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, May 23, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, and Gustafson, and with Auditor Karen Strawn as clerk for the meeting. Absent: Vail.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, and Lanphere. Nays--none. Abstentions--none.

Motion by Burnside to approve the cigarette permit application submitted by Sparky's One Stop, 3 & 71, Storm Lake. Carried.

Treasurer Kathy Bach presented a request for assignment of a public bidder's certificate acquired by the county in 2003, for a property in Alta. The property is bare land, now that the building has been removed. Motion by Crampton, to assign BVPB certificate #03-096 to Bruce Frederick on May 23, 2006, upon payment of the back taxes in the amount of \$457.00, plus the \$20.00 assignment fee. Carried. If the property is redeemed by the current owner, Frederick would receive interest from the month of assignment and the county would receive the balance of the interest and costs.

EnvHealth/Zoning Director Kim Johnson reported that Rembrandt Enterprises has submitted a new construction permit application. They have taken additional matrix points in other areas. Motion by Gustafson to set the date and time of public hearing for the matrix evaluation as 10:45 a.m., June 13<sup>th</sup> in the District Courtroom for the construction application of Rembrandt Enterprises. Carried.

Motion by Burnside to amend today's agenda by adding: approve a tree removal contract for DD #34 Lat 2, approve Rembrandt fireworks permit, and set completion hearing date for DD #49. Carried.

Motion by Burnside to approve and to authorize the Chair to sign the contract in the amount of \$15,000.00 with Bawden Tiling, Rockwell City, for tree removal in DD #34 Lat 2 Open Ditch. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign a letter approving a fireworks permit for the city of Rembrandt for July 4<sup>th</sup>, 2006 for a location in Rembrandt, with the city to assume all responsibility for safety and liability. Carried. Gary Small reported that the fireworks company offers, and city purchases, liability coverage for the annual event.

Motion by Burnside to set the date and time of the completion hearing for DD #49 as June 6, 2006 at 10:30 a.m. in the boardroom, to direct the auditor to publish a notice of hearing, and to mail the notice to the owners of land upon which the work was done. Carried.

Motion by Burnside to approve the minutes of the 5/16 meeting as printed. Carried.

Responding to a question regarding the remaining FY'06 funds for daycare, motion by Gustafson to approve paying 1 more Gingerbread bill (May), and to provide notice to Gingerbread that no additional funds will be available in the current year. Carried.

The Board reviewed updated documents from John Hansen, Midwest Construction Consultants, showing the current estimation of how funds will be spent for the LEC construction and alternates which have been identified to provide the county with more flexibility depending on how the bids come in on the project. John Geist, Ruan Securities, will be consulted to review the information and suggest the best time to sell the general obligation bonds.

It was noted that a letter had been received from Yaggy Colby Associates on behalf of US Bio-Albert City regarding a request to discharge the company's cooling water into DD #34, Lateral 2. Kuehl & Payer Engineer Ivan Droeßler has been authorized to work with Yaggy Colby on the proposed project and to proceed to have the Drainage Attorney prepare an agreement permitting the discharge into the drainage district.

Genesis Executive Director Terry Johnson, Storm Lake Site Supervisor Cindy Wiemold, and Business Development Manager Dale Carver, along with Community Services Director Dawn Mentzer, were present to discuss a community employment opportunity for Genesis consumers. Mentzer began by reviewing that a goal of the strategic plan for the BV County Managed Care Program is to move 20 people out of traditional work activity services and into competitive community employment. This is not always possible due to the severity of the limitations of some consumers. To reach that goal it is necessary to find and increase community opportunities.

Johnson continued by describing a program that has been in the development process for over a year with Jack Links of Laurens. The company will provide an 'enclave work site' where persons with disabilities work in an integrated community setting to learn valuable skills, but still receive necessary supports from on-site work opportunity support-staff. This has been done in other communities and it has worked really well. When Genesis took over the Red Barn, the recycling and redemption centers were improved, but they need to go further. They are now looking for a partner to make the enclave project happen. Carver has been visiting with Jack Links and has taken prospective employees to the plant.

Carver commented that Jack Links would like to help the community by employing the people Genesis serves. Genesis has several people enthusiastically interested in participating in the enclave project with 5 clients and 2 staff ready to begin. The cost of transportation, back and forth every day, is a limiting factor. Genesis would like to get a 15-passenger van to accommodate as many as possible.

Johnson described a Genesis project in Redfield with a company making pallets. As Genesis consumers learned the work, the company filled vacant positions with enclave employees, and Genesis backfilled the enclave with other Genesis consumers. At the end of three years, Genesis had no more candidates for the program. To make the program work here in Storm Lake, Genesis needs a 15-passenger van to manage the transportation expense. Mentzer noted that an enclave service would save the county a considerable amount of money as consumers move from 100% county funding at Genesis and begin accessing Title XIX dollars. Genesis is looking for assistance to purchase a used van. All other costs (fuel, insurance, drivers, etc.) will be paid by Genesis. If in 6 months the project doesn't work, Genesis would find another location. Carver's job is to develop these types of opportunities. The van cost varies with size and used vs. new, but they are looking at approximately \$20,000. Wiemold provided prices on several specific vehicles which are available locally. Mentzer recommends that funds come from the FY'07 budget, and suggested that the county attorney could draw up a contact, or the county could make a donation. A gift would avoid any liability. Gustafson suggested the funds come from the ending fund balance. Motion by Gustafson to donate from the MH Services ending fund balance, \$22,700 to Genesis for purchase of a 2006 Chevy 15-passenger van, contingent on county attorney's approval. It was noted that this donation is an exception to policy and is not standard protocol. Carried.

On recommendation by Engineer Jon Ites to award to the apparent low bidders, motion by Burnside to award the following bids and to authorize the Chair to sign:

- on project #BROS-4395(601)—8J-11 to Godberson Smith, Ida Grove, in the amount of \$168,893.60 (engineer's estimate was \$191,103.00) for a bridge under joint jurisdiction with the city of Linn Grove,
- on project #BROS-CO11-(65)—8J-11 to Dixon Construction, Correctionville, in the amount of \$308,375.32 (engineer's estimate was \$348,630.57) for a bridge over the Raccoon River. Carried.

Motion by Crampton to approve the IDOT statement of charges and to authorize the Chair to sign, in the amount of \$31.50 for duplication of plans. Carried.

Engineer Jon Ites reported that the Groth vs. Buena Vista County lawsuit has been settled out of court for less than the cost of attorney fees for three days in court.

John Van Meter, US Bio-Albert City Project Manager, presented a request to the Board to close 500<sup>th</sup> St., north of Albert City. William Jones from Antioch International Inc. is working with the Union Pacific Railroad on behalf of US Bio to develop the necessary changes to the operating plan to accommodate the increased rail traffic. Trackage is needed north of 510<sup>th</sup> St. for the elevator since US Bio will be using all of it south of 510<sup>th</sup>. They are trying to separate traffic so that shuttle trains for the elevator can operate. Union Pacific requires new rules for operations when changes are made. A Portion of 500<sup>th</sup> St. is under city jurisdiction. Van Meter has talked to the city of Albert City and they would approve with stipulations. They are also requesting a 2<sup>nd</sup> rail crossing to be located on 500<sup>th</sup> St. Fran Marron, Ag Partners, reported that the elevator is satisfied with the design. County Engineer Jon Ites stated that a public hearing is required to vacate a road, which usually requires 60-90 days, so the county is not able to give their approval today. Jones said that they had not anticipated these difficulties, but the railroad would not yield on their requirements. Union Pacific finds it to be an acceptable plan if 500<sup>th</sup> St. is closed. The Board is favorable and willing to go through the process, but Ites had not seen it soon enough to evaluate the curve in the road, so will need to review those drawings. To expedite the matter, Van Meter requested a letter indicating their favorable view. Ites asked how much of the road would need to be vacated. They need only the portion along the RR ROW. Ites also needs the description of the portion of the road to be vacated. Gustafson asked if these details could be answered so that a hearing could be set at the 5/30 meeting. There is a need to talk to the school, to ask for their approval since they use the road. US Bio was hoping for approval so that work could begin on the rail bed placement which involves cutting into the roadbed of 500<sup>th</sup>.

Present for a discussion on constructing a C-65 bike trail were: Rod Plagman, Scott Schuelke, Gary Lalone, Mike Wilson, and Marilyn Monson. Engineer Jon Ites had provided information that the state again has funding for bike trails. The cost estimate from Kuehl & Payer to build a 2½ mile bike trail along each shoulder of C-65 is \$325,000. If an application were approved, the entire cost would have to be paid up front and then the state would reimburse their portion. The applicant must be a non-profit organization and provide 25% of the total cost. The current road is 22' wide with a 3' shoulder. A road project with bike trail on both sides would end up with a 24' roadway and 8' shoulders. Lanphere believes it would be better with both directions of bike traffic being on the same side of the road. Ites stated that both directions of bike traffic could be on same side of the road if they were on the back slope. He doesn't know the answer to what could be done or what the requirements would be in locating the bike trail next to the fence, and would have to ask IDOT whether the bike trail could be along the roadway but lower than the road level. He also stated that the county can't condemn right-of-way for bike path purposes. The current project plan was not based on the additional ROW which would be required for a bike trail. There would also be tile lines, creeks, and power lines to deal with in the ROW next to the fence. A minimum depth of 6" of asphalt would be needed if it is next to the road and probably almost that much even if moved away. Gustafson stated that if this project doesn't get done, it would be a tragedy. We need to find the funding and just do it. Lanphere doesn't want two paths; he believes \$325,000 is too high, but he is in favor of the project. Burnside wants to proceed. Gustafson wants to put the bike trail in for safety reasons – the safety of the bikers. Ites said that the county doesn't have uncommitted funds to build it, and thinks another group should do it. He isn't comfortable using Secondary Road funds for a bike trail. The Chair reminded that he had advocated for a portion of the

local option sales tax proceeds to be used to provide funds for extra projects such as this one, but his proposal was rejected.

The Chair recessed the meeting until the afternoon in order for board members to accept meeting invitations from MidAmerican Energy, and ISU Extension. The Chair reconvened the meeting at 1:40 p.m. Burnside was absent to attend another meeting.

On behalf of the Sheriff, Deputy Doug Simons presented a proposal for the department to switch from pagers to cell phones. Nine pagers need be replaced at a cost of \$350 or more each. Midwest Wireless has a service plan for 9 cell phones for \$250/mo (total). In order that deputies are permitted to use the phone for personal business, the Sheriff proposes a \$10/month payroll deduction, which drops the county's expense for the program to \$160/mo. Midwest Wireless plans to put up a tower in Alta. This is essential to make the system work for the department. Since most deputies carry a personal cell phone, eliminating the pagers will reduce the number of communication devices they carry. The program requires a 2-yr minimum contract. It was the consensus of the Board to approve. After the Alta tower is in operation, the Board will formally approve a cell phone payroll deduction. The Sheriff has gotten bids for new LEC office furniture, and has sufficient funds in the current budget to make the purchase before June 30th. The furniture and equipment would be for the Sheriff department's administrative offices and filing system. The consensus of the Board was to approve that he proceed with the purchase.

Motion by Crampton, second by Gustafson, to go into closed session at 2:02 p.m. pursuant to Chapter 21.5.1.j of the 2005 Iowa Code to discuss the purchase of real estate which if prematurely disclosed, could be expected to increase the price the county would have to pay for the property. Crampton-aye, Gustafson-aye, Lanphere-aye. Absent: Vail and Burnside. Carried. Following the closed session, the meeting went back into open session at 2:11 p.m. Motion by Lanphere, second by Crampton, to purchase from Buena Vista University for \$200,000 the following property: Lot 2, Block 2 MCS Addition, Storm Lake Corp., and to authorize the Chair to sign the purchase contract. Discussion – the contract provides for possession no later than 11/1/06. Gustafson stated he will not vote in favor due to his concerns of the impact the purchase will have on the General Fund, and the unknown costs on the tower and generator. He does not want to jeopardize the General Fund any further. The roll call vote was Crampton-aye, Gustafson-nay, and Lanphere-aye. Carried.

Motion by Gustafson to renew the employee health insurance program for FY'07 with the \$2,000 deductible Wellmark policy, self-funded to a \$750 or \$1,000 deductible, and to authorize the Chair to sign the necessary documents. Carried.

Plan	Single	County share Family	Employee-Family	Total premium (family)
\$750 deductible	\$437.34	\$334.24	\$334.24	\$1,105.82
\$1,000 deductible	\$437.34	\$384.29	\$256.19	\$1,077.82

LEC Project Manager John Hansen called to discuss a drainage issue at the site. The City of Storm Lake wants to change the direction of the water in the ditch, and wants the county to add a culvert and re-grade the ditch so the water runs to the south. He will be discussing this further with City Engineer Jim Winterton.

There being no further business, the Chair adjourned the meeting until Tuesday, May 30<sup>th</sup> at 8:30 a.m. for a regular session.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTY-THIRD MEETING, 2006 SESSION (23)  
MAY 30, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 30, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

8:30—The time having arrived for the public hearing on the 2nd amendment to the FY'06 budget, Deputy Auditor Sue Kennedy reviewed the changes noting that it was not known at the time of publication whether the general obligation bonds for the LEC would be sold in this fiscal year or the next. There being no objections, motion by Gustafson to close the public hearing, and to approve and authorize the Chair to sign the **FY'06 budget amendment** as published. Carried.

The Chair addressed several issues. US Bio-Albert City will not be meeting with the Board today, as all of the follow-up details to their request to vacate 800<sup>th</sup> St. had not been completed. He has received a lot of feedback on the C-65 bike trail. Gustafson stated that the group requesting the project would like to have a motion on the project.

Motion by Burnside to approve **minutes** of the 5/23 meeting as amended, to authorize the Chair to sign today's claims list, and to approve the following **reports**: April fund balances, annual report of electrical usage at the Courthouse, and May 15 Board of Health minutes. Carried.

Motion by Burnside to approve the **fireworks display** permits submitted by Leigh Madsen for July 6<sup>th</sup>, and Bob Christensen for a date between 6/29 & 7/10, with each to assume the responsibility for liability and safety. Carried.

Motion by Burnside, to re-appoint Marilyn Monson as the Board's representative to **Western Iowa Tourism** for FY'07. Carried.

Motion by Vail to amend today's agenda by adding approval of polling place accessibility grants. Carried. Motion by Vail to approve and authorize the Chair to sign the polling place accessibility grants which will provide reimbursements to the cities of Marathon (\$2,500) and Rembrandt (\$638.18), and to the Buena Vista County \$2,500) for improvements making their **polling places accessible**. Carried.

Engineer Jon Ites asked the Board for a price on the **Superior St. shed**. When it was sold for other uses (Sheriff's storage, etc.) several years ago, the Secondary Road fund received \$40,000 from the General Fund. He would like to pay a portion of the asking price in the current fiscal year. Asked if there had been any deterioration since that time, Ites responded that the door is not in good shape and the windows are broke. The Board asked him to find out what the assessed value of the building is.

Ites gave a **secondary road department update** on current projects. Kooiker has started on the culvert replacement. Chem-trol will be spraying some road shoulders with a sterilant.

Motion by Burnside to approve the following **utility permit applications** submitted by Clay Regional Water, Spencer:

- to install a 4" water main in road ROW on north side of Section 26, Hayes Township to serve 5 residences (private ROW could not be obtained);

- to install a 3" water main in road ROW on the west side of Section 35, Hayes Township, to serve a residence in Sac County. Carried.

Motion by Vail to approve the utility permit application submitted by Iowa Telecom, Grinnell, to install 5pr telecommunication cable between Sections 19/20, Brooke Township, for 1 residence. Carried.

Ites discussed the letter from ISAC requesting a contribution of \$2,000 to assist with the litigation of expense incurred by Washington County in its lawsuit against the railroad for refusal to assist in the cost of update of railroad crossings. Other counties have discussed it but haven't done anything yet. If the county decides to participate, the expense could come from the Secondary Road fund.

Motion by Burnside to approve and to authorize the Chair to sign the contract, contractor's bond, and certificate of insurance with Dixon Construction for bridge project # BROS-CO11(65)-8J-11. Carried.

The Board moved to the public meeting room to continue the meeting. John and Steve Hansen, Midwest Construction Consultants, were present for a discussion of the timeframe for selling general obligation bonds for the LEC project. Cost estimates are being updated all along as more information comes in. Most recently, materials choices have been evaluated. The current estimate is \$4,396,000, which is under the approved the budget if the contingency is not used. If the contingency is used, the cost is about \$132,000 over the budget. Pricing of materials has been confirmed. Alternates have been developed to maintain control of costs depending upon how bids come in. The estimate includes alternates, which could be deducted depending on the bid. These include owner purchase items (kitchen equipment), concrete for the driveways and parking areas (to use a rock base if not), and 'shelling out' the space for the Communications Center (which could be completed later using a different source of funds). Another approach to achieving a viable project would be to negotiate the bid price down if it comes in too high, which the bonding attorney has recommended against. This way, bids can be awarded, and alternates can be pulled out as needed and desired. Interest earned on idle funds can be added to the project. Today we need calculations on all available funds. Knowing when the bonds are to be sold will allow estimating interest to be earned which can be put toward the project. In spite of materials cost increases and other factors, Hansen believes that the project will be able to go forward, even if some items have to be pulled out. Also, depending on when the bonds are to be sold, there might be a need for some interim financing. He will provide an updated draw schedule to Ruan Securities.

The Chair commented that counties aren't permitted to go over the amount of the stated project cost (in the bond issue question), unlike cities, which aren't required to include a project cost in the question. There has been some interest in changing the law, but nothing has happened so far.

Hansen went on to discuss that projects with too many alternates tend to discourage bidders. With these alternates, there are enough to have flexibility, which was the purpose. This allows decisions to be made after bids come in. The current list of alternates totals about \$256,000, which, more than covers the contingency. Regarding the project timeline, construction documents will be presented on June 5<sup>th</sup> with the architect, engineers, and Hansen. Plans would then be approved at the June 6<sup>th</sup> meeting and out to bidders by the 9<sup>th</sup>. He suggested a bid date of July 11, no later, and as early as July 7<sup>th</sup>. If bids were awarded on July 11, completion would be in 11months. It will take ½ to 1 hour to open and read bids. He will then qualify the bids for the Board to accept probably one week later. MCC has accumulated quite a list of interested bidders (2-3 dozen). Around the state, some projects are eliminating copper due to the problem of pinhole leaks. The BV LEC plans call for fiberglass, which is also cheaper than copper, and has more longevity. If kitchen equipment installation needs to be delayed, catering either 1 or 2 meals a day will work. Some catering companies wanting a contract might consider paying a part of the equipment cost. Pre-cast concrete is a long lead item, so it will be important to let the bid no later than July 11. Contractors need ample time to put a good bid together. The alternates are not deducts, but rather, alternate adds. There will probably be several prime contractors.

The Chair complimented Midwest Construction Consultants on the job they have done in getting hold of the costs. The Chair asked if Board members are comfortable with Hansen's evaluation on timing to issue the bonds.

John Geist, Ruan Securities, joined the meeting. The Chair began with stating that we are confident we can build, and we think we're ready to issue the bonds. Geist stated that generally you really don't know how tight a project budget is going to be until the bid letting. If you get the surprise of a high bid, but have the ability to pull out some alternates, then you are probably safe to proceed. In that case, there probably isn't a problem in issuing **general obligation bonds for the LEC project** now. Interest rates were at 3% net in September and February. The Feds have raised rates a couple times, but on a \$2.5 million issue last week and a couple others it was 4.49%. The rates now are a little higher now than originally looked at, but there has been a little decrease in the market. The Board reviewed the current proposed schedule for letting bids. John Hansen stated that the county needs the interest on idle funds to maximize the funds available, and asked what the timeframe is to get the funds. Geist stated that Ruan in cooperation with the local banks would underwrite the issue. They could lock in interest rates next week, so we can act quickly with legal work already done. Could close is 2-3 weeks after next week. The county did a pre-levy in March. The local banks probably aren't going to buy the entire issue, and will be most interested in the shorter-term bonds. Most Iowa banks don't want long-term bonds. He hasn't had any serious discussions in the last couple months with the local banks so he will be contacting them. Geist commented that if a project has more than a 10% deduction, that lowers the construction bid, and another contractor could complain at not having an opportunity at the lower amount (if their bonding ability is not high enough). The alternate adds will be fine.

The Chair stated that we have committed to build something, even if the bids are high and we have to take some things out and/or wait till spring. He asked what is needed to start the process.

Motion by Gustafson to proceed and ask Ruan Securities to prepare a **letter of intent** for the June 6<sup>th</sup> meeting for LEC project financing. Carried. After the letter of intent has been signed, Bob Josten, Bond Counsel will prepare the issuance resolution for approval on June 13<sup>th</sup>.

There being no further business, the Chair adjourned the meeting until Tuesday, June 6<sup>th</sup> for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTY-FOURTH MEETING, 2006 SESSION (24)  
JUNE 6, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, June 6, 2006, at 8:15 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, and Gustafson, and with Auditor Karen Strawn as clerk for the meeting. Absent: Vail.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, and Lanphere. Nays--none. Abstentions: none.

Motion by Gustafson to approve the minutes of the 5/30 meeting as amended. Carried.

**Nokomis Township** Trustees Dave Mortensen & Russel Post were present to discuss legal services requested from the County Attorney. They are waiting for information before they can proceed on some cemetery issues. Mortensen also asked about the drainage problem on the north side of Alta regarding DD 95. The Board will consult with the County Drainage Attorney on the matter.

Sheriff Chuck Eddy reported on several inmate medical and mental health expenses, which are probably the responsibility of the county (jail budget). This type of expense is not currently budgeted in the jail budget. There are about \$40,000 in bills that have been incurred by 4 persons, not all with Buena Vista County legal settlement. The Chair will take the matter to the County Attorney for discussion. The Sheriff will research an insurance option for jail inmates. Eddy also requested a decision on whether they will be using a food service or not in the new jail, so that he can begin writing the necessary policies and procedures. He noted that the Civil Service testing was conducted last week and there were several good candidates. However, Marty Demuth has returned to the community and was re-hired for the open deputy position.

John Geist, Ruan Securities, informed the Board that the bids Washington County received last week for their new jail came in \$750,000 over the estimate. It is a concern that Buena Vista County may also receive bids higher than the estimate on the current plan. He advises caution, and suggests waiting to issue the general obligation bonds until the bids are known and one is accepted. Bond proceeds will be invested until needed, but should be expended within 18 months of issuance, according to bond counsel, Bob Josten. Timing of the bond sale and the interest rate will determine how much interest can be earned on the idle funds. The amount of interest to be earned is important because it will be needed to help fund the project. Gustafson believes we should wait because we are so close to the bid letting at this point in time. Geist believes caution is in order; he doesn't want to influence the Board toward issuance at this time. Burnside agreed. Since the Board made the decision to consult Geist due to his experience, she believes we should follow that advice. Motion by Gustafson to delay issuance of the bonds until after the bid letting. Geist confirmed that there would be just one opportunity for the Feds to raise, lower, or hold the interest rates before the scheduled bid letting. Carried.

Engineer Jon Ites introduced the discussion of **White Cap Road**. Dale Wordekemper and Attorney Dan Connell were present. There are 4 trees and a bush that will need to be trimmed or removed so that the power pole can be moved in order to accomplish re-location of the road. One of four landowners has responded to the notice regarding the need to remove trees/bushes with a letter objecting to the removal of her bush. She requested that the Board consider her interests in the matter. Ites has not consulted with the County Attorney on the matter. A lawsuit in another county ended up with the protection of the interests of the landowner who owned the trees. Gustafson thinks that the trimming would improve the looks of the corner but asked if the trees and bush absolutely have to be moved – is there any middle ground? Ites has received comments from only one of the four landowners. Wordekemper asked if there could be some compensation to her to move the bush to protect her interests. That might be one way to resolve her issue.

Ites reported that BV County's **BROS funding** had an April balance of \$499,431. Another \$308,000 has now been committed, and the next project will wipe it out.

Several years ago when the Secondary Road fund received \$40,000 for the **Superior St. shed** from the General Fund, no appraisal was done, but the price paid was 3.5 times the assessed value. The building just purchased from Buena Vista University had a price per square foot of \$16.67, which included the land it sits on. Also, the BVU building is on a concrete base. Ites requested a reduction from \$40,000 to allow for the door and window repairs which need to be made. Motion by Crampton to set the price for the Superior St. shed at \$40,000, less an adjustment for the damaged doors and windows of \$6,000, or \$34,000. Ayes-Burnside, Crampton, Gustafson. Nay-Lanphere. Carried.

Ites noted that salt prices are about 40% over last year's prices.

Motion by Burnside to set public hearings to change the designation of two roads to Class C roads for 10:00 a.m. on July 11<sup>th</sup>; the two roads are between Sections 1 Brooke and Section 6, Barnes Townships, and, between Sections 25 & 26 Barnes Township. Carried.

Motion by Crampton to approve and to authorize the Chair to sign the final payment voucher in the amount of \$70,116.35 to Midwest Contracting LLC, Marshall, MN on project #L-C-529—73-11 for the culvert project between Sections 29 & 32, Providence Township. Due to excess excavation, there was an overrun of \$2,546.35 over the contract amount of \$67,570.00. Carried.

Ites reported that he has not received any information from US Bio-Albert City or Antioch International, Inc. needed for the preparation of a description for the portion of 500<sup>th</sup> St., which has been proposed for vacation. The only information he has received is drawings showing what happens with the railroad ROW.

Ites asked if a sponsoring body had been found for the C-65 bike trail as the funding application deadline is soon. Regarding the 'Road Groom' equipment', Ites has made several calls to counties, which have used it. The equipment works if the ground is wet, but if it is dry it does not. It requires at least a 1-ton truck to pull it. Our trucks are too big and the operator can't see how the equipment meets the road. A tractor is too slow. When the conditions are right, the process can go twice as fast as a motor grader. Gustafson thinks we should try it to see if it could save on fuel.

EnvHealth/Zoning Director Kim Johnson reported that a construction application has been filed for an addition to Gary Grundmeier's hog operation in Hayes Township, which will require a matrix evaluation. Motion by Gustafson to set a date of June 20<sup>th</sup> at 11:00 a.m. in the Public Meeting Room for the matrix evaluation of the Grundmeier construction application. Carried.

10:00 a.m.—The time having arrived for the completion hearing on the DD #49 cleanout, Engineer Ivan Droessler was present to make his report. A notice of hearing was mailed to all of the affected landowners and was also published in the Spencer Daily Times/Sioux Rapids page on June 1<sup>st</sup>. There were no interested persons present, and there have been no objections or damage claims filed. Droessler reviewed the history on the Baker request for the work that was done. Although it appeared that farming practices may have contributed to the problem, it is not possible to say exactly who did what, but this cleanout should take care of the problem reported by Roger Baker and also the area around the corner where the waterway takes a sharp turn and goes south. Over the next three years the county will have to watch for joint grass and keep it under control to prevent recurrence. Droessler recommends that the Board accept the work as complete and to approve the final payment with no retainage in the total amount of \$10,919.40. There being no objections, motion by Burnside to approve final payment with no retainage in the total amount of \$10,919.40 to Reutzel Excavating for cleanout of DD #49. Carried.

Acknowledging a letter received from Robert Kneedler regarding the public hearing on the Brian Waldstein Wetland, Burnside reported that Kneedler's tenant had contacted her to say that Mr. Kneedler had received all of the information he had requested in his May 26 letter. The letter had been sent prior to receiving the minutes, drawings and engineer's report which were forwarded following the Board's decision to approve the wetland.

Motion by Crampton, second by Burnside, to give preliminary approval of the LEC plans and specs as amended for release to prospective bidders and to set a tentative date for bid letting for July 11<sup>th</sup>, at 2:30 p.m., with a pre-bid meeting to be held at 1:00 p.m. on June 27<sup>th</sup>. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the LEC project bills submitted by Midwest Construction Consultants for the month of May totaling \$94,776.13. Carried.

The Board moved to the Public Meeting Room for discussion of the request from US Bio-Albert City to vacate and close a portion of 500<sup>th</sup> St. north of Albert City. Approximately 25 persons from Albert City were present with concerns about safety and convenience. John Van Meter, Project Manager, explained the intended operation activities, the proposal to close the road, and the reasons for making the request. Most importantly, the railroad has made changes in what they will allow for operation on the tracks. With the new construction, the railroad will not allow the flexibilities that are in current use at the Albert City location which were permitted to continue, having been grandfathered in when the railroad made their changes. Now, any change to the tracks requires the new operating procedures. Gustafson suggested that this information should have been shared with the community early on. Burnside commented that it had been helpful to go through the plant and see the planned operations to see why the request had been made. Fran Marron, Alceco, noted that the Union Pacific Railroad will not permit operations such as that recently approved by the Canadian National at Alta (periodic road closing with gates). The U.P. will allow 1 break and shuttling. Either 500<sup>th</sup> St. or Main St. will have to be closed permanently. Alceco will still ship beans and cracked corn by rail. Attendees suggested a number of alternatives including running the train on an overpass or underpass across 500<sup>th</sup>, breaking the train in multiple shorter lengths, and running the track south of 510<sup>th</sup>. Neither the underpass nor an overpass is possible due to the grade. The railroad will allow only one break. And, US Bio will be running new track south of its plant to 510<sup>th</sup> St. Those present noted that the Albert City elevator is the largest in the county. Some had hoped to get 500<sup>th</sup> St. hard surfaced to accommodate a considerable increase in truck traffic. With all of the current traffic, plus all the additional created by the ethanol plant, a much better plan is needed. Will C-29 hold up? Engineer Jon Ites stated that it is on the schedule in 2 years. The short stub on the east side will be done later this summer. The question was asked if the Board had to approve US Bio's land purchase – no. Gustafson said that the county has done quite a little for the US Bio plant, and perhaps someone's bluff needs to be called. Cargill was told no a number of times but finally was able to work the situation out with the railroad. John Van Meter stated that if the road closure does not go through, they will have to pull the project. Gustafson restated that the Board has to look at safety. There has to be another option.

The process for approving the closing and vacating of a road begins with a public hearing. No action can be taken on the request until then. A date of June 20 or 21 was proposed pending the reservation of a location in Albert City for the hearing. Those present will be notified by postcard, and a notice will also be published in the Buena Vista Journal.

Motion by Burnside to approve and to authorize the Chair to sign the development agreement with US Bio-Albert City for their ethanol plant. Carried.

Also discussed were: Nokomis Township, inmate medical & mental services, food service in the LEC, White Cap Road, US Bio-Albert City road closure request, C-65 bike trail, 'Road Groomer' equipment, and correspondence re: Waldstein Wetland.

There being no further business, motion by Gustafson to adjourn the meeting at 12:30 p.m. until Monday, June 12<sup>th</sup> at 8:30 a.m. to canvass the Primary Election. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTY-FIFTH MEETING, 2006 SESSION (25)  
JUNE 12, 2006**

The Buena Vista County Board of Supervisors met in special session on Monday, June 6, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, and Gustafson, and with Auditor Karen Strawn as clerk for the meeting. Absent: Vail.

Upon completion of the Canvass of the June 6, 2006 Primary Election, pursuant to Chapter 43.62 of the Code of Iowa, motion by Burnside to declare the results as follows (# = declared nominated)(scattering = 1 or more write-in candidates each receiving less than 2% of the votes cast for that office, or for that office at the last primary election when the party had a candidate for that office on the ballot): Total Voters: 2,067

<b>Office</b>	<b>Democratic Party</b>	<b>Republican Party</b>
Total votes cast:	693	1374
for		
US Representative-5 <sup>th</sup> Dist	Robert L. Chambers-214 Joyce Schulte-345 scattering-2	Steve King-1158 scattering-9
for		
Governor	Mike Blouin-202 Chet Culver-265 Ed Fallon-182 Sal Mohamed-11 scattering-0	Jim Nussle-1117 scattering-8
for		
Secretary of State	Michael L. Mauro-463 Scattering-3	Chuck Allison-582 Robert C. Dopf-267 scattering-1
for		
Auditor of State	scattering-16	David A. Vaudt-994 scattering-1
for		
Treasurer of State	Michael L. Fitzgerald-543 scattering-1	scattering-12
for		
Secretary of Agriculture	Denise O'Brien-288 Dusky Terry-253 Scattering-3	Karey Claghorn-83 Mark Leonard-358 Bill Northey-694 Scattering-0
for		
Attorney General	Tom Miller-557 scattering-0	scattering-11
for		
State Representative-52 <sup>nd</sup> Dist	scattering-8	Mary Lou Freeman-1181 scattering-6
for		
Co. Supervisor Dist. 1	scattering-24	Willard Christensen-222 Martin Glienke-255 Ken Hach-456 Frank E Klahs-194 Gary Small-194 scattering-2

for Co. Supervisor Dist. 2	Karla Jean Madsen-454 scattering-6	Dale Arends-621 Richard Vail-597 scattering-1
for Co. Supervisor Dist. 3	Paul Merten-351 Terry Murray-267 scattering-5	Richard Dirkx-621 Jerry Gosch-152 Sandy Johnson-484 scattering-
for Co. Treasurer	Kathy Bach-607 scattering-1	scattering-17
for Co. Recorder	Shari O'Bannon-616 scattering-2	scattering-18
for Co. Attorney	scattering-30	Phillip E. Havens-923 scattering-57

and, to prepare and submit abstracts as required. Ayes-Burnside, Crampton, Gustafson, Lanphere. Nays-none. Carried.

There being no further business, the meeting adjourned until Tuesday, June 13<sup>th</sup> at 8:30 a.m. for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SIXTH MEETING, 2006 SESSION (26)  
JUNE 13, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, June 13, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Crampton, Gustafson and Vail, and with Auditor Karen Strawn as clerk for the meeting. Absent: Burnside to attend another meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

CPC Dawn Mentzer presented an agreement with Genesis Development for approval. Motion by Gustafson to approve and to authorize the Chair to sign the agreement prepared by the County Attorney

between Buena Vista County and Genesis Development regarding the van purchased by the County for Genesis. Carried.

Mentzer has completed a projected cost for case management which is \$3.16 less than the current year. Motion by Crampton to approve a FY'07 case management cost of \$231.49/unit for 859 units. Carried. The report is due to the state by June 30<sup>th</sup>.

Motion by Gustafson to approve and to authorize the Chair to sign a FY'07 provider contract with The Pride Group (fka Plymouth Life Inc.) at a service rate of \$33.60. Carried.

Motion by Vail to approve and to authorize the Chair to sign a FY'07 provider contract with Mallard View of Carroll at a service rate of \$33.62. Carried.

Motion by Vail to approve and to authorize the Chair to sign a FY'07 provider contract with Genesis Development with a 3% rate increase for all services. Carried.

Motion by Crampton to approve and to authorize the Chair to sign a FY'07 provider contract with Genesis Development for subsidized taxi tickets for RIDES and Storm Lake Cab up to a maximum of \$3,000. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign a FY'07 provider contract with Spectra Health Care with a 4% rate increase. Carried.

Motion by Vail to approve and to authorize the Chair to sign a FY'07 provider contract with MidSteps Services, Sioux City, with a rate increase of approximately 2.6%. Carried.

Motion by Crampton to approve and to authorize the Chair to sign a FY'07 contract with RTA for the Nite Taxi with no rate change from the current year. Carried.

With Drainage Attorney Gary Armstrong and NRCS Water Quality Coordinator Kim Proctor present, Dave Mortensen, Alta, discussed an ongoing drainage problem on his property due to an ineffective system for storm water drainage from areas in the north part of Alta, both current and future developments. Governance of DD#95 was turned over to the City of Alta in 1972. Mortensen provided the history of the problem and illustrated his points with drawings and aerials of the area. In answer to what the County could do to assist, Armstrong pointed out that the transfer of governance puts the City Council in charge of the management of the district since the County Boardmembers are no longer the Trustees. Kim Proctor spoke about the study NRCS is doing on the town's storm water. She is writing a \$500,000 grant for the City of Alta. 130 acres of the city drains into Mortensen's tile. Proctor is coordinating with the City to alleviate Mortensen's problem. She noted that the project will be costly so the solution won't happen overnight. The study and preliminary report have been completed, calculations have been made, but she doesn't know yet what the solution will be. Asked what the chances for funding are, she responded--pretty good. She thinks something like Storm Lake's rain garden may be a possibility. Asked if the development or the solution will come first, she didn't know. The City wants to address the problem and that is why they've gone to Kuehl & Payer and the NRCS. The grant deadline is August 1, and they should know within a month. Supervisors Gustafson and Lanphere have been to a couple Council meetings. Ron Neulieb, from the Alta P&Z mentioned that the city hasn't gotten much done, and seems to have a greater interest in selling the land than in solving the problem. This water eventually drains into Powell Creek, so it has an impact on Storm Lake too. This linkage to Storm Lake should be mentioned in the grant application. Gustafson suggested a meeting of all of the Board members, City Council, lawyers, NRCS and Kuehl & Payer also. On another matter, the Chair will inquire how the County Attorney is coming along with the work on the Nokomis Twp cemetery issues.

EnvHealth/Zoning Director Kim Johnson reported that the public hearing for the Grundmeier MMP has been cancelled. Johnson also reported that the result of the meeting in Albert City last night is that US Bio will move the rail line to the south side of its plant, instead of following through on their

request to close 500<sup>th</sup> St... The following public hearings for MMP's were scheduled for Tuesday, June 20<sup>th</sup>: 11:00 a.m. for Steve Kier-Phoenix Farm (1 additional building for 59,000 turkeys) to be located in Section 6, Newell Township; 11:05 a.m. FMP II-Stein site located in Section 24, Hayes Township (2400 hogs); and 11:15 a.m. for the Rice Brothers (2,450 hogs) in Section 22, Providence Township.

Paul Peterson, accompanied by Ann Pyle, appeared before the Board to deliver his letter requesting that they conduct a hearing and issue a formal censure of County Attorney Phil Havens due to actions of the County Attorney in response to Peterson's letters to the editor and other events. Peterson feels he is being persecuted and stated that he has been threatened with arrest for trespass. He asked for and received confirmation that the County Attorney receives some portion of the cost of rent for his office. He would welcome either an open or closed hearing of the facts. He thanked the Board and left.

The Board updated Engineer Jon Ites that US Bio's has withdrawn their request to close 500<sup>th</sup> St., and the City has accepted increased closure of their Main St. with US Bio's plan to add rail to the south. Ites asked how C-29 will be affected. The Board did not believe it would have any impact on C-29. There was no mention of any other road closing. Currently C-29 is periodically blocked for switching.

Ites presented fuel bids from two companies: 1<sup>st</sup> Coop of Cherokee and Star Energy of Manson. The two bids were tied at 3 locations, with Star Energy being low at 3 others, and with the bid for 1 location being higher. Motion by Vail to accept the bid from Star Energy, Manson, for all locations for the season's fuel supply. Carried.

The bridge letting scheduled for 10:00 a.m. today will be delayed due to fasphalt prices.

At Burnside's request, Ites had made a preliminary estimate of the cost to pave on the north and east sides of Albert City -- \$1.37 million. A portion of the cost, \$525,000, would be Albert City's portion. The County's farm-to-market fund is committed to 2010.

Motion by Vail to approve and to authorize the Chair to sign today's claims approval list. Carried.

Motion by Gustafson to approve the minutes of the 6/6 meeting as amended, and the following reports: May Clerk's fees, May 9 Conservation Board minutes, and the May monitoring report of Spectra lagoon by Mangold Environmental. Carried.

Motion by Vail to approve the following appropriations authorized by the approval of the 2<sup>nd</sup> amendment to the County's FY'06 budget; the hearing was held on May 30<sup>th</sup>. Carried.

Increase	Activity 1200	General Basic (0001)	Dept 71	\$16,019
Increase	Activity 6300	Rural Basic (0011)	Dept 53	\$45,820
Increase	Activity 6320	General Basic (0001)	Dept 98	\$10,000
Increase	Activity 9000	General Basic (0001)	Dept 01	\$1,500
Increase	Activity 9100	General Basic (0001)	Dept 41	\$6,000
Increase	Activity 9100	General Basic (0001)	Dept 51	\$4,000
Increase	Activity 0010	General Basic (0001)	Dept 26	\$5,000
Increase	Activity 0220	Cap Projects LEC (1530)	Dept 75	\$305,727
Increase	Activity 0220	Cap Projects Loan (1520)	Dept 01	\$49,000
Increase	Activity 0220	General Basic (0001)	Dept 01	\$2,523
Increase	Activity 0220	Cap Projects Loan (1520)	Dept 51	\$22,000
Increase	Activity 0300	Several Funds	Dept 90	\$482,298

10:45 a.m.--Thirty-four persons were present in the District Courtroom for the matrix evaluation of the Rembrandt Enterprises construction application. EnvHealth/Zoning Director Kim Johnson reviewed the matrix and has determined that the application earned 480 points, with 440 points being the minimum.

The Chair opened the hearing for comments. He took a telephone call from Attorney Tom Lipps who represents Terry Smith, Sandy Sorensen and Mr. & Mrs. Rich Madsen. Lipps began by stating that there is already too much manure being generated – too many chickens, too much water, too much manure in one location. There aren't enough environmental controls. The current problems need to be fixed. He cited objections to #'s:

- 3 — it doesn't seem appropriate to take points for what was already taken
- 5 — credit already taken for current operation, shouldn't take credit again
- 9 — they are taking points for separation from existing buildings at other locations in other Sections, but the proposed building doesn't have the required separation from the adjacent R.E. buildings
- 14 — matrix isn't useful; compost facility is causing a problem and manure buildings are a problem too; there is no plan to put filters on the existing buildings, just the new ones
- 15—the landscaping trees are already there, they only plan to move them
- 16&17—are the impermeable pad and roof or cover a duplicate of proposed manure storage structure is formed?
- 19—it is not appropriate to take points on what is already there; Lipps recommended that the Board take points away
- 25—there is just too much manure in one location; approving this application will just increase the current problem
- 26—the manure is not always dry so they shouldn't take points for this
- 33&35—do these improve the neighbor's lives? Who will monitor the separation and setback distances? Who will watch where the 3<sup>rd</sup> party puts on the manure?

Rolf Mosbo stated that whatever damage could be done to him has already been done, but is Rembrandt Enterprises acting legally? He referred to Section 459.203 of the 2005 Code of Iowa, saying that he believes they are currently in violation of the law.

Frank Klahs referred to the previous application that the Board turned down due to odor and flies. Nothing has happened to change/fix these problems, so the Board should turn this application down as well. The matrix should not be the county's standard and he believes that the county shouldn't go by it. R.E. has made some improvements but they need to make more. The County needs development, but it needs responsible development.

Karla Madsen lives ½ mile away. R.E. promised they would be good neighbors, but they haven't followed through. The odor is so bad that it makes you ill, and the fly problem is terrible. Her family does not raise livestock yet they have a big fly problem. They obviously come from R.E. They shouldn't get points for what they are going to do, but for what they have done. She can't see how the filters will work. Why is the main office in Spirit Lake rather than here? Why don't the owners live here on site? Many neighbors have had health problems, one with a burned throat due to what's in the air. Her father in law had open heart surgery and got bacterial pneumonia. R.E. has deeply affected the health of the community. The matrix doesn't take points away for illness – there is no setback for distance to homesteads. When the trucks haul manure away, the spills are not covered. There have been no extra dollars spent to be the good neighbor they promised to be. We do need development but at what price? They should have first fixed things before they get to the extremes they are at.

Rich Madsen said he never used to be concerned about wind direction. But R.E. is applying to expand the operation which is not under control. He has no livestock, so the flies are from R.E. They need to properly manage what they have.

Dave Rettig reported that they have many employees working in the buildings. They are able to tolerate the operation. With the second application, R.E. has looked at what they could do to improve things. They took the comments on the original application to heart and tried to make improvements (see #'s 14, 33, 35, and 44.)

Rich Madsen stated that the filters are designed to improve the quality of the inside air, and they do, but that doesn't take care of the outside.

Ivan Droessler reviewed the changes that R.E. had made from the first application. The desire of the objectors is to have the Board recommend against approval of the application so that it could be heard before the EPC. The matrix was not set up for that purpose; it is for county/community input. At this hearing the Board can't answer quality of life and health issues. They are here only to address the matrix. The original R.E. operation was grandfathered in before the matrix was adopted. There is additional turnaround being created for the expanded facility. R.E. is utilizing existing trees in the landscaping of the expansion, but they weren't required for the initial facility, and, more trees will be added. Also, the roofed manure buildings are not required. On the issue from Mosbo regarding distance, as the number of birds goes up, the standards change. R.E. is meeting the requirements of the permit. Because they are bigger, the matrix dictates there are things they have to do to be approved. Research shows that the filters will work. The odor is attached to the dust, so the filter will cut it. Hydrogen sulfide is the product of an anaerobic process. The R.E. waste goes through an aerobic process. The matrix doesn't require minimum distances from homesteads, yet they are meeting the separation requirements in the matrix. The matrix is a tool to use in the Board of Supervisors' subjective review of the application.

Karla Madsen stated that the current operation is ruining health and the environment. There are laws on how you can treat livestock, but none to protect humans.

Bob Malloy responded regarding Attorney Lipps' remarks about #'s 33 & 35, that they (the remarks) don't mean anything. The laws have evolved from measured science by experts in the field. Each improvement has been at the company's expense. The standards are objective. The company wouldn't have submitted the application if the distances weren't right.

Josh Warkentin works at the egg breaking facility and feels it is a good working environment. He pointed out that #39 on the matrix refers to added economic value, which this application will provide. It will create many opportunities for employment.

Lynn Seaba, Attorney, has worked through Chapter 459 of the Iowa Code, and the R.E. facility is compliant.

Gary Small stated he could see the issues on both sides. He referred to an article in "Nutrient Management" magazine which suggests using the matrix carefully. Iowa has maybe leaned a little too far on the 'Right to Farm' issue.

Ivan Droessler complimented the Board on taking the initiative to adopt the resolution and hold public hearings on the matrix evaluations. Not all counties have done so.

Karla Madsen said "We are living this everyday. Employees can go home at night, but we can't." She identified herself as a Supervisor 'wanabe', and as such she could not in good conscience give consent to sacrifice the Rembrandt area to benefit the rest of the county.

There being no further comments, the Chair closed the public hearing. Burnside joined the meeting telephonically and stated that she had met on Monday with EnvHealth/Zoning Director Johnson for the purpose of reviewing the matrix. Gustafson had questions for Droessler regarding the odor and manure issues. Gustafson has asked if they could do any sample modeling. To this point no one has been willing to do it. Droessler responded that this has been an issue for 10 years. Iowa State University, a university in South Carolina and the State of Minnesota has worked on it. Minnesota has an 'offset model' which was used in Iowa's matrix. Iowa has not adopted the offset model. Gustafson responded that the sample modeling is a simple thing to do, but companies don't want to try it because they know how it would turn out. He also questioned taking credit for spreading the manure when R.E. contracts for it. R.E. shouldn't take the credit if they don't have the liability if it isn't done correctly. This is an abuse of our land and air. .

There being no other comments, motion by Crampton to accept the Rembrandt Enterprise application and to approve and to authorize the Chair to sign Resolution #2006-06-13-06A

recommending approval to the DNR. He has toured the facility and makes the motion on that basis. Gustafson thinks the EPC should decide because we aren't qualified to decide. Vail stated that R.E. has things they need to do, but their application meets the requirements. The vote on the motion was: Burnside-aye, Crampton-aye, Gustafson-nay, Vail-aye, Lanphere-aye. Carried. The motion carried.

**RESOLUTION 2006-06-13-A**

Recommending approval of the Rembrandt Enterprises Construction Application  
to the Iowa Dept. of Natural Resources.

**WHEREAS**, the Buena Vista County Board of Supervisors has adopted the Master Matrix CAFO construction resolution to provide an opportunity for local input; and

**WHEREAS**, a construction application for two 462 X 145 feet Chicken layer confinement buildings, one 469 X 81 Chicken pullet confinement building, and one 414 X 111 dry manure storage building has been submitted by Rembrandt Enterprises on May 18, 2006; and

**WHEREAS**, the Buena Vista County Environmental Health Director has reviewed the application using the Master Matrix, finding a score of 480 points, and has verified all of the elements of the application for accuracy; and

**WHEREAS**, the minimum score set by the DNR is 440 points; and

**WHEREAS**, the Board of Supervisors published a notice in the Pilot Tribune on May 25<sup>th</sup>, 2006 as required, and held public hearing in the Court Room at the Courthouse on June 13<sup>th</sup>, 2006, for the purpose of receiving public comment; with responses provided (see attached); and

**WHEREAS**, the Board of Supervisors shall submit the recommendation within 30 days of DNR receipt of application; and

**WHEREAS**, the Board of Supervisors, has assembled their comments with knowledge provided for submission to the DNR;

**NOW THEREFORE BE IT RESOLVED** that the Buena Vista County Board of Supervisors hereby recommends approval of the construction application of Rembrandt Enterprises.

**PASSED, APPROVED AND ADOPTED** this 13<sup>th</sup> day of June, 2006.

/s/ Bill Lanphere, Chair.....Attest /s/ Karen M. Strawn, Auditor

The Chair recessed the meeting at 12:30 p.m. until 7:00 p.m. for a joint session with the Board of Health.

7:00 p.m.--The joint Board of Supervisors and Board of Health opened their joint meeting at 7:00 p.m. at the East Richland Annex conference room. Present were: Board of Supervisors-Chairman Bill Lanphere (also a member of the Board of Health), Herb Crampton and Jim Gustafson; Board of Health—Chairman Jon McKenna, Jackie Bertness, Brenda Halverson and Dr. Scott Wulfekuhler; and also Carol MacDonald (Secretary to the Board of Health), Nurse Administrator Sally Bonnesen, EnvHealth/Director Kim Johnson, and Auditor Karen Strawn as Clerk to the Board of Supervisors. (Supervisors Vail and Burnside were unable to be present for the joint session.)

Supervisor Chair Bill Lanphere stated that the joint session was scheduled to discuss updating the EnvHealth/Zoning Director's job description, noting that in the last couple years there have been substantial changes in the responsibilities and workload for this position. There is a need to re-evaluate

the position and salary to acknowledge what the job has grown into, and to set the FY'07 salary. Johnson provided copies of both the old and new job descriptions. Lanphere commented that the duties have grown and the scope of the department is much more complicated. Gustafson noted that the department now has 2 full time staff in addition to the director's position which allows the position to qualify as exempt under FLSA.

In addition to revising the job description, it has been recommended that the County monitor compensatory time and vacation carryover more closely and take action to reduce or eliminate excess carryover due to the financial liability to the county. Johnson has been paid on a salary basis for a period of time when the position did not meet one of the tests for exempt status since she did not supervise two full time staff. During this time she accumulated compensatory time. Gustafson noted that the county needs to pay off the compensatory time to eliminate the financial liability. Accrued vacation has been reduced and is no longer an issue. After discussion, due to the escalation of the job responsibilities of the EnvHealth/Zoning Director i.e. the Comprehensive Plan, MMP's, matrixes and livestock issues, motion by Crampton to pay out Johnson's accrued compensatory time in the amount of \$14,589, and to set her FY'07 salary at \$37,887.00. However, of the remaining 69 hours of vacation time, the excess of 29 hours over the 40 which may be carried over must be used by 6/30 or lost. The vote of the Board of Supervisors was: ayes—Crampton, Gustafson, Lanphere; nays-none. The vote of the Board of Health was: ayes-Bertness, Halverson, Wulfekuhler, Lanphere, and McKenna; nays-none. The motion was carried by both boards.

The business of the joint session having been completed, the Chair (of the Board of Supervisors) adjourned the joint session, with the Supervisors' next meeting scheduled for June 20<sup>th</sup> at 8:30 a.m. for a special session. (The Board of Health continued their meeting.)

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SEVENTH MEETING, 2006 SESSION (27)  
JUNE 20, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, June 20, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

County Attorney Phil Havens, CPC Dawn Mentzer and Sheriff Chuck Eddy were present to discuss the medical and mental health expenses of jail inmates. Eddy is seeking a plan for paying these types of expenses, which have not been budgeted for in either his FY'06 or FY'07 budget. Mentzer added that these expenses are not covered by the Managed Care Plan and so have not been planned for in either year of that budget either. Havens stated that the courts are ruling that the county has to pay

these expenses where inmates are indigent. Specifically, the county has received a bill for approximately \$20,000 for one person who was transported by the Sheriff's Office to Spencer for an evaluation, and subsequently admitted to the Spencer Hospital. The law appears to say if the inmate needs care and can't pay, the county pays. This doesn't mean that it can't be assessed to the inmate, but of course that doesn't guarantee reimbursement. Costs seem to be highest for mental health care. We could take the position that mental health care is provided to persons who have legal settlement, even though the medical expenses are to be borne by the county of jurisdiction. There isn't any guidance from situations in other counties. Burnside asked if there is a way to cap the expenses – No. The person with the \$20,000 bill has legal settlement in Clay County. Her lawyer insisted that the evaluating doctor place her in the Spencer Hospital. Since she was in the Sheriff's custody, we ended up with the bill. Gustafson stated that we can't legally pay it out of the Mental Health Services fund since our plan doesn't permit it. We typically don't authorize admission to and pay for Spencer Hospital expenses---we pay an MHI. Havens thinks the plan (managed care plan) will hold up, but questions when it is an inmate. The judge doesn't have an interest in where a person is placed. All players (Sheriff, CPC, evaluating doctor, judge) need to be involved in the process so that a deputy can insist that they have a voice when the person is in custody. Gustafson asked if we could do anything under home rule? Havens responded that home rule won't hurt, but it may not help. Facilities may sign on if it means they will get paid. We need to make all of the judges aware, along with everyone who might get involved. Mentzer suggested that the Sheriff could contract with the Spencer Hospital, as some other counties are doing, which would reduce the rate. And, a policy could be used to make all the 'players' aware. Chuck has initiated some policies, to start the civil process. If a person isn't yet sentenced, they could start the civil process so the county can take action to collect on the bill. Although the Sheriff has had this type of bill before, there has never before been such a high one. The Sheriff could proceed with some guidelines and procedures. He would be willing to transfer inmates to any of the MHI's since transport costs are cheaper than Spencer Hospital rates. It was noted that legal settlement doesn't apply to anyone in jail. Havens commented that a medically fragile condition is also a consideration, and needs to be addressed in the policy. Eddy, Havens and Mentzer will start drafting a policy.

Treasurer Kathy Bach informed the Board that Cherokee and Pocahontas Counties have taken action to terminate the 28E agreement for the shared driver's license examiner and issuance clerk. The Chair stated that he doesn't want to give up the sharing arrangement so that we might lose the position of Treasurer in the event of future consolidation of counties. Bach--there is no guarantee that we won't recreate the agreement. The other counties simply need to terminate the agreement for now until the FMLA issues are solved. They need to take action to put themselves in compliance with DOT requirements. Bach wants to hire a full time clerk and a part-time examiner. Motion by Burnside to approve and to authorize the Chair to sign the termination of the **28E agreement for the Drivers License** Examiner & Issuance Clerk with Cherokee & Pocahontas Counties. Carried.

Motion by Crampton to approve the **minutes** of the 6/12 and 6/13 meetings as amended. Carried.

Engineer Jon Ites has received a signed IDOT agreement for the **Hwy 10 railroad crossing** for Marathon, which is scheduled for August, 2006, but funding 'may be delayed'.

Ites has closed the road known as the '**three bridge mile**' in Section 19, Barnes Township, because the abutment on the western-most bridge is settling. It was scheduled for replacement in 2011. Ites will meet Friday with NRCS to see if it might qualify for funding. All 3 bridges were built at the same time, and are in the same state of repair. It might be cheaper to buy land and repair just two of the structures, but that would require eliminating it as a through road; there would be access to both ends. A rough estimate to replace all with culverts is \$270,000.

Motion by Vail to set the letting date for **seal coating of subdivision roads** as July 18 at 10:00 a.m.; White Cap Rd. isn't ready to include since only 2 of the 4 owners have responded to a letter regarding the need to move trees, etc. Carried.

There is possible interest in the Sturchler bridge by the White Rock Conservancy (Garst sisters). They want to place a bridge to span the middle branch of the Raccoon River in Coon Rapids. Ites has had no other inquiries. As scrap it would have a value of maybe \$8,000 less processing. The bridge still has the 'Des Moines Steel' plate and the plate with Supervisor names on it. The problem is the considerable expense there will be in moving it. The Chair thinks the county should get something for it, even if it is a token amount. It cost the county \$8-10,000 to have it moved to its current location. It can be moved without overloading any of our bridges. Crampton suggested letting them have it since it would be their cost to move it. Gustafson thinks the county should ask a little something for it. Motion by Vail to sell the **Sturchler bridge** for \$500 to the White Rock Conservancy if they preserve the plates and pay to move it. Carried.

Motion by Crampton to approve the following utility permits submitted by:

- Iowa Telecommunications Services, Grinnell, to install a 100 pair copper cable along 215<sup>th</sup> Ave, south of the Marathon entrance, and
- Iowa Telecommunications Services, Grinnell, to install a 25 pair copper cable for a new cell tower in Section 4 Brooke Township. Carried.

Motion by Gustafson to approve the following utility permits submitted by:

- Clay Regional Water, Spencer, to install a 2½" water main to be bored under 500<sup>th</sup> St, 510<sup>th</sup> St., and 140<sup>th</sup> Ave. for a new residence at 1368 510<sup>th</sup> St. in the NE¼ of Section 19, Lincoln Township, and
- Clay Regional Water, Spencer, to install a 3" water main bored under 90<sup>th</sup> Ave for 5 residences in Sections 20 & 29, Hayes Township. Carried.

Motion by Gustafson, as Trustees of DD #1, to approve the utility permit submitted by Mid-American Energy to install a 4" plastic gas pipe, a 13,000 volt power line, and a propane line within the drainage ditch easement as close as possible to DD #1. Carried.

**Nokomis Township** Trustee Dave Mortensen was present to check on an attorney to handle the Nokomis Township cemetery issues. He will pick up the information left with the County Attorney and deliver it to John Murray. Motion by Gustafson to employ John Murray to do the necessary research in order to assist the Nokomis Township Officials with their cemetery issues. Carried. The Chair will contact Murray with the intent being to have the matters resolved not later than the 1<sup>st</sup> of August.

EnvHealth/Zoning Director Kim Johnson presented a draft copy of the county land use plan for the cities of Albert City, Alta, Linn Grove, Marathon, Sioux Rapids, and Truesdale. Additional review is needed to identify the areas that have not been marked appropriately.

Motion by Burnside to authorize disposal/sale of a used computer by sealed bid from the Assistant County Attorney's office. Carried.

The Board reviewed the public notice, plan distribution, and bid forms for the LEC project provided by Midwest Construction Consultants.

11:00 a.m.—The time having arrived for a public hearing on the MMP filed by **Steve Kier** for his Phoenix Farm (turkey) facility in Section 5, Newell Township, Kier was present to answer the Board's questions. This will be an addition to his existing site. There being no objections, motion by Crampton to close the hearing. Carried.

11:05 a.m.—The time having arrived for a public hearing on the MMP filed by **Jim Stein** for his FMP II hog facility in Section 24, Hayes Township, there were 0 interested persons present. There being no objections, motion by Burnside to close the hearing. Carried.

11:15 a.m.—The time having arrived for a public hearing on the MMP filed by **the Rice Brothers** for a hog facility to be located in Section 22, Providence Township, there were 3 interested persons present. Tom Rice, Dick Rice, and Becky Sexton an environmental consultant, were present to answer

questions. The Rices have currently have 8 buildings in Section 24 Hayes Township. Gustafson commented that the new location was not a good choice for 1 neighbor. There being no objections, motion by Gustafson to close the public hearing. Carried.

A request has been received from John Van Meter, US Bio-Albert City, for a letter confirming the Board's support for their new track layout. The Chair will contact him.

A request has been received from Tracey Achenbach to appoint two persons to the Homeward Housing Trust Board. Appointments will be made at the next meeting.

Paul Peterson and Ann Pyle appeared before the Board. Peterson presented information regarding his request for authorizing county payment for a neuro-psych test for himself, for formal censure of the county attorney, and his response to a story in the Storm Lake Pilot-Tribune regarding Peterson's activity/statements and the County Attorney's comments about them. Peterson stated that he needs the neuro-psych test as a second opinion to contradict the diagnosis leading to his confinement in MHI for 6 weeks. Motion by Gustafson that if DHS denies the psych test, the county will not authorize payment from county funds for the test. Peterson responded that the confinement in Cherokee was retaliatory for his past actions and statements, and that he now has a diagnosis of bi-polar disorder. He has asked the Sioux City judge to handle things and to have both charges dismissed. Peterson believes he has the right by law to request a second test at county expense. The question was called with all Supervisors voting aye. Motion carried. Motion by Gustafson to decline to issue a formal censure of the County Attorney as requested by Peterson. Aye-Burnside, Crampton, Gustafson, Vail. Nay-Lanphere. Carried. Lanphere commented that his nay vote was because he had not had sufficient time to review the page document filed 6/20/2006 by Peterson with the County Auditor.

Motion by Crampton to approve the following reports: May ending fund balances and June 16 budget reports. Carried.

Roger Anderson requested a road upgrade from Level B service to Level A. The location is 560<sup>th</sup> St between 110<sup>th</sup> and 120<sup>th</sup> Avenues, on the south side of Section 11, Washington Township. He would like the improvement for the benefit of a hog facility planned for the south side of the section. The Board discussed their policy approved in 1997 which calls for the County Engineer to evaluate the costs of upgrade, followed by the Board's determination of the necessity of the upgrade. The Board then establishes a level of participation by the petitioner. Anderson noted that there would be an economic benefit to the county by the addition of another hog facility, and questioned whether the Board would charge an individual for an upgrade when it grants tax breaks to the big guys.

The Chair appointed himself and Crampton to perform the end of fiscal year cash counts in the Treasurer's and Sheriff's offices on Monday, July 3<sup>rd</sup>. The Board will not meet the week of July 3<sup>rd</sup>.

There being no further business, the Chairman adjourned the meeting at 12:30 p.m. until June 27<sup>th</sup> for a regular session.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTY-EIGHTH MEETING, 2006 SESSION (28)  
JUNE 27, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, June 27, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Sheriff Chuck Eddy reviewed his prior request for authorization of a payroll deduction for cell phones. Motion by Burnside to authorize a payroll deduction in the amount of \$10/month to be applied against the monthly service for cell phones for the Sheriff's Deputies; personal use of the phones will be permitted. Ayes—Burnside, Crampton, Vail, Lanphere. Nays-none. Carried. (Gustafson was attending another meeting on county business, and was not available for the vote.)

Motion by Crampton to approve and to authorize the Chair to sign the contract for the season's supply of diesel fuel (FY'07) with Star Energy, Manson. Ayes—Burnside, Crampton, Vail, Lanphere. Nays-none. Carried.

July 11 is the date set for the public hearing on changing the level of service for two roads from level B to level C. Engineer Jon Ites requested a decision on the notification of area property owners. The consensus of the Board was to notify adjoining landowners.

Ites discussed Roger Anderson's request to change a level B road to level A. A written request has not yet been filed.

Charles Slocum, NRCS, met with Ites last Friday to discuss funding for the bridge recently closed on 'three bridge mile'. Slocum suggested submitting an application for all 3 bridges. The three bridges are the same age. The county's cost would be 45% of approximately \$250,000, plus design expense. Ites asked if there were additional funds available from local option sales tax in the Rural Basic Fund. The consensus of the Board was to proceed with the application in order to take advantage of the NRCS funding.

The Board recessed temporarily to present several of the remaining years of service awards to several employees.

Cindy Wiemold, Storm Lake Site Administrator for Genesis Development, updated the Board on the work project at Jack Links, Laurens, as impacted by the grant for the 15-passenger van. The Laurens facility is a distribution center for the company. Genesis clients assemble the boxes for product distribution. (Gustafson re-joined the meeting.) Overall, the project is working very well, with the employees all seeing an increase in their pay from prior employment. The Genesis clients are working well and are completing assembly at a faster pace than the products are ready to be boxed. Currently Genesis does not have a contract with Jack Links, and another organization may be in competition for the contract. Gustafson suggested sending a letter from the Board thanking Jack Links for the opportunity to provide work for Genesis clients.

Wiemold also reported on the recycling work at the Storm Lake Genesis Development site. In the past 8 years, the recycling operation has not been profitable with a large fluctuation in the value of baled cardboard over the time period. The cardboard recycling program will cease July 1<sup>st</sup> with the Rowley Recycle Center taking it over. Burnside spoke about the Recycle Center, in partnership with

Cherokee and Plymouth Counties, which is hoping to meet the fuel needs of another company with pelletized cardboard.

Wiemold also brought to the Board's attention a problem with the **RTA-Rides** contract rate. In order to incorporate new rates into their budget, Genesis needs to have the changes not later than March 1<sup>st</sup>. The RTA contract for FY'07 arrived June 21<sup>st</sup> just 9 days before the new rates take effect, and with a 23% increase. It is extremely difficult to absorb these increases. Genesis also pays a fuel surcharge; if fuel prices go up a nickel, Genesis pays an additional penny. Crampton commented that RTA is still trying to get their December '05 billings out.

Motion by Gustafson to approve and to authorize the Chair to sign the 5-day **Class C liquor license** application submitted by Smokey's for a location at 1565 580<sup>th</sup> St. Carried.

Motion by Burnside to amend today's agenda by adding approval of a **fireworks permit** from Richard Vail. Carried. Motion by Gustafson to approve and to authorize the Chair to sign the fireworks permits submitted by: Larry Schultz for 9/2/06 at 5549 140<sup>th</sup> Ave., Storm Lake, and by Richard Vail for 7/1/06 at 1672 450<sup>th</sup> St., Sioux Rapids, with each to be responsible for safety and liability. Carried.

Motion by Burnside to approve and to authorize the Chair to sign today's **claims approval list**. Carried.

Motion by Vail to approve the 6/20 **minutes** as amended and the following **report**: May 18 NWIPDC Policy Council minutes. Carried.

Motion by Burnside to approve the following **fund transfers**:

- from General Basic (0001) to Capital Projects (1520) \$152,813.93 (May fund balance),
- from General Basic (0001) to LEC Project (1530) \$93,057.83 (May fund balance),
- from General Basic (0001) to Capital Projects (1520) \$10,192.83 (June expenditures),
- from General Basic (0001) to LEC Project (1530) \$95,426.13 (June expenditures). Carried.

EnvHealth/Zoning Director Kim Johnson requested a hearing date for a re-zoning request. Motion by Vail to set the date and time of public hearing as July 11 at 8:30 a.m. for the **re-zoning request** submitted by Zach Binder for a location in Section 12, Scott Township. Carried.

Motion by Crampton to increase the property and contents values for insurance purposes by 1% for FY'07. Carried.

Motion by Vail to approve and to authorize the Chair to sign the Statement of Values reflecting a 1% increase over the prior year for the **FY'07 Property insurance coverage**, and, the acknowledgement of the exclusion for computer related electronic and communication losses due to Y2K issues. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the following provider contracts for FY'07:

- for **REM-Iowa**, Hiawatha, with an adult day care rate of \$31.61/day,
- for **Ida Sheltered Industries**, Battle Creek, with a work activity rate of \$39.31/day, and
- for **The Richmond Center**; Ames, with the following rates: \$113.72/hr for outpatient therapy, rates of \$391.34/1.5 hrs, \$313.12/1.5 hrs and \$189.82/1.5hrs for MD, ARNP, and LISW respectively, and medication management rates of \$83.39/15" and \$8.78/15" for MD & ARNP respectively. Carried.

Motion by Vail to confirm Sandy Johnson's nomination to the **Buena Vista County Community Foundation** representing the rural/Truesdale area. Carried.

Motion by Vail to amend today's **agenda** by adding Resolution #2006-06-27A regarding the Communications Center. Carried. Motion by Crampton to approve and to authorize the Chair to sign Resolution #2006-06-27A placing the responsibility for supervision of the **BV County Communications**

Center under the Sheriff, and directing that letters of appreciation signed by the Board be sent to all of the Communications Commission members. Carried.

## **RESOLUTION 2006-06-27-A**

**WHEREAS**, the Buena Vista County Board of Supervisors is the sole funding agency for the Buena Vista County Communications Center, and

**WHEREAS**, the Buena Vista County Board of Supervisors withdrew its membership from the Buena Vista County Communications Commission on January 11, 2006, and effective June 30, 2006, and

**WHEREAS**, the NCIC system must be under the supervision of a law enforcement agency;

**NOW THEREFORE, BE IT RESOLVED** that the Buena Vista County Board of Supervisors hereby appoints the Buena Vista County Sheriff as the Supervisor of the Buena Vista County Communications Center effective July 1, 2006,

**AND BE IT FURTHER RESOLVED** that the Communications Center shall be another division of the County Sheriff's Office and the management responsibility of the Sheriff.

**PASSED, APPROVED AND ADOPTED** this 27<sup>th</sup> day of June, 2006.

**/s/ Bill Lanphere, Chair, Board of Supervisors**

**/s/ Karen M. Strawn, Auditor**

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Motion by Gustafson to amend today's agenda by adding approval of a Jt. DD 22 claim. Carried.  
Motion by Vail to approve and to authorize the Chair to sign a claim in the amount of \$429.50 to Palo Alto Co. Sec'y Roads for repair of a hole in a tile in DD #22 Lat. 19-9 Jt. Carried.

Appointment of two persons to the Homeward Housing Trust Board was postponed until 6/30.

Motion by Gustafson to increase the mileage reimbursement rate to \$.40/mile effective July 1, 2006. Carried.

No action was taken to set a hearing and letting date on the LEC pending receipt of information from the bond attorney.

The Board was present for the 1:00 p.m. pre-bid conference on the LEC project. John & Steve Hansen and John Bixler from Midwest Construction Consultants, Kent Mosher-Engineer, Rod Moore-Architect and 12 bidders' representatives were present. Bidders asked questions and requested clarification on various issues and items in the plans and specifications. Hansen will prepare and issue Addendum #2 in response to the meeting and reflecting the minutes of this conference. Moore addressed the bidders with a list of his expectations for the job and job site including quality of work, unnecessary noise, appearance of the jobsite, use of beer-alcohol-cigarettes on the jobsite, parking, etc.

The Board reviewed terms of the development agreement with US Bio-Albert City and noted changes to be communicated to the Company prior to signing the agreement.

There being no further business, motion by Gustafson to adjourn at 2:30 p.m. until June 30<sup>th</sup> for a special, end of fiscal year session.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTY-NINTH MEETING, 2006 SESSION (29)  
JUNE 30, 2006**

The Buena Vista County Board of Supervisors met in special session on Friday, June 30, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, and Vail, and with Auditor Karen Strawn as clerk for the meeting. Absent: Gustafson, to attend another meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Vail, and Lanphere; Nays--none. Abstentions: none.

Deputy Assessor Kim Carnine presented a Military credit application submitted by James McKenna. Qualifications for the credit have changed allowing a veteran with 18 mos. of service to qualify. McKenna served less than the required 18 months. She recommended disallowance. Motion by Vail to accept the recommendation of the Deputy Assessor to disapprove the military credit application submitted by James McKenna due to less than 18 months served. Carried.

**Sheriff** Chuck Eddy invited the Board to attend today's 11:00 a.m. ceremony advancing the rank for several employees: Deputy Doug Simons to Major, Deputies Kory Elston and Rob Danielson to Sergeant, and Deputy Gary Launderville to Jail Administrator, and Cindy Seward to Head Dispatcher.

Motion by Vail to set the date and time of public hearing for the re-zoning request of Steve Brashears as July 11, 2006 at 8:45 a.m. in the Boardroom, for a property in Section 20, Hayes Township. Carried.

EnvHealth/Zoning Director Kim Johnson briefly updated the Board on the availability for grant funds for management of an onsite wastewater system. It was the consensus of the Board that she re-apply for these funds.

Supervisor Burnside introduced a resolution hereinafter next set out and moved its adoption, seconded by Supervisor Lanphere; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of the said resolution and the roll being called, the following named Supervisors voted: Ayes: Burnside, Crampton, Vail, Lanphere. Nays: none. Whereupon the Chairperson declared the resolution duly adopted (subject to approval by bond counsel as follows:

**RESOLUTION NO. 2006-06-30-A**

To fix a date for a bid letting, and public hearing on the  
Buena Vista County Law Enforcement Center Plans & Specifications

**WHEREAS**, the Board of Supervisors of Buena Vista County (the "County"), proposes to approve the Plans and Specifications for a Buena Vista County Law Enforcement Center and receive bids for same; and

**WHEREAS**, it is necessary to fix a time and place for receiving bids on said Plans and Specifications and to give notice thereof as required by law; and

**WHEREAS**, it is necessary to fix a date of meeting of this Board to take action to accept said Plans and Specifications, form of Contract and Estimate of Cost for the Law Enforcement Center Project, and to give notice thereof as required by law;

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

Section 1. Bids shall be filed not later than July 11, 2006 at 2:30 p.m. with the Buena Vista County Auditor at the Buena Vista County Courthouse at 215 E 5<sup>th</sup> St., Storm Lake, Iowa, 50588, and will be publicly opened and read aloud at the Public Meeting Room of the Courthouse, Storm Lake, Iowa, at 2:45 p.m. on July 11<sup>th</sup>, 2006.

Section 2. This Board shall meet on the 18th day of July, 2006, at the Public Meeting Room of the Courthouse, Storm Lake, Iowa, at 11 o'clock a.m., at which time and place a hearing will be held for public comment on the proposed Plans and Specifications, form of contract, and estimate of cost for the Law Enforcement Center project.

Section 3. Following the hearing, all bids received for the Project will be presented to and considered by the Board.

Section 4. The County Auditor is hereby directed to give notice of the time and place where bids shall be received, and, the time when and place where the said hearing will be held, by publication at least once and not less than four nor more than twenty days before the hearing, in a legal newspaper of general circulation in the County.

The notices shall be in substantially the following form:

**NOTICE OF BID LETTING and PUBLIC HEARING**  
**Buena Vista County Board of Supervisors**  
Storm Lake, Iowa

The Buena Vista County Board of Supervisors, Storm Lake, Iowa, will receive bids for the construction of the new Buena Vista County Law Enforcement Center to be located at 401 Expansion Boulevard, Storm Lake, Iowa, 50588.

All bids must be filed with the Buena Vista County Auditor at the Buena Vista County Courthouse, at 215 East 5<sup>th</sup> Street, Storm Lake, Iowa 50588, on or before Tuesday, July 11, 2006 at 2:30 p.m. Local Time. All bids shall be made on forms furnished by the County, and must be enclosed in a separate sealed envelope and plainly identified. Each proposal shall be accompanied by a bid bond, cashier's or certified check or a credit union certified share draft, in a separate sealed envelope in an amount equal to Five percent (5%) of the total amount of the proposal. The certified or cashier's check shall be drawn on a bank in Iowa or a bank chartered under the laws of the United States or said certified share draft should be drawn on a credit union in Iowa or chartered under the laws of the United States; and such check or share draft shall be made payable to the Buena Vista County Treasurer as security that if awarded a contract by resolution of the Buena Vista County Board of Supervisors, the bidder will enter into a contract at the prices bid and furnish the required Performance and Payment Bond and Certificate of Insurance. The certified or cashier's check or certified share draft may be cashed if the Contractor fails to enter into a contract, or fails to provide a certificate of insurance on the form provided in the specifications, within ten (10) days after the acceptance of the Contractor's proposal by resolution of the Buena Vista County Board of Supervisors. No bidder may withdraw a proposal within sixty (60) days after the date set for opening bids.

The Board of Supervisors will meet at the County Courthouse at 11 o'clock a.m. on Tuesday, July 18, 2006, at which time it will hold a hearing on the plans and specifications, form of contract and estimate of cost for the Law Enforcement Center Project.

The bids for Bid Package I – Contracts 1 – 7 will be publicly opened and read aloud at the 2<sup>nd</sup> Floor Public Meeting Room of the Buena Vista County Courthouse located at 215 East 5<sup>th</sup> Street, Storm Lake, Iowa 50588 on Tuesday, July 11, 2006 at 2:45 p.m. Local Time. All bids received will be presented to and considered by the Board of Supervisors following the public hearing on July 18, 2006.

Bid Package I will consist of multiple prime contracts:

Contract No. 1 GENERAL CONSTRUCTION

Contract No. 2 SECURITY METAL FRAMES, DOORS, HARDWARE & EQUIPMENT  
Contract No. 3 PLUMBING  
Contract No. 4 HVAC  
Contract No. 5 ELECTRICAL  
Contract No. 6 FIRE SPRINKLER SYSTEM  
Contract No. 7 FOOD SERVICE EQUIPMENT

Work under the Contract for this Bid Package shall commence within seven (7) days of the written "Notice To Proceed" and shall be fully completed and ready for Owner occupancy pursuant to the Construction Schedule.

Each successful Bidder will be required to furnish Performance and payment Bonds in the amounts equal to one hundred percent (100%) of the contract amount.

The Board of Supervisors reserves the right to defer acceptance of any proposal for a period not to exceed sixty (60) calendar days after the date bids are to be received.

By virtue of statutory authority and to the extent required by state law, a preference will be given to products and provisions grown and coal produced within the state of Iowa and to Iowa domestic labor.

The Board of Supervisors reserves the right to reject any or all bids and to waive informalities and irregularities.

/s/ Karen M. Strawn  
Buena Vista County Auditor

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

Passed and approved June 30, 2006.

Attest:

/s/ Bill Lanphere, Chairperson, Board of Supervisors...../s/ Karen M. Strawn, County Auditor

County Treasurer Kathy Bach and Drainage Clerk Barb Henrich presented calculations recommending levies for several drainage districts. Motion by Crampton, to order levies as follows, due and payable September 1, 2006, delinquent October 1, 2006 with waivers allowed on parcels with assessments greater than \$100 on 40 acres:

DD #20 27% (5yr. waivers with interest at 5%);  
DD #35 159% (10yr.waivers with interest at 5%);  
DD #46 33% (5yr.waivers with interest at 5%);  
DD #82 8%, no waivers  
DD #102 100% (6yr. waivers with interest at.5%)  
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DD #113 100% (5yr. waivers with interest at.5%)  
DD #116 23% (6yr. waiver with interest at.5%)  
DD #128 5% (2yr. waiver with interest at.5%)  
DD #189 67% (8yr. waiver with interest at.5%)  
DD #203 125% no waivers

Motion by Burnside to approve the minutes of the 6/27 meeting as printed. Carried.

Motion by Burnside to appoint Justin Yarosevich and Joe Aube as Buena Vista County representatives to the Homeward Housing Trust Board. Carried.

Motion by Crampton to approve and to authorize the Chair to sign the custodial agreements with Cindy Hildreth for the East Richland Annex and the DHS Annex for FY'07. Carried.

Motion by Vail to approve the request of the BV County Conservation Board to transfer the remainder of the Conservation Department's FY'06 operating budget (\$5,406.26) to the Conservation Land Acquisition Trust Fund (0027). Carried.

Motion by Burnside, second by Lanphere, to approve and to authorize the Chairman to sign Resolution 2006-06-30-B designating a portion of the General Basic and Rural Basic ending fund balances. Carried.

#### **RESOLUTION 2006-06-30-B**

**Whereas**, Buena Vista County included funding in its FY'06 budget to be used for 'signing' for a Drive Trail to the windfarm and other attractions around the county in connection with Storm Lake's Project Awaysis; and,

**Whereas**, planning for the signs has not been completed by June 30, 2006; and

**Whereas**, the Buena Vista County Board of Supervisors wishes to set aside those funds budgeted for the Drive Trail for expenditure at a later time;

**Now Therefore Be It Resolved by the Buena Vista County Board of Supervisors**, that \$75,000 in the FY'06 General Basic ending fund balance, and, \$25,000 in the FY'06 Rural Basic ending fund balance, be considered unreserved/designated for the Drive Trail project associated with Project Awaysis gravel crushing project in FY'06.

**Passed and Approved** this 30<sup>th</sup> day of June, 2006.

/s/ Bill Lanphere, Chairman, Board of Supervisors ..... ATTEST: Karen M. Strawn, County Auditor

Motion by Vail, second by Lanphere to approve and to authorize the Chairman to sign Resolution 2006-06-30-C, (including attachment A) which appropriates funds for expenditure by the county departments during FY'07. Carried.

**RESOLUTION 2006-06-30-C**

**WHEREAS**, it is desired to make appropriations for each of the different officers and departments for the fiscal year commencing July 1, 2006, in accordance with section 331.434 (Sec 6) 2005 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 2006-07 are hereby appropriated at 100% to the department or office listed in the 2006-07 budget with one exception; only \$20,000 of the \$28,750 is appropriated to SLADC (see Board's action on 2/14/06).

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, 2006.

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 2006-07 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 2006-07 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, 2007.

**PASSED AND APPROVED**, June 30, 2006.

/s/ Bill Lanphere, Chair, Board of Supervisors ..... Attest: /s/ Karen M. Strawn, County Auditor

Motion by Vail, second by Lanphere, to approve and to authorize the Chairman to sign Resolution 2006-06-30-D authorizing interfund operating transfers from the general and rural funds to the secondary road and capital projects funds, and local option sales tax funds to the secondary road fund as detailed in the FY'07 budget. Carried.

**RESOLUTION 2006-06-30-D**

**WHEREAS**, it is desired to transfer monies from the General Basic Fund (0001) to the Secondary Road Fund (0020) 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, 2003 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 \$104,745.00 is ordered transferred from the General Basic Fund to the Secondary Road Fund with one-half the amount (\$52,372.50) transferred no earlier than July 1, 2006, and the last one-half transferred no earlier than January 1, 2007.

The sum of \$1,074,092.00 (Rural Basic levy) is ordered transferred from the Rural Services Basic Fund to the Secondary Road Fund (levy) with one-half the amount (\$537,046.00) transferred no earlier than July 1, 2006 and the last one-half transferred no earlier than January 1, 2007.

Section 2. The total maximum transfer from the General Basic Fund to the Secondary Road Fund shall not exceed \$104,745.00 (levy) and the total maximum transfer from the Rural Basic Fund to the Secondary Road Fund shall not exceed \$1,074,092.00 (levy) all for the fiscal year beginning July 1, 2006.

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.

**PASSED AND APPROVED**, June 30<sup>th</sup>, 2006.

/s/ Bill Lanphere, Chair, Board of Supervisors.....Attest: /s/ Karen M. Strawn, County Auditor

Following discussion of the reduction of state appropriations for credits and exemptions on property taxes payable in FY'06-07, motion by Burnside to approve and to authorize the Chairman to sign **Resolution 2006-06-30-E** regarding the administration of the reduced property tax credit/exemption reimbursements. Carried.

**RESOLUTION 2006-06-30-E**

**WHEREAS**, the State of Iowa has appropriated moneys for fiscal year July 1, 2006 through June 30, 2007, which moneys are insufficient to fund the certain local property tax credits/exemptions fully, and,

**WHEREAS**, Iowa Code Section 25B.7 allows local governments to extend to the taxpayers only those portions of the property tax credits/exemptions that are estimated by the Iowa Department of Revenue and Finance to be funded by the state appropriation, and

**WHEREAS**, the Iowa Department of Revenue and Finance has estimated the percentages of funding for the affected property tax credits/exemptions for FY'06 as follows: Homestead credit 77%, Low-income-Elderly-Disabled Credit 94%, Military Exemption 100%,

**NOW, THEREFORE BE IT RESOLVED** by the Buena Vista County Board of Supervisors that pursuant to Iowa Code Section 25B.7 the property tax credits/exemptions in Buena Vista County for fiscal year July 1, 2006 through June 30, 2007 shall be extended to taxpayers as follows:

Homestead Credit - 77%, Military Exemption - 100%, Low-Income/Elderly/Disabled Credit - 94%

**PASSED, APPROVED AND ADOPTED** this 30<sup>th</sup> day of June, 2006.

/s/ Bill Lanphere, Chair Board of Supervisors.....Attest: /s/ Karen M. Strawn, Auditor

It was noted that \$5,343.00 was deposited into the General Basic Fund earlier in the year to reimburse FY'05 indirect costs to the Mental Health program.

Motion by Crampton to approve and to authorize the Chair to sign today's claims approval list. Carried.

It was noted that a letter requesting a road upgrade from level B service to level A service, signed by Roger Anderson, has been filed with the County Auditor.

There being no further business, the meeting adjourned at 10:20 a.m. until Tuesday, July 11<sup>th</sup> for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
TWENTY-NINTH MEETING, 2006 SESSION (29)  
JUNE 30, 2006**

The Buena Vista County Board of Supervisors met in special session on Friday, June 30, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, and Vail, and with Auditor Karen Strawn as clerk for the meeting. Absent: Gustafson, to attend another meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Vail, and Lanphere; Nays--none. Abstentions: none.

Deputy Assessor Kim Carnine presented a Military credit application submitted by James McKenna. Qualifications for the credit have changed allowing a veteran with 18 mos. of service to qualify. McKenna served less than the required 18 months. She recommended disallowance. Motion by Vail to accept the recommendation of the Deputy Assessor to disapprove the military credit application submitted by James McKenna due to less than 18 months served. Carried.

Sheriff Chuck Eddy invited the Board to attend today's 11:00 a.m. ceremony advancing the rank for several employees: Deputy Doug Simons to Major, Deputies Kory Elston and Rob Danielson to Sergeant, and Deputy Gary Launderville to Jail Administrator, and Cindy Seward to Head Dispatcher.

Motion by Vail to set the date and time of public hearing for the re-zoning request of Steve Brashears as July 11, 2006 at 8:45 a.m. in the Boardroom, for a property in Section 20, Hayes Township. Carried.

EnvHealth/Zoning Director Kim Johnson briefly updated the Board on the availability for grant funds for management of an onsite wastewater system. It was the consensus of the Board that she re-apply for these funds.

Supervisor Burnside introduced a resolution hereinafter next set out and moved its adoption, seconded by Supervisor Lanphere; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of the said resolution and the roll being called, the following named Supervisors voted: Ayes: Burnside, Crampton, Vail, Lanphere. Nays: none. Whereupon the Chairperson declared the resolution duly adopted (subject to approval by bond counsel as follows:

**RESOLUTION NO. 2006-06-30-A**

To fix a date for a bid letting, and public hearing on the  
Buena Vista County Law Enforcement Center Plans & Specifications

**WHEREAS**, the Board of Supervisors of Buena Vista County (the "County"), proposes to approve the Plans and Specifications for a Buena Vista County Law Enforcement Center and receive bids for same; and

**WHEREAS**, it is necessary to fix a time and place for receiving bids on said Plans and Specifications and to give notice thereof as required by law; and

**WHEREAS**, it is necessary to fix a date of meeting of this Board to take action to accept said Plans and Specifications, form of Contract and Estimate of Cost for the Law Enforcement Center Project, and to give notice thereof as required by law;

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

Section 1. Bids shall be filed not later than July 11, 2006 at 2:30 p.m. with the Buena Vista County Auditor at the Buena Vista County Courthouse at 215 E 5<sup>th</sup> St., Storm Lake, Iowa, 50588, and will be publicly opened and read aloud at the Public Meeting Room of the Courthouse, Storm Lake, Iowa, at 2:45 p.m. on July 11<sup>th</sup>, 2006.

Section 2. This Board shall meet on the 18th day of July, 2006, at the Public Meeting Room of the Courthouse, Storm Lake, Iowa, at 11 o'clock a.m., at which time and place a hearing will be held for public comment on the proposed Plans and Specifications, form of contract, and estimate of cost for the Law Enforcement Center project.

Section 3. Following the hearing, all bids received for the Project will be presented to and considered by the Board.

Section 4. The County Auditor is hereby directed to give notice of the time and place where bids shall be received, and, the time when and place where the said hearing will be held, by publication at least once and not less than four nor more than twenty days before the hearing, in a legal newspaper of general circulation in the County.

The notices shall be in substantially the following form:

**NOTICE OF BID LETTING and PUBLIC HEARING**  
**Buena Vista County Board of Supervisors**  
Storm Lake, Iowa

The Buena Vista County Board of Supervisors, Storm Lake, Iowa, will receive bids for the construction of the new Buena Vista County Law Enforcement Center to be located at 401 Expansion Boulevard, Storm Lake, Iowa, 50588.

All bids must be filed with the Buena Vista County Auditor at the Buena Vista County Courthouse, at 215 East 5<sup>th</sup> Street, Storm Lake, Iowa 50588, on or before Tuesday, July 11, 2006 at 2:30 p.m. Local Time. All bids shall be made on forms furnished by the County, and must be enclosed in a separate sealed envelope and plainly identified. Each proposal shall be accompanied by a bid bond, cashier's or certified check or a credit union certified share draft, in a separate sealed envelope in an amount equal to Five percent (5%) of the total amount of the proposal. The certified or cashier's check shall be drawn on a bank in Iowa or a bank chartered under the laws of the United States or said certified share draft should be drawn on a credit union in Iowa or chartered under the laws of the United States; and such check or share draft shall be made payable to the Buena Vista County Treasurer as security that if awarded a contract by resolution of the Buena Vista County Board of Supervisors, the bidder will enter into a

contract at the prices bid and furnish the required Performance and Payment Bond and Certificate of Insurance. The certified or cashier's check or certified share draft may be cashed if the Contractor fails to enter into a contract, or fails to provide a certificate of insurance on the form provided in the specifications, within ten (10) days after the acceptance of the Contractor's proposal by resolution of the Buena Vista County Board of Supervisors. No bidder may withdraw a proposal within sixty (60) days after the date set for opening bids.

The Board of Supervisors will meet at the County Courthouse at 11 o'clock a.m. on Tuesday, July 18, 2006, at which time it will hold a hearing on the plans and specifications, form of contract and estimate of cost for the Law Enforcement Center Project.

The bids for Bid Package I – Contracts 1 – 7 will be publicly opened and read aloud at the 2<sup>nd</sup> Floor Public Meeting Room of the Buena Vista County Courthouse located at 215 East 5<sup>th</sup> Street, Storm Lake, Iowa 50588 on Tuesday, July 11, 2006 at 2:45 p.m. Local Time. All bids received will be presented to and considered by the Board of Supervisors following the public hearing on July 18, 2006.

Bid Package I will consist of multiple prime contracts:

Contract No. 1 GENERAL CONSTRUCTION  
Contract No. 2 SECURITY METAL FRAMES, DOORS, HARDWARE & EQUIPMENT  
Contract No. 3 PLUMBING  
Contract No. 4 HVAC  
Contract No. 5 ELECTRICAL  
Contract No. 6 FIRE SPRINKLER SYSTEM  
Contract No. 7 FOOD SERVICE EQUIPMENT

Work under the Contract for this Bid Package shall commence within seven (7) days of the written "Notice To Proceed" and shall be fully completed and ready for Owner occupancy pursuant to the Construction Schedule.

Each successful Bidder will be required to furnish Performance and payment Bonds in the amounts equal to one hundred percent (100%) of the contract amount.

The Board of Supervisors reserves the right to defer acceptance of any proposal for a period not to exceed sixty (60) calendar days after the date bids are to be received.

By virtue of statutory authority and to the extent required by state law, a preference will be given to products and provisions grown and coal produced within the state of Iowa and to Iowa domestic labor.

The Board of Supervisors reserves the right to reject any or all bids and to waive informalities and irregularities.

/s/ Karen M. Strawn  
Buena Vista County Auditor

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

Passed and approved June 30, 2006.

Attest:  
/s/ Bill Lanphere, Chairperson, Board of Supervisors...../s/ Karen M. Strawn, County Auditor

County Treasurer Kathy Bach and Drainage Clerk Barb Henrich presented calculations recommending levies for several drainage districts. Motion by Crampton, to order levies as follows, due and payable September 1, 2006, delinquent October 1, 2006 with waivers allowed on parcels with assessments greater than \$100 on 40 acres:

DD #20 27% (5yr. waivers with interest at 5%);  
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Motion by Burnside to approve the minutes of the 6/27 meeting as printed. Carried.

Motion by Burnside to appoint Justin Yarosevich and Joe Aube as Buena Vista County representatives to the Homeward Housing Trust Board. Carried.

Motion by Crampton to approve and to authorize the Chair to sign the custodial agreements with Cindy Hildreth for the East Richland Annex and the DHS Annex for FY'07. Carried.

Motion by Vail to approve the request of the BV County Conservation Board to transfer the remainder of the Conservation Department's FY'06 operating budget (\$5,406.26) to the Conservation Land Acquisition Trust Fund (0027). Carried.

Motion by Burnside, second by Lanphere, to approve and to authorize the Chairman to sign Resolution 2006-06-30-B designating a portion of the General Basic and Rural Basic ending fund balances. Carried.

#### **RESOLUTION 2006-06-30-B**

**Whereas**, Buena Vista County included funding in its FY'06 budget to be used for 'signing' for a Drive Trail to the windfarm and other attractions around the county in connection with Storm Lake's Project Awaysis; and,

**Whereas**, planning for the signs has not been completed by June 30, 2006; and

**Whereas**, the Buena Vista County Board of Supervisors wishes to set aside those funds budgeted for the Drive Trail for expenditure at a later time;

**Now Therefore Be It Resolved by the Buena Vista County Board of Supervisors**, that \$75,000 in the FY'06 General Basic ending fund balance, and, \$25,000 in the FY'06 Rural Basic ending fund balance,

be considered unreserved/designated for the Drive Trail project associated with Project Awaysis gravel crushing project in FY'06.

**Passed and Approved** this 30<sup>th</sup> day of June, 2006.

/s/ Bill Lanphere, Chairman, Board of Supervisors ..... ATTEST: Karen M. Strawn, County Auditor

Motion by Vail, second by Lanphere to approve and to authorize the Chairman to sign **Resolution 2006-06-30-C**, (including attachment A) which appropriates funds for expenditure by the county departments during FY'07. Carried.

**RESOLUTION 2006-06-30-C**

**WHEREAS**, it is desired to make appropriations for each of the different officers and departments for the fiscal year commencing July 1, 2006, in accordance with section 331.434 (Sec 6) 2005 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 2006-07 are hereby appropriated at 100% to the department or office listed in the 2006-07 budget with one exception; only \$20,000 of the \$28,750 is appropriated to SLADC (see Board's action on 2/14/06).

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, 2006.

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 2006-07 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 2006-07 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, 2007.

**PASSED AND APPROVED**, June 30, 2006.

/s/ Bill Lanphere, Chair, Board of Supervisors ..... Attest: /s/ Karen M. Strawn, County Auditor

Motion by Vail, second by Lanphere, to approve and to authorize the Chairman to sign **Resolution 2006-06-30-D** authorizing interfund operating transfers from the general and rural funds to the secondary road and capital projects funds, and local option sales tax funds to the secondary road fund as detailed in the FY'07 budget. Carried.

## RESOLUTION 2006-06-30-D

**WHEREAS**, it is desired to transfer monies from the General Basic Fund (0001) to the Secondary Road Fund (0020) 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, 2003 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 \$104,745.00 is ordered transferred from the General Basic Fund to the Secondary Road Fund with one-half the amount (\$52,372.50) transferred no earlier than July 1, 2006, and the last one-half transferred no earlier than January 1, 2007.

The sum of \$1,074,092.00 (Rural Basic levy) is ordered transferred from the Rural Services Basic Fund to the Secondary Road Fund (levy) with one-half the amount (\$537,046.00) transferred no earlier than July 1, 2006 and the last one-half transferred no earlier than January 1, 2007.

Section 2. The total maximum transfer from the General Basic Fund to the Secondary Road Fund shall not exceed \$104,745.00 (levy) and the total maximum transfer from the Rural Basic Fund to the Secondary Road Fund shall not exceed \$1,074,092.00 (levy) all for the fiscal year beginning July 1, 2006.

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.

**PASSED AND APPROVED**, June 30<sup>th</sup>, 2006.

/s/ Bill Lanphere, Chair, Board of Supervisors.....Attest: /s/ Karen M. Strawn, County Auditor

Following discussion of the reduction of state appropriations for credits and exemptions on property taxes payable in FY'06-07, motion by Burnside to approve and to authorize the Chairman to sign Resolution 2006-06-30-E regarding the administration of the reduced property tax credit/exemption reimbursements. Carried.

## RESOLUTION 2006-06-30-E

**WHEREAS**, the State of Iowa has appropriated moneys for fiscal year July 1, 2006 through June 30, 2007, which moneys are insufficient to fund the certain local property tax credits/exemptions fully, and,

**WHEREAS**, Iowa Code Section 25B.7 allows local governments to extend to the taxpayers only those portions of the property tax credits/exemptions that are estimated by the Iowa Department of Revenue and Finance to be funded by the state appropriation, and

**WHEREAS**, the Iowa Department of Revenue and Finance has estimated the percentages of funding for the affected property tax credits/exemptions for FY'06 as follows: Homestead credit 77%, Low-income-Elderly-Disabled Credit 94%, Military Exemption 100%,

**NOW, THEREFORE BE IT RESOLVED** by the Buena Vista County Board of Supervisors that pursuant to Iowa Code Section 25B.7 the property tax credits/exemptions in Buena Vista County for fiscal year July 1, 2006 through June 30, 2007 shall be extended to taxpayers as follows:

Homestead Credit - 77%, Military Exemption - 100%, Low-Income/Elderly/Disabled Credit - 94%

**PASSED, APPROVED AND ADOPTED** this 30<sup>th</sup> day of June, 2006.

/s/ Bill Lanphere, Chair Board of Supervisors.....Attest: /s/ Karen M. Strawn, Auditor

It was noted that \$5,343.00 was deposited into the General Basic Fund earlier in the year to reimburse FY'05 indirect costs to the Mental Health program.

Motion by Crampton to approve and to authorize the Chair to sign today's claims approval list. Carried.

It was noted that a letter requesting a road upgrade from level B service to level A service, signed by Roger Anderson, has been filed with the County Auditor.

There being no further business, the meeting adjourned at 10:20 a.m. until Tuesday, July 11<sup>th</sup> for a regular session. Carried.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRTIETH MEETING, 2006 SESSION (30)  
JULY 11, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 11, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere, nays--none. Abstentions: none.

Motion by Crampton to approve and to authorize the Chair to sign today's claims approval list. Carried.

8:30 a.m.—The time having arrived for the public hearing on the re-zoning request submitted by Zach Binder, the Chair opened the hearing with Binder and Zoning Director Kim Johnson present. Binder's request for a location in Section 12, Scott Township, is to change the zoning from A-1 to C-1, to allow him to construct a livestock trailer wash bay and lagoon. Johnson reported that proper notice of hearing was published, adjoining neighbors were notified, and that the Zoning Commission had recommended approval. The plan is to draw the initial (water) fill from the well, then treat the water and re-circulate it for re-use. The lagoon will be lined with clay. When enough accumulates, the solid waste will be mixed with wood chips and spread on the crop ground. Binder estimates that 2,000 gallons of water will be used to wash out 10 gal manure. The operation should produce very little odor and is set back approximately 500' from the road. The site formerly had a hog building on it. He will also be applying to DNR for approval of the lagoon. There being no objections, motion by Burnside to close the public hearing. Carried. Motion by Gustafson to set the time and date of the 1st reading of an ordinance

to amend the zoning map from A-1 to C-1 for the Binder request, as July 18 at 9:00 a.m. in the Boardroom. Carried.

8:45 a.m.—The time having arrived for the public hearing on the re-zoning request submitted by Steve Brashears, the Chair opened the hearing with Brashears and Zoning Director Kim Johnson present. Johnson reported that proper notice of hearing was published, neighbors within 500' were notified, and the Zoning Commission had recommended approval. Brashears proposes to construct additional storage units adjacent to and on the north side of those constructed by Layton Zylstra just east of the airport. He requests that the south 90' of his property be rezoned to I-1. The Zoning Commission had discussed lighting, and Brashears noted that he will be joining Zylstra's association and conforming to those rules. No objections were offered at the meeting of the Zoning Commission. There being no objections, motion by Gustafson to close the public hearing. Carried. Motion by Burnside to set the time and date of the 1st reading of an ordinance to amend the zoning map from A-1 to I-1 for the Brashears request, as July 18 at 9:05 a.m. in the Boardroom. Carried.

The Auditor reported that there may be a request to place a question on the General Election ballot to extend the SILO tax (School Infrastructure Local Option sales tax) to 2022. The Storm Lake School District is working toward building a new elementary school to be partially funded with local option funds. Bonding terms would require a longer period of time than what is left on the current SILO approval. There is not sufficient time to hold a special election prior to the General Election, and a special election after the November 7<sup>th</sup> General Election could not be held before December 5. The SILO question must be asked on a countywide ballot. The School District will also need a special election for approval of a bond issue for the school. The County Attorney is researching additional questions.

County Treasurer Kathy Bach presented recommendations for several tax abatements. Motion by Burnside to abate the back taxes and special assessments on the Krog property (parcel #16-17-251-013) in Newell, as the City of Newell has now taken deed to the property. Carried.

Motion by Vail to abate the delinquent 2005 drainage assessments (\$5 for each parcel) on property held in the name of the Iowa Illinois Telephone Company, which no longer exists, (receipt #'s 722522.0, and 723661.0), and on the road acres on the Esther Christensen property (parcel #'s 722362.0, 723591.0, 722363.0, and 723592.0) since roadways are exempt from drainage assessments. Carried.

Bach discussed the staffing needs in her office and her proposal to hire a fulltime Driver License issuance clerk, and later, a part-time DL Examiner with the possibility of that position increasing to full time. She anticipates an increase in business due to Pocahontas and Cherokee Counties reducing their hours. The issuance clerk may eventually be cross-trained to fill in as a Motor Vehicle clerk. Drive tests will be offered on Tuesday, Wednesday and Thursday. A budget amendment will be needed in January. The current temporary DL Examiner will continue until mid-August to allow training time for a new examiner. It was the consensus of the Board to approve hiring a full-time person, and later an additional part-time person in the Treasurer's office.

Motion by Crampton to approve the minutes of the 6/30 meeting as printed, and the following reports: June 13<sup>th</sup> Board of Health minutes, June Clerk's fees, June MOR for Spectra lagoon, and 4<sup>th</sup> Qtr FY'06 Sheriff's fees. Carried.

It was noted that Bond Counsel had approved the form of proceedings regarding the resolution and notice for hearing and a bid letting date for the LEC project.

Motion by Crampton, second by Vail, to approve and to authorize the Chair to sign the amended development agreement with US Bio-Energy-Albert City which provides for the property tax abatement previously approved in October 2004, and based on a 40 employee minimum. Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays—none. Carried.

Motion by Vail to approve and to authorize the Chair to sign the drainage claim submitted by Kuehl & Payer for DD #16-30-92 Jt. in the amount of \$5.10 for assessment research. Carried.

Motion by Burnside to approve and to authorize the Chair to sign the drainage claim submitted by Kuehl & Payer for DD #76-133 Jt. in the amount of \$5.10 for assessment research. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the following drainage claims submitted by Kuehl & Payer for DD #19-26 Jt. in the amount of \$210.00 for professional services of an engineer and engineering intern. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the FY'07 provider agreement with the Season's Center, including the addendum. Carried.

Motion by Vail to approve and to authorize the Chair to sign the June LEC Project expense claim in the total amount of \$42,718.32. Carried.

Engineer Jon Ites reported that Whitney Pit, lease (currently at \$75/acre) should either be re-negotiated now, or extended for another year. Motion by Vail to extend the Whitney Pit lease for another year, and to send notice of same to the tenant. Carried.

Ites discussed the 3-bridge-mile (north side Section 19, Barnes Township); the west bridge is closed. Charles Slocum (NRCS) recommends replacing it with a large drop culvert, and adding some type of stabilization. No design work has been done on it yet, but the estimate of total cost for all three bridges would be approximately \$268,120 of which 55% (\$147,906) would be reimbursable by NRCS. The county's cost would be \$121,014. The estimate includes right-of-way purchase, engineering and design. This project was not budgeted for FY'07, but was scheduled for 2010. There would be a savings in mobilization by doing all three at once. Motion by Vail to approve submitting an application for NRCS funding on the 3 structures on '3-bridge-mile'. Carried.

Ites discussed Roger Anderson's request to upgrade the level of service from Class "B" to Class "A" on a portion of the road on the south side of Section 11, Washington Township. A hog facility is being considered for a location in the SW $\frac{1}{4}$  of the section. Ites estimates the cost at \$1,995 to upgrade the west half of the mile. The Board may want to consider upgrading the entire road for efficient maintenance. The cost for the other half would be about the same. Anderson's share of the cost would be based on the actual cost and on the percent that the Board assigns him. Motion by Burnside to approve upgrading at least half of the road, and to charge Anderson 50% of that expense. Gustafson is opposed to upgrading the whole road since he believes the other half will be used, and is also opposed to having the landowner pay only 50% of one half of the road.. Motion by Gustafson to amend Burnside's motion to upgrade the full mile, and to charge Anderson 50% of the full road upgrade. The east half is softer and would have a higher cost. The vote on the amendment was: aye--Gustafson, nay--Burnside, Crampton, Vail, and Lanphere. The amendment failed. The vote on the original motion was: ayes--Burnside, Crampton, Vail; nay--Gustafson, Lanphere. Carried.

10:00 a.m.—The time having arrived for the public hearing on a landowner request to downgrade the level of service from 'B' to 'C' on the road located between Section 6, Barnes Township and Section 1, Brooke Township, the Chair opened the hearing with one interested person present. Engineer Ites discussed installing a gate with a split-chain. Tom Hare stated that moving the chain further south would limit access to his land. One of the landowners who requested the service downgrade, Mike Weier, wants access on the road limited. It was noted that the whole road or just a portion of it could be re-classified now that the notice has been published. Ites would like to take another look at the road before the Board takes action. Changing the service level to 'C' should help limit the county's liability and resulting expense from unauthorized persons being on it. Motion by Vail to close the public hearing and to postpone action until Ites checks the site again. Carried.

10:15 a.m.—The time having arrived for a public hearing on downgrading the level of service from 'B' to 'C' on the road located between Sections 25 & 36, Barnes Township (not a landowner request), the Chair opened the hearing with Rolf Mosbo present. He sprays the weeds on that road. He asked how wide the gates would be. Engineer Ites will check this road also. Mosbo stated that if the County can prosecute unauthorized persons on a gated road with a 'C' designation, he would urge the Board to approve the change. Burnside reported comments from another area farmer who would also like the service level of the road to be 'C' in hopes that it would discourage kids from driving on the road. Motion by Burnside to close the public hearing. Carried. Ites will re-visit the site and measure the distances of the field entrances from the intersection before the Board takes action.

Ites requested that the Board consider listing two I-beams and three pieces of channel section as excess property so that they could be given to the Newell-Fonda School District. The county has no use for them. Motion by Burnside to declare the two I-beams and three pieces of channel section to be 'excess equipment' and to approve donating them to the Newell-Fonda School District. Carried.

Ites has received no feedback about the Sturchler bridge. It may take some time to figure out if building the necessary approaches for it is affordable.

Motion by Gustafson to amend today's agenda by adding approval of contracts for purple loosestrife chemical control and brush control in certain drainage districts. Carried. Brian Blomme, Drainage Watchman and Don Reffer, B&W Control Specialists, discussed the need for purple loosestrife control, a chemical which has been proven effective, and a 3-year program to manage the plant. Gustafson asked about trying one area first, and then proceeding if control is satisfactory. From his research Reffer expects a 75-80% kill the first year. Motion by Vail to accept and to authorize the Chair to sign the following quotes from B&W Control Specialists for the 3-yr. purple loosestrife control program for the following drainage districts: DD #3-(2.0 miles)-\$4,000.00; DD #34, Lat 4 OD-(1.3 miles)-\$2,600.00; DD #83-(1.9 miles)-\$4,000.00; DD #106-(3.2 miles)-\$6,400.00; and DD #184-(1.9 miles)-\$4,000.00, for a total of \$21,000.00. The work will be done on a time and materials basis. Carried.

Motion by Gustafson to accept and to authorize the Chair to sign the quote from Chemtrol for chemical brush control on Jt DD. 16-30-92 OD (1.25 miles) in the amount of \$625.00. Carried.

Motion by Gustafson to accept and to authorize the Chair to sign the following quotes from B&W Control Specialists for chemical brush control on Jt DD #1 on a time and materials basis: MOD-(4.3 miles)-\$5,500.00; Lat 1 OD-(3.25 miles) for \$4,500.00; and Lat 2 OD-(4.0 miles) for \$8,500.00, or a total of \$18,500.00. Carried.

Motion by Burnside to accept and to authorize the Chair to sign the following quotes from B&W Control Specialists for chemical brush control on Jt DD#181 on a time and materials basis with the following estimates: Area #1-(8.2 miles)-\$14,000.00; Area #2-(6.9 miles)-\$6,500.00; and Area #3-(18.0 miles)-\$8,500.00, for a total of \$29,000.00. Carried.

Motion by Gustafson to accept and to authorize the Chair to sign the following quotes from B&W Control Specialists for chemical brush control on a time and materials basis for the following: DD #20-(3.7 miles)-\$7,500.00; DD #34 MOD-(7.0 miles)-\$9,500.00; DD #34 Lat 2 OD-(4.3 miles)-\$6,500.00; DD #49 MOD-(1.8 miles)-\$1,000.00, or a total of \$24,500. Carried

Gustafson asked if the recent Hwy 71 shoulder maintenance had been inspected. Gustafson was critical of the job believing that the shoulders were graded with too great of a slope. With the hardpan removed, it gives rank weeds a place to grow. He believes that the road has been deteriorating over the last several years. Maintenance Superintendent Tom French explained that the shoulders should have a 4-6 degree slope to properly drain the water from the road surface. Gustafson believes the slope is much greater than 4-6 degrees.

Motion by Gustafson, to approve issuing a warrant to the Spencer Hospital to accept their agreement to settle bills for four persons in the total amount of \$11,019.05. Carried.

Motion by Lanphere to approve and to authorize the Chair to sign Resolution 2006-07-11 which establishes a Security Information Policy making confidential all county records of information about security procedures and emergency preparedness. Carried.

**Resolution 2006-07-11**  
**Buena Vista County Security Information Policy**

1. For the protection of the county employees, visitors to county facilities, persons in county care, custody or control, and for the protection of county property, the board of supervisors hereby adopts this Security Information Policy, pursuant to Iowa Code section 22.7(52)(2006). This policy is effective as of July 1, 2006.
2. The board of supervisors has determined that certain confidential information developed and maintained by the county concerning security procedures and emergency preparedness, if disclosed, could reasonably be expected to jeopardize such employees, visitors, persons, or property (private or public).
3. The following information shall be kept confidential unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:
  - a) Information directly related to vulnerability assessments;
  - b) Information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures;
  - c) Emergency response protocols;
  - d) Architectural, engineering or construction diagrams; and
  - e) Information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures in the county to attack.

Approved and adopted this 11<sup>th</sup> day of July, 2006.

/s/ Bill Lanphere, Chair

Attest: /s/ Karen M. Strawn, Auditor

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Supervisor Crampton briefly discussed the meeting at which the draft of the FY'07-10 TIP (Transportation Improvement Program) was presented and discussed. IDOT is accepting comments.

The Auditor briefly discussed SF2194 which made changes in the law regarding the publication of claims. Auditor's staff is investigating how to build a report to print claims with the information now required/permited.

The Board reviewed the report from Veterans Affairs Secretary Paula Guerra regarding the number of trips made to Des Moines, Fort Dodge, Omaha and Sioux Falls by the VA van during the months of April, May and June, 2006.

The Chair will contact an attorney to research the Nokomis Township Cemetery questions as John Murray would have a conflict of interest in this matter.

The Board recessed the meeting at 11:50 a.m. until 2:45 p.m. in the 2<sup>nd</sup> Floor Public Meeting Room for the opening and reading of the bids for the LEC project.

2:45 p.m.—the time having arrived for the bid opening for the LEC project, 4 bids were read for the general construction package; 6 for the security metal frames, doors, hardware & equipment package; 3 for plumbing; 4 for HVAC; 5 for electrical; 2 for a fire sprinkler system package; and 1 for food service equipment. There were 5 additional bids pairing 2 or more of the packages. Construction Manger John Hansen will review bids and make recommendations to the Board of Supervisors following the July 18<sup>th</sup>, 11:00 a.m. public hearing.

Following completion of the bid opening and after discussion the consensus of the Board was to direct John Geist, Ruan Securities, to be prepared to lock in an interest rate for the sale of G.O. Bonds for the LEC project after the bid awards on July 18<sup>th</sup>.

There being no further business, the meeting adjourned at 3:45 p.m. until Tuesday, July 18<sup>th</sup> at 8:30 a.m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRTY-FIRST MEETING, 2006 SESSION (31)  
JULY 18, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, July 18, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere; Nays--none. Abstentions: none.

Head Custodian Dewyne Stucynski discussed the maintenance contract with Schumacher Elevator for the courthouse elevator which expires August 1<sup>st</sup>. He has received bids from Schumacher Elevator and from Les Lutter, an independent contractor. Lutter's contract can be cancelled at the end of the 1-year term, and would cover the labor for monthly maintenance checks, parts and other service supplies. There is an annual weight check and the state inspects it twice/year. Lutter carries a \$2,000,000 liability policy. Motion by Gustafson to award a 1 year maintenance contract for the courthouse elevator to Les Lutter for \$150/mo to commence August 1<sup>st</sup>, with Lutter to provide proof of insurance with Buena Vista County as a named insured. Carried.

The Board received a letter from NRCS requesting a letter of support for their application (joint with IDNR) for funding to improve the wildlife habitat in the Little Sioux watershed. The funding would provide up to 65% cost share for native prairie and oak savanna restoration practices. Motion by Gustafson to provide a letter of support for the NRCS/IDNR joint application for funding to provide cost share dollars to improve the wildlife habitat in the Little Sioux watershed. Carried.

Motion by Vail to approve the minutes of the 7/11 meeting as amended, and to approve the following reports: June 30 ending fund balances, 4<sup>th</sup> Qtr FY'06 farm-to-market fund balance, 7/6 IDNR inspection report of the Spectra wastewater facility, and the ISCTA web payment interest distribution. Carried.

An application for a fireworks display was considered in light of the current dry conditions. The planned display might have to be cancelled if the lack of rain continues. It was noted that the application advises that the applicant is responsible for contacting the Fire Chief and Sheriff a few days prior to the planned event. Motion by Crampton, under the conditions listed on the permit to re-contact the fire chief and sheriff, to approve and to authorize the Chair to sign the fireworks display application submitted by Keith Biggins for September 3<sup>rd</sup>, with the applicant to be responsible for all safety and liability. Carried.

Environmental Health/Zoning Director Kim Johnson read the proposed ordinance for an amendment to the zoning map for the Binder request. Frank Klahs suggested that he wants to go look at a livestock trailer wash bay operation somewhere before the Board approves the zoning change. Johnson reviewed how the facility will operate, and explained that there will be a 2-cell lagoon; the proposed lagoon requires approval of the DNR. Johnson referred Klahs to Zach Binder for answers to his questions. Gustafson asked if the Board could request that a monitoring well be put in, or as the Environmental Health Officer, could Johnson ask for the monitoring well. Johnson will check with DNR to see if she or the Board has the authority to request the monitoring well. Kuehl & Payer, Ltd. of Algona did the engineering work for the project. Motion by Vail to approve the 1<sup>st</sup> Reading of the ordinance amending the zoning map and reflecting a change in zoning classification from A-1 to C-1 for a parcel in Section 12, Scott Township, and, to set Tuesday, July 25<sup>th</sup> at 8:30 a.m. for the 2<sup>nd</sup> reading of the ordinance. Carried.

Environmental Health/Zoning Director Kim Johnson read the proposed ordinance for an amendment to the zoning map for the Brashears request. Jim Brown, a partner in the Zylstra storage condo association stated that the business intent is to sell condo storage units. He described the dimension of the storage as well as doors and concrete floor features. Gustafson recommended checking on the drainage for the parcel; where too much concrete covers land, drainage can develop. Motion by Burnside to approve the 1<sup>st</sup> Reading of an ordinance amending the zoning map and reflecting a change in zoning classification from A-1 to I-1 for a parcel in Section 20, Hayes Township, and to set Tuesday, July 25<sup>th</sup> at 8:40 a.m. for the 2<sup>nd</sup> reading of the ordinance. Carried.

Johnson discussed a waste management utility and grant funding for it. If the county decides to go forward, the county would become a sanitary sewer district with the Board having management authority. The county would allow 10 years to reach compliance, and would adopt 'time of transfer' ordinance which would require inspections, and bringing the septic systems up to code at that time. The county would hire a Grade 1 Operator to run the utility and the funding would come from fees. Each property owner would be charged \$400/year and the septic system would be inspected annually, and with pumping required as needed (probably once every 3 years or so). The DNR is currently identifying unsewered communities in Iowa including Casino Beach, Lake Creek Country Club, Hanover, Bedel's Trailer Court, Sulphur Springs, Bel Air Beach, South Cove, Stoney Point, South Shore and Schaller subdivisions. We are not being forced into this at the current time, but DNR's list is an indication that the requirement is coming. Currently, Chapter 567-69 of the 2005 Code of Iowa is being re-written, and, we are currently updating our Comprehensive Plan. Now is the time to decide whether to be ahead of the curve and apply for funding to assist, or, wait until the State of Iowa requires it. Johnson has learned since the last application that a countywide application, because of the larger area, should have a better chance of approval, and that we need to be further along in the planning to receive a favorable review. Gustafson stated that \$400/yr. could be a hardship for some people. Johnson estimates that one inspector should be able to inspect the 1,900 (unincorporated area) homes per year. The annual fees should cover not only the expense of the employee, but also pumping and rehabilitating failed systems. When Truesdale completes its city sewer utility, all of the towns will be covered. Johnson asked for an indication of whether the Board wants to go forward with the application to get our waters cleaned up, and do the Members want to move forward with the process which includes meeting with communities. The application deadline hasn't been set yet, but the County needs to start now, otherwise we might as well

wait until it is required. From the marina to the outlet there will definitely be some major changes. If and when state requires it, there will be less funding available, while the grant funds are available now. Motion by Crampton to direct Johnson to begin the preliminary planning. Ayes—all. Nays—none. Carried. There are several sanitary sewer districts around the state. Some are already working, and others are getting organized.

The Board noted the DNR report on its inspection of the **Spectra lagoon wastewater facility** which included a commendation of the operator/manager -- Brent Mangold. Motion by Burnside to approve and to authorize the Chair to sign a letter of commendation and appreciation to Brent Mangold with thanks for the job he is doing for the County. Carried.

Engineer Jon Ites provided an update on the Fred Carlson Co. which was the low bidder on this year's **asphalt projects**. The contract called for a July 17 start date with completion by October 9<sup>th</sup>. Ites has received a letter requesting for a later start date (no specific date named). The request would also have to be approved by the state since there are two farm-to-market projects in the contract. Ites would prefer that the start date be no later than the end of July, if it is changed. Motion by Crampton to delay the start date for the current Fred Carlson Co. asphalt projects to July 31<sup>st</sup>, subject to DOT approval. Carried.

Due to the difficulty in writing specs for the **inspector's pickup** (different vehicles have different features), Ites asked for authorization to negotiate a price. The pickup is in the current budget. It was the consensus of the Board to approve Ites' request to negotiate the price of the pickup.

10:00—The time having arrived for the bid letting on the project to **seal coat subdivision roads**, there were 2 bids received; Sta-Bilt - \$139,148.34, and Blacktop Service Co. - \$172,780.95. The engineer's estimate for the four combined projects was \$156,533.00. Ites recommended approval of the apparent low bid subject to verification of bid extensions. Motion by Vail to tentatively approve the Sta-Bilt bid, subject to verification of the bid extensions, in the total amount of \$139,148.34, for the Casino Beach area, Stoney Point Road, South Cove Road, and South Shore. Carried.

John Hansen, Midwest Construction Consultants, distributed the bid tab from last week's **bid letting on the LEC project**. Hansen reported that there are changes that could have been made prior to distribution of the plans and specs, but were not due to the distribution deadline, and were not made by addendum to avoid bidder confusion. He noted that he will be recommending that the Board award contracts 1-6 at this time, but that it is not in the county's best interest to award contract 7 at this time. There was a brief discussion where the Project Manager's office will be located – E Richland Annex, or possibly the building which Buena Vista County is purchasing from Buena Vista University. Contractors will provide their own job trailers.

The Chairperson announced this was the time and place set for hearing on plans and specifications and inspection of bids for the proposed Buena Vista County Law Enforcement Center Project. Upon investigation, it was found that 0 persons had appeared and filed objections to the proposed plans, specifications, forms of contract and estimate of cost of such Buena Vista County Law Enforcement Center Project as follows: (no objections were filed). The Board heard said objectors and evidence for or against the proposed Buena Vista County Law Enforcement Center Project; whereupon, the Chairperson declared the hearing closed.

Supervisor Gustafson introduced the following resolution and moved its adoption, seconded by Supervisor Crampton; and after due consideration thereof by the Board, the Chairperson put the question upon the motion and the roll being called, the following named Supervisors voted: Ayes: Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays: none. Whereupon, the Chairperson declared the said motion duly carried and the resolution adopted as follows:

## RESOLUTION NO.2006-07-18-A

Finally approving and confirming plans, specifications and forms of contract for the  
Buena Vista County Law Enforcement Center Project

**WHEREAS**, the Board of Supervisors of Buena Vista County, Iowa, has heretofore given preliminary approval to plans, specifications and forms of contract for the proposed Buena Vista County Law Enforcement Center Project (the "Project"), as described in the resolution providing for a notice of hearing on proposed plans and specifications, proposed forms of contract and estimate of cost of the Project and the taking of bids therefore; and

**WHEREAS**, a hearing has been held on the proposed plans, specifications and forms of contract and to the cost of the Project;

**NOW, THEREFORE, IT IS RESOLVED** by the Board of Supervisors of Buena Vista County, Iowa, as follows:

Section 1. The plans, specifications and forms of contract referred to in the preamble hereof are hereby finally approved, and the prior action of the Board approving them is hereby finally confirmed, and the Project, as provided for in the plans, specifications and forms of contract, is necessary and desirable.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED AND APPROVED** July 18, 2006.

/s/ Bill Lanphere, Chairperson, Board of Supervisors.....Attest:/s/ Karen M. Strawn County Auditor

The Chairperson announced that bids for the construction of the Buena Vista County Law Enforcement Center Project had been received, opened and read by the Project Manager at 2:45 o'clock p.m., at the County Courthouse, on the 11th day of July, 2006, and that this was the time and place set for the consideration of such bids.

Thereupon, the Project Manager reported the results of the bidding, and the Project Manager made his recommendations thereon to the Board. The bids received for the construction of the Buena Vista County Law Enforcement Center Project are as follows:

(List of proposals attached.)

The Board further considered proposals received for the proposed Buena Vista County Law Enforcement Center Project and embodied its findings in the resolution next hereinafter referred to.

Supervisor Vail introduced a resolution entitled: "Resolution awarding contracts for the Buena Vista County Law Enforcement Center Project", and moved that the said resolution be adopted; seconded by Supervisor Burnside; and after due consideration thereof by the Board, the Chairperson put the question upon the motion and the roll being called, the following named Supervisors voted: Ayes: Burnside, Crampton, Gustafson, Vail, Lanphere, Nays: none. Whereupon, the Chairperson declared the said motion duly carried and the said resolution duly adopted.

## RESOLUTION NO. 2006-07-18-B

Awarding contracts for the Buena Vista County Law Enforcement Center Project

**WHEREAS**, pursuant to notice duly published in the manner and form prescribed by resolution of the Board of Supervisors of Buena Vista County, Iowa, and as required by law, bids and proposals were received for the Buena Vista County Law Enforcement Center Project (the "Project"); and

**WHEREAS**, all of the said bids and proposals have been carefully considered, and it is necessary and advisable that provision be made for the award of the contracts for the Project;

**NOW, THEREFORE, IT IS RESOLVED** by the Board of Supervisors of Buena Vista County, Iowa, as follows:

Section 1. The bids for the Project submitted by the following contractors are fully responsive to the plans and specifications for the Project, heretofore approved by the Board, and are the lowest responsible bids received, such bids being as follows:

<u>Contracts 1 &amp; 6: General Construction &amp; Fire Sprinkler System</u>	
Woodruff Construction LLC, PO Box 1830, 1890 Kountry Lane, Fort Dodge, IA 50501	\$2,418,200
<u>Contract 2: Security Metal Frames, Doors, Hardware &amp; Equipment</u>	
The G-S Company, 7920 Stansbury Road, Baltimore, MD 21222	\$334,031
<u>Contract 3: Plumbing</u>	
Gadbury Plumbing & Heating Co., 3516 Maple Dr., Fort Dodge, IA 50501	\$451,957
<u>Contract 4: HVAC</u>	
Tessier's Inc., 700 W Cherokee, Sioux Falls, SD 57104	\$425,000
<u>Contract 5: Electrical</u>	
Nikkel & Associates, Inc., 728 East Lincoln Way, Ames, IA 50010	\$950,000

Section 2. The contracts for the Project are hereby awarded to the contractors above-named at the respective total estimated costs set out above, the final settlement to be made on the basis of the unit prices therein set out and the actual final quantities of each class of materials furnished, the said contracts to be subject to the terms of the aforementioned resolution, the notice of hearing and letting, the plans and specifications and the terms of the bidders' written proposals.

Section 3. The Chairperson and County Auditor are hereby authorized and ordered to enter into written contracts with said contractors for the Project, said contracts not to be binding until approved by resolution of this Board.

Section 4. The amount of each of the contractor's performance and/or payment bonds is hereby fixed and determined to be 100% of the amount of such contractor's contract.

**PASSED AND APPROVED** July 18th, 2006.

/s/ Bill Lanphere, Chairperson, Board of Supervisors.....Attest: /s/ Karen M. Strawn, County Auditor

Upon recommendation of the Project Manager that it would be in the best interest of the county, motion by Vail, second by Burnside, to delay the award of the bid on contract 7 – Food Service Equipment. Ayes—Burnside, Crampton, Gustafson, Vail, Lanphere, Nays--none. Carried.

John Geist, Ruan Securities, discussed the current interest market for general obligation bonds for the LEC project, noting that two recent public issues came in with interest rates of 4.0 & 4.1%. He expects an August 1 date for issuance and an August 15<sup>th</sup> closing date for the GO Bonds. Once the

funds are received they can be invested in IPAIT with an expected return of 5.64%. Motion by Burnside, second by Crampton, to approve and to authorize the Chair to sign a letter of intent to engage the services of Ruan Securities for the sale of the GO bonds. Carried. Geist also updated the Board on his contacts with three local financial institutions which are interested in purchasing some of the bonds.

Kuehl & Payer Engineer Ivan Droeßler presented his report on the investigation of the Movall-Bodholdt-Bodholdt petition for cleanout of Jt. DD #19-26. Motion by Burnside to tentatively accept the Engineer's report and to set a public hearing on the Engineer's report on Jt. DD #19-26 as Tuesday, August 29<sup>th</sup> at 1:30 p.m. in the Sac County Communications Center Conference Room in Sac City.

Droeßler also discussed DD #81 Tile Main near Albert City and US BioEnergy. Quotes are being taken on a joint gravity outfall line. There will be no cost to DD #81

There being no further business, the meeting adjourned at 2:10 p.m. until Tuesday, July 25<sup>th</sup> at 8:30 a.m. for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRTY-SECOND MEETING, 2006 SESSION (32)  
JULY 25, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 25, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere; Nays--none. Abstentions: none.

EnvHealth/Zoning Director Kim Johnson read a proposed ordinance amending the zoning map for the zoning change requested by Zach Binder. Although DNR does not require a monitoring well, Gustafson suggested one adjacent to the water storage lagoon planned by Binder. He believes it could protect the county from liability some time in the future if something got into the water table. Johnson will check with Binder and request that he put in a monitoring well. Motion by Vail to approve the 2<sup>nd</sup> Reading of the ordinance amending the zoning map and reflecting a change in zoning classification from A-1 to C-1 for a parcel in Section 12, Scott Township as requested by Zach Binder, and, to set Tuesday, August 1<sup>st</sup> at 8:30 a.m. for the 3<sup>rd</sup> and final reading of the ordinance. Carried.

Johnson read a proposed ordinance amending the zoning map for the zoning change requested by Steve Brashears. Motion by Crampton to approve the 2<sup>nd</sup> Reading of an ordinance amending the zoning map and reflecting a change in zoning classification from A-1 to I-1 for a parcel in Section 20, Hayes Township as requested by Steve Brashears, and to set Tuesday, August 1<sup>st</sup> at 8:40 a.m. for the 3<sup>rd</sup> and final reading of the ordinance. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign today's claims approval list. Carried.

EnvHealth/Zoning Director Kim Johnson discussed the IDNR report which provides preliminary approval to Rembrandt Enterprises construction permit for their proposed expansion. The Board of Supervisors may contest the 'draft' permit and request a hearing before the Environmental Protection Commission. R.E. has requested that if the Board decides not to request a hearing, that the County send a letter to that effect to DNR so that the 14-day running time period ends upon receipt of the letter. Motion by Crampton to concur with the decision of DNR and to approve and to authorize the Chair to sign a letter providing notice to the DNR that the County does not wish to request a hearing before the EPC on the issuance of the construction permit submitted by Rembrandt Enterprises. Ayes—Burnside, Crampton, Vail, Lanphere. Nays—Gustafson. Carried.

DNR has requested a re-publication of the notice of public hearing on the construction permit submitted by Steve Kier for a turkey facility (due to an incorrect description). Another public hearing is not required.

Motion by Gustafson to appoint Crampton as the Responsible Official for the NPDES Permit for Spectra Health Care Facility. Carried.

Bach discussed the Elderly and Disabled Credit which is estimated to be funded by the State of Iowa at 94% for FY'07. The Board previously approved passing along only 94% of the credit for which the taxpayer is eligible – equal to the state reimbursement. Bach recommended providing the full amount of the credit since even a 6% reduction is a hardship for the eligible property-owners. She made no recommendations regarding the other credits. Motion by Burnside to rescind the June 30<sup>th</sup> resolution and to replace it with Resolution 2006-07-25-A which establishes the property tax credits to be passed on to the taxpayers during FY'07. Carried.

#### **RESOLUTION 2006-07-25-A**

**WHEREAS**, the State of Iowa has appropriated moneys for fiscal year July 1, 2006 through June 30, 2007, which moneys are insufficient to fund the certain local property tax credits/exemptions fully, and,

**WHEREAS**, Iowa Code Section 25B.7 allows local governments to extend to the taxpayers only those portions of the property tax credits/exemptions that are estimated by the Iowa Department of Revenue and Finance to be funded by the state appropriation, and

**WHEREAS**, the Iowa Department of Revenue and Finance has estimated the percentages of funding for the affected property tax credits/exemptions for FY'06 as follows: Homestead credit 77%, Low-income-Elderly-Disabled Credit 94%, Military Exemption 100%,

**NOW, THEREFORE BE IT RESOLVED** by the Buena Vista County Board of Supervisors that pursuant to Iowa Code Section 25B.7 the property tax credits/exemptions in Buena Vista County for fiscal year July 1, 2006 through June 30, 2007 shall be extended to taxpayers as follows:

Homestead Credit - 77%, Military Exemption - 100%, Low-Income/Elderly/Disabled Credit - 94%

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of July, 2006.

/s/ Bill Lanphere, Chair Board of Supervisors.....Attest: /s/ Karen M. Strawn, Auditor

Treasurer Kathy Bach presented her semi-annual report for review. Motion by Vail to approve the Treasurer's 2<sup>nd</sup> half FY'06 semi-annual report. Carried.

Engineer Jon Ites reviewed the request for participation in the Washington County litigation fund which will be used to assist with Washington County's lawsuit against the railroad regarding its refusal to participate in the cost of repair and maintenance of railroad crossings. Gustafson recommended that Ites check with ISAC Counsel David Vestal to inquire whether this is a legal expense for the county and for

the secondary road fund. He noted a recent article by David Vestal in "The County" magazine which would tend to question the legality of such expenditure. Lanphere recommend support of Washington County's request. Motion by Lanphere to support the Washington County lawsuit against the railroad and so advise ISAC that we will send the check when they are ready. Motion by Gustafson to amend the motion by adding "to obtain a legal opinion from David Vestal on the legality of the expenditure from the Secondary Road Fund prior to writing the warrant. Ayes—Burnside, Crampton, Gustafson, Vail & Lanphere. Nays—none. The amendment carried. The vote on the motion as amended was: Ayes—all. Carried.

Ites presented a project agreement with USDA NRCS for "3-bridge-mile". All 3 structures will be replaced with box culverts. Motion by Burnside to approve and to authorize the Chair to sign the Project agreement & the Operation/Maintenance/Replacement agreement for the 3-bridge mile project; the county has 120 days to let the contract after money is available; the county will be responsible for 45% of the total cost of \$268,920 (or \$121,014). Carried.

Motion by Crampton to approve and to authorize the Chair to sign underground utility permits submitted by Iowa Telecom, Grinnell, as follows:

- 100 pr copper cable under Hwy71 and west 240' at the intersection of Hwy 71 & C-25;
- 200pr. communication cable & 24-sm fiber cable across 510<sup>th</sup> St (C-29) at the ethanol plant. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign underground utility permits submitted by Iowa Lakes Regional Water. Spencer, as follows:

- 2½-4" water main crossings between Sections 9/16, Sections 20/21, Sections 22/27, and Sections 27/26, all in Providence Township with bored crossings in private ROW;
- 2½ -6" water main crossings between Sections 22/27, Sections 28/33, Sections 27/26, and Sections 13/24, all in Hayes Township. Carried.

Motion by Vail to approve and to authorize the Chair to sign underground utility permits submitted by Iowa Lakes Electric Cooperative, Estherville, as follows:

- 7200 volt underground service between Sections 22/23 Providence Township, to be open trenched at a 48" depth on the N side of Hwy 7;
- 12470 volt 3-phase underground services between Sections 13/24, Scott Township in an open trench at a 48" depth. Carried.

Motion by Vail to approve and to authorize the Chair to sign underground utility permit submitted by the City of Marathon, as follows:

- to install 15 kV underground cable in the west ditch of 215<sup>th</sup> Ave, from Hwy 10 to the city limits; this will include bored crossings. Carried.

The Chair raised the issue of whether the County should charge a fee for the issuance of the underground utility permits. It takes the engineer or another person to go out to check each location. We currently have only a paper file indicating where utilities are located and no mapping.

Motion by Vail to approve the final payment in the amount of \$2,154.60 to Graves Construction on project #BROS-CO11-(50)-8J-11 (twin box culvert); the project was let 2 years ago and has been completed for some time, but the state hasn't completed the audit. Carried.

Motion by Burnside to authorize the engineer to sign the pre-agreement and request for the LDP program for the S Hayes Pit farm. Carried.

**Nokomis Township** Trustees Dave Mortensen and Russel Post were present to check on the status of an attorney to do the research they need regarding management of their cemetery. Mortensen has retrieved his information from the County Attorney. The Board discussed that Rick Kimble is willing to do the work. The Trustees will meet with Kimble and the bill will be paid by the county.

For the purpose of documenting that **Catholic Charities** is assigned, and uses office space in the E. Richland Annex, so that Catholic Charities may obtain a certificate of insurance with the County as a named insured, motion by Burnside to approve and to authorize the Chair to sign a letter documenting that Catholic Charities of the Diocese of Sioux City, Iowa Inc. utilizes office space assigned to them in the E. Richland Annex. Carried

Motion by Gustafson to approve the **minutes** of the 7/18 meeting as printed, and the following **reports**: FY'06 revenue reports, and June '06 budget reports. Carried.

Motion by Crampton to approve and to authorize the Chair to sign the off-premise **liquor**/wine/beer and Sunday sales **license application** for I & K Food Mart II, Inc. (Pronto Market on Hwy 110). Carried.

Motion by Burnside to approve and to direct that the interest to be earned on the invested **LEC GO Bond proceeds** shall accrue for the benefit of the project, and shall not be credited to the General Fund as is the procedure on all other invested funds. Carried.

Motion by Vail to approve and to authorize the Chair to sign the following claims: for **Jt. DD #16-30-92** to Kuehl & Payer in the amount of \$97.50 for services of watchman, and **Jt. DD #19-26** to Kuehl & Payer in the amount of \$2,370.50 for preliminary plans and engineer's report for Open ditch Cleanout and repair. Carried.

Motion by Burnside to approve and to authorize the Chair to sign the 1-year elevator maintenance contract beginning 8/1/06 with Les Lutter dba Elevator Service & Repair of Siouxland, Inc. for the **courthouse elevator**. Carried.

Motion by Vail to direct the Auditor to continue **publishing claims** quarterly with vendor name and amount. Carried.

Jim Nord, NEXT, Inc. was present to offer his firm's services in planning for the reassignment of courthouse space after the LEC is completed. NEXT, Inc. can provide a **courthouse schematic master plan** which begins with interviewing the Board and Department Heads for their current and anticipated needs, and end with a product that provides a timeline and budget proposal for renovating the space to new uses. To the extent that there may need to be funds budgeted in the FY'08 budget, and with three new Supervisors who will come on board in the midst of the construction of the LEC who will need to begin immediately with the new FY'08 budget, it may be helpful to have a preliminary plan in place. Nord provided an overview of his services and noted that this may be a great opportunity for the county to take a look at the space which is to become available and what opportunities this may afford the county. NEXT's specialty is master-planning. The Chair stated that it is obvious that an outside view is needed. NEXT, Inc. bills by the hour. Gustafson asked how the county might obtain enough information to decide whether or not to hire NEXT, Inc. since we have to be careful about committing funds. Nord commented that the interviews are the most time-consuming part of the process. The value comes in laying it out on paper. Nord will do a preliminary walk-through and then provide a proposal.

There being no further business, the meeting adjourned at 11:30 a.m. until Tuesday, August 1<sup>st</sup> at 8:30 a.m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRTY-THIRD MEETING, 2006 SESSION (33)  
AUGUST 1, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 1, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

EnvHealth/Zoning Director Kim Johnson read the proposed ordinance amending the zoning map for the zoning change requested by Zach Binder. Binder was present to discuss the monitoring well suggested last week by Gustafson. The lagoon, which will be partially above ground, will be tiled. Gustafson recommended installation of a monitoring well for Binder's protection in the future. Binder meets with DNR today. Motion by Vail to approve the **3rd & Final Reading** of the ordinance amending the zoning map and reflecting a change in zoning classification from A-1 to C-1 for a parcel in Section 12, Scott Township as requested by Zach Binder, and, to direct the Auditor to have the ordinance published after which it becomes effective. Carried.

Johnson read the proposed ordinance amending the zoning map for the zoning change requested by Steve Brashears. Motion by Gustafson to approve the **3rd & Final Reading** of an ordinance amending the zoning map and reflecting a change in zoning classification from A-1 to I-1 for a parcel in Section 20, Hayes Township as requested by Steve Brashears, and to direct the Auditor to have the ordinance published after which it becomes effective. Carried.

Motion by Vail to set a public hearing for the **matrix evaluation** on the expansion of an existing CAFO, submitted by Gary Grundmeier for a location in Section 24, Maple Valley Township, as Tuesday, August 22 at 11:00 a.m. in the Boardroom. Carried.

Johnson reviewed a report of the activity in the **Environmental Health department** for FY'06.

Brian Blomme, Drainage District Watchman, discussed the purple loosestrife chemical control program which so far is very effective. In addition, Blomme reported that the actual costs incurred by B&W Control Specialists (Don Reffer) are only about 30% of the original estimate due to being able to reach both sides of the ditch from one side. He recommended expanding this year's project; however the effective season has only 2 weeks remaining. Blomme plans to meet with Kim Proctor, Watershed Coordinator, to discuss the possibility of working on Little Storm Lake. Gustafson asked whether the Secondary Road Department could spray the road ditches. Don Reffer, B&W Control Specialists, has also proposed a couple of road ditches along county road and state highway. Motion by Burnside to approve and to authorize the Chair to sign the proposal for purple loosestrife control for additional miles in **DD #3** (1.1 miles) and **DD#34 Lateral 4 OD** (2.2 miles), and to add 3.9 miles in **DD #34 Lat 6 OD** for a total of \$5,850 additional over the previously approved \$21,000. Carried.

Motion by Crampton to approve the **minutes** of the 7/25 meeting as corrected, and the following **reports**: 4<sup>th</sup> Qtr FY'06 Recorder's fees, 7/11 Board of Health minutes and a certificate of insurance (with the county as named insured) for Catholic Charities of the Diocese of Sioux City Inc. Carried.

The Board discussed plans for a groundbreaking for the **LEC project** to be held within the next two weeks.

A proposal has been received for development of a courthouse schematic master plan from NEXT, Inc. CPMI, Des Moines, which also offers planning and programming services, and was interviewed as a prospective construction manager for the LEC project. No action was taken at this time.

Sandy Johnson invited the Board of Supervisors to attend a special event in Marathon on 8/8 at 6:45 p.m. to accept the \$5,000 grant award from the Buena Vista County Community Foundation for the city's new Community Center. She also updated the Board on the NW IA Regional Housing Authority Board to which she was recently appointed. NW IA RHA, which includes a 9-county area, is seeking a new director as Margaret Sanford is retiring this fall. The organization inspects and assists with low-income housing.

After due consideration and discussion, Supervisor Burnside introduced the following resolution and moved its adoption, seconded by Supervisor Crampton. The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted: Ayes: Burnside, Crampton, Gustafson, Vail, Lanphere. Nays: none. Whereupon, the Chairperson declared the resolution duly adopted as hereinafter set out.

**RESOLUTION NO. 2006-08-01-A**

Resolution authorizing and approving a Loan Agreement, amending Resolution No. 2006-03-14-A and providing for the issuance of \$4,800,000 General Obligation Law Enforcement Center Bonds, Series 2006, and for the levy of taxes to pay the same

**WHEREAS**, pursuant to an election held in accordance with the provisions of Section 331.402 of the Code of Iowa, the Board of Supervisors (the "Board") of Buena Vista County (the "County"), Iowa, is authorized to contract indebtedness and enter into a loan agreement (the "Loan Agreement") in the principal amount of \$4,800,000 to provide funds to pay the cost, to that extent, of constructing, furnishing and equipping a county law enforcement center; and

**WHEREAS**, on March 14, 2006, the Board adopted Resolution No. 2006-03-14-A (the "Issuance Resolution") authorizing the County to enter into the Loan Agreement in the future and to issue bonds or notes (the "Bonds") in the principal amount of \$4,800,000 in evidence of the County's obligation under the Loan Agreement;

**WHEREAS**, the Issuance Resolution provided for the levy of taxes for collection in the fiscal year which began July 1, 2006, of the estimated bond debt service to become due in such fiscal year, provided that the actual rate or rates of interest on the Bonds and the resulting tax levy amounts necessary to pay such principal of and interest should be determined at the time the Board selected a lender and the Issuance Resolution amended to so provide; and

**WHEREAS**, the Board has selected a lender, and it is necessary at this time to authorize and approve the Loan Agreement, to amend the Issuance Resolution to provide for the terms and issuance of the Bonds and for the levy of taxes to pay the same;

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

Section 1. The County hereby determines to enter into the Loan Agreement with Ruan Securities Corporation, Des Moines, Iowa, as lender (the "Lender"), in substantially the form as has been placed on file with the Board, providing for a loan to the County in the principal amount of \$4,800,000, at a discount of \$72,000, for the purpose or purposes set forth in the preamble hereof.

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

Section 2. Except insofar as it provides for the levy and collection of taxes in the fiscal year which began July 1, 2006, for the payment of the principal of and interest on the Bonds, all of the contents, paragraphs, sections, clauses and provisions of the Issuance Resolution are hereby deleted in their entirety and the terms of this resolution substituted in lieu thereof.

Section 3. The Bonds are hereby authorized to be issued to the Lender in evidence of the obligation of the County under the Loan Agreement and shall be entitled, "General Obligation Law Enforcement Center Bonds, Series 2006", shall be dated August 15, 2006, shall be in the denomination of \$5,000 each, or any integral multiple thereof, shall mature on June 1 in each of the years, in the respective principal amounts and shall bear interest at the respective rates, as follows:

Year	Principal Amount	Interest Per Annum	Year	Principal Amount	Interest Rate Per annum
2007	\$190,000	3.95%	2017	\$235,000	4.400%
2008	\$165,000	3.95%	2018	\$245,000	4.450%
2009	\$170,000	4.00%	2019	\$255,000	4.500%
2010	\$175,000	4.05%	2020	\$265,000	4.550%
2011	\$185,000	4.10%	2021	\$280,000	4.600%
2012	\$190,000	4.15%	2022	\$290,000	4.625%
2013	\$200,000	4.20%	2023	\$305,000	4.650%
2014	\$205,000	4.25%	2024	\$320,000	4.700%
2015	\$215,000	4.30%	2025	\$335,000	4.750%
2016	\$225,000	4.35%	2026	\$350,000	4.800%

Bankers Trust Company, N.A., Des Moines, Iowa, is hereby designated as the Registrar and Paying Agent for the Bonds and may be hereinafter referred to as the "Registrar" or the "Paying Agent".

The County reserves the right to prepay part or all of the Bonds maturing in each of the years 2015 to 2026, inclusive, prior to and in any order of maturity on June 1, 2014, or on any date thereafter upon terms of par and accrued interest. If less than all of the Bonds of any like maturity are to be redeemed, the particular part of those Bonds to be redeemed shall be selected by the Registrar by lot. The Bonds may be called in one or more units of \$5,000. If less than the entire principal amount of any Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Bond, a new Bond or Bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Bond. Notice of such redemption as aforesaid identifying the Bond or Bonds (or portion thereof) to be redeemed shall be mailed by certified mail to the registered owners thereof at the addresses shown on the County's registration books not less than 30 nor more than 60 days prior to such redemption date. All of such Bonds as to which the County reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

All of the interest on the Bonds shall be payable semiannually on the first day of June and December in each year, commencing December 1, 2006. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. Payment of interest on the Bonds shall be made to the registered owners appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the interest payment date and shall be paid by check or draft mailed to the registered owners at the addresses shown on such registration books. Principal of the Bonds shall be payable in lawful money of the United States of America to the registered owners or their

legal representatives upon presentation and surrender of the Bond or Bonds at the office of the Paying Agent.

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

The Bonds shall not be valid or become obligatory for any purpose until the Certificate of Authentication thereon shall have been signed by the Registrar.

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

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

Section 4. Notwithstanding anything above to the contrary, the Bonds shall be issued initially as Depository Bonds, with one fully registered Bond for each maturity date, in principal amounts equal to the amount of principal maturing on each such date, and registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). On original issue, the Bonds shall be deposited with DTC for the purpose of maintaining a book-entry system for recording the ownership interests of its participants and the transfer of those interests among its participants (the "Participants"). In the event that DTC determines not to continue to act as securities depository for the Bonds or the County determines not to continue the book-entry system for recording ownership interests in the Bonds with DTC, the County will discontinue the book-entry system with DTC. If the County does not select another qualified securities depository to replace DTC (or a successor depository) in order to continue a book-entry system, the County will register and deliver replacement bonds in the form of fully registered certificates, in authorized denominations of \$5,000 or integral multiples of \$5,000, in accordance with instructions from Cede & Co., as nominee for DTC. In the event that the County identifies a qualified securities depository to replace DTC, the County will register and deliver replacement bonds, fully registered in the name of such depository, or its nominee, in the denominations as set forth above, as reduced from time to time prior to maturity in connection with redemptions or retirements by call or payment, and in such event, such depository will then maintain the book-entry system for recording ownership interests in the Bonds.

Ownership interest in the Bonds may be purchased by or through Participants. Such Participants and the persons for whom they acquire interests in the Bonds as nominees will not receive certificated Bonds, but each such Participant will receive a credit balance in the records of DTC in the amount of such Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Each such person for which a Participant has an interest in the Bonds, as nominee, may desire to make arrangements with such Participant to have all notices of redemption or other communications of the County to DTC, which may affect such person, forwarded in writing by such Participant and to have notification made of all interest payments.

The County will have no responsibility or obligation to such Participants or the persons for whom they act as nominees with respect to payment to or providing of notice for such Participants or the persons for whom they act as nominees.

As used herein, the term "Beneficial Owner" shall hereinafter be deemed to include the person for whom the Participant acquires an interest in the Bonds.

DTC will receive payments from the County, to be remitted by DTC to the Participants for subsequent disbursement to the Beneficial Owners. The ownership interest of each Beneficial Owner in the Bonds will be recorded on the records of the Participants whose ownership interest will be recorded on a computerized book-entry system kept by DTC.

When reference is made to any action which is required or permitted to be taken by the Beneficial Owners, such reference shall only relate to those permitted to act (by statute, regulation or otherwise) on behalf of such Beneficial Owners for such purposes. When notices are given, they shall be sent by the County to DTC, and DTC shall forward (or cause to be forwarded) the notices to the Participants so that the Participants can forward the same to the Beneficial Owners.

Beneficial Owners will receive written confirmations of their purchases from the Participants acting on behalf of the Beneficial Owners detailing the terms of the Bonds acquired. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and the Participants who act on behalf of the Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interest in the Bonds, except as specifically provided herein. Interest and principal will be paid when due by the County to DTC, then paid by DTC to the Participants and thereafter paid by the Participants to the Beneficial Owners.

Section 5. The Bonds shall be in substantially the following form:

(Form of Bond)

**UNITED STATES OF AMERICA**

**STATE OF IOWA**

**BUENA VISTA COUNTY**

**GENERAL OBLIGATION LAW ENFORCEMENT CENTER BOND,  
SERIES 2006**

No. \_\_\_\_\_ \$ \_\_\_\_\_

RATE	MATURITY DATE	BOND DATE	CUSIP
		August 15, 2006	119276

Buena Vista County (the "County"), in the State of Iowa, for value received, promises to pay on the maturity date of this Bond to

or registered assigns, the principal sum of

DOLLARS

in lawful money of the United States of America upon presentation and surrender of this Bond at the office of Bankers Trust Company, N.A., Des Moines, Iowa (hereinafter referred to as the "Registrar" or the "Paying Agent"), with interest on said sum, until paid, at the rate per annum specified above from the date of this Bond, or from the most recent interest payment date on which interest has been paid, on June 1 and December 1 of each year, commencing December 1, 2006, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto. Interest shall be

calculated on the basis of a 360-day year comprised of twelve 30-day months. Interest on this Bond is payable to the registered owner appearing on the registration books of the County at the close of business on the fifteenth day of the month next preceding the interest payment date, and shall be paid by check or draft mailed to the registered owner at the address shown on such registration books.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Registrar.

This Bond is one of a series of General Obligation Law Enforcement Center Bonds, Series 2006 (the "Bonds"), issued in the aggregate principal amount of \$4,800,000 by the County to evidence its obligation under a certain Loan Agreement, dated as of August 15, 2006 (the "Loan Agreement"), for the purpose of constructing, furnishing and equipping a law enforcement center in the County.

The Bonds are issued pursuant to and in strict compliance with the provisions of Sections 331.402(3) and 331.443 of the Code of Iowa, 2005, and all other laws amendatory thereof and supplemental thereto, and in conformity with a resolution of the County Board of Supervisors authorizing and approving the Loan Agreement and providing for the issuance and securing the payment of the Bonds (the "Resolution"), and reference is hereby made to the Resolution and the Loan Agreement for a more complete statement as to the source of payment of the Bonds and the rights of the owners of the Bonds.

The County reserves the right to prepay part or all of the Bonds maturing in each of the years 2015 to 2026, inclusive, prior to and in any order of maturity on June 1, 2014, or on any date thereafter upon terms of par and accrued interest. If less than all of the Bonds of any like maturity are to be redeemed, the particular part of those Bonds to be redeemed shall be selected by the Registrar by lot. The Bonds may be called in part in one or more units of \$5,000. If less than the entire principal amount of any Bond in a denomination of more than \$5,000 is to be redeemed, the Registrar will issue and deliver to the registered owner thereof, upon surrender of such original Bond, a new Bond or Bonds, in any authorized denomination, in a total aggregate principal amount equal to the unredeemed balance of the original Bond. Notice of such redemption as aforesaid identifying the Bond or Bonds (or portion thereof) to be redeemed shall be mailed by certified mail to the registered owners thereof at the addresses shown on the County's registration books not less than 30 nor more than 60 days prior to such redemption date. All of such Bonds as to which the County reserves and exercises the right of redemption and as to which notice as aforesaid shall have been given and for the redemption of which funds are duly provided, shall cease to bear interest on the redemption date.

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

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

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of this Bond were and have been properly existent, had, done and performed in regular and due form and time; that provision has been made for the levy of a sufficient continuing annual tax on all the taxable property within the County for the payment of the principal of and interest on this Bond as the same will respectively become due; that the faith, credit, revenues and resources and all the real and personal property of the County are irrevocably pledged for the prompt payment hereof, both principal

and interest; and that the total indebtedness of the County, including this Bond, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, Buena Vista County, Iowa, by its Board of Supervisors, has caused this Bond to be sealed with the facsimile of its official seal, to be executed with the duly authorized facsimile signature of its Chairperson and attested with the duly authorized facsimile signature of its County Auditor, all as of August 15, 2006.

BUENA VISTA COUNTY, IOWA

By (DO NOT SIGN)

Chairperson, Board of Supervisors

Attest:

(DO NOT SIGN)  
County Auditor

(Seal)

**On each Bond there shall be a registration dateline and a Certificate of Authentication of the Registrar in the following form:**

Registration Date: (Registration Date)

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolution.

BANKERS TRUST COMPANY, N.A.  
Des Moines, Iowa  
Registrar

By (Authorized Signature)  
Authorized Officer

ABBREVIATIONS

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

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

(State)

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

ASSIGNMENT

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

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(Please print or type name and address of Assignee)

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PLEASE INSERT SOCIAL SECURITY OR OTHER  
IDENTIFYING NUMBER OF ASSIGNEE

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

Dated: \_\_\_\_\_

Signature guaranteed:

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(Signature guarantee must be provided in accordance with the prevailing standards and procedures of the Registrar and Transfer Agent. Such standards and procedures may require signatures to be guaranteed by certain eligible guarantor institutions that participate in a recognized signature guarantee program.)

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

Section 6. The Bonds shall be executed as herein provided as soon after the adoption of this resolution as may be possible and thereupon shall be delivered to the Registrar for registration, authentication and delivery to or upon the direction of the Lender, upon receipt of the loan proceeds, and all action heretofore taken in connection with the Loan Agreement is hereby ratified and confirmed in all respects.

Section 7. As required by Chapter 76 of the Code of Iowa, and for the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the interest on the Bonds as it falls due, and also to pay and discharge the principal thereof at maturity, there is hereby ordered levied on all the taxable property in the County in each of the years while the Bonds or any of them are outstanding, a tax sufficient for that purpose, and in furtherance of this provision, but not in limitation thereof, there be and there is hereby levied on all the taxable property in the County the following direct annual tax for collection in each of the following fiscal years, to-wit:

For collection in the fiscal year beginning July 1, 2007, sufficient to produce the net annual sum of \$370,023;

For collection in the fiscal year beginning July 1, 2008, sufficient to produce the net annual sum of \$368,505;

For collection in the fiscal year beginning July 1, 2009, sufficient to produce the net annual sum of \$366,705;

For collection in the fiscal year beginning July 1, 2010, sufficient to produce the net annual sum of \$369,618;

For collection in the fiscal year beginning July 1, 2011, sufficient to produce the net annual sum of \$367,033;

For collection in the fiscal year beginning July 1, 2012, sufficient to produce the net annual sum of \$369,148;

For collection in the fiscal year beginning July 1, 2013, sufficient to produce the net annual sum of \$365,748;

For collection in the fiscal year beginning July 1, 2014, sufficient to produce the net annual sum of \$367,035;

For collection in the fiscal year beginning July 1, 2015, sufficient to produce the net annual sum of \$367,790;

For collection in the fiscal year beginning July 1, 2016, sufficient to produce the net annual sum of \$368,003;

For collection in the fiscal year beginning July 1, 2017, sufficient to produce the net annual sum of \$367,663;

For collection in the fiscal year beginning July 1, 2018, sufficient to produce the net annual sum of \$366,760;

For collection in the fiscal year beginning July 1, 2019, sufficient to produce the net annual sum of \$365,285;

For collection in the fiscal year beginning July 1, 2020, sufficient to produce the net annual sum of \$368,228;

For collection in the fiscal year beginning July 1, 2021, sufficient to produce the net annual sum of \$365,348;

For collection in the fiscal year beginning July 1, 2022, sufficient to produce the net annual sum of \$366,935;

For collection in the fiscal year beginning July 1, 2023, sufficient to produce the net annual sum of \$367,753;

For collection in the fiscal year beginning July 1, 2024, sufficient to produce the net annual sum of \$367,713;

For collection in the fiscal year beginning July 1, 2025, sufficient to produce the net annual sum of \$366,800.

Section 8. A certified copy of this resolution shall be filed with the County Auditor, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever. Any amount received by the County as accrued interest on the Bonds shall be deposited into such special account and used to pay interest due on the Bond on the first interest payment date.

Section 9. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current available funds of the County in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced. The County hereby pledges the faith, credit, revenues and resources and all of the real and personal property of the County for the full and prompt payment of the principal of and interest on the Bonds.

Section 10. It is the intention of the County that interest on the Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the County covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

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

Section 11. Continuing Disclosure. The Securities and Exchange Commission (the "SEC") has promulgated certain amendments to Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the "Rule") that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of \$1,000,000 or more unless, before submitting a bid or entering into a purchase contract for such securities, it has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the holders of such securities to provide certain disclosure information to prescribed information repositories on a continuing basis so long as such securities are outstanding.

On the date of issuance and delivery of the Bonds, the County will execute and deliver a Continuing Disclosure Certificate pursuant to which the County will undertake to comply with the Rule. The County covenants and agrees that it will comply with and carry out the provisions of the Continuing Disclosure Certificate. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the Rule and the Continuing Disclosure Agreement.

Section 12. All resolutions or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Passed and approved August 1, 2006.

/s/ Bill Lanphere, Chairperson, Board of Supervisors

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

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CPC Dawn Mentzer presented the FY'06 report on the substance abuse grant agreement with the IA Dept of Public Health which provides 25% of the total cost paid by the county. Motion by Gustafson to approve and to authorize the Chair to sign the FY'06 IA Dept. of Public Health **FY'05 substance abuse grant report**, claiming a total of \$4,018.75 for the year. Carried.

Motion by Crampton to approve and to authorize the Chair to sign the July claims for the **LEC project** submitted by Midwest Construction Consultants in the total amount of \$18,591.71 for payment on 8/8/2006. Carried.

Motion by Vail to approve and to authorize the Chair to sign 2006 tree clearing contracts with Christian Brothers Excavating, L.C. for **DD #34 Main Open Ditch** (project #4) in the amount of \$9,900.00, and for **DD #34 Lateral 7 Open Ditch** (project #4) in the amount of \$4,700.00. Carried.

Also discussed were proposals #1-3 regarding the electrical, HVAC and general construction contracts for the **LEC project**, as well as other project communication.

There being no further business, motion by Burnside to adjourn the meeting at 11:00 a.m. until Tuesday, August 8<sup>th</sup> at 8:30 a.m. for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRTY-FOURTH MEETING, 2006 SESSION (34)  
AUGUST 8, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 8, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Motion by Burnside to approve and to authorize the Chair to sign today's **claims approval list**. Ayes--Burnside, Crampton, Vail, Lanphere. Nays--none. Carried.

Case Management Supervisor Dawn Mentzer presented a summary of the **FY'06 Case Management Program**. She also reviewed a number of upcoming programming (and funding) changes which will ultimately cost the county additional dollars. Case Managers Tammy Mills-Thomas and Kara Napierala reviewed outcomes for a number of their clients during FY'06. Motion by Burnside to authorize

the Chair to sign the FY'06 Case Management report documenting that the Board has reviewed the report.

Mentzer also briefly discussed the **CRIS (County Rate Information System)**. The NW IA Consortium is dissolving and most members plan to join CRIS. She recommended if the Board wishes to see how the rates are set, they should attend the luncheon at the ISAC Fall School of Instruction. The expense of membership includes a one-time membership fee (\$500) plus an annual cost of about \$1,300. After considerable investigation, Mentzer believes that the county would not receive a specific benefit in joining CRIS, but suggests that the Board may wish to give it more thought.

Scott Schuelke was present to discuss the **C-65 bike trail**. The proponents of the trail are asking for some indication from the Board of Supervisors of their support/non-support of the project. The Chair has spoken to a trucker who uses the road who is very concerned about the line-of-sight and the potential encounter with bike traffic. Lanphere has also talked to the County Engineer who indicated that the traffic on the road could be slowed down by lowering the speed limit. Drivers do not realize that a biker on the road 'owns' the lane he is in, and that a vehicle passing the bicyclist should give them the full lane, however most motorists don't. Schuelke re-stated that the group is looking for the Board's support or not. In the event that a bike trail can't be added at this time, he asked what the possibility would be that the whole project be delayed until the bike trail issue can be addressed. There will never be another 'better time' to add a bike trail than when the road is being done. Gustafson suggested the issue be put on the 8/22 agenda at 8:30 a.m., and then vote it up or down.

Engineer Jon Ites reported that there may be interest in Sac County for the **Sturchler bridge**. No response has been received from the Grant sisters in Coon Rapids who had expressed an interest and were offered the bridge for \$500 plus the cost of moving it. The consensus of the Board was to offer it to the party in Sac County under the same terms as earlier offered.

Ites received the following quotes for a pickup for the **maintenance pickup**: Rasmussen Ford-\$20,582, Fitzpatrick's-\$21,800, and Schuelke's-\$21,867. Motion by Gustafson to accept the Rasmussen Ford quote of \$20,582 with trade-in on the Ford 150XLT. Carried.

Motion by Crampton to approve the contract, contractor's bond and certificate of insurance of StaBilt Construction, Harlan, for the year's **sealcoat projects** which were bid in July, and to authorize the Chair to sign. Carried.

Ites has received a call inviting an application, for "innovative bridge funding" for replacement of a bridge, from Dr. Wayne Klaiber, Center for Transportation Research, ISU. The research projects goal is to see how fast a bridge can be torn out and replaced. The deadline for the application was less than 48 hours following Ites' initial notice. The County's cost would be 25% for the project which would be let for 2007 summer construction. Motion by Vail to approve the funding application for **project #L-B-901—73-11** to replace a bridge between Sections 23/26, Providence Township. Carried.

Ites reviewed the NRCS funding application for "**3-bridge mile**". He proposes to identify a project to set back or change something in maintenance expenditures to provide the necessary funding match which will require a budget amendment. It was the consensus of the Board that Ites go forward with planning for a budget amendment on October 3, 2006, to accommodate the project.

Deputy Auditor Leigh Madsen explained that liquor license applications/renewals are now being done online. No funds are received locally until the fees have been paid to the state and the state receives the local jurisdiction's approval, after which a percentage of the fee will be 'shared' with the local jurisdiction. Motion by Lanphere to approve the **liquor license application** submitted by Al's Corner Oil (at Hwys 3 & 71). Carried.

Motion by Crampton to approve and to authorize the Chair to sign, as contract purchaser of Lot 2 Block 2, MCS Addition to the City of Storm Lake, an easement to MidAmerican Energy for the East 15' of Lot, Block 2, MCS Addition to the City of Storm Lake.

Motion by Vail to approve the minutes of the 8/1 meeting as printed, and the following reports: July budget reports, July Clerk of Court fees, 7/11 minutes of the BV Co Conservation Board, and the July monitoring report of the Spectra Lagoon by Mangold Environmental Testing. Carried. Also reviewed were the 7/6 minutes of the Homeward Housing Trust Fund Board.

After due consideration and discussion, Supervisor Gustafson introduced and moved the adoption of the resolution next herein set out, the same being a resolution approving executed contracts and performance and/or payment bonds for the Buena Vista County Law Enforcement Center Project. The motion was seconded by Supervisor Vail and passed with record vote as follows: Ayes: Burnside, Crampton, Gustafson, Vail, Lanphere; Nays: none. Thereupon, the resolution was declared adopted, as follows:

**RESOLUTION NO.2006-08-08-A**

Approving contracts and performance and/or payment bonds for the  
Buena Vista County Law Enforcement Center Project

**WHEREAS**, the Board of Supervisors of Buena Vista County, Iowa, has heretofore awarded contracts for the Buena Vista County Law Enforcement Center Project (the "Project") and fixed the amounts of the performance and/or payment bonds to be furnished by such contractors, and instructed and authorized the Chairperson and County Auditor to execute the said contracts on behalf of the County, subject to the approval of the Board; and

**WHEREAS**, the said contracts have been duly signed by the contractors and by the Chairperson and County Auditor, and upon examination by this Board the same appear to be in proper form; and

**WHEREAS**, the contractors have filed satisfactory performance and/or payment bonds in the required amounts;

**NOW, THEREFORE, IT IS RESOLVED** by the Board of Supervisors of Buena Vista County, Iowa, as follows:

Section 1. The contracts and performance and/or payment bonds referred to in the preamble to this Resolution including Woodruff Construction-Fort Dodge, The G-S Company-Baltimore, Gadbury Plumbing-Sioux Falls (contingent upon receiving the Contractor's Payment Bond), and Nikkel & Associates, Merrill, IA, are hereby approved and declared to be binding upon the parties thereto. (The contract and performance bond for Tessier's Inc. will be approved at a subsequent meeting).

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED AND APPROVED** August 8, 2006.

/s/ Bill Lanphere, Chairperson, Board of Supervisors      Attest: /s/ Karen M. Strawn, Co. Auditor

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**LEC Project** Construction Manager John Hansen expressed satisfaction with the response of the contractors at yesterday's pre-construction meeting with the architect and engineer. Earthwork is scheduled to begin next week, and locates will be done this week. Phone, fax and internet access will be arranged this week. John Bixler, on-site Supervisor, is moving office equipment into the west end of the

East Richland Annex and will be here fulltime next week. Hansen plans to ask the city about variance, or to vacate an easement on north side of building for water access. Hansen also reported on several changes that have cut some costs. By changing the location of the generator, \$20,000 has been cut. He is pursuing some "value engineering" for an additional savings of approximately \$90,000 so far. The County has 60 days from the bid-award-date to make additional gains in cost savings. Regarding the project budget, Hansen suggested that the Board consider some additional funding sources for Emergency Management and the communications center which were not an original part of the law enforcement center project. Approximately 2,500 sq ft was allocated to these uses. At approximately \$145/sq ft. the cost of those spaces is \$362,500. He recommends that it is smarter to complete those spaces concurrently with the rest of the building rather than finishing them at a later time. He recommends identifying an additional \$250,000-350,000 for those areas so that they can be done right the first time. At this time the project is working without a contingency. Lease purchase of equipment would cost the taxpayer more over time, but could cut some cost from existing contracts. The Board will investigate a number of potential funding sources.

The Board considered but took no action on recommendations from Control Systems Specialists for repairs to the **Spectra Health Care Facility**. Also, it was the consensus of the Board to seek additional information, and take no action at this time on the proposal for services from NEXT, Inc. to develop a **courthouse schematic master plan**.

There being no further business, motion by Burnside to adjourn the meeting at 12:20 p.m. until Tuesday, August 15<sup>th</sup> at 8:30 a.m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING**  
**THIRTY-FIFTH MEETING, 2006 SESSION (35)**  
**AUGUST 15, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 15, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, and Crampton, and with Auditor Karen Strawn as clerk for the meeting. Absent: Gustafson, Vail.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, and Lanphere. Nays--none. Abstentions: none.

Jack Graen and Cal Johnson filed a petition with 1,121 signatures requesting that a question be put before the voters to approve or disapprove gambling games on an excursion gambling boat in the county. They stated that the petition was offered to let the public decide whether or not they want gambling to be offered somewhere in the county. This petition has all new signatures dated 7/21/06 and later. Motion by Crampton to acknowledge receipt and to accept the petition with 1,121 signatures to put the **gambling question** before the voters. Carried. Motion by Burnside, second by Crampton, to direct the Commissioner of Elections to add the gambling question to the November 7<sup>th</sup> General Election ballot. Carried. The Chair thanked Graen and Johnson for their work, which will permit the voters to decide whether or not gambling should be allowed in Buena Vista County.

Clerk of Court Donna McPherren and Sheriff Chuck Eddy were present to discuss the preparations being made for the **Harper murder trial**, which is scheduled to be held in Buena Vista

County on a change of venue from Webster County. On the 18<sup>th</sup> the judge will consider motions including one to continue the case until mid-October. The Magistrate Courtroom will be used for the defendant, and the Conference Room for the media, with a single video feed for all of the media. The Public Meeting Room may or may not be needed. Webster County will provide two officers, a jailer, and a court attendant, and Judge Allan Goode will preside over the trial. Only one stairway will be open to the top floor. The Chair is interested in ensuring that the Court systems needs are met including finding adequate parking for the large jury pool, which will be called. After the jury is selected, parking problems will diminish. Shuttle service could be provided to and from another location. A possible source of shuttles includes RIDES, BVU and the Storm Lake School System. Storm Lake Police Chief Mark Prosser has discussed the possibility of closing Cayuga St. for through traffic to allow additional parking. There are no current plans for other offices on third floor to change schedules.

Motion by Burnside to approve and to authorize the Chair to sign the HAVA Supplemental Allocation Agreement to receive an additional \$3,282.50 **HAVA allocation for voting equipment** received in FY'06. Carried.

Engineer Jon Ites presented a number of utility permit applications. Motion by Burnside to approve and to authorize the Chair to sign the **utility permit applications** submitted by Iowa Lakes Regional Water, Spencer, as follows:

- 1½" line at 882 630<sup>th</sup> St for private service,
- 2½ " main line at 6465 110<sup>th</sup> Ave in Section 27, Hayes Twp
- 1½" line at 5413 110<sup>th</sup> Ave for private service,
- 4" mainline in county ROW-460' just north of the RR on 150<sup>th</sup> Ave, north of Sulphur Springs,
- 1½" line at 1202 630<sup>th</sup> St south of C-65 on 120<sup>th</sup> Ave between Sections 23/26, Hayes Twp. Carried.

Motion by Burnside to approve and to authorize the Chair to sign the **utility permit application** submitted by Alliant Energy dba Interstate Power & Light Co., Spirit Lake, to install an overhead single phase power line, and trenched under the road at 307 S. River Rd for service to a new Long Lines cell tower in Section 4, Brooke Township. Carried.

Motion by Crampton to approve and to authorize the Chair to sign the **utility permit application** submitted by Cherokee Rural Water, Cherokee, to install a 1½" PVC service line at 716 620<sup>th</sup> St between Sections 6/7, Hayes Township. Carried.

The Chair asked if the County should consider charging a **fee for processing utility permit applications**. Ites responded that some counties charge for permits based on inspection service provided (both 'pre' and 'post' inspection). The work required varies greatly with 1 or more inspections and 1 or more telephone calls per application.

**Linn Grove City Council** members Arnie Hicks and Marlin Weier discussed the need for work to be done on the west side of the county blacktop that comes into Linn Grove. The gully along the east side is not so bad, but on the west side it is deep enough to cause a problem and needs to be investigated. The problem is in the road ROW of a county road, but is in the city limits. About 350' needs to be cleared of brush, the tile outlet is eroded, and 150' needs to have shouldering put on. The ravine is 16'18" wide in one area. There is also an intake to be worked around which will make the work more difficult. No work is currently scheduled, and no cost estimate is available at this time. The Council members would like to work with the county in any way they can. The road use tax funds received by the county for the road are inadequate for this maintenance work. A survey is needed to determine the amount of dirt to be moved. Ites estimates it would take a 4-5 man crew, with 4-5 pieces of equipment, 3-4 days to do the work – there could be several thousand dollars involved. Trees on the west side somewhat shelter the view, so a driver is not truly aware of the problem. It was the consensus of the Board that the Chair and the engineer will view the problem, and then a survey will be done to determine how much dirt is needed to get an idea of the cost. Once an estimate is known, then the Board, engineer and Council will figure out how to finance it.

Al and Don Sievers met with the Board to discuss the clearing of trees in the drainage ditches and how that activity impacts the wildlife habitat. They asked what the Board's goal is in clearing the trees – to clear the trees so that the districts can be maintained and to ensure that sufficient 'clear' right-of-way is available to accomplish the clean-outs necessary to keep the districts running as originally designed. The Sievers discussed their father's earlier work and his conservation goals for his farm, which is located in DD#34 (just north of Zion Church, Grant Twp, less ¼ mile from the Raccoon River.) His goals are now their goals. They would like to begin a dialogue to perhaps maintain some of the habitat that their father helped to establish. They are working to establish a wetland and CRP on a part of their farm with the goal of supporting both wildlife and plant-life. The money currently being spent goes toward the intended goals when the districts were established. Now there are additional considerations and goals that could be considered. Drainage Watchman, Brian Blomme from Kuehl & Payer has indicated to the Sievers that their area would be done in the timeframe in 2008. Since their land will soon be up for consideration of tree removal, the Sievers want the Board to know that they would like to work with the County in a cooperative effort. The Chair noted that policies and goals have changed over the last 100 years. The policy now is to keep the ditches clean to allow the water to flow since, as time has gone by, tree growth has slowed the water down.

Sievers -- Can the drainage be maintained along with maintaining habitat? Is there a way to do both? How many total miles of drainage does the Board maintain? How about spending money to find where the drainage problems are, and correct those problems, instead of starting with tree removal. Can we utilize other governmental agencies to help accomplish this?

Burnside commented that now there are chemicals to kill tree growth that are safe to use on the water. They weren't previously available.

Chair -- when the trees are too big, it does make it difficult to go in to repair and cleanout to maintain the operation of the drainage district at its designed capacity. Where there are trees there are materials for beavers to build dams. Removal costs \$100-\$300 per dam. The County has a \$40 bounty on beaver, which helps to lower the number of dams being built. While the County currently has a policy to clear the trees, the Board has also tried to work with persons who come in, to meet their goals also.

Burnside suggested consulting an attorney to see what mechanism is available that would allow some trees to be left on their land - to meet a different standard.

There was general discussion about the effect of tree growth on the ditch. Where trees shade the ground and inhibit the growth of vegetation, the soil on the slope of the ditch will slough off which leads to the slowing of the drainage. Some type of vegetation is critical to maintain the banks. Ideally, the County would have trees no closer than 50' from the banks. If the trees are placed back far enough on one side, perhaps the ditch can be maintained from one side, instead of both. Also, some types of trees are better than others, i.e. an evergreen is so dense that very little will grow in its shade.

The Chair stated that the Board would like to work with the Sievers to accomplish both goals. If both can be accomplished, they will be. The Sievers asked what should be their next best step?—stay involved.

Environmental Health/Zoning Director Kim Johnson discussed disposal of the 1995 Intrepid with mileage of 138,751, paint in poor condition, some dents in the doors, and a missing gasket. She will apply whatever price she receives on it towards the \$4,510 cost on the Chevy S-10 pickup to be purchased from Secondary Roads. The consensus of the Board was to advertise the car for sale. Johnson reported that Rembrandt Enterprises has received its permit from the DNR. Last night's Board of Adjustment meeting was continued until next Monday evening due to the lack of a quorum. The purpose of the meeting was to take action on a variance and special use permit application from Steve Lullman for a parcel in Section 12, Washington Township.

Mr. and Mrs. David Degner Sr. met with the Board to discuss their assessment for DD #35, asking what the purpose is of the current assessment, (approximately \$8,000 was due for prior work, plus

the cost of the study done by Kuehl & Payer pursuant to their petition, interest on stamped warrants, and a small sinking fund). They also asked who was assessed – the owners of lands that are included in DD#35 assessment schedule. The Degner's reported that repair to the site is needed as the work done in 2004 was not completed. They also believe that the K&P investigation was too costly as it only updated Engineer Cunningham's previous work in the 50's. After this year's crop is out of the field, they want to have the dirt leveled at no cost to the district. The Chair will meet with Droeessler to look at the area after the crops are out.

Craig Neulieb, Control Systems Specialists, reported on his call to **Spectra Health Care** about the freezer. The compressor windings 'are shot'. The solutions are: purchase a replacement compressor for \$1,600, or a new condensing unit for outside for \$2,300. The consensus of the Board was to replace the condensing unit.

Motion by Crampton to approve and to authorize the Chair to sign the "loan agreement" and the "Registrar's agreement" for the **LEC General Obligation bonds**. The closing date on the bonds is August 24<sup>th</sup>. Carried.

The Chair reported on his and the Auditor's conversation with Bond Counsel Bob Josten regarding the allocation of additional funds to the LEC project to replace the \$72,000 (underwriter's discount) deducted from \$4,800,000 bond proceeds. The purpose of approving the discount was to obtain a lower rate of interest on the bonds. The \$72,000, which can be transferred at a later date, can be paid from the FY'06 ending fund balance in the General Fund. The Chair suggested approving this action today, and confirming it next week when the full Board is present. Motion by Lanphere, to transfer (at a later date) \$72,000 from the FY'06 General Fund ending fund balance to the **LEC Project fund** (Fund #1530) to replace the underwriter's discount which will reduce the total amount of the general obligation bond proceeds to be deposited into that fund at the time of closing. The transfer will be made at a later date due to cash flow purposes. Carried.

Motion by Burnside to approve the **minutes** of the 8/8 meeting as printed, and the FY'06 annual financial **report** of BV County Ag Extension. Carried.

The Board briefly discussed other sources of funding for completion of the spaces in the Law Enforcement Center for the Communication Center and Emergency Management. \$50,000 was budgeted for the Communication Center to be available if that department were to be moved into the **LEC**. The Construction Manager is reviewing the specs to divide out what costs are attributable to completing these areas, and the amount that can be charged to facilities to allow 'video court'. Court services may be paid from the General Supplemental fund.

A **CDBG workshop** will be held on the ICN on Sept 6 with several nearby locations hosting the broadcast. The Board will look for someone to attend one of the sessions to determine if the available funding can be used for a project in BV County.

Crampton reported that **Empowerment** has been divided **and De-Cat** is once again separate. De-Cat has contracted with UDMO for De-Cat Coordination services. Jean Drey will perform those part-time duties on behalf of UDMO, using an office at the DHS Annex. UDMO will provide the fiscal agent services for De-Cat.

There being no further business, the Chair adjourned the meeting at 12:00 noon until Tuesday, August 22<sup>nd</sup> at 8:30 a.m. for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRTY-SIXTH MEETING, 2006 SESSION (36)  
AUGUST 22, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 22, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Rod and Charlene Plagman, Scott Schuelke, Bill and Betty Chindlund and John Murray were present for the Board's discussion of funding a bike trail project on C-65. (Also present were EM Coordinator Bob Christensen, and Supervisor candidates Ken Hach, Dale Arends, Richard Dirkx and Gary Small.) Plagman provided a review of their filing of a petition signed by several hundred persons, and the request that had been communicated in several meetings between the petitioners and the Board. The petitioners have made the request because the bike trail would be good for tourist activity, would dramatically improve the safety of the biker, and, knowing that the blacktop was to be re-constructed at this time, felt that this was the most opportune and best time to add a bike trail. If the request isn't approved for completion with C-65 re-construction, it is not likely to ever be done. Safety and economic impact are the reasons. (Rod) Plagman talked about the biking industry—this past weekend, they traveled 60 miles to use a developed bike trail. They spend money wherever they go. Buena Vista County has the opportunity to reach out to tourists with a project that appeals to families, and one that will help prevent accidents by taking action for the purpose of safety. (Charlene) Plagman discussed how active the farm-to-market traffic is on C-65. The hills and traffic moving at speeds that exceed 55 miles per hour are all impacting the safety of the road. If built both Plagman and Schuelke would promote biking events during community events such as 4<sup>th</sup> of July. They believe the Board needs a greater vision than just looking for the lowest cost solution. This will be an asset to our community and it should be done right and at the right time – when the road project is being done. Schuelke advocated a high quality trail for bikers to use – a hard surface is important. The first impressions of visitors are important in determining whether or not they will return again. A gravel trail will not bring people back to the community. 2007 is the right time to do it. Plagman noted that if you select a cheap answer, you pay for it later. The community will see an impact from the project if it is done right. Biking is an activity that reaches one of the widest ranges of ages. Burnside commented that she has received a call from former community residents who offered their support for the project.

Bill Chindlund looks at the project from the opposite side of the fence — he has seen so many near accidents. Bikers use the road without a care as to the agricultural traffic. Once he saw a biker put a tractor and 8-row combine in the ditch. It would be wise to discourage bike traffic on C-65 due to the volume of agricultural related traffic. The suction created by the passing of a semi is hazardous and would be sufficient to suck in a young biker. The people who are attracted here due to Project Awaysis are not the types who are familiar with ag traffic. A bike trail would encourage use by this group and make more opportunity for accidents. Gustafson asked if Chindlund would allow bikes on his land. Chindlund responded – no. Plagman agrees that government has gone too far with condemnation for projects. With a hard surface trail he believes that the bikers will stay on the trail. Bikers have the right to be on that road, just as motorized traffic has. Chindlund advocates finding a different location. It was noted that Awaysis bike trail funds are committed to a 'cross-county' trail.

Having a trail that goes all the way around the lake is the goal of the C-65 bike trail group – this is what people are looking for. John Murray noted that a project to build a bike trail on Hwy 110 would receive the momentum if the C-65 project were built. Chindlund suggested using old Hwy 71. The group's goal is a bike trail that would lead to a trail all the way around the lake.

Motion by Gustafson to proceed with a 32'-34' top on the road, and a construction schedule of 2007 or 2008. He believes that you can't do a gravel/aggregate surface and do it correctly/safely for the bikers. This proposal would add to the current plan, another 4-5' of hard surface on each. Gustafson ask to have the Board polled. Ayes--Burnside Crampton, Gustafson. Nays—Vail, Lanphere. Carried. Vail commented that he appreciates the project but doesn't believe the rural taxpayer should have to pay for it. Lanphere's objection is to the cost.

**Newell Fire Board** members Bruce Erie, Dale Bodholdt, Paul Smith, and Steve Kier were present to discuss their proposal to purchase a new fire truck. They have needed to replace a truck for some time, but have been unable to do so due to the limits on the fire protection levy rate. It was recently learned that Calhoun County had a similar situation and on behalf of four townships, issued a GO bond for the purchase of a new truck. The financial needs of the 4 townships were not the same, which was reflected in the different re-payment schedules. Three townships will make 4 annual payments, and another will spread the cost over 12 years. Bonding alone for the townships in the NEFD will not be adequate, depending on the actual purchase price. In all but one township, there is additional levy authority for fire protection, and the Fire Board has had some of their operational budget freed up by making the last payment on another truck, and the City of Newell picking up the equipment, building and personnel insurance expense. The Fire Board has an application in the works for a CDBG grant; a decision is due in the very near future. The NEFD asked if the Board would consider bonding of this purchase in similar fashion to what the Calhoun Board did. The Board commented that the Fire Board appears to have done their homework, and by their comments, the need is there. Although representatives of all of the townships were not present, the Board was assured that all are willing to raise their levy to the maximum rate in order to fund the purchase. Motion by Burnside to pursue the possibility of the county issuing a GO bond for a new fire truck on behalf of the NEFD. Carried.

Engineer Jon Ites updated the Board on current **Secondary Road activity**: the project on Bluebird Creek is complete, a pre-construction meeting for the asphalt projects is scheduled for August 30 with construction of the new-surface to start October 1<sup>st</sup>, two property owners have given approval to remove trees from their property along **White Cap Road** so that the road can be moved, but two others have not approved. The letter from the last owner has just been received. To proceed, the county would have to condemn the trees to remove them and pay the owners for their losses. The Chair suggested that the county could buy the portion of Wordekemper's property that is in use by the current road, and not relocate the road at all. He would also try to find a way to allow a permanent 'easement' or 'variance' for the setback requirement on the vacant lot on the north side of Wordekempers. A variance on setback issued by the Board of Adjustment would be good for only 6 months. No work has been done along the road to move the utility pole since the trees must be removed first. Ites and Lanphere will talk to Wordekempers and Connell to update them. No official action could be taken today since the subject is not on today's agenda.

Ites has not been able to reach the person who filed the utility permit submitted on behalf of **US Bio-Energy**, which proposed crossings under a road. He will try to reach the project manager at US Bio.

The Chair reported on the action of the Board at the last meeting to replace the condenser of the freezer unit at **Spectra Health Care** due to failure on the compressor.

With the purchase of new equipment and sale of the **old voting equipment**, there was no market for the old ballot boxes. It was the consensus of the Board to approve the use of 12 of the locking boxes for storage of supplies and other stock for disaster response.

The Chair asked if Vail and Gustafson would like to re-vote on the petition to put the **gambling question** on the General Election ballot in order to record their vote. The response was "no-let the people decide". The Chair asked the same question about a re-vote on approving payment of \$72,000 from carryover funds to replace the amount of the underwriter's discount to restore the funds available to the **LEC construction project**. No re-vote was taken. The Chair asked if other Board members want another proposal(s) for comparison purposes prior to taking action on the proposal submitted by NEXT, Inc. for a **courthouse schematic master plan**. Receiving an affirmative answer, he will make an inquiry

with another firm so that when the Board is ready to take up consideration of this matter, there will be a proposal to compare with NEXT, Inc.

Motion by Burnside to approve the minutes of the 8/15 meeting as printed. Carried.

An IDRF estimate of local option sales tax proceeds for FY'07 was discussed. The increase is attributed to several construction projects in progress or due to start in the near future.

The Board considered the recommendation of Engineer Ivan Droessler for setting an assessment rate for US Bio-Energy for DD #34 Lateral 2. The drainage district will be accepting discharge water from the ethanol plant. After discussion, the Auditor was directed to contact Drainage Attorney Gary Armstrong to inquire whether the Code of Iowa provides for a basis for setting an assessment for water discharge from a source other than ag drainage.

Motion by Vail to approve and to authorize the Chair to sign the following DD #19-26 Jt. claims: to Kuehl & Payer-\$8,500.04 for professional services (design, inspection, report) for Open Ditch Cleanout & Repairs, to Kuehl & Payer-\$3,074.80 for professional services (design, annexation, report) for Open Ditch Cleanout & Repairs, to Kuehl & Payer-\$58.13 for Watchman services, and to the Sac County Auditor-\$51.62 for hearing expense. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign today's claims approval list. Carried.

Motion by Vail to direct the Auditor to void & re-issue warrant #205801 issued 6/27/06 to Omni Products, Inc. for \$8,994.12; the warrant was lost in the mail. Carried.

Kim Johnson distributed copies of the job description for EnvHealth/Zoning Director, which was approved by the Board of Health at their last meeting. Motion by Crampton to approve and to authorize the Chair to sign the updated EnvHealth/Zoning Director job description. Carried.

Johnson reported that the Board of Adjustment meeting which had been continued to August 21<sup>st</sup>, was again continued due to lack of a quorum. Their agenda was to consider the variance request submitted by Steve Lullman. The hearing was continued to September 6<sup>th</sup> at 7:00 p.m. Two strong objections have been received. The Board of Adjustment is hesitant to approve commercial enterprises that far out of town.

Present for the matrix evaluation of the "Maple Valley Construction" CAFO application, was Gary Grundmeier, applicant. Johnson reported that the application had been revised since the initial filing. She finds that the amended application exceeds the minimum number of points by 20. The Board addressed several questions with Grundmeier. Motion by Burnside to approve and to authorize the Chair to sign Resolution 2006-08-22-A recommending approval of the Maple Valley (Gary and Peggy Grundmeier) Construction Application to the Iowa Dept. of Natural Resources. Carried.

#### **RESOLUTION 2006-08-22-A**

Recommending approval of the Maple Valley (Gary and Peggy Grundmeier) Construction Application to the Iowa Dept. of Natural Resources

**WHEREAS**, the Buena Vista County Board of Supervisors has adopted the Master Matrix CAFO construction application to provide an opportunity for local input; and

**WHEREAS**, a construction application for two 61 X 308 feet finish hog building has been submitted by Maple Valley Construction on July 25, 2006; and

**WHEREAS**, the Buena Vista County Environmental Health Director has reviewed the application using the Master Matrix, finding a score of 460 points, and has verified all of the elements of the application for accuracy; and

**WHEREAS**, the minimum score set by the DNR is 440 points.

**WHEREAS**, the Board of Supervisors published a notice in the Pilot Tribune on August 3<sup>rd</sup>, 2006 as required, and held public hearing in the Supervisors Meeting Room at the Courthouse on August 22, 2006, for the purpose of receiving public comment; with no response provided and

**WHEREAS**, the Board of Supervisors shall submit the recommendation within 30 days of DNR receipt of application,

**WHEREAS**, the Board of Supervisors, has assembled their comments with knowledge provided for submission to the DNR;

**NOW THEREFORE BE IT RESOLVED** that the Buena Vista County Board of Supervisors hereby recommends approval of the construction application of the Maple Valley Construction Application.

**PASSED, APPROVED AND ADOPTED** this 22<sup>nd</sup> day of August, 2006.

/s/ Bill Lanphere Chairperson, Board of Supervisors...../s/ Karen Strawn, Auditor

An inquiry as to the status of the "jake brake" ordinance has been received from the public. Several questions had been forwarded to the County Attorney for his input following the 2<sup>nd</sup> reading of the proposed ordinance. The Chair will check with the County Attorney on the status of his review.

There being no further business, motion by Gustafson to adjourn the meeting at 11:50 a.m. until Tuesday, August 29<sup>th</sup> at 8:30 a.m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRTY-SEVENTH MEETING, 2006 SESSION (37)  
AUGUST 29, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 29, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

The Board reviewed documents submitted by John Hansen regarding the LEC project. Following the bid letting, Midwest Construction has continued to look for opportunities for cost savings. The Board reviewed the summaries, and placed a call to John Hansen for questions. Several were also discussed with Sheriff Chuck Eddy. All items approved today will be submitted to the Board in the form of 'change orders' for additional approval and the Chair's signature. Motion by Gustafson to approve group #1

(electrical contract changes) for a deduction of \$38,410 from the contract, and, from group #2-RFP Item #5 (electric wall heaters) for a deduction of \$980, all for the LEC project. Carried. Motion by Vail to approve group #3 (plumbing contract changes) for a deduct pf \$28944. Carried. Motion by Burnside to approve the use of 'York' HVAC roof units (total deduct: \$27,595) and other items in the HVAC contract (total deduct: \$27,595). Carried. Motion by Vail to approve general construction contract changes (in fax dated 8/28/2006, numbers: 1,2,3,7,8,13,16,17,18,19,21,22,23,26) for a deduct of \$19,086. Carried. Hansen has submitted a letter to Bob Josten, Bond Counsel, regarding the funding of the completion of spaces for the communications center, emergency management, and county attorney. Completing these additional spaces will be most cost efficient if done now. The Board will continue this discussion at the next meeting.

Engineer Jon Ites presented utility permits for approval:

- motion by Gustafson to approve and to authorize the Chair to sign the underground utility permit application submitted by US Bio, Albert City, to install a force gravity main under county roads N-14 and N-28 for the discharge water from their cooling tower and storm-water. Carried.
- motion by Vail to approve and to authorize the Chair to sign the underground utility permit application submitted by IDNR to install a 2" PVC force main for sewage to hook into the sanitary sewer line from Howard Road, Emerald Park, along Highway 110 and W. Marina Road. Carried.
- motion by Gustafson to approve and to authorize the Chair to sign the underground utility permit application submitted by Iowa Lakes Regional Water, Spencer, to install a 2" force sewer main under 110<sup>th</sup> Ave south of 540<sup>th</sup> St. to carry treated water from the Truesdale treatment site. Carried.
- motion by Burnside to approve and to authorize the Chair to sign the underground utility permit application submitted by the City of Storm Lake to install a 12" PVC water main from Radio Road @ Expansion Blvd south along Radio Road to south of the golf course, then west to Park Road. Carried.
- motion by Crampton to approve and to authorize the Chair to sign two underground utility permit applications submitted by Iowa Telecom, Grinnell, for the following:
  - 5 pr copper telephone cable on 475<sup>th</sup> St on the north side of Rembrandt crossing 475<sup>th</sup>, west 160 ' to 1225 475<sup>th</sup> St., and
  - copper telephone cable along the east side of M-54, Sec 21, Poland Township, to provide service to 4553 210<sup>th</sup> Ave.

Carried.

Ites discussed the current budget and uses of funds for construction projects. Projects which are in the program and are using farm-to-market funds, have obligated the current balance plus the funds anticipated to be accumulated by the time of completion of those projects. The FY'06 Secondary Road ending fund balance was \$420,619 more than the estimate used for the 2007 budget. The uses of the \$420,619 include FY'06 carryover projects plus Board approved increased spending, totaling a shortfall of \$405,498. There are currently no excess local dollars available for a C-65 bike trail. Gustafson disagreed saying that a 45% ending fund balance is excessive, and the funds can be found to do the trail. Continuing, Ites mentioned that he has provided information on four prospective sources of funding including a grant, but no one stepped forward to make the application before the July 1<sup>st</sup> deadline. Gustafson stated that local option sales tax receipts appear to be going up and Secondary Road should be seeing about \$120,000 new dollars. The project is a safety issue, and it doesn't even need to be called a bike trail – it needs to be done. The accident this past Sunday night (biker was struck by a motorist) was a tragedy; the road is particularly unsafe at night. Ites thinks that SLADC is a non-profit organization and would therefore be eligible to submit an application for funds for a bike trail grant. Lanphere doesn't think SLADC is behind the issue. Gustafson, however, had spoken to Gary Lalone yesterday and he received a different response. The Chair stated that the county will have to find the money, but not from the fund balance since that money is committed. Due to running behind on the agenda, and the need for more input from the Board, the discussion was tabled until September 5.

Attorney Dan Connell was present to discuss White Cap Road. Referring to Lanphere's recent conversation with him, Connell stated that Lanphere has excused himself from prior discussions on the matter of moving White Cap Road due to a conflict of interest, but now apparently has become an advocate. Lanphere now wants to go back to leaving the road where it is -- he has a conflict. Connell asked for a time and date to discuss the matter. A meeting will be arranged when both Connell and County Attorney Phil Havens can be present. Connell thinks that the County owns the trees, not the property owners, and therefore could proceed with removal of the trees without regard to the objections of the property owners.

Lanphere reported on his discussion with Ivan Droessler regarding how to assess US-Bio-Energy for their proposed discharge of cooling tower water and storm water into DD #34. The Board could consider making US Bio a sub-district with an assessment on the DD #34 schedule, plus a surcharge for the ongoing discharge. The sub-district assessment could be as recommended by Droessler, or more.

Treasurer Kathy Bach presented a new 28E agreement for operation of the Treasurer's website for payment of property taxes. The operation will be less risky and less costly. The new organization will include 89 Iowa counties. Motion by Gustafson to approve and to authorize the Chairman to sign Resolution 2006-08-29, (Iowa County Treasurers E-government Alliance) second by Crampton. Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays—none. Carried.

#### **RESOLUTION 2006-08-29-A**

**BE IT RESOLVED**, and it is hereby resolved, that the INTERGOVERNMENTAL AGREEMENT CREATING THE IOWA COUTY TREASURERS EGOVERNMENT ALLIANCE, attached hereto and marked as Exhibit "A" is approved and accepted by Buena Vista County.

**BE IT FURTHER RESOLVED**, that the Buena Vista County Treasurer is authorized to participate as a Sponsor in the attached agreement in his/her capacity and consistent with his/her authority as County Treasurer of this County.

**BE IT FURTHER RESOLVED**, that the Buena Vista County Treasurer is authorized to take any additional actions and execute any documents that are, in his/her discretion, necessary to facilitate this Resolution.

Dated this 29<sup>th</sup> day of August, 2006.

/s/ Bill Lanphere, County Board of Supervisors.....

Motion by Burnside to employ Jamie Turnbull as a Case Manager in the Community Services Dept. effective 9/5/2006 at a salary of \$28,000. Carried.

Motion by Crampton to approve the minutes of the 8/22 meeting as printed. Carried.

Motion by Gustafson to increase the Township Officer hourly pay rate from \$7.50 to \$10.00/hr., retroactive to 7/1/2006. Carried.

Motion by Vail to employ Jake Anderson as a student intern effective 8/28/2006 at \$10/hr for completion of an employee orientation project, and if satisfactory, for additional projects yet to be named. Carried.

It was the consensus of the Board to approve and to authorize 'Yards & Etc.' to remove the apple tree at Spectra Health Care for the quoted \$100.

Vail has received a telephone call from Frank Rouse, Clay County Engineer's office, regarding the removal of trees in DD #14-42 Jt., west of Webb. A party has come forward who is willing to harvest

the big trees and pay the district. Motion by Vail to authorize Frank Rouse to proceed and make arrangements to remove the trees in Jt. DD #14-42. Carried.

The Chair reported that Gustafson and he had driven by the site in DD #34, Lateral 4 owned by the Al & Don Sievers. Gustafson and Lanphere are in agreement that the trees do need to be removed. The Sievers had asked that the Board consider not removing the trees in order to protect the conservation/wildlife habitat efforts of their father. It was also noted that the neighbors across the road want the trees out as well. The Chair will contact the Sievers.

After due consideration and discussion, Supervisor Burnside introduced and moved the adoption of the resolution next herein set out, the same being a resolution approving executed contracts and performance and/or payment bonds for the Buena Vista County Law Enforcement Center Project. The motion was seconded by Supervisor Vail and passed with record vote as follows: Ayes: Burnside, Crampton, Gustafson, Vail, Lanphere. Nays: none. Thereupon, the resolution was declared adopted, as follows:

**RESOLUTION 2006-08-29-B**

Approving contracts and performance and/or payment bonds for the  
Buena Vista County Law Enforcement Center Project

**WHEREAS**, the Board of Supervisors of Buena Vista County, Iowa, has heretofore awarded contracts for the Buena Vista County Law Enforcement Center Project (the "Project") and fixed the amounts of the performance and/or payment bonds to be furnished by such contractors, and instructed and authorized the Chairperson and County Auditor to execute the said contracts on behalf of the County, subject to the approval of the Board; and

**WHEREAS**, the said contract with Gadbury Plumbing has previously been duly signed by the contractors and by the Chairperson and County Auditor, and upon examination by this Board the same appear to be in proper form; and

**WHEREAS**, the Gadbury Plumbing has now filed satisfactory performance and/or payment bonds in the required amounts;

**NOW, THEREFORE, IT IS RESOLVED** by the Board of Supervisors of Buena Vista County, Iowa, as follows:

Section 1. The performance and payment bonds referred to in the preamble to this Resolution are hereby approved and declared to be binding upon the parties thereto.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED AND APPROVED** August 29, 2006.

/s/ Bill Lanphere, Chairperson, Board of Supervisors.....Attest: /s/ Karen M. Strawn, County Auditor

There being no further business, motion by Gustafson to adjourn the meeting until Tuesday, September 5<sup>th</sup> at 8:30 a.m. for a regular session. Carried.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRTY-EIGHTH MEETING, 2006 SESSION (38)  
SEPTEMBER 5, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 5, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

The Board held discussion on the recommendation of the LEC Project Manager to include finishing the Communications Center, Emergency Management area, and the space for the County Attorney as a part of the LEC project. Completing these spaces now would save a considerable amount over building them separately. With the \$50,000, which was included in the Communications Center FY'07 budget, and an additional \$290,000, these spaces can be included. Because these spaces were not a part of the original plan, the source of funding is outside of the bond issue. Motion by Lanphere to approve the recommendation of the LEC Project Manager to complete the Communications Center, Emergency Management space, and space for the County Attorney, and to provide an additional \$290,000 for that purpose. Carried. It appears that the source of the funding may need to be a loan. Arrangements for that loan will be made at a later time after it is known whether \$100,000 (included in the \$290,000) will be needed for contingencies.

The Board reviewed correspondence from the LEC Project Manager regarding the moving of utilities for the E. Richland Annex. It was the consensus of the Board to approve having MidAmerican Energy proceed with the re-location of the lines.

Drainage Engineers Ivan Droessler Jaylin Dahlhauser, Kuehl & Payer, presented the plans and specifications for the cleanout of DD #67. This district will handle the surface water from US Bio-Albert City and is in need of a cleanout. A portion of the work will be handled through the private agreements with landowners (historical, not new agreements). Trees were previously cleared, so, the remaining work is to dip out the channel to restore the designed drainage. Droessler recommends asking L.A. Carlson to provide a proposal since it appears that generally, contractors currently have the all the work they want for the remainder of the year. Landowners will be notified before the work begins. The engineer's estimate for the work is \$14,500.00. Motion by Gustafson to authorize Droessler to obtain a proposal for the cleanout of DD #67 and to proceed with the work provided the proposal comes in under \$15,000. Carried.

Motion by Gustafson to approve the minutes of the 8/29 meeting as printed. Carried.

Motion by Crampton to adopt the NACO "2006 Energy Star Change a Light Campaign" proposed program and to include a copy in employees' paychecks. Carried. The purpose of the campaign is to encourage energy conservation by using energy efficient light bulbs.

Engineer Jon Ites reported on his department's maintenance and construction projects.

Supervisor Crampton introduced a resolution entitled: "Resolution #2006-09-05-A approving Alternates #1 and #2, and awarding contract #7 (Food Service Equipment) for the Buena Vista County Law Enforcement Center Project", and moved that the said resolution be adopted; seconded by Supervisor Vail; and after due consideration thereof by the Board, the Chairperson put the question upon the motion and the roll being called, the following named Supervisors voted: Ayes: Burnside, Crampton, Gustafson, Vail, Lanphere. Nays—none. Carried. Whereupon, the Chairperson declared the said motion duly carried and the said resolution duly adopted.

**RESOLUTION NO. 2006-09-05-A**

Approving Alternates #1 (Parking Lot Paving / Striping) and #2 (Finish of Communications Center), and awarding contract (#7)-Food Service Equipment contract for the Buena Vista County Law Enforcement Center Project

**WHEREAS**, pursuant to notice duly published in the manner and form prescribed by resolution of the Board of Supervisors of Buena Vista County, Iowa, and as required by law, bids and proposals were received for the Buena Vista County Law Enforcement Center Project (the "Project"); and

**WHEREAS**, all of the said bids and proposals have been carefully considered, and it is necessary and advisable that provision be made for the award of the contracts for the Project;

**NOW, THEREFORE, IT IS RESOLVED** by the Board of Supervisors of Buena Vista County, Iowa, as follows:

Section 1. Alternates #1 (Parking Lot Paving / Striping) and #2 (Finish of Communications Center) in the General Construction bid awarded previously to Woodruff Construction, are hereby accepted and approved.

Section 2. The bids for the Project submitted by the following contractors are fully responsive to the plans and specifications for the Project, heretofore approved by the Board, and are the lowest responsible bids received, such bids being as follows:

Contract 7: Food Service Equipment

Woodruff Construction LLC, PO Box 1830, 1890 Kountry Lane, Fort Dodge, IA 50501	\$42,000
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Section 3. The contract for the Project IS hereby awarded to the contractor above-named at the respective total estimated cost set out above, the final settlement to be made on the basis of the unit prices therein set out and the actual final quantities of each class of materials furnished, the said contract to be subject to the terms of the aforementioned resolution, the notice of hearing and letting, the plans and specifications and the terms of the bidders' written proposals.

Section 4. The Chairperson and County Auditor are hereby authorized and ordered to enter into a written contract with said contractor for the Project, said contracts not to be binding until approved by resolution of this Board.

Section 5. The amount of each of the contractor's performance and/or payment bonds is hereby fixed and determined to be 100% of the amount of such contractor's contract.

**PASSED AND APPROVED** September 5<sup>th</sup>, 2006.

/s/ Bill Lanphere, Chairperson, Board of Supervisors.....Attest: /s/ Karen M. Strawn, Co. Auditor

Treasurer Kathy Bach reported on several mobile homes that have been junked out and can no longer be sold as MH's. Motion by Vail to abate the 2006 taxes on the following: VIN #5041523-\$80.00, VIN #0701702943-\$112.00, and VIN #N14370RFK410059-\$156.00. Carried.

Bach presented a request for a tax suspension on parcel #14-02-176-012. Iowa Code Chapter 427.8 permits suspension when a property owner, who is unable to contribute to the public revenue, petitions the Board for that purpose. The taxpayer is willing and able to pay the current taxes in full, but due to an unexpected increase in the valuation, will not be able to pay them under the usual schedule. The Treasurer proposed a payment schedule, which includes monthly partial payments, with no penalty and interest. This will prevent the parcel from going to tax sale next June. Motion by Vail to approve the

request of the taxpayer to suspend current taxes on parcel #14-02-176-012 to the extent that will allow him to make monthly partial payments without penalty and interest. Carried.

Motion by Burnside to approve and to authorize the Chair to sign today's claims approval list. Carried.

Hear the Public: Gary Small was present and asked whether the Schaller land on the north side of C-65 could be purchased for a bike trail. The Chair has inquired, and was told that there was no interest in selling land for that purpose.

With Scott Schuelke, Rod Plagman and Martin Glienke present, the Board took up the discussion of funding the C-65 bike trail. Burnside would like to see what grants might be available for this purpose, and perhaps look for a grant writer. Rod Plagman commented that members of his group are just bike enthusiasts interested in the opportunity presented by the C-65 project; with Project Awaysis it is good timing to pursue a bike trail there. Scott Schuelke has been listening and reading the minutes and is under the assumption that the money is there. Since the recent accident he thinks this should be a priority. He wondered if some priorities might be postponed until later – not eliminated – so that the bike trail can be constructed as a matter of safety. Plagman stated that it wasn't their intention to bump any project. Engineer Jon Ites stated that only the re-surfacing project money isn't currently committed. Burnside has seen in Sioux County, a single lane in the ditch for bicycles - would this be possible here? Schuelke asked if there is enough room in our ditch to do that. Burnside said that local people will be making a report to the Hwy 20 Association this week on what road deficiencies we have. Plagman thinks there are so many good reasons to do the bike trail – safety, economic development – Awaysis. He lives outside the city limits as do the people on the south side of the lake who pay the rural taxes and are the ones using C-65. Wide farm equipment travels on that road, as is their right, just as it is also the biker's right to use the road. Martin Glienke stated that he wasn't present when last week's decision was made. He slows down on that road to go around a bike. The trail really should be along the lake. Ites thinks we can do the bike trail in the 60' ROW, but he is afraid there isn't sufficient dirt to build the additional 4-5' hard surface. The road currently is designed with a limestone shoulder. Any design change would have to be approved, in order to receive the federal funds currently committed to it. Paved 'bike accommodation' areas would be helpful. Considerable discussion was had on design dimensions, gravel/paving quantities, etc. Gustafson thinks that to construct the bike path in the ditch instead of along the shoulder, additional ROW would be needed. This is cost prohibitive. If we can't find any projects that can be delayed to go forward with the bike trail, then we should delay C-65 so that the funds can be found. Ites would have to ask if the funds for C-65 could be reserved if C-65 is delayed. The Board asked him to check on it. With a one year delay, perhaps we could apply for grant funds to get additional dollars. Gustafson's motion allowed for a bit of delay. Ites will talk to Regional Planning but doesn't know how long a decision will take; he doesn't want to jeopardize the E. Milwaukee project. He will have to watch Farm-to-Market funds. Biking proponents should also contact Regional Planning. NWIPDC could help with the grant-writing, and a sponsor needs to be found. Either SLADC or the Corridor Association (both are non-profits) could qualify as sponsors. This trail doesn't connect with anything. – but every bike path has to start somewhere. Plagman and Schuelke should talk to Ted Kourousis (NWIPDC) after Jon checks with Regional Planning. Gustafson suggested having Gary Lalone come in to talk about sponsoring a grant application.

There being no further business, the Chair adjourned the meeting at 11:50 a.m. until Tuesday, September 12<sup>th</sup> at 8:30 a.m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
THIRTY-NINTH MEETING, 2006 SESSION (39)  
SEPTEMBER 12, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, September 12, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting. Absent: Burnside to attend another meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Crampton, Gustafson, Vail, and Lanphere. Nays—none. Abstentions: none.

The Board held discussion on what type of assessment should be charged to US Bio for discharge of their cooling tower and storm water, but no consensus was reached.

Treasurer Kathy Bach and Deputy Treasurer Kim Briley were present for a discussion of the space needs in that office. The previous examiner was in Buena Vista County 3 days/week, with the other days in Cherokee and Pocahontas Counties. The newly hired examiner is fulltime and will be learning issuance as well as driving examinations. Due to inadequate space, Bach has delayed hiring another clerk for the Driver License Services department. She currently doesn't offer CDL's due to lack of personnel/space, but noted that she would receive no extra revenue for the CDL drive test, just the fee for issuance of CDL license. The Chair described one option that he had considered, which involved getting people out of the hallway, but without finding additional space elsewhere would make things more cramped. Everyone's goal is to get people out of the hallway. Bach discussed an option which included changing the usage of the space in her 'workroom'. After discussion of several possibilities, Bach stated that it is likely that more space can't be found until the jail is done and record/supply storage spaces are made available in the courthouse. The Chair supports her need to expand to keep and improve services. He suggested that storage for plates could be in the basement, re-stocking daily or as needed. He thinks it is illogical to have any 1<sup>st</sup> floor rooms dedicated to storage. Gustafson asked if the boardroom is utilized well enough. Could it be used temporarily till the jail is done? It will need to be 'remodeled' regardless what its future use will be. Briley responded that using the boardroom for DL activities would make it very unhandy for her to jump back and forth between the DL and MV departments. Bach explained that any move for either DL or MV would require rewiring, so it would not make sense to make a temporary move to the Boardroom, and then another move after the jail is completed. The Board is still looking at a planner to do a complete study. They would take traffic flow in the hallways, as well as the potential need to secure the courthouse doors, into their considerations. Getting people out of the hallway will mean increasing the volume of noise inside the Treasurer's office. Security, and supervision of those taking tests, are issues as well. Bach said that the decision doesn't have to be made immediately -- they can see the light at the end of the tunnel. Gustafson suggested that perhaps a planner could be hired now for just the Treasurer's changes, and then later, for the remainder of the departments.

Engineer Jon Ites gave a secondary road report on current projects, and presented utility permits for approval. Motion by Vail to approve, and to authorize the Chair to sign, the utility permit submitted by Interstate Power & Light Co. (dba Alliant Energy), Spirit Lake, to install a 1" plastic gas service to a home at 201 Pheasant Ave. Carried.

Motion by Gustafson to approve, and to authorize the Chair to sign, the utility permit submitted by Iowa Telecom, Grinnell, to upgrade service by installing a 25 pr cable loop and two crossings of 180<sup>th</sup> Ave between Sections 25/26 Providence Township, and a 5 pr cable to provide new service to 6475 180<sup>th</sup> Ave. Carried.

Motion by Gustafson to approve, and to authorize the Chair to sign the utility permit submitted by Iowa Lakes Electric Cooperative, Estherville, to install 2 miles of 3-phase cable in the shoulder between Sections 22, 23, 25 & 27 Providence Township; this replaces 3-phase. Carried.

The Board discussed the status of the process for passing a 'jake brake' ordinance. The changes that had been considered after the 1<sup>st</sup> of three readings were significant enough to begin the process again.

Gustafson suggested to Ites that a tree inventory of the county road ditches be done, and then have crews start clearing them out. Ites responded that the work crews did work on them last year.

Kirk Henderson, UNI, presented a PowerPoint on the Integrated Roadside Vegetation Management program, which the State of Iowa encourages. The County has completed the weed inventory. Native wild flowers and prairie grasses provide excellent ground cover and wildlife habitat.

The Chair gave an update on the LEC project; the foundation will require about 4 weeks to cure before installation of precast walls begins. BVU has completed their new building and electric lines have been installed, with lighting on backorder. As they get ready to move, BVU is planning a big garage sale of many of the items they have stored.

Bob Christensen, Emergency Management Coordinator, discussed the recent Homeland Security/Emergency Management audit. The auditors have requested a more detailed tracking of the grant funds, but otherwise provided good remarks. One concern was over the hours over 40/wk. Christensen has held the position for 8 years. Over that time, grants to various agencies/departments have exceeded \$775,000 for equipment, training, etc. He has just obtained excess equipment from the State EOC. A Sony projector valued at \$11,000, plus two \$3,000 lenses is now available for the Incident Command Center at the LEC. The cities, fire departments, hospital, Public Health and the Sheriff's department have all benefited with new equipment/training.

Due to a change in the formula for grants, which will reduce the reimbursement to the Emergency Management Fund, Christensen is seeking additional funding from the county to support the EMC position; the county is currently providing \$24,777 for the Emergency Management program. Grant funding is disappearing for wages, and will be re-directed to training and education. He requested \$15,000. The EMPG grant match is now 35%, down from 50%. With the changes to the EMPG funding, other sources of revenues are needed to maintain current salary, meanwhile, the position is providing services to agencies and organizations from which there is no funding. Motion by Vail to continue the discussion until 8:30 on 9/19. Carried.

Environmental Health Director Kim Johnson reported on the hours and the work required at the Sioux Rapids grocery store following the fire. 161.5 hours were spent compiling an inventory (\$174,000) of the goods trucked to Minnesota for sale. Disposal to Minnesota was directed by the insurance company. Only two states allow the re-sale of the sealed goods, which were not damaged. She reported that the Board of Health will make a decision next week regarding inspections of swimming pools, which must be added, or, if not, the county will no longer inspect tanning beds and funeral homes. Staff will need training and certification to do the inspection. Motion by Vail to set a public hearing on the zoning request for Steve Lullman for 10:30 a.m. on 9/26, followed by the 1<sup>st</sup> Reading of an ordinance to amend the zoning map, if the zoning request is approved. Carried.

The Engineer reported on a warrant written to a vendor for materials for a railroad crossing, but cashed at a LaSalle, Illinois bank by someone else without proper endorsement. The County Attorney and the County's insurance company have been notified. It was the consensus of the Board that the County Attorney's direction (in writing) is needed before a replacement is issued.

Motion by Crampton to approve the minutes of the 9/5 meeting as printed, and the following reports: August Board of Health minutes, budget reports, and departmental expenditure summary. Carried.

There being no further business, the Chair adjourned the meeting at 12:15 p.m. until Tuesday, September 19<sup>th</sup> at 8:30 a.m. for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**(School Board Canvas entered out of order – see page)**

**BOARD OF SUPERVISORS MEETING  
FORTIETH MEETING, 2006 SESSION (40)  
SEPTEMBER 19, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 19, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Zoning Director Kim Johnson reviewed information regarding the public hearing for the Lullman zoning request scheduled for September 26<sup>th</sup>.

After due consideration and discussion, Supervisor Burnside introduced and moved the adoption of the resolution next herein set out, the same being a resolution approving executed contracts and performance and/or payment bonds for the Buena Vista County Law Enforcement Center Project. The motion was seconded by Supervisor Crampton and passed with record vote as follows: Ayes: Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays: none. Thereupon, the resolution was declared adopted, as follows:

**RESOLUTION NO.2006-09-19-A**

Approving a contract with Tessier's Inc., and their performance and/or payment bonds  
for the Buena Vista County Law Enforcement Center Project

**WHEREAS**, the Board of Supervisors of Buena Vista County, Iowa, has heretofore awarded contracts for the Buena Vista County Law Enforcement Center Project (the "Project") and fixed the amounts of the performance and/or payment bonds to be furnished by such contractors, and instructed and authorized the Chairperson and County Auditor to execute the said contracts on behalf of the County, subject to the approval of the Board; and

**WHEREAS**, the said Tessier's Inc. contract has been duly signed by the contractor and by the Chairperson and County Auditor, and upon examination by this Board the same appear to be in proper form; and

**WHEREAS**, the contractor has filed satisfactory performance and/or payment bonds in the required amounts;

**NOW, THEREFORE, IT IS RESOLVED** by the Board of Supervisors of Buena Vista County, Iowa, as follows:

Section 1. The contract and performance and/or payment bonds referred to in the preamble to this Resolution are hereby approved and declared to be binding upon the parties thereto.

Section 2. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED AND APPROVED** September 19, 2006.

/s/ Bill Lanphere, Chairperson, Board of Supervisors.....Attest: /s/ Karen M. Strawn, Co. Auditor

Case Management Supervisor Dawn Mentzer reported that the actual cost for case management services was \$247.68/unit for FY'06. Eight hundred thirty-seven units were provided. Motion by Gustafson to approve and to authorize the Chair to sign the **FY'06 final/actual case management report** to Iowa Medicaid Enterprise. Carried. Counties will be taking on state cases as of Oct 1<sup>st</sup>. Though counties will be paid for providing the services, there is a shortfall in the state appropriation for those services. The state is expecting that county case management will provide better services and lower the projected costs. Buena Vista County currently had 12 state cases, but Mentzer has learned of a new admission at Spectra. Mentzer also reported that the State of Iowa is in the process of changing their definition of ARO services to better match the federal definition. Because of the change, Genesis Development expects to lose their ARO funding, which will put additional costs back on the county.

The Board received Resolutions from the Storm Lake School Board regarding an extension of the current SILO sales tax, and specifying the ballot language for the use statement. Motion by Crampton to accept the Storm Lake School Board resolution requesting an election to extend the current **SILO sales tax** until December 31, 2022. Carried.

Architect Glen Huntington and Al Kinnetz-Marathon, were present to request assistance with the **Marathon Community Center project**. Demolition materials have been taken to the dumpsite leaving a hole that must be filled in so that the new building can be constructed. They are requesting about 2,000 cubic yards of sand/gravel to fill in the excavated site. Engineer Ites has offered strippings (an otherwise waste product) but Terracon has tested the material and determined that it is too light. In the past, the county has sold materials to cities but only for road purposes. Ites referred to Chapter 309.63-66 of the 2005 Code of Iowa, which is explicit that the material can't be used for anything other than road purposes.

Sandy Johnson, the Board's representative on the **NW Iowa Regional Housing Board** reported that interviews for the Executive Director position are proceeding. The previous director who had served for 17 years has moved out of state. They have received a number of good applications. The **Iowa Rural Development Council** is sponsoring "Harvesting Resources for Great Places" in Lake View on October 6<sup>th</sup> at the Lakewood Ballroom beginning at 10:00 a.m. There will be workshops, listening sessions, and resource tables.

Steve Hoffman presented an appeal regarding the Board of Adjustment's administrative action on Steve Lullman's **rezoning request**. Hoffman asked the Board of Supervisors to ask the Board of Adjustment to review their decision. The Zoning Ordinance does not provide for an appeal process other than to go to District Court. Hoffman's request would be to ask Lullman to move the house to the south end of the parcel. Hoffman is looking to put up a turkey facility and wants to maintain the proper setback. The Board considered whether or not to ask the Board of Adjustment if they would reconsider their decision. Gustafson asked Zoning Director Kim Johnson how this request affects the public hearing scheduled for next week. The Board of Adjustment can't officially meet prior to the public hearing due to

the requirement for 10-day notice. Due to a 45-day timeframe, postponing the public hearing is not an option. Since the Supervisors can't officially ask the Board of Adjustment to review their decision, Gustafson suggested that the Board proceed with the public hearing and see what happens.

Realtor Mark Redenbaugh stopped in to make the Board aware that the Seifer building on Cayuga St. is again on the market (5,000 sq feet.), if the County is in need of additional space.

Engineer Jon Ites reported that the Secondary Road annual report has been submitted. He reported that setting back the C-65 re-construction project by a year shouldn't be a problem. Due to the NRCS requirement to 'let' a project in 90 days and an extension being needed to complete the design for the project, motion by Crampton approve and to authorize the Chair and the Auditor to sign a resolution requesting an extension on the '3 bridge mile' project along the north side of Section 19, Barnes Township. Carried.

#### RESOLUTION 2006-09-19-B

To Advance Locally Funded Project(s) in the Priority List

**BE IT RESOLVED:** That the Board of Supervisors of Buena Vista County, Iowa, initiates and recommends that the advancement of the following project(s) to the accomplishment year be approved by the Iowa Department of Transportation (Iowa DOT) for improvement with local funds for the period covering the current secondary road construction program. Previous Priority Year-2011; TPMS #14477; Project #BROS-CO11-(85)—8J-11; New Project #L-C-785—73-11; Estimated Cost \$270,000; to replaced 2 bridges and 1 structure on the North side of Section 19, Barnes Township.

/s/ Bill Lanphere, Chair, Board of Supervisors.....Attest: /s/ Karen M. Strawn, County Auditor

Motion by Crampton to approve the minutes of the 9/12 meeting as printed, and the following reports: July ending fund balances and August Conservation Board minutes. Carried.

Motion by Burnside to approve and to authorize the Chair to sign today's claims approval list. Carried.

Motion by Vail to void and re-issue checks #204265 & #204266 dated 3/23/06 and to re-issue the \$76.00 to QWEST. Carried.

Motion by Burnside to approve and to authorize the Chair to sign August LEC project bills submitted by Midwest Construction in the amount of \$170,000.00. Carried.

The Board acknowledged receipt of notice from IDOT regarding the proposed change from the current Hwy 110 curve to a T-intersection at Hwy 110 and C-65. DOT has suggested that the County take the lead in the project.

The Chair reviewed his discussion with Engineer Ivan Droessler regarding a DD #34 assessment for US Bio-Albert City. Considered were a one-time access fee and/or an assessment to be added to the DD#34 schedule. Droessler had made the point that US Bio is improving the drainage by getting the water to the open ditch. US Bio will own the main, which they install and will be responsible for its maintenance. The basic agreement has been drafted, but the financial information needs to be determined. Vail stated that assigning an assessment value only, would mean that until there is a levy, there is no charge to US Bio. Into the agreement there needs to be the ability to re-negotiate the assessment in the event there is a change in the volume of the discharge. The assessment value suggested by Droessler in the event of repairs/maintenance to the district is acceptable. Vail suggested charging a one-time access fee charge at the rate of 100% of the DD #34 assessment assigned. The Chair and the Auditor will meet with the Drainage Attorney to request that these terms be included in the agreement.

A decision needs to be made on the suggested list of repairs to the **Spectra facility** recommended by Control Systems Specialists.

The Chair asked for input on how to fund the purchase of the **BVU building** adjacent to the LEC site. After speaking to Bob Josten, Bond Counsel, he suggested bonding through the Debt Service Fund. This will allow it to be paid off with the broadest valuation basis (including the TIF increment). Motion by Lanphere to proceed with arrangements to pay for the BVU building with a General Obligation Bond to be paid from the Debt Service Fund. Ayes—Burnside, Crampton, Vail, Lanphere. Nay—Gustafson. Carried.

Engineer Jaylin Dahlhauser reported on the meeting with L. A. Carlson regarding the DD #67 project. Carlson has submitted a proposal to do the work, less the chiseling and cleanup, for \$14,986.40. Engineers Dahlhauser and Droessler believe it is a good price and they recommend entering into a contract for that amount. Motion by Vail to enter into a contract in the amount of \$14,986.40 with L.A. Carlson for the **DD #67 cleanout**; the work will be done this fall. Carried.

The Board received Resolutions from the Alta, Newell-Fonda and Albert City School Boards regarding an extension of the current SILO sales tax, and specifying the ballot language for the use statement for their schools. Motion by Gustafson to accept the Alta, Newell-Fonda and Albert City School Boards' resolutions requesting an election to extend the current **SILO sales tax** until December 31, 2022, to direct the Commissioner of Elections to publish (pursuant to Chapter 423E.2b-.3 of the 2005 Code of Iowa) the required Notice of Ballot Proposition not later than October 13, and to direct the Commissioner to include the question on the ballot along with the office of State Representative, District 52, for the countywide Special Election to be held December 12, 2006. Carried.

The Board referred a request for a **babies' changing table** at the E. Richland Annex to the Custodian.

Kathy Evert, Executive Director of the **Iowa Lakes Corridor Development Corporation**, gave the Board an update of the past year's activities of her group, and reviewed its strategic plan through 2009. The Board agreed to her request to help coordinate a meeting of all of the communities in Buena Vista County this fall. The Chair and the Auditor will prepare a letter to be sent to the Mayors, Council Members and City Clerks suggesting several dates.

Ted Kourousis, Planner with NWIPDC, along with Kathy Evert and Gary Lalone, SLADC Exec. Director, discussed funding for the **C-65 bike trail**. Since it is feasible to delay the C-65 reconstruction project by one year, there may be time to find grants. There are both state and federal grant opportunities. The first step is to get the specifics down on where it will be built, how wide, etc. Then an engineer's study/estimate will be needed for the grant application. Kourousis will check on the engineering firm used for this type of work in the Lakes area.

Motion by Crampton to approve and to authorize **LEC change orders** totaling a decrease of \$52,266.00 (Contract #3-Plumbing <\$29,236.00>, Contract #4-HVAC <\$3,595.00>, Contract #5-Electrical <\$19,435.00>). Carried.

There being no further business, the Chair adjourned the meeting at 12:05 p.m. until Tuesday, September 26<sup>th</sup> at 8:30 a. m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FORTY-FIRST MEETING, 2006 SESSION (41)  
SEPTEMBER 26, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, September 26, 2006, at 8:00 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Craig Neulieb, Control Systems Specialists, met with the Board to discuss problems with the water heater at Spectra. Every 6 years the boiler and water heater have to be torn down for an internal inspection by the State of Iowa. A portion of the inspection bill will be paid by Spectra Health Care. On other items: the burner for the hot water heater needs to be replaced. The freezer condensing unit and evaporator coil has been installed and repaired. The company has asked for a quote on a new freezer door and heater strip, but it hasn't yet been ordered. The door has to be a custom built. Control Systems recommends several other repairs as well. One of the items, a transfer switch, could be very expensive if it fails (\$20,000 estimated). The consensus of the Board was to proceed with the freezer door and to raise the height of the other condenser.

The Chair reported that it is possible that the C-65 bike trail project may not get any consideration for grant funding after all since it doesn't connect to anything as currently planned. If all other applicants have projects which hook on to existing projects, this one will be at the bottom of the list. Gustafson didn't see much support for the project at the last meeting except from the bike enthusiasts, but there is a motion on the books to proceed with making the surface of the road wider than previously planned with construction to be in 2007 or 2008. It appears that it will be up to the next board to move the project forward beginning with the next budget; the project will have to be put into the next budget since there isn't anything available in the current budget. Vail mentioned that changes to Hwy 110 (removing the curve and making a T-intersection at the airport), planned by IDOT, suggest including it with the planning for C-65, and now the bike trail as well. Motion by Crampton to delay the C-65 construction project by one year, pending developments on taking out the curve at the airport on Hwy 110. Carried.

Attorney Dan Connell for Dale & Bev Wordekemper, and County Attorney Phil Havens, were present to discuss White Cap Road. Connell stated his opinion, that if the trees are on the road, why can't the county simply remove them (since they don't belong there) and proceed to move the road. A picture of Wordekemper's lot with the stakes 1 foot from the existing road was circulated. A number of utility markings have been marked throughout Casino Beach within the last week or so. Everyone understands that the road would be moved, and seal coat applied this fall. The survey which has been completed clearly indicates that the trees and the utility poles are on the road right-of-way as platted. Havens was asked whether the county can remove the trees, but he hasn't yet researched the matter. Two property owners have approved removing them, but two have declined. Vail asked Havens to review with the County Engineer, the survey completed by him.

Motion by Vail to approve the minutes of the 9/19 meeting as printed and the following reports: August ending fund balances and the annual Conservation Board report. Carried.

Motion by Crampton to authorize the Auditor to transfer \$50,000 from the General Fund to the LEC project fund, this amount having been budgeted in the General Fund to be used for costs associated with locating the Communications Center in the LEC. Carried.

The Board acknowledged receipt of a petition signed by 84 persons requesting that 500<sup>th</sup> St. from N14 east to 235<sup>th</sup> Ave., and to page 235<sup>th</sup> Ave. south from 500<sup>th</sup> St. to Ag Partners Elevator in Albert

City, in anticipation of the traffic increase to and from the US Bio Albert City Ethanol Plant. No action was taken at this time.

Having received two proposals for a courthouse master plan, the Board discussed the differences. The consensus was to have Chris Schiltz, Koch Hazard, meet with the Board to discuss his proposal.

Vail reported from Clay County Drainage Technician Frank Rouse that the trees in **DD #14-42** will be removed after crops are out of the field, and, that some of the trees will be left in place.

Motion by Burnside to direct the Auditor to transfer \$1,232.43 from the Employee Health Insurance Funds (#4151) to the General Fund, the county share of the premium paid for one employee who is no longer with the county.

Midwest Construction Consultant John Hansen updated the Board on the LEC project. No problems or concerns have come up at this point in time. He is meeting with the contractors to establish a construction schedule in order to keep the project moving forward, and to keep all contractors working in complimentary fashion. Currently, they are making really good progress. The generator location has changed, the change in setback was approved, the state fire marshal has given approval to the plans with comments, the city has completed the plan review with comments, several change orders have been issued, and the contracts and bonds have been signed and distributed. For the 23 hour lockdown cells, shelving and stools will need to be added. Video arraignment will be accomplished over high speed internet. About sixty materials submittal have been processed with about that many more to be done. Architect Rod Moore informed the Board that there is a new IBC (International Building Code) which was adopted by the state, and will cause some changes. It is significantly different from the old code. Motion by Burnside to approve and to authorize the Chair to sign (LEC Project) Change Order #1 on Contracts 1 & 6 (General Construction and Fire Sprinkler systems). Carried.

Mr. & Mrs. Steve Lullman and Gene Lloyd (Environmental Health & Zoning) were present for the public hearing on Lullman's request to rezone from A-1 to C-1 on a parcel along Hwy 71 (in the NE corner of the SE $\frac{1}{4}$  of Section 12, Washington Township). Lloyd reported that Zoning Commissioners received comments on both sides of the issue, with each commission member stating their opinion. Their decision was unanimous to re-zone the south 1/3 of the parcel. A house will be built on the north side. Two petitions have been received, one in favor of the re-zoning request, one against. Attorney Ted Brown, representing Steve and Mary Hoffman, presented a position statement outlining their opposition to the re-zoning. Brown believes there are legal issues that the Board needs to consider. What is being requested is clearly spot zoning, which is not always bad, but if the courts are to rule in favor of spot zoning, it is supposed to be of benefit to the public and consistent with the comprehensive plan. The most recent Iowa Supreme Court case was in 2001. There appears to be no valid public purpose involved in approving this spot zoning request. In the past, the Board has respected the importance of agriculture. This parcel is agland right up to the edges of the pond and is currently being farmed right up to it. Another concern is what happens if this request is approved and another request comes along. Lullman's proposal is to pick up and move a business to an agricultural location. There are other locations currently zoned commercial that would be more appropriate for the business. This request is to allow a C-1 business on a location that has been farmland for over 100 years. Brown believes this deserves some careful thought.

Hoffman was invited to comment. He stated that he had given his remarks last week and had addressed his issues at that time. He did mention the use of agland for other than ag purposes.

Steve Lullman stated that this is an ag-related business – ag sprayers. Also, the land isn't prime agland; the crop is less than great. The County's Zoning Ordinance calls for a 25 acre minimum for development of A-1 property, and the request to subdivide these 15 acres has already been approved.

The Chair reminded Board Members that this request has gone through two prior boards which had the power to place some stipulations on their approval, but they did not. The Supervisors must either

approve the zoning change or deny it. Brown pointed out that if the re-zoning to C-1 is approved, then any activity allowed in a C-1 district would be acceptable, not just what Lullman proposes.

With no further comments, the Chair closed the public hearing. The process before the Board requires 3 readings of an ordinance to amend the zoning map. Today is the first reading. Gustafson reminded Members that Hoffman has mentioned he might put up an ag building. There may be a future potential conflict with an ag building being constructed and the new house. He has concerns of what may happen in the future, which might not be conducive to either side. The concerns of the people living in the neighborhood should be considered. Motion by Burnside to support the Lullman zoning request to re-zone the parcel to C-1, and to approve the **1<sup>st</sup> Reading of the Ordinance** amending the zoning map. Gustafson believes there might be some better place to locate the business other than that location. Ayes—Burnside, Crampton, Vail. Nays—Gustafson, Lanphere. Carried. Motion by Vail to set 8:30 a.m. on October 3<sup>rd</sup> as the date and time for the 2<sup>nd</sup> Reading of an ordinance to amend the zoning map for the Lullman parcel. Carried.

Cindy Wiemold, Storm Lake Site Director of **Genesis Development**, updated the Board on the Jack Links project. The Board's support of the project has been great, and the project is going well. Since Genesis clients have gotten started, Jack Links has had tremendous growth, been very busy, and asked for a second work crew. They do box assemblies and clip strips. Thirteen of the twenty Genesis clients who are employed are BV County residents. Along with having to improve their qualifications to work there, clients have improved self-esteem, and on average, are making 43% higher wages than previously. Others are working hard to try and qualify to do that work. Genesis has signed a contract with Jack Links. Another project is with Silk Screen assembling and heat sealing rain gauges. They are preparing to take on the printing of the gauges as well, all of which is done on Genesis' site. Beginning July 1, Genesis stopped recycling cardboard. They still do business paper shredding and newspaper recycling. Beginning Oct 1, their redemption center operation will change its hours.

Engineer Jon Ites provided a departmental update. Motion by Vail to approve the **utility permit application** submitted by Iowa Lakes Electric Cooperative, Estherville, IA to install an overhead 7200v single-phase power line on the north side of Section 13, Newell Township. Carried.

Motion by Vail to approve the **utility permit application** submitted by Iowa Telecom, Grinnell, IA to install

- a 25pr copper telephone cable on the south side of Section 26, Lee Township to serve 1772 470<sup>th</sup> St., and.
- A 25 pr copper telephone cable on the east side of the road through Section 2, Brooke Township, for the road relocation north of the Whitney Pit. Carried.

Ites reported that the Qwest cable is less than 8" deep at Casino Beach; consequently, **White Cap Road** can't be milled to repair it. The seal coat contractor may be done this week.

Gustafson asked Ites if it might be possible to have **Drainage Watchman duties** done in house. The cost for going outside is expensive to the taxpayer. Ites stated that there is the ability to do it in-house, but that the amount of time that performing watchman duties take will have an impact on secondary road projects. Gustafson asked him to check into what is being done in other counties and come up with a plan.

Emergency Management Coordinator Bob Christensen presented a brief synopsis of his duties including the variety of agencies that he has assisted by providing training, planning and coordination. After having the information presented to them, the Commission members instructed him to present a request for additional funding from the County to support the wage paid to the EMC. When asked, Christensen responded that the mayors (Commission members) have not indicated that they are willing to increase the funding from their cities. The additional funding is a one-time request so that the EM program can qualify for additional reimbursement funds through EMPG in the future. The work of the

EMC has changed dramatically since 9/11 and the workload is real. But, the Emergency Management program can't continue without a one time supplemental, additional funding. The request is \$15,000.00. Motion by Burnside to provide a one time \$15,000 in additional funding to the **Emergency Management** program for the current FY'07 only, to be used for salary/benefits for the EM Coordinator. Ayes—Burnside, Crampton, Vail, Lanphere. Nays—Gustafson. Carried.

A liquor license application from the **Buena Vista County Fair Board**, previously approved by the Alta City Council, was been submitted to the Iowa State Alcohol and Beverage Division to cover an event at the fairgrounds last Saturday. However, due to the weather, the event was postponed. At the request of the Alta City Clerk, motion by Crampton to direct the Auditor to notify the Iowa State Alcohol and Beverage Division of the Board's approval of the date change. The request was made due to the Alta City Council not having any scheduled meetings prior to the event. Carried.

There being no further business, the Chair adjourned the meeting at 1:45 p.m. until Tuesday, October 3<sup>rd</sup> at 8:30 a. m. for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FORTY-SECOND MEETING, 2006 SESSION (42)  
OCTOBER 3, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 3, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Zoning Director Kim Johnson reported that up to today, she had not received further comments from anyone regarding the **Lullman re-zoning request**. Attorney Ted Brown re-emphasized Mr. & Mrs. Steve Hoffman's position: on the basis of his research, he believes that this is spot-zoning. In 1994 the Iowa Supreme Court, in a similar case turned down the request due to the 'spot-zoning' aspect of the case. The court said that spot-zoning for the benefit of the owner, and when not to the benefit of the public and in conflict with the Comprehensive Plan, is not acceptable. The county's current comp plan places importance on the preservation of agricultural land. He questions whether a favorable decision would be upheld in court, and whether this is a decision the Board wants to make, given its implications for the future. He also noted that Lullman doesn't own the property yet, which is not the same as allowing an owner to do with his property what he wants to do with it. If approved, the decision will affect the rights of the Hoffman's, both specifically and personally. If the Board grants the request, Brown's position is that it will affect Hoffman's ability to do what he wants to do and what he is currently entitled to do under current law and the zoning ordinance. Last week, it was stated that the Board of Adjustment is a done deal; it must not be viewed that it isn't a decision that the Board of Supervisors must follow. Brown suggested another way to handle this – to provide an opportunity to sit down and find some other solution, some middle ground. Steve Hoffman is interested in finding some middle ground. Lullman and Hugh Perry and Steve Hoffman have met and are trying to find a compromise. He suggested that if the board does not approve the second reading, Lullman does have an opportunity to go back to the Board of Adjustment with a revised proposal. A suggestion would be that a waiver could be granted. Steve

Hoffman thinks they can find middle ground. Mary Hoffman stated they are on a family farm and have been working hard to preserve the farming operation, and she is working off the farm for that reason. Changing the zoning will create a safety issue with the added congestion of a commercial business. Hugh Perry represents Lullman's, and did in front of the Zoning Commission. He noted that the Zoning Commission ruled unanimously on the Lullman request. He is concerned that prior Board of Supervisors minutes did not mention a potential turkey confinement operation that Hoffman's are considering. The facts are: the Hoffman's understandably want to keep things the way they are. The Lullman's are seeking to utilize a parcel with basically little agricultural use. Lullman's do have a contract to purchase the property. They initially were seeking a variance to conduct agricultural sales. They were turned down 3-2 by the Board of Adjustment. They could have gone to court but instead went to Zoning Commission for a zoning change. The Supervisors recently approved the truck wash along Hwy 71 further north. Spot zoning is not necessarily illegal. The case cited by Brown had much different circumstances than this case. Perry doesn't think that the discussions between Lullman and Hoffman should impact the decision to be made by the Board of Supervisors. Lullman has already made a change in moving the business further back from the road. Hwy 71 is definitely a commercial artery – it is not a country road. He doesn't feel that any of Lullman's plans will affect the Hoffman's.

Gustafson asked about procedure regarding a case many years ago and advice provided by Dan Connell. Zoning Director Johnson replied that she was not involved in that case. Gustafson is uncomfortable that the Board may not be proceeding accurately. This is a re-zoning. This would not be a zoning change for just Lullman, but will go on into the future which is why he is uncomfortable. Vail asked if a period of time between today and the 3<sup>rd</sup> reading would allow for some type of compromise. Hoffman responded that if Lullman is not willing to move the building, than no amount of time will make a difference. Sara Lee has done a site survey on his property and needs to have the corn out of the field before being able to make a decision on location, which might be mid-November. It is currently approximately 20 rods back from the road. If this reading is disapproved, this process is ended, but Lullman can go back to BofA with a different proposal. Perry stated there is willingness to talk, but that shouldn't be a part of the Board of Supervisors' decision. Hoffman is willing to talk. After discussing dates when all 5 Board members would be present, the Board settled on 10/10 after all. Motion by Vail to approve the 2<sup>nd</sup> Reading of the ordinance amending the Zoning Map (for a parcel in the NE corner of the SE $\frac{1}{4}$  of Section 12, Washington Township) and to set the 3<sup>rd</sup> Reading for Oct. 10 at 8:30 a.m. Ayes—Burnside, Crampton, Vail Nays—Gustafson, Lanphere. Carried.

Engineer Jon Ites reported on the completed soybean harvest at the Hayes Pit, and that storage charges begin Oct 12<sup>th</sup>. It was the consensus of the Board that he should market them. The state report on the county's bridges identifies the top 15 in terms of needing repair or replacement. Ites provided a copy of a news release regarding fall harvest and traffic, asking and receiving agreement from the Board that it should be released locally with added comments about lights and SMV signage (required on transport vehicles and grain wagons).

West of Albert City, work being performed for US Bio-Albert City to install a force main for chilling tower water, has resulted in a number of cut private and drainage district tile, and damage to the slopes of the ditch and to the road shoulder. Private tile has been cut and then covered up. County Engineer Ites, and Drainage Engineer Ivan Droeßler, have been trying to contact US Bio regarding the unsatisfactory installation. Contact has been made with Lundell Construction, who subcontracted the work to Rogness Construction, Des Moines. Damage to the road is significant, and there has been insufficient road shoulder repair. The contractors have been told that they can't depart until the county gives an ok. An on-site inspector during the repairs will be required but Ites doesn't currently have staff to oversee the work. Re-construction of the slopes and repairs to the district tiles must be overseen by the engineer; all of the repairs directly affect the county ROW. The Board directed that US Bio be billed for the necessary inspection services. The installation was to be finished today.

Ites reported that he will request that the Board sign the agreement for an extension on the '3-bridge-mile' project near the deadline, as the count for the 3 months begins on the date the agreement is signed.

At Casino Beach, a portion of White Cap Road received seal-coating; the stakes used to mark where the seal-coating should be placed, were removed and about 50' too much was done. Ites reported that he will meet at the site with Attorney Dan Connell and County Attorney Phil Havens after Havens completes his research on whether the county can have the trees removed, or if objections from property-owners prevent the county from removing them.

Drainage Attorney Gary Armstrong was present with the draft of an agreement between US Bio-Albert City and DD #34, Lateral 2. The agreement calls for an initial assessment of \$972, which recognizes the prior investment of all other landowners in the district. In addition, in order to have a basis for future assessments, the US Bio property will have a \$972 benefit assessment in DD #34 Lateral 2. If US-Bio exceeds the amount cooling tower water, or the quality of the effluent changes as allowed in their NPDES discharge permit, the terms of the agreement will be re-negotiated. The agreement also includes the methodology for determining the assessment. This assessment amount would be added into the current assessment schedule for future assessments. If re-classified, this assessment could be re-negotiated. Droessler stated that this improvement will add more 'head' to the drainage, but the capacity of DD#81 has improved due to these changes. Armstrong will deliver the agreement to US Bio. Motion by Vail to approve and to authorize the Chair to sign 3 copies of the assessment agreement between US Bio-Albert City and DD #34, Lateral 2. Carried.

Engineer Ivan Droessler reported that the DD #67 contractor started work Monday and did about 1,000' feet. They should be able to get 1,500' done today. District has control by agreement of about a  $\frac{3}{4}$  mile stretch, but they are also doing work in the bottom stretch. They are working to locate pipes and to cleaning sediment out of the ditch. A pipe was found that wasn't located in advance, and so was damaged. Droessler recommended that the district pay James Roberts for the repair of the damaged tile which was hidden in the slope and under the sediment. The Roberts' have been asked to help locate any other tile. Only 4 landowners are involved. Motion by Burnside to approve payment of repairs from DD #67 funds for damage to private tile. Carried.

Architect Chris Schiltz from Koch Hazard, Sioux Falls, was present to discuss his proposal and approach for a courthouse master plan. Having done some of the interview work as part of the initial 2003 jail study activities, Schiltz already has some understanding of the needs. He would document the current, historical, and projected staffing for all departments as a part of this study. Motion by Burnside to accept the proposal and to authorize the Chair to sign, from Koch Hazard for services to prepare a courthouse master plan in an amount not to exceed \$8,730 plus reimbursable expenses of approximately \$940, or a total of \$9,670.00. Carried. Schiltz introduced Jason Dally, CAD Technician, who will be working on the project.

Motion by Crampton to approve the minutes of the 9/29 meeting as printed, the following report: 1<sup>st</sup> Qtr FY'07 Sheriff's fees, and to approve and authorize the Chair to sign today's claims approval list. Carried.

Motion by Vail to approve and to authorize the Chair to sign a claim in the amount of \$1,500 to River Valley Forest Services, Humboldt, for tree removal services in DD #14-42 Jt. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the fireworks permit application submitted by Orren Knoffloch for 10/07/06 at 5360 110<sup>th</sup> Ave., Storm Lake, with Knoffloch to assume all responsibility for safety and liability. Carried.

Motion by Lanphere to set a date for a public hearing for an amendment to the county's FY'07 budget as October 24, 2006 at 8:30 a.m. in the Courthouse Boardroom. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the contract with L.A.Carlson in the amount of \$14,986.40 for cleanout/repair of DD #67. Carried.

There being no further business, the Chair adjourned the meeting at 11:45 a.m. until Tuesday, October 10<sup>th</sup> at 8:30 a. m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FORTY-THIRD MEETING, 2006 SESSION (43)  
OCTOBER 10, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, October 10, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Deputy Auditor Sue Kennedy as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Zoning Director Kim Johnson reported that up to today, she had not received further comments from anyone regarding the Lullman re-zoning request. Attorney Hugh Perry said that nothing was new to add, that both parties have met, and both are willing to compromise, but haven't come to an agreement. Steve Hoffman said that last week he visited with Steve Lullman about this matter. Steve Lullman filled him in on his business, and during that time the two discussed the setback and the possibility of waiving the setback. They couldn't reach an agreement. They discussed the possibility of purchasing more land on the West or the North, but that isn't an option. Steve Hoffman suggested closing the entrance on the south and diverting all traffic to the north entrance. Steve Lullman said "no". Steve Hoffman contacted Burnside, Gustafson, Crampton, Co. Attorney Phil Havens, and Zoning Director Kim Johnson about this situation. He didn't know what else to do, as they are not any closer to settling this. Hoffman still requests the Board deny this re-zoning request. Attorney Ted Brown says that there is a larger issue here. When you consider zoning, it's not just looking at the immediate applicant. Once the zoning is changed, it stays that way, you can't take it back. He is not saying that Steve Lullman won't operate a clean operation. Brown states that the Board calls Highway 71 a corridor, but he feels that it is a bypass, for the big city people from Des Moines going to the Lakes. He said that in other places, the commercial business is closer to a community and there is a frontage road. Brown says that if the Board wants to promote commercial business, they need to have a plan in place, things that they will require before approving it. He states that if the Board wants to approve this, he hopes they are doing so in line with a policy, as it does set a precedent. Brown stated that there is a big effort made to accommodate Lullman's, but what are Hoffman's getting? Nothing. Attorney Hugh Perry stated that these are difficult things. He feels that the Boards motive is not to help Lullman's, and go against Hoffman's. Lullman's are not taking valuable farm ground out of production. If the other adjacent landowners are worried, where are they? They haven't been present.

Crampton was hoping to have had changes. Motion by Crampton to deny the 3rd reading of the ordinance amending the Zoning Map (for a parcel in the NE corner of the SE $\frac{1}{4}$  of Section 12, Washington Township) and to waive the fee for Steve Lullman, if he chooses to go back to the Board of Adjustment for another review for a special use permit. Vail agrees and thanked both attorneys. Gustafson doesn't like putting boards against boards. Zoning Director Johnson said that if the Board of Adjustment denies the request again, the Lullman's can't go back to the Supervisors for 1 year without

adjacent landowners coming in favor of it. Gustafson asked Johnson what the reason was that the Board of Adjustment denied the request. Johnson said the big concern was setting precedence for commercial property along the road. The Chairman called the motion to deny the 3rd reading of the ordinance amending the Zoning Map (for a parcel in the NE corner of the SE1/4 of Section 12, Washington Township) and to waive the fee for Steve Lullman, if he chooses to go back to the Board of Adjustment, and the roll being called, the following Supervisors voted: Ayes: Burnside, Crampton, Gustafson, Vail, Lanphere; Nays: none. Motion carried.

Motion by Crampton to approve the minutes of the 10/3 meeting as corrected, the following reports: Sept 12 Conservation Board minutes, Sept 19 Board of Health minutes, Sept 14 NWIPDC Policy Council minutes, Sept Clerk of Court fees, and Sept budget reports. Carried.

Motion by the Chair to approve and to allocate \$3,500 from the Employee Health Insurance Fund for Wellness activities for FY'07. Carried.

Engineer Jon Ites gave a secondary road report on current projects, and presented utility permits for approval. Motion by Gustafson to approve and to authorize the Chair to sign the following utility permits, by borings, submitted by:

- Iowa Lakes Regional Water, Spencer, to install a 2" water main under M50 south of Highway 7 to Richard Dirks, the main on private property easement;
- Iowa Lakes Regional Water, Spencer, to install a 2" water main under 640<sup>th</sup> St. on the east side of M50, the main on private property easement;
- Iowa Lakes Regional Water, Spencer, to install 1½" service line under 610<sup>th</sup> St. to serve 1776 610<sup>th</sup> St., private property to private property. Carried.

Motion by Vail to approve and to authorize the Chair to sign the following utility permits, by borings, submitted by:

- Iowa Lakes Regional Water, Spencer, to install a 2½" water main under 160<sup>th</sup> St. west of Highway 71, in Section 36, Hayes Township;
- Iowa Lakes Regional Water, Spencer, to install a 2½" water main under 110<sup>th</sup> Ave. north of 160<sup>th</sup> St., and under 160<sup>th</sup> St. between 100<sup>th</sup> and 110<sup>th</sup> Ave., in Section 34, Hayes Township. Carried.

Motion by Burnside to approve and to authorize the Chair to sign the following utility permits, by open trench, submitted by:

- Iowa Lakes Regional Water, Spencer, to install a 2" water main in the east ROW on 140<sup>th</sup> Ave. north from Highway 7 1,290', in Section 17, Providence Township;
- Iowa Lakes Regional Water, Spencer, to install a 2½" water main in the west ROW on M43 (90<sup>th</sup> Ave) south from 640<sup>th</sup> St., 2,640' in Section 29, Hayes Township;
- Iowa Lakes Regional Water, Spencer, to install a 2½" water main in east ROW on 180<sup>th</sup> Ave. south of 610<sup>th</sup> St., 1,320', in Section 12, Providence Township. Carried.

Jake Anderson, Intern, presented the PowerPoint presentation of an employee orientation program that he designed. His next project will be a benefits PowerPoint presentation for new employees.

Auditor's Clerk Patti Maymon presented a request from a taxpayer for an adjustment on his taxes due to the river changing its course, not matching his legal description. He lost roughly 5 acres due

to the river boundary changes. It was the consensus to wait until the Assessor's Office sends out new assessments in March.

Chairman Lanphere had received a letter from **IPERS** asking for input as to whether the jailers would fall into the "protection" class, which could change their IPERS contribution rate for both the employee and the employer. It was the consensus to respond back to IPERS that they would fall into the category, but they were not in favor of the large increase in contribution.

There being no further business, the Chair adjourned the meeting at 11:00 a.m. until Tuesday, October 17<sup>th</sup> at 8:30 a. m. for a regular session. Carried.

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Sue Kennedy, Deputy Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FORTY-FOURTH MEETING, 2006 SESSION (44)  
OCTOBER 17, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 17, 2006, at 8:30 A.M. in the Boardroom with Vice Chairman Crampton presiding and with the following other members present: Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting. Absent: Lanphere and Burnside.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Gustafson, Vail, and Crampton. Nays--none. Abstentions: none.

Deputy Auditor Joan Martin presented a taxpayer request for abatement of penalty and interest due to financial hardship, if the back taxes are paid. Motion by Gustafson to approve a taxpayer request for **abatement of penalty and interest** if back taxes are paid on the mobile home located at 106 Leander St, Lot 33, on which Public Bidder Tax Sale Certificate #066018 was issued. Carried.

Motion by Gustafson to approve and to authorize the Vice-Chair to sign the following proclamation, and, to note that where a radon problem exists in homes, there can be a similar lung cancer health risk. Carried.

**A PROCLAMATION RECOGNIZING THE MONTH OF NOVEMBER AS:  
LUNG CANCER AWARENESS MONTH IN BUENA VISTA COUNTY, IOWA**

**WHEREAS**, lung cancer is the leading cause of cancer deaths in both men and women in Iowa, the United States and the world, this year taking the lives of approximately 162,460 Americans, including 1,720 lives in Iowa and lives in Buena Vista County, and

**WHEREAS**, 70% of newly diagnosed cases will be detected at an advanced stage resulting in a 15%, 5-year survival rate that has remained largely unchanged; and,

**WHEREAS**, while smoking is the leading cause of the disease, over 60% of newly diagnosed cases are in either former smokers or never smokers indicating a need for further research; and

**WHEREAS**, funding for lung cancer research falls far short of that for other less fatal diseases, and

**WHEREAS**, recognize the importance of increasing awareness and understanding of lung cancer in order to lessen the smoking-related stigma associated with the disease.

**THEREFORE**, I, Herb Crampton, Vice-Chair of the Board of Supervisors in Buena Vista County, Iowa hereby officially proclaim the month of November as:

***Lung Cancer Awareness Month in Buena Vista County, Iowa***

And hereby urge all citizens of the county to do all we can to increase awareness of lung cancer issues and offer compassion and understanding to people living with the disease.

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Environmental Health/Zoning Director Kim Johnson has received a re-zoning request from Rembrandt Enterprises to allow for a building for additional egg-breaking capacity. Motion by Vail to set a public hearing for November 7<sup>th</sup> at 8:30 a.m. in the Boardroom on the request to re-zone from A-1 to I-1, a parcel in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 32, Lee Township submitted by Rembrandt Enterprises. Carried.

Motion by Gustafson to approve and to authorize the Vice-Chair to sign the \$11.70 claim from the Storm Lake Times for publication expense for Jt. DD #19-26. Carried.

Motion by Vail to approve the minutes of the 10/10 meeting as printed, the following report: Sept. Spectra Lagoon monitoring report, and to approve and authorize the Vice-Chair to sign today's claims approval list. Carried.

Motion by Gustafson to approve and to authorize the Vice-Chair to sign the recap sheet submitted by Midwest Construction Consultants for September claims for the LEC project in the total amount of \$278,643.21. Carried.

The Auditor reviewed several items included in the 1<sup>st</sup> amendment to the FY'07 budget. The hearing is scheduled for October 24<sup>th</sup> at 8:30 a.m.

There being no further business, motion by Vail to adjourn the meeting at 9:30 a.m. until Tuesday, October 24<sup>th</sup> at 8:30 a. m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

**BOARD OF SUPERVISORS MEETING  
FORTY-FIFTH MEETING, 2006 SESSION (45)  
OCTOBER 24, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, October 24, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting. Absent: Burnside.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Following review of the proposed amendment, and there being objections, motion by Crampton to close the public hearing, to approve and to authorize the Chair to sign the 1<sup>st</sup> budget amendment to the FY"07 budget as published, and to approve the related appropriations. Carried.

• Increase activity 1210	General Supplemental Fund (0001)	Dept. 70	\$15,000
• increase activity 4011	MH/DD Services Fund (0010)	Dept. 61	\$11,000
• increase activity 7200	Secondary Road Fund (0020)	Dept. 20	\$130,000
• increase activity 9000	General Basic Fund (0001)	Dept. 1	\$10,000
• increase activity 0200	Secondary Road Fund (0020)	Dept. 20	\$458,000
• increase activity 0220	LEC Project Fund (1530)	Dept. 75	\$274,800

Engineer Jon Ites reviewed the new Farm to Market Fund rules which have been imposed by the DOT. The change results in a reduction of counties' ability to let bids for projects to be paid with future F-M funds. The biggest change is that now, counties may not borrow ahead as they let new projects. The changes will dictate that the earliest that the C-65 re-surfacing project can be let is early fall of 2007.

Ites reported on the sale of grain from the Hayes Pit farm; soybeans - \$2,969.43 and corn - \$1,809.11.

The proposed snow maintenance agreement with Linn Grove limits snow clearing to streets only. There will be no increase in the fee. Motion by Crampton to approve and to authorize the Chair to sign the snow maintenance agreement with Linn Grove for the 2006-07 snow season. Carried.

Plans have been returned for the 3-bridge mile project. Motion by Vail to approve and authorize the chair to sign effective 10/30/06, the project extension application for the 3-bridge mile project. Carried.

Doug Svendsen reviewed proposals from 2 companies for builder's risk coverage on the LEC building. The Zurich quote was \$4,544 with a \$5,000 deductible for replacement cost coverage (including collapse). Gustafson asked him check to check on the premium for a higher deductible (\$10,000-\$25,000). Motion by Crampton to bind builder's risk insurance on the LEC project with Builder's Risk Zurich through Doug Svendsen at Olson Eaton Svendsen. Carried. Regarding the BVU building, the Board approved an insurance value of \$200,000. The property will be added when Buena Vista County takes possession.

The Board received a telephone call from the Sac County Board of Supervisors regarding bids for the DD #19-26 Jt. project. Present were Jack Bensley, Dean Stock, Rich Hecht, and Auditor Jim Dowling. Motion by Dean Stock, second by Vail, to appoint Rick Hecht as Chair and Jim Dowling as secretary for the meeting. Carried. Upon completion of Jt. DD #19-26 business, the joint meeting adjourned.

EnvHealth Specialist Gene Lloyd requested that the Board set a hearing date for a manure management plan. Motion by Vail to set the date and time of public hearing on an MMP filed by CJ Bean for an operation in Section 8, Fairfield Township, as November 7<sup>th</sup> at 9:45 a.m. Carried.

Lloyd distributed copies of a letter from Rembrandt Enterprises regarding their proposed egg-processing plant expansion. The Rembrandt Enterprises hearing is scheduled for November 7<sup>th</sup> at 8:30 a.m.

A request has been received from Mark Walker to re-zone a parcel in Maple Valley Township to permit a landscaping business and antique sales. Motion by Vail, to set a public hearing on a re-zoning request, and if approved, the 1<sup>st</sup> Reading of an ordinance amending the zoning map for a parcel in Section 25, Maple Valley Township (from A-1 to C-1) as November 7<sup>th</sup> at 9:30 a.m. Carried. Gustafson asked if there might be an option so that Walker could get a variance for a special use instead of re-zoning.

A re-zoning request has been received from Raccoon Valley Bio-diesel. Motion by Crampton to set a public hearing on a re-zoning request, and if approved, the 1<sup>st</sup> Reading of an ordinance amending the zoning map for a parcel in Section 7, Providence Township (from A-1 to I-1) as November 7<sup>th</sup> at 9:00 a.m. Carried.

Vicki Roberts, BV Co. Fair Board Secretary was present to request funding assistance for the fair. She listed repairs that were made in 2006, but noted that not all of the buildings are up to code. The cost of premiums for 4-H entries is substantial along with the cost of the judges, and those expenses compete with building repairs. Total funding currently needed is \$30,979.30 (construction materials, insurance, concession, supplies, security, 4-H premiums, advertising, racetrack, and loan payment). The Fair Board has cut the carnival for 2007, and is considering other changes and sources of revenue. Motion by Gustafson to issue a warrant to the BV County Fair Board for 100% of the FY'07 allocation (\$20,000) on Oct 31<sup>st</sup>, of which \$17,750 will be for fair bills, and \$2,250 for 4-H premiums. Carried. She plans to work with the bank regarding their building loan payment. She also informed the Supervisors that when the Fair Board makes a FY'08 funding request, they will be asking the Supervisors to indicate what percentage of the funds approved would be for 4-H premiums.

Motion by Gustafson to approve and to authorize the Chair to sign the 1<sup>st</sup> partial payment to L. A. Carlson on the DD #67 Jt. cleanout/repair project in the amount of \$9,725.40. Carried.

Motion by Crampton to approve a claim in the amount of \$160 for postage for absentee ballots. Carried.

Motion by Gustafson to approve the minutes of the 10/17 meeting and the 1<sup>st</sup> Qtr FY'07 farm-to-market fund report. Carried.

There being no further business, the Chair adjourned the meeting until Tuesday, October 31<sup>st</sup> at 8:30 a. m. for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FORTY-SIXTH MEETING, 2006 SESSION (46)  
OCTOBER 31, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 31, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Gary Grundmeier requested the Board of Supervisors consider waiving the 14-day waiting period on his preliminary permit, if it has no objection to his CAFO construction application, so that he might begin construction immediately before the bad weather arrives. After discussion, motion by Vail, second by Burnside, to approve and to authorize the Chair to sign Resolution 2006-10-31-A waiving the 14 waiting period on Gary Grundmeier's construction permit. Ayes-Burnside, Crampton, Gustafson, Vail, Lanphere. Nays-none. Carried.

**RESOLUTION 2006-10-31-A  
BUENA VISTA COUNTY BOARD OF SUPERVISORS**

**APPROVAL OF WAIVER OF BUENA VISTA COUNTY'S RIGHT TO APPEAL ISSUANCE  
OF FINAL CONSTRUCTION PERMIT FOR THE EXPANSION OF CONFINED ANIMAL  
FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES**

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

**Section 1.** The Buena Vista County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that Gary Grundmeier, dba Maple Valley Construction has been issued a draft permit for the construction of additional confined animal feeding operation buildings in Maple Valley Township, unincorporated Buena Vista County.

**Section 2.** The Buena Vista County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on August 22, 2006.

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

**Section 4.** The Buena Vista County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver.

**Section 5.** The Buena Vista County Board of Supervisors authorized the Board Chairman to notify the Iowa DNR of this waiver.

**Section 6.** This resolution shall take effect immediately.

**APPROVED AND ADOPTED** this 31<sup>st</sup> day of October, 2006.

/s/ Bill Lanphere Chairperson, Board of Supervisors...../s/ Karen Strawn, Auditor

CPC Dawn Mentzer discussed state takeover of the county management of the adult MM/DD system which has been proposed by the Iowa Dept. of Human Services. She believes that the clients have much to lose if the state takes over – local control provides much better responsiveness. Gustafson questioned who prepared the proposal, and what the underlying push is. Motion by Gustafson to approve and to authorize the Chair to sign **Resolution 2006-10-31-B** as amended (add “financial” commitment by the Legislature) supporting county management of the adult MM/DD system. Carried.

**RESOLUTION 2006-10-31-B**  
**Resolution Supporting the County Management of the Adult MH/DD System**

**WHEREAS**, county property taxes have been and continue to be a major funding source for services to adults with MH/MR/DD/BI,

**WHEREAS**, beginning in 1994, the state began a process to fund a larger amount of the adult service system from state funds,

**WHEREAS**, beginning in 1994, the state embarked on a partnership with the counties to fund 50% of the “base” and all of the growth in the system,

**WHEREAS**, the counties agreed to manage the system with the combination of local, state and federal funds,

**WHEREAS**, the MH/DD/MR/BI Commission undertook a project to improve the system and in that evaluation confirmed that the adult disability service system should be managed by the counties,

**WHEREAS**, the county system has worked well for the past ten years,

**WHEREAS**, there is no evidence that a centralized system of services will provide better services for less money than the current system,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Buena Vista County that the undersigned do hereby, request the Iowa Legislature to maintain its financial commitment to the local management of the adult MH/DD/MR/BI system in Iowa.

APPROVED this 31<sup>st</sup> day of October, 2006.

/s/ Bill Lanphere, Chairperson, Board of Supervisors.....ATTEST: /s/ Karen M. Strawn, County Auditor

Engineer Jon Ites reported that Hubbard Feeds has requested consideration of paving their access to Hwy 7.

Motion by Vail to set the letting date for **project #L-C-785—73-11** (3-bridge mile) as December 12<sup>th</sup> at 10:00 a.m. in the boardroom. Carried.

Ites reported that \$242,731 is available in **BROS funds**, which is good for about 1.5 years.

The County has the ‘Burbank’ property in Linn Grove which is no longer needed. Ites recommends designating it as **excess property** so that it can be sold. The Board was agreeable.

Engineer Jon Ites presented **utility permits** for approval. Motion by Vail to approve and to authorize the Chair to sign the following utility permits submitted by Iowa Telecom, Grinnell:

- Installation of a 5 pr. communication cable in the east right-of-way along 220<sup>th</sup> Ave between Sections 3-4 Coon to provide service to a hog facility at 5442 220<sup>th</sup> Ave., and

- Installation of a 25 pr. communication cable in the east ROW along 240<sup>th</sup> Ave between Sections 11-12 Poland Twp to provide service to a hog facility at 4368 240<sup>th</sup> Ave. Carried.

Rhonda Christensen, **ISU Extension** Director for Buena Vista County, and Tammi Green, youth coordinator, updated the Board on several upcoming programs including "Mega Trends in Agriculture", and on the educational opportunities, the mission and the projects of BV Co. Extension. Also announced was a webcast presentation from Ames on the status of ethanol to be held November 13<sup>th</sup>. Christensen discussed Extension's involvement of 4-H youth in the County Fair, the many ways they promote the programs, and the opportunities for youth provided by 4-H. Following newspaper coverage of last week's Board action designating a specific amount for 4-H premiums, she and the Board have received a number of phone calls. Two Board members will attend the next meeting of the BV Fair Board. Motion by Vail to hold the warrant being written to the Fair Board until a financial statement and the vouchers from this year's business are provided to the Board, (pursuant to Iowa Code Chapter 174.19). Carried.

Paul Peterson met with the Board to again discuss legalizing **marijuana** in Buena Vista County. He discussed recent publications indicating that tests run in the State of California prove that marijuana kills pancreatic cancer cells. He has learned a method for introducing marijuana chemicals into livestock meat. He also touched on removing trans-fatty acids from foods and asked the board to consider asking an expert to evaluate the materials he has provided to assist him in continued and improved research. Although he is not trained in this field, he has studied and now consults with doctors and the medical community. When he eats the treated meat, he gets a buzz or high from it. He is asking that the Board consider what we can do together to make Northwest Iowa the place that researches and makes marijuana legal for these purposes. Gustafson stated that he thinks Peterson is wasting his time coming before the board since none of the board is interested in pursuing the issues he presented. Burnside said she was not interested in attempting to do anything that is illegal.

Scott Schuelke asked the Board what is needed for preparation of the '08 budget with regard to the **C-65 bike trail**, and where the county is at on the project. The Chair responded that the county has postponed the project by a year, and has since learned that the F-M funding rules may have changed enough to delay it another year. Gustafson thinks the county can still budget the project and set money aside to do it. Schuelke urged that the county to pursue an accurate estimate of the cost of the bike-trail for purposes of budgeting for it. The Chair also reported that since Ted Kourousis, NWIPDC, learned more about the project, he now believes that it would not be qualified for funding since it would not connect to any existing trails. Schuelke asks that the Board continue the process by getting the estimate so that funds can be budgeted and available when the C-65 project proceeds. He urged the Board to get Kuehl & Payer on board in preparing an estimate. Gustafson believes there are funds available in the anticipated increase in local option sales tax revenues.

A request has been received to install an exterior electrical connection for the **courthouse**. The Chair asked if the Board is interested in the request. He will investigate what the cost would be.

The Chair reminded the Board of the November 1<sup>st</sup> **City/County** meeting to be held at 7:00 p.m. at the AEA Building.

Motion by Crampton to approve the **minutes** of the 10/24 meeting as printed, and the following **reports**: August 23 LEM Commission minutes, FY'06 annual report of 3<sup>rd</sup> Judicial District. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign the following claims:

- **Jt. DD #16-30-92 MOD** in the amount of \$4.42 to Kuehl & Payer, Ltd. for office expense,
- **Jt. 19-26 MOD** in the amount of \$10,296.92 to Kuehl & Payer, Ltd. for professional services for report, design, etc. for open ditch repair,
- **Jt. 19-26 MOD** in the amount of \$4.42 to Kuehl & Payer, Ltd. for office expense,
- **Jt. 19-26 MOD** to McCullough Law Firm in the amount of \$437.50 legal services for cleanout,

- Jt. DD #181 to McCullough Law Firm in the amount of \$17.85 to review DOT agreements. Carried.

Motion by Vail to void warrant #207243 dated 10-3-06 and issued to Jeri Kolpin which was lost in the mail, and then authorize re-issuance to her. Carried.

Motion by Crampton to approve and to authorize the Chair to sign a proclamation naming November 5-11 National Election Worker Appreciation Week in Buena Vista County. Carried.

**Resolution # 2006-10-31-C**  
**National Election Worker Appreciation Week**

**WHEREAS**, on November 7, 2006, more than 1,000,000 persons will serve in the process of conducting our federal election; and

**WHEREAS**, election workers represent every facet of our society and communities and provide a tangible link between the voting public and the election process; and

**WHEREAS**, election workers provide an invaluable function to our country and are one of this country's most valuable resources; and

**WHEREAS**, election workers volunteer to serve their fellow citizens with distinction and provide an invaluable service to their communities; and

**WHEREAS**, election workers span the generation gap from high school students to senior citizens and mirror the amazing diversity of their communities and American society as a whole; and

**WHEREAS**, election workers are the backbone of American democracy and their dedicated service allows our democracy to flourish; and

**WHEREAS**, election workers are America's "champions of democracy," it is most appropriate to recognize the contribution that election workers make each time we cast our votes:

**NOW, THEREFORE, BE IT RESOLVED** that the Buena Vista County Board of Supervisors, in concert with the states, counties and election jurisdictions of the United States, proclaims the week of November 5-11, 2006 as "National Election Worker Appreciation Week."

**BE IT FURTHER RESOLVED** that the Buena Vista County Board of Supervisors extends its appreciation and admiration for the election workers of Buena Vista County, Iowa and the vital services that they perform in conducting this County's elections.

/s / Bill Lanphere, Chairperson.....Attested: /s/ Karen M. Strawn, County Auditor

The Auditor discussed financing for the BVU building purchase; a hearing will be needed. The consensus of the Board was to finance a total of \$630,000 including the price of the building (\$200,000), plus \$417,573 for re-financing of the capital projects loan, over a 3-5 year period depending on the relative interest rates, and to hold the required hearing on the building in late November. The county will request interest bids from the local banks, and secure the funds through a loan if the interest rates are satisfactory.

There being no further business, the Chair adjourned the meeting at 12:30 p.m. until Tuesday, November 7<sup>th</sup> at 8:30 a. m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FORTY-SEVENTH MEETING, 2006 SESSION (47)  
NOVEMBER 7, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, November 7, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Due to the number of people in attendance (20+), the Chair opened the re-zoning request public hearing in the courthouse lobby. Motion by Crampton to amend today's agenda by adding "and 1<sup>st</sup> Reading of ordinance to amend the Zoning Map" for each of the re-zoning requests. Carried.

Twenty interested persons were present for the hearing on Rembrandt Enterprises re-zoning request. Zoning Director Kim Johnson reported that on 11/6/06 the Zoning Commission considered a motion to approve Rembrandt Enterprise's request to rezone a 400' x 450' parcel in the SW1/4 SW1/4, Section 32 from Ag-1 to Ind-1 with the recommendation for the Board of Supervisors to request that Rembrandt Enterprises work harder to solve existing odor/fly problems. The motion died, and the Zoning Commission did not approve the request. Objectors cited a number of concerns: existing issues would get worse if more water is added to the lagoon. In the future, if R.E. adds a drying process, additional odor could be produced. There has been no improvement on the current problems, so why approve the rezoning which will permit additional activity and additional problems. In answer to questions, Engineer Ivan Droessler responded that the current lagoon is not at capacity. It was designed for 60,000 gal/day, and is operating at 50,000 gal/day. The additional water used would be equipment wash water only, and no additional BOD's will be going into the lagoon. DNR is the authority for issues regarding the lagoon. The purpose of today's hearing is to consider re-zoning to allow expansion of the egg breaking process.

Rich Madsen kept track for 2 months and smelled an offensive odor 44 days out of 60. Karla Madsen commented that there are so many problems that need to be fixed. Perhaps RE is operating legally, but without any thought to humanitarian issues. She asked Dave Rettig to identify where he lives. He is at work 10-16 hrs/day, but she lives there 24 hours/day. Ivan Droessler re-stated that this request is for zoning so RE can expand with pasteurization and then later add drying. There are no emissions issues to consider now.

Terry Smith lives nearby and the odor makes him gag. He asked the Board to open its eyes and vote against the request. Vicki Anderson noted that the odor is bad all the way over to Hwy 71. How can they expand if they haven't corrected existing problems?

Dave Rettig spoke saying he was proud of the operation and its employees. They have created 135 jobs, and the expansion will add 25-30 more. The operation is adding value to corn, beans, and is providing lots of benefits to the community. Karla Madsen commented that she is sure Rettig believes

what he has said, but that getting bigger comes at a cost. They've got to fix the current problem. Bob Miller, a neighbor, stated that the manure is not dry and that creates the odor. Also, the truck traffic has created a huge dust problem at his location, and he gets feathers in his yard, plus gets a diesel odor from the truck traffic. Karla Madsen has spoken to several former employees who have stated that the conditions are really bad. The neighbors are looking for help from the elected officials. Ivan Droessler re-stated that the concerns expressed have nothing to do with the zoning request. The Chair closed the hearing.

Gustafson asked Droessler what will be done with the surface drainage. He objects to the water being dumped into the road ditch and eventually into the Raccoon River. Farm drainage would not be allowed to dump into the ditch. Others put in retention ponds to handle the runoff. Too much corporate greed has ignored the pollutants which are contaminating our water. R.E. should do it right and put in a wetland.

The Chair stated that an amendment ordinance as requested by R.E. requires three readings. He called for a motion. Crampton noted that if the 1<sup>st</sup> Reading were passed today, that would allow time to look into this matter further. Burnside suggested that Board members take a drive and review the site. Vail asked Droessler and Rettig if there were any similar facilities nearby. Estherville is doing both pasteurizing and drying, and it does have a smell. But it is the lagoon that smells. He would like to address the lagoon issue, and that isn't the issue today. Vail asked for names and addresses of persons he could contact.

Motion by Crampton to approve the 1<sup>st</sup> Reading of the ordinance to amend the Zoning map for a parcel in Section 32, Lee Township, and to set the second reading for 11/28 at 8:30 a.m. in order to provide time to investigate. Ayes-Burnside, Crampton, Vail, Lanphere. Nay-Gustafson. Carried.

Six persons from **Raccoon Valley Bio-Diesel** were present for the Board's discussion of their rezoning request. Dale Arends, President, reviewed the project, and went over the site layout and a rendition of the appearance of the plant. The current plan is for a 60 million gallon/yr bio-diesel production and an 80 million gal/yr soybean oil refinery. There will be no cooking or fermenting of the products, so there will be no odor from such processes. Because they will have Hwy 71 access, and will use the railroad, their primary traffic will not be on paved or gravel county roads. It is also possible that they could rely 100% on the railroad receiving and shipping of the products. They expect to employ approximately 48 employees. SLADC Director Gary Lalone believes that Raccoon Valley will be a good neighbor, and the project will be great economic development for the county. Zoning Director Kim Johnson reported that on 11/6/06 the Zoning Commission had voted in favor of the zoning change from A-1 to I-1. The Chair closed the hearing. Motion by Crampton to approve the 1<sup>st</sup> Reading of an ordinance to amend the Zoning Map for a parcel in Section 7, Providence Township, as requested by Raccoon Valley Bio-Diesel, and to set the 2<sup>nd</sup> Reading for 8:15 a.m. on November 14<sup>th</sup>. Carried.

Mark Walker was present for the public hearing on his **re-zoning request** for a location in Maple Valley Township. He is planning a garden center and antique sales business in his re-modeled barn. Zoning Director Kim Johnson reported that the Zoning Commission discussed that the proposed business would fit nicely under 'cottage industry' but that designation is currently not available in the county's zoning ordinance. The Zoning Commission voted to approve Walker's request 4-0. Walker's garden center will specialize in organic vegetable/nursery plants, and heritage varieties, and may sell a small amount of produce (overrun). There were no comments from the public. The Chair closed the hearing. Motion by Vail, second by Gustafson, to approve Walker's re-zoning request and the 1<sup>st</sup> Reading of the ordinance to amend the zoning map for a parcel in the N½ NE¼ Section 25, Maple Valley Township, from "A-1" Agricultural District to a "C-1" Commercial District, and, to set November 14th at 8:10 a.m. as the time for the 2nd-Reading of the ordinance. Ayes-Burnside, Crampton, Gustafson, Vail, Lanphere. Nays-none. Carried.

Design Technician Preston Jacobs presented plans for the 3-bridge mile project on 450<sup>th</sup> St. Motion by Crampton to approve and to authorize Board members to sign the plans and specs for the **3-bridge mile project** located in Section 19, Barnes Township. Carried.

Several department heads were present to request delaying the opening of the Courthouse following Christmas Day (which falls on Monday) due to numerous employee requests for time off to allow those who are traveling a bit of extra time for returning back home. The New Year's holiday would allow as usual with no additional time off requested. The Chair commented that it is reasonable to make some adjustments due to Christmas falling on Monday. The State offices will be open at 8:00 a.m. on the 26<sup>th</sup>. Motion by Gustafson to re-open the courthouse after the Christmas holiday at 1:00 p.m. on December 26<sup>th</sup>, rather than 8:00 a.m. Carried. The Board will hold their meeting at 1:00 p.m.

Motion by Vail to approve and to authorize the Chair to sign the claim to River Valley Forest Services in the amount of \$1,500 for tree removal in Jt. DD #14-42. Carried.

Motion by Crampton to reappoint Sandy Johnson to the NW IA Regional Housing Authority. Carried.

Environmental Health Director Kim Johnson informed that Board that she had received notice that Buena Vista County will be inspecting swimming pools, in addition to tanning beds and tattoo parlors beginning July 1<sup>st</sup>, 2007.

The Chair discussed an issue of construction liability insurance, which was discussed in the most recent Safety Committee meeting. The City of Des Moines lost a lawsuit where there was a loss of life in a sewer collapse. The City was sued along with the contractor. The auditor will review the information with insurance agent Doug Svendsen.

Safety Coordinator Michael Raner has made 1 or 2 visits to the LEC project site. He will be attending the monthly progress meetings with the contractors.

Cheryl Gouldin appeared for an appointment with the Board on a personnel issue, and requested a closed session. The Chair believes a closed session is appropriate for the matter. Motion by Burnside, second by Crampton, to go into closed session pursuant to Chapter 21.5.1.a&i. Ayes-Burnside, Crampton, Vail, Lanphere, Nay-Gustafson. Carried. Also present for the closed session were Attorney Mary Hamilton and Public Health Administrator Sally Bonnesen. Upon returning to open session, motion by Vail, second by Gustafson, to refer the matter to the Board of Health for their consideration. Carried. The Board of Health meets the 3<sup>rd</sup> Tuesday of the month.

Motion by Gustafson to approve the minutes of the 10/31 minutes as printed and the following reports: FY'06 financial statement of the BV County Fair Board, Sept. ending fund balances, 1<sup>st</sup> Qtr FY'07 Recorder's fees, Oct 17 Board of Health minutes, October Clerk's fees, and to approve and to authorize the Chair to sign the 2006 annual Weed Commissioner's report. Carried.

A statement for legal services has been received from Gary Armstrong for preparation of the agreement between US-Bio and DD #34, Lateral 2. It was the consensus of the Board to pay the bill and to request reimbursement from US Bio for the expense.

Motion by Vail to approve and to authorize the Chair to sign the October LEC claims as reviewed by Midwest Construction Consultants in the total amount of \$122,114.30. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign LEC Change Order #2 to Contract 5 (Electrical) for the LEC project, for an increase of \$11,510.00. Carried.

Motion by Gustafson to direct the Auditor to transfer \$214.68 from the Employee Health Insurance Fund (1010) to the General Fund (0001), this amount being the advance premium payment for one employee who terminated insurance coverage effective 11/1/06. Carried.

Motion by Vail to approve and to authorize the Chair to sign a claim in the amount of \$55.78 to correct a billing discrepancy, the amount being the October and November Delta Dental premiums for 1 employee. Carried.

Motion by Vail to approve the transfer of \$1,516.20 from the General Basic Fund to the Capital Projects Fund (1500), the amount having been budgeted from 1500 (Conservation-lawn vac.). Carried.

There being no further business, the Chair adjourned the meeting until Tuesday, November 14th at 8:10 a. m. for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FORTY-EIGHTH MEETING, 2006 SESSION (48)  
NOVEMBER 14, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 14, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Zoning Director Kim Johnson was present for the 2<sup>nd</sup> Reading of the ordinance to amend the zoning map for Mark Walker. Motion by Crampton to approve the 2<sup>nd</sup> Reading of the ordinance to amend the zoning map for a parcel in the N½ NE¼ Section 25, Maple Valley Township, from "A-1" Agricultural District to a "C-1" Commercial District, and, to set November 21st at 8:30 a.m. as the time for the 3rd—Reading of the ordinance. Ayes—Burnside, Crampton, Gustafson, Vail, Lanphere. Nays—none. Carried.

Dale Arends, President of Raccoon Valley Bio-Diesel was present for the 2<sup>nd</sup> Reading of the ordinance to amend the Zoning Map for a parcel in Providence Township. Motion by Crampton to approve the 2<sup>nd</sup> Reading of an ordinance to amend the Zoning Map for a parcel in Section 7, Providence Township, as requested by Raccoon Valley Bio-Diesel, and to set the 3rd Reading for 8:40 a.m. on November 21<sup>st</sup>. Ayes—Burnside, Crampton, Gustafson, Vail, Lanphere. Nays—none. Carried.

Johnson informed the Board about Raccoon Valley Bio-Diesel wanting to put a self-serve bio-diesel blend on site. In order for them to be allowed to do this, the County would need to amend their existing text plan of the Zoning Ordinance to allow selling fuel. Lanphere suggested changing the text to allow selling whatever you are producing. Dale Arends stated that would work for diesel but not for E-85. Johnson stated that this change needs to be brought up by either the Zoning Board or the Supervisors. The Supervisors asked Zoning Director Johnson to investigate.

Johnson reviewed a letter received from the DNR regarding the Master Matrix. The DNR will no longer be verifying separation distances for the Master Matrix when conducting a site survey for a new or

expanding animal feeding operation. Johnson will try to contact the DNR to find out more about this, as she thinks it may cause a problem.

Treasurer Kathy Bach reviewed the status of the **C.E. Anderson property in Sioux Rapids** that was sold at public bidder's sale in 1992. After the death of Anderson who purchased the property in 1925, the title on the land has not been clear. Re-location of Hwy 71 further clouded the matter. Each time someone has attempted to clear the matter up, lack of a current survey and accurate legal description has stopped the progress. She recommended having the county pay for a survey so that something can be done to get the property back on the tax rolls. The consensus of the Board was to wait until January 1<sup>st</sup> to request a legal opinion from the new County Attorney, and then proceed with a survey.

Engineer Jon Ites updated the Board on Court of Appeals decision on the **Washington County lawsuit** against the railroad. He also noted that the paperwork process for '**DATA**' (Drug Testing Alliance).

Ites inquired whether tree removal is planned in the **Marathon City Park**. There is a beaver problem in that location. A third of the trees are too large for county equipment. The trees are in DD #34; there are no current tree removal contracts for the area.

A news release from DOT states that while construction costs have gone up over the last 20 years, the **gas tax** hasn't gone up since 1989. The increase at that time, which was supposed to have been used for the 4-lane Hwy 20, also had a change in the distribution, which resulted in no increase to counties.

While the current **clothing allowance** approved for Secondary Road employees has recently been discussed, the Board has not made any changes in it. The county's private auditor will be asked to review the policy to determine whether the allowance provides a taxable benefit to the employees.

Motion by Vail, second by Gustafson, to approve and to authorize the Chair to sign **Resolution #2006-11-14-A** changing the level of service from Level B to level C for the road located between Sections 25 & 36, Barnes Township. Carried.

**Resolution #2006-11-14-A**  
**RESOLUTION TO ESTABLISH AREA SERVICE "C" ROAD**

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

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

**WHEREAS**, the County has received a petition, attached to this resolution, signed by all landowners adjoining the, road, requesting that the following road be classified as an Area Service "C" road; and

**WHEREAS**, the only persons who will have access rights to the roads shall be:

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

**WHEREAS**, the minimal level of maintenance will be as follows:

1. Blading. Blading or dragging will not be performed on a regular basis.
2. Snow and Ice Removal. Snow and ice will not be removed, nor will the road surface be sanded or salted on a regular basis.
3. Signing. Except for load limit posting for bridges, signing shall not be continued or provided. ALL AREA SERVICE LEVEL C ROADS SHALL BE IDENTIFIED WITH A SIGN AT ALL POINTS OF ACCESS TO WARN THE PUBLIC OF THE LOWER LEVEL OF MAINTENANCE.
4. Weeds, Brush and Trees. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distances will not be maintained.
5. Structures. Bridges and culverts may not be maintained to carry legal loads. Upon failure or loss, the replacement structure will be appropriate for the traffic thereon.
6. Road Surfacing. There will be no surfacing materials applied to Area Service System C Roads on a regular basis.
7. Shoulders. Shoulders will not be maintained on a regular basis.
8. Crown. A crown will not be maintained on a regular basis.
9. Repairs. There will be no road repair on a regular basis.
10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
11. Inspections. Regular inspections will not be conducted.

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

Between Section 25 and 36, Township 93 North, Range 37 West (Barnes Township) Buena Vista County, starting 1300' east of the west intersection continuing to the West ROW of US Highway 71.

Resolution adopted this 14<sup>th</sup> day of November, 2006.

Buena Vista County Board of Supervisors, /s/ Bill Lanphere, Chairperson

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

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**Weed Commissioner** Norm Lund reviewed his 2006 annual weed commissioner's report and the activity of the department. He noted that this was his 21<sup>st</sup> year in the position.

John and Steve Hansen were present for an update on the LEC project. They are using the 'milestone schedule' (included in the specs), and have not approved any changes to it. Installation of pre-cast panels (from Lincoln, NE) will begin today. The panels are delivered by truck and installed as they come off the truck, so no storage space is required. Much of the steel is on site. A lot of the block-work has been finished. They have met with the Sheriff to finalize some details on hardware. They asked about the status of the funding for completing the Communication Center, Emergency Management

Coordinator's office, and County Attorney's office. It was the consensus of the Board that they proceed to place the order for the materials up to the amount previously agreed upon. They have several RFP's out right now. The Board should expect a change order on the electrical contract to have that contractor install the conduits, rather than the general contractor. A job progress meeting is scheduled for later today. Eighty to a hundred doors will be delivered by 12/1/06. Motion by Burnside, to approve and to authorize the Chair to sign the revised October bill summary. Carried.

**Nokomis Township** Trustees Dave Mortensen and Russel Post were present to discuss the status of their request for legal services on three cemetery issues. Rick Kimble who agreed to do the work, received the information on July 28<sup>th</sup>, but has not completed it. Kimble has a problem with vacating the unused cemetery plots. The value of the plots is approximately \$3,500. Gustafson recommended starting over in January with the new County Attorney. The Chair will talk to Patton. The trustees asked if the county has a wood chipper to borrow for trees/brush removal at Woodlawn. The Chair will check with the County Engineer. The trustees also inquired about fire protection services for the new ethanol plant proposed for a location west of Alta. The Board doesn't know whether special equipment will be needed. Mortensen stated that if the tax abatement request is approved, there would be no taxable value to support fire protection services. The same was true for the windfarm.

Motion by Gustafson to approve the minutes of the 11/7 meeting as printed, to approve the following reports: Oct 10 Conservation Board minutes, 2006 Weed Commissioner's report, Oct Spectra lagoon monitoring by Mangold, Oct 12 NWIPDC Policy Council minutes, and to approve and to authorize the Chair to sign today's claims approval list. Carried.

Motion by Vail to approve and to authorize the Chair to sign a claim to Tuma Tiling and Backhoe Inc., in the amount of \$255.50 for Jt. DD #22 Branch Main Tile. Carried.

Motion by Gustafson to approve and to authorize the Chair to sign a claim to the Pilot Tribune in the amount of \$61.24 for Jt. DD #19-26. Carried.

Theodore Letzring, 218 580<sup>th</sup> St., Alta, lives in the section where the new ethanol plant is proposed to be built west of Alta. Several years ago, he purchased his property from Mr. & Mrs. Jim Hultgren. Someone stopped recently to ask about drilling some test wells. So far the only information he has is what he has read in the newspaper. He is looking for information, to make informed choices. Letzring asked what impact re-zoning would have on his property? What impact will the ethanol plant have on him? He has never been contacted, so doesn't have a source for information. He also read about the possibility of adding a railroad spur. The Chair explained that the Board also does not have much information yet, but would be meeting at 11:00 a.m. with representatives of the Oregon Trails group. Letzring was invited to attend the 11:00 meeting with them. Paul Magnusson was also present to hear the discussion.

The Board recessed to Council Chambers at City Hall. In addition to the Board, approximately 28 persons were in attendance at the presentation by Kathy Showalter, PlanScape Partners, of the Oregon Trails abatement request. The request is three parts – 100% abatement for 20 years with the company providing a 'payment in lieu of taxes' (PILT) of \$50,000/year (which goes to the county to be used for any purpose the Board deems appropriate), re-zoning, and sponsorship, but no financial support, for state applications for financial incentives. Following the presentation, the Chair opened the floor to comments and questions. JonAlan Page, VP BioFuels Energy, LLC, of which Oregon Trails is a subsidiary, stated that the company is working on the layout for the railroad track at the facility in Section 20, Nokomis Township. The Chicago Northern does not require a loop as the Union Pacific does. Troy Uppa, Ag Partners, responded to a question about the availability of corn for the new facility. Their investigation indicates that area farmers plan a higher corn vs. soybean ration (60%-40%). Delivery will be directly to the plant with about 20% coming from the elevator in Alta.

Responding to a question from Nokomis Township about their fire protection needs, they believe no special equipment would be needed since their insurance carrier requires them to be self-contained. The water usage will be about 1,200 gal/minute. Where the cooling tower water will be discharged to,

has not yet been worked out. Asked about whether an adequate water supply is available, it was stated that the test wells were 400' deep, but they have drilled up to 3000'. A Terracon employee stated that in the 40 sites around the nation that his company has been involved in, there has been no negative impact from their water usage on neighbors. The DNR requires that there be no negative impact on water availability to the neighbors for their permit to be issued. To avoid backing truck traffic up on the road, the scales will be located inside the property, and sufficient driveway will be built to allow up to 30 trucks to wait. A property owner located in the same section asked what kind of impact there would be on the residential sites. The plant will be located on the southwest corner of the NW 1/4 of the section.

The Chair suggested that the company should meet with the neighbors to discuss any issues they may have. He reviewed the Oregon Trails request, and responded that the Board would consider a 12 year-100% abatement plus an annual PILT of \$100,000, and for years 13-15, a 50% abatement with \$/yr. This project is somewhat different from the US Bio-Albert City project in that the entire community demonstrated their support for the tax abatement by appearing at each board meeting where the abatement request was discussed. Gustafson stated that he has concerns about 20 year abatements. Other Iowa counties are offering less than 20 year incentives. Showalter responded that she would take the proposal to the company but that she would recommend that they decline the offer. The project is a quality one that deserves higher consideration. Showalter will bring the company's response back to the Board on November 28<sup>th</sup> at 11:00 a.m. The Chair thanked those present for their attention and participation, and recess the meeting to return to the Boardroom.

The purpose of the next meeting was to hear a presentation from Gregg Jones and Rick Gross, CareFacts, St. Paul, MN, who have proposal for replacement of software used to plan, chart and bill clients of the BV County **Public Health and Home Care** Agency. Jones gave a presentation on the company and the software noting that their focus is community based care: public health, home care, and hospice. They currently have approximately 20 clients in Iowa, none in the NW region. The proposal, good for 14 days, is \$53,750 plus an annual 18% maintenance fee. Tim Rebnord, Rebnord Technologies, estimated the cost for 5 laptops and 7 PDA's plus configuration and set-up to be under \$15,000. Jon McKenna, Chairman of the Board of Health, who was also present, supported the CareFacts proposal. The Board will take the proposal under advisement and will discuss it at the next meeting when they will have the opportunity to consider funding sources.

There being no further business, the Chair adjourned the meeting at 1:30 p.m. until Tuesday, November 21<sup>st</sup> at 8:30 a. m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FORTY-NINTH MEETING, 2006 SESSION (49)  
NOVEMBER 21, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, November 21, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting. Absent: Crampton.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

EnvHealth & Zoning Director Kim Johnson presented the ordinance for the Mark Walker rezoning request. Motion by Gustafson, second by Burnside, to approve the 3<sup>rd</sup> Reading of the ordinance to amend the zoning map from A-1 to C-1 for a location in Section 25, Maple Valley Township. Carried.

## BUENA VISTA COUNTY ORDINANCE NO. 6.1A-9

**Title:** AMENDMENT TO ZONING DISTRICTS MAP.

BE IT ENACTED by the Board of Supervisors of Buena Vista County, Iowa:

**SECTION 1. Purpose.** The purpose of this ordinance is to amend the Zoning Districts Map with respect to the real estate described in Section 2 below in accordance with Section 10.104 of Ordinance 6.1 of the Buena Vista County 2003 Code of Ordinances.

**SECTION 2. Change to Zoning Districts Map.** The official Zoning Districts Map, referred to in Section 1.105 of Ordinance 6.1 of the Buena Vista County 2003 Code of Ordinances, is amended as follows:

The real estate described as:

A 60 x 100 parcel surrounding barn and terrace area on the following legal description:

A PART OF THE NORTH HALF AF THE NORTHEAST QUARTER (N½ NE¼) OF SECTION TWENTY-FIVE (25), TOWNSHIP NINETY (90) NORTH, RANGE THIRTY- EIGHT (38) WEST OF THE 5<sup>TH</sup> P.M.; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at a point 1007.5 feet West of the Northeast Corner of Section 25, Township 90 North, Range 38 West of the 5<sup>th</sup> p.m., thence South 01°17'20" West a distance of 367.63 feet; thence South 68°31'43" West a distance of 156.55 feet; thence South 00°50' West a distance of 74.64 feet; thence North 89°00' West a distance of 294.75 feet; thence North 17°06' West a distance of 41.33 feet; thence North 00°27' West a distance of 454.83 feet to the North line of said NE¼; thence North 90°00' East a distance of 465.50 feet along the North line of said NE ¼ to the point of beginning and containing an area of 4.88 acres of which 0.35 acres are existing highway right of way.

is changed from an "A-1" Agricultural District to a "C-1" Commercial District.

**SECTION 3. When Effective.** This ordinance amending the Zoning Districts Map shall be in effect after its final passage and publication as provided by law.

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Johnson discussed the process for amending the text of the zoning ordinance. A text amendment can be initiated only by the Planning & Zoning Commission or the Supervisors. Raccoon Valley Bio-Diesel proposes to build an unattended fueling station on their site to sell bio-diesel and E-85 fuels. They will not be producing E-85, so it does not fit the definition of integral use. The Chair stated that it is important to promote the products produced here. This type of activity was not anticipated when the current comprehensive plan was adopted. Supervisor-elect Ken Hach commented that this project enhances the IA Lakes Corridor effort. Motion by Vail to initiate a text amendment to the zoning ordinance to permit a service station as an allowed use in the industrial definition. Carried.

The ordinance for the Raccoon Valley Bio-Diesel rezoning request was presented. Motion by Vail, second by Burnside, to approve the 3<sup>rd</sup> Reading of the ordinance to amend the zoning map from A-1 to I-1 for a location in Section 7, Providence Township. Carried.

## BUENA VISTA COUNTY ORDINANCE NO. 6.1A-10

**Title:** AMENDMENT TO ZONING DISTRICTS MAP.

BE IT ENACTED by the Board of Supervisors of Buena Vista County, Iowa:

**SECTION 1. Purpose.** The purpose of this ordinance is to amend the Zoning Districts Map with respect to the real estate described in Section 2 below in accordance with Section 10.104 of Ordinance 6.1 of the Buena Vista County 2003 Code of Ordinances.

**SECTION 2. Change to Zoning Districts Map.** The official Zoning Districts Map, referred to in Section 1.105 of Ordinance 6.1 of the Buena Vista County 2003 Code of Ordinances, is amended as follows:

The real estate described as:

1. The real estate described as: A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST FRACTIONAL QUARTER (NW $\frac{1}{4}$  NW FRAC  $\frac{1}{4}$ ) OF SECTION 7, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 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 Fractional Quarter (NW Frac. $\frac{1}{4}$ ) of said Section 7; Thence on a previously recorded bearing of South 00°15'24" East, along the West Line of said Northwest Fractional Quarter (NW Frac. $\frac{1}{4}$ ), 368.52 feet to the South Right-of-Way line of the Chicago, Central, and Pacific Railroad; Thence South 77°02'30" East, along the said South line, 174.47 feet to the Point of Beginning. Thence continuing along said South Line, South 77°02'30" East, 1361.93 feet to the East line of the Northwest Quarter of said Northwest Fractional Quarter (NW $\frac{1}{4}$  NW Frac. $\frac{1}{4}$ ); Thence South 00°03'06" West, along said East line, 606.00 feet to the Southeast (SE) Corner of said Northwest Quarter of the Northwest Fractional Quarter (NW $\frac{1}{4}$  NW Frac. $\frac{1}{4}$ ); Thence South 89°54'57" West, along the South line of said Northwest Quarter of the Northwest Fractional Quarter (NW $\frac{1}{4}$  NW Frac. $\frac{1}{4}$ ) 1402.52 feet to the East Right-of-Way line of U.S. Highway 71; Thence along said East line the following courses: North 00°15'24" West, 471.55 feet; Thence North 07°20'17" East, 151.33 feet; Thence North 00°15'24" West, 239.79 feet; Thence North 89°44'36" East, 60.00 feet; Thence North 00°15'24" West, 51.88 feet to the Point of Beginning. Tract contains 24.54 Acres and is subject to all easements of record.

2. DESCRIPTION LOT C

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST FRACTIONAL QUARTER (NE $\frac{1}{4}$  NW FRAC  $\frac{1}{4}$ ) OF SECTION 7, TOWNSHIP 90 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 Northeast Quarter of the Northwest Fractional Quarter (NE $\frac{1}{4}$  NW Frac. $\frac{1}{4}$ ) of said Section 7; Thence on an assumed bearing of South 89°53'29" East, along the South line of said Northeast Quarter of the Northwest Fractional Quarter (NE $\frac{1}{4}$  NW Frac. $\frac{1}{4}$ ) 1305.50 feet to the East line of said Northeast Quarter of the Northwest Fractional Quarter (NE $\frac{1}{4}$  NW Frac. $\frac{1}{4}$ ); Thence North 00°34'06" West, along said East line, 309.32 feet to the South line of Chicago Central and Pacific Railroad; Thence North 77°03'29" West, along said South line, 1335.82 feet to the West line of said Northeast Quarter of the Northwest Fractional Quarter (NE $\frac{1}{4}$  NW Frac. $\frac{1}{4}$ ); Thence South 00°03'06" West, along said West line, 606.00 feet to the Point of Beginning. Hereafter known as Lot C of Section 7, Township 90 North, Range 36 West of the 5<sup>TH</sup> P.M., Buena Vista County, Iowa. Tract contains 13.69 Acres and is subject to easements of record.

3. All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) lying South and West of the Dubuque & Sioux City railroad right-of-way (now known as Illinois Central Railroad) of Section Seven (7), Township Ninety (90) North, Range Thirty-six (36) West of the 5<sup>TH</sup> P.M., Buena Vista County, Iowa owned by the Optionor containing approximately 5 acres more or less and subject to final survey of plat ("Property").

are changed from an "A-1" Agricultural District to an "I-1" Industrial District.

**SECTION 3. When Effective.** This ordinance amending the Zoning Districts Map shall be in effect after its final passage and publication as provided by law.

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Nokomis Township Trustees Dave Mortensen, Russel Post and Paul Hill were present to ask about the fire protection plan for the proposed ethanol plant west of Alta. The Chair has called US Bio-

Albert City to ask what special equipment/provisions were needed for their plant. The addition of an adaptor was all that was needed in order to be prepared; US Bio-Energy has the foam. Post, through a professional fireman, called the State Fire Marshall's office and learned that the fire department needs to learn what kind of foam **Oregon Trails** would be using and how big the canisters are. They need to know what are the specs for water capacity to operate the canisters. Nokomis Township has fire trucks, but they are old. The state doesn't have any fire codes for operations in the rural areas; also, the rural has no water sources. The Trustees believe that Oregon Trails probably needs to build a 30,000 gal water tank to be properly prepared; they need a dedicated water source. Supervisor-elect Dales Arends stated that Little Sioux Corn Processors of Marcus has a dedicated fire loop and a complete fire plan to be prepared for a potential fire. Gustafson asked if a retention pond would be a possible water source. Post asked where the funds for additional equipment would come from with all the tax abatements. He commented that In West Des Moines, Wells Fargo bought a fire truck for the city which would handle fighting fires at Wells Fargo. The Trustees asked 'what's in it' for Nokomis Township? Gustafson suggested that if the county gets the 'payment in lieu of taxes' (PILT), maybe some of the funds should be set aside for fire protection. Post commented that a decision would need to be made on how to handle a fire at Oregon Trails – contain it and let it burn, or put it out. The State Fire Marshall's office said if it is an unusual building - let it burn. The Trustees asked if the Comm Center has the capability of placing calls to all locations within a specific distance from a fire. Mortensen stated that state regulations haven't kept up with the explosion of ethanol plants.

Engineer Jon Ites provided a copy of the administration judge's decision in the **Washington County vs. Chicago & Eastern Railroad (IC&E)** lawsuit. The Railroad has petitioned for review. They claim that they don't owe anything and they don't want to owe anything for maintenance/repair. Counties have gained from the lawsuit – now they know that railroads can be sued; they aren't exempt. The IC&E only objected to having to pay.

Motion by Burnside to approve and to authorize the Chair to sign the **snow maintenance agreement with Lakeside** for the current snow season. It was noted that fees were adjusted last year. Carried.

The Board discussed disposing of excess property by sale, sealed bid or auction. The 'Burbank' property in Linn Grove does not have any groundwater pollution issues, and did not have any below ground tanks. It was noted that auctions provide more awareness of the property than just a legal notice. Motion by Gustafson to set a **public hearing** for December 12<sup>th</sup> at 8:30 a.m. to consider selling the "Burbank" property in Linn Grove by sealed bid, and further, to set the date and time for receipt of sealed bids as January 9, 2007, at 8:30 a.m. Carried.

Motion by Vail to approve and to authorize the Chair to sign the 1<sup>st</sup> amendment to the **FY'07 DOT budget and construction program** (county budget has previously been amended). The amendment adds the 3-bridge mile project, moves the local re-surfacing of M-44 from FY'06 to FY'07, keeps the M-27 resurfacing project, moves the C-65 and South Cove projects into 2008, and changes the projected carryover to \$1.7 million. The vote on the motion carried. Ites noted that there are no RISE funds, and applications are not being taken currently, at least into next year. **RISE funds** are a set aside from a federal program. Gustafson stated that if the new ethanol plant goes in, M-27 will need work. We need to check into RISE funds

The DOT has asked Buena Vista County to be the lead agency for the **Hwy 110 re-design project**. Kuehl & Payer, Ltd. has submitted an estimate for the design; for survey and preliminary work-\$3,750 plus \$28,125 for design, to be billed as an addendum. Ites is checking to see if DOT will accept it that way. The County would administer the project and provide an inspector. The estimate to eliminate the Hwy 110 curve and install 3 lanes on both sides of the T-intersection is \$687,444. The County's cost would start at the T going east. Following removal of the curve, the excess ROW would be offered back to the original owner for first refusal. Supervisor-elect Dale Arends asked if the county could take the excess dirt and put it at the landfill. Ites doesn't think there will be a lot of dirt left. The DOT will have to decide if it wants to do the price at K&P's estimate. If yes, they would have to approve proceeding and also K&P's proposal. Included in the K&P information was an updated estimate for the **C-65 bike trail** - \$471,071 for

two 6' bike lanes on both sides plus 1 – 1.5' foot shoulders. Ites also reported that Steve Bowman, who administers the trails program for the DOT, has said there will be no application cycle in January for the program.

Chris Schiltz, Architect with Koch Hazard, Sioux Falls, and Jason Dally, CAD Technician, presented the results of their initial evaluation of space needs and availability for the courthouse master plan. Schiltz stressed reviewing how we store records and what the priorities are for those records. Notably, there were few structural changes suggested, with mostly adding or moving doors for better traffic flow. The most costly element of the preliminary plan, and the first project to complete, would involve removing the steel from the jail and capping plumbing, etc, and then adding a filing system which would provide over a mile's worth of lineal feet. The next step will be to have each Department Head critically review which records need to have immediate accessibility, and which can be moved. Schiltz will meet again with the DH's soon so that he can finish the master plan prior to January 1<sup>st</sup>. DH's will also need to determine whether there are items which need to be added to their FY'08 budget request to accommodate any changes (i.e. telephone system). Schiltz will also prepare a cost estimate on the jail renovation.

**Public Health** Administrator Sally Bonnesen has identified approximately \$19,000 in the FY'07 budget which could be used for the proposed CareFacts (community nursing) software including \$6,199 in pandemic funds. The Board asked several questions about security, HIPAA security, compatible printers, and data storage. She will contact R&D Industries, Milford, to discuss network and security issues.

Mark Van Hooser reported that the 911 Service Board has approved purchase of a new tower for the LEC site. Since the County owns the property, the county will need to apply for both height and setback variances for the 250' self supporting tower. The 30.5' x 30.5' site will be fenced. The \$89,000 tower is rated for 80 mph wind with ½" ice. Motion by Gustafson to approve and to authorize the Chair to sign an application for height and setback variances for the communications tower at the LEC site. Carried. Work to install the tower will start in April.

Sheriff Chuck Eddy discussed the need to make a decision on LEC food service so that he can prepare his FY'08 budget. The Board has heard the presentation from one vendor, and there are two others who would be willing to come. In addition, policies will need to be written reflecting either in-house food preparation or an outside vendor. Also to be determined is contract length. Policies and procedures for transition are about done. It is expected that the Comm Center will be able to move into the LEC at the same time as the jail and Sheriff's office.

Eddy has been working with the city on a fiber optic line which the city wants to share. He needs to find out the cost information to take to the city. Permits will be needed, plus an agreement with the company to install it.

Motion by Burnside to approve the minutes of the 11/14 meeting as corrected. Carried.

Motion by Burnside to approve and to authorize the Auditor to transfer \$402,532.53 from Fund 0019 (L.O.S.T. for Secondary Roads) to Fund 0020 (Secondary Roads), the amount being 60% of the total LOST receipts for FY'06. Carried.

The Board discussed the need to re-visit the clothing allowance policy for secondary road employees. Gustafson suggested approving a list of items that are not eligible for reimbursement. It was noted that that steel toed shoes, long pants and hard hats are required at the LEC worksite. The Chair believes that action needs to be taken on several bills that have been held. Currently the clothing allowance benefit is provided on a reimbursement basis. Motion by Lanphere to authorize payment for the clothing reimbursement claims (from secondary road employees) already received but excluding briefs, socks, and handkerchiefs, and, to exclude future bills for these items. Carried. Motion by Gustafson to deny reimbursement claims for shorts, muscle shirts and tank tops. Carried.

The Auditor was directed to contact the Drainage Engineer about the DD #67 contractor's bill which took the project over the \$15,000 limit.

The cost of adding the dredge booster pump to the county's property policy for an 8-month period is \$1,052.00. Since the County owns the dredge, the appropriate place to insure the pump is on the same policy, however, the city has agreed to reimburse the county for the premium. Motion by Lanphere to absorb the premium and not bill it out to the city for the current policy year. Motion by Gustafson to amend the motion by delaying the decision until January 1st. The vote on the amendment was carried. The vote on the motion as amended was: Ayes-Gustafson & Lanphere; Nays-Vail & Burnside. The amended motion failed.

There being no further business, the Chair adjourned the meeting at 1:30 p.m. until Tuesday, November 28<sup>th</sup> at 8:30 a. m. for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FIFTIETH MEETING, 2006 SESSION (50)  
NOVEMBER 28, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 28, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson and with Auditor Karen Strawn as clerk for the meeting. Absent: Vail.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, and Lanphere. Nays--none. Abstentions: none.

Thirty-six persons assembled in the District Courtroom for the 2<sup>nd</sup> Reading of an ordinance to amend the zoning map for a parcel in Lee Township. Zoning Director Kim Johnson stated that Rembrandt Enterprises has requested a zoning change from A-1 to I-1 for a parcel adjacent to an I-1 parcel for the purpose of adding a pasteurization process. The Zoning Commission made a motion to approve, which failed. Consequently, their recommendation is to deny the zoning change.

Dave Rettig re-stated that the reason for seeking the zoning change is to grow their company; this includes additional jobs in Buena Vista County and a \$5 million dollar investment. These jobs will move RE forward to be a food company that can be an important part of the community. He noted that some employees wouldn't even recognize some of the comments that were made at the last hearing.

Engineer Ivan Droessler stated that the re-zoning is for a parcel adjacent to an existing industrial parcel, so the request is not spot-zoning, but it is for the purpose of adding a pasteurization process, and potentially leading to drying. Unless the Board wants to discuss the lagoons, he will focus on the zoning.

Wash water will be the only additional water, and will not cause the volume to exceed the permitted amount. There will not be an increase in BOD levels.

Rich Madsen is an owner and resident. He asked if the Board knew there was a failure of the system last year. He is concerned about adding more water. Droessler explained that the problem was due to a cross-pipe having become plugged at the outlet. To correct the problem, cell 1 was shut down to lower the level, and then the plugged pipe was opened. Since the aerobic process was shut down there was odor, and stirring was necessary to keep the process moving. This amounted to a 2-week shut down for maintenance, not a failure.

Terry Murray asked where today's storm water was going to go. Droessler stated that this question had nothing to do with the pasteurizing process and the zoning change. The rain runoff will go into the company's solid settling (sediment) basin. On this parcel, the rain is already falling on an impervious surface – driveway, etc., so there is no change.

Dennis Anderson reported that Sac County is having a meeting on the pollution in the Raccoon River. Droessler responded that the most significant pollution of the Raccoon is nitrates which are an issue from the issue of commercial fertilizer application for the cropping processes, not from this type of operation.

Karla Madsen stated that each time figures are quoted, they are different from the prior time. She suggested that RE take their 40 acres back to where Glen Taylor lives. The Rembrandt neighborhood shouldn't have to live with it 24 hrs/day, 7 days/wk, 365 days/year.

Jim Perkins, who lives in Rembrandt, very rarely smells any odor. Madsen responded that he lives at a further distance and to the west. She lives to the east and has to deal with a much stronger and more frequent odor. Droessler stated that he could provide scientific fact that lagoons are not the source of the odor; that removal of the contents and spreading it are the cause of the odor. The flow and the BOD's are monitored weekly and are all in the acceptable levels. The process is regulated. This is an aerobic operation. It is the anaerobic operation that produces hydrogen sulfide and ammonia odors.

Frank Klahs stated that all counties want more jobs, but the Rembrandt neighbors have watched the RE operation grow and have watched the problems grow. He thinks that if a decision is to be made, all of the Board members should visit to see what they are voting on. The issue is responsible operation and management. If you haven't been there, you need to go.

Vicki Anderson stated that RE needs to fix what the current problems are before growing any more. It's a bad idea to build on a bad foundation.

Rettig stated that it is wrong to speak against the local people who work there, that they are doing a bad job.

Karla Madsen suggested doing something with the fans. Put something in the manure. Things can be done to fix the problems, but it will take some money. So spend a little to fix the problems. She was told that not all employees would agree, they were told that their pay would be docked for complaining.

Through an interpreter, Rosio Flores stated that she has worked there 5 years, after coming from California where her children were sick, but they aren't here. Other operations (livestock) create odor too.

Sean Arneson, IA Lakes Corridor: Economic investment is important to Buena Vista County and the entire region. It has a significant impact and is adding value to the current employment base. RE is a key company in the industry.

Frank Klahs has visited a 3,000-5,000 head dairy operation and it was clean and odor free. If an operation is done right it can work.

Droessler stated again that today's question is about zoning and is not related to current expansion. RE is putting dust control measures into the new buildings. If it works as planned, they will consider retro-fitting the old buildings.

Rich Madsen said that from day one, RE had said there would be no odors, no flies – this was all wrong. Karla Madsen said that one of the problems has always been size. This is too big of an operation for the area. It comes down to dollars or health.

The Chair stated that it is the Board's process to conduct all three of the readings for an ordinance. If it passes today, there will be one additional reading. He closed the public comments.

Gustafson said that he hoped all of the RE employees are working for good wages. He suggested that Arneson is working for an organization that is partially tax funded, and must be careful. The neighbors who were there first have rights too. He restated that he hoped the employees have good wages and good benefits and that there is no turnover. The community is trying to develop tourism. This situation does not provide good publicity for the county. He has concerns about manure runoff to streams, and too many buildings that are too large regarding storm runoff. Motion by Gustafson to concur with the Zoning Commission to deny the re-zoning request. He has too many environmental concerns about it. The Chair called for a roll call vote. Burnside-nay, Gustafson-aye, Crampton-nay, Lanphere-nay. The motion failed. Motion by Burnside to approve the second reading of the ordinance amending the zoning map for the RE parcel in Lee Township. She suggested that everyone go out to see for themselves, and to go together. –The vote was Burnside-aye, Crampton-aye, Gustafson-nay, and Lanphere-aye. Carried. Motion by Crampton to set the 3<sup>rd</sup> reading of the ordinance for 9:30 a.m. on December 5<sup>th</sup>. Carried.

Nurse Administrator Sally Bonnesen provided the information which the Board had requested last week. Rick Gross from **CareFacts Information Systems** (healthcare software) discussed HIPAA security with Julie Smith, BV County HIPAA Privacy Officer. Smith responded to Bonnesen that with compliance to properly updated HIPAA security policies, the legal requirements will be met. Smith also stated that they are a reputable company. Carl Vogel from R&D Industries also spoke to Gross. They agreed that the server at PH needs to be upgraded. The current one can be used until July 1 when a new budget year begins and a new one can be purchased at a cost of approximately \$4,000. The equipment proposal (laptops and PDAs) including installation and configuration was \$12,700 from Rebnord Technologies. Other pricing obtained by the computer liaison-technician was lower at \$6,422 however, though the equipment would operate the software, it did not match all of the functions available in the Rebnord quote. Rebnord has proposed a \$400/mo maintenance agreement fee to provide support for the system. The current printers will still be able to function for all current applications. To print CareFacts reports, a laser printer will be needed, at an estimated price of \$1,200. The Auditor advised the Board and Bonnesen that Public Health will need to obtain a standalone server if they sign a maintenance agreement with Rebnord. The courthouse computer network administrator is R&D Industries. To protect its integrity, no other vendors are permitted to work on the network. Bonnesen advised the Board that to protect the software pricing proposal, a decision and a check for \$26,375 are needed today. All other decisions on equipment, network, and maintenance can be determined at a later time. Gustafson asked if acceptance today of the proposal and the Chair's signature would be sufficient to hold the price. Bonnesen replied that a check must be put in the mail today to hold the price; it will go up \$4,000-\$6,000 after today. Motion by Burnside to approve and to authorize the Chair to sign the purchase agreement for CareFacts software for a total cost of \$52,750. Carried.

Engineer Jon Ites presented the 1<sup>st</sup> amendment to the **DOT budget and construction program** for the Chair's signature. It was approved by the Board and accepted by the DOT last week.

Motion by Burnside to approve and to authorize the Chair to sign the **snow maintenance agreement** for the city of **Rembrandt** for the current snow season. Carried.

Ites updated the Board – that St. Luke's Hospital in Sioux City will be the new testing agency for **DATA**. With 3 changes in 4 years, there will be new procedures, new forms, etc. Does the Board want to change? The Board asked for a recommendation. Ites will take try to learn more about the change at next week's Engineer's meeting. The next critical timing will be in February, 2007.

Ites distributed several copies of a map of the '**Burbank**' site in Linn Grove. The notice of public hearing to declare it 'excess property' will be published on November 30<sup>th</sup>. At the hearing, the Board will determine the method of sale and also establish a minimum.

Mark Van Hooser presented the application for variances for the new **communications tower**. Motion by Burnside to approve and to authorize the Chair to sign the application to the Storm Lake Board of Adjustment for height and setback variances. Carried.

Motion by Crampton to approve the **minutes** of the 11/21 meeting as printed, and to approve and authorize the Chair to sign today's **claims approval list**. Carried. There were no reports filed for today's meeting.

The Chair announced that Kathy Showalter will meet with the Board at 8:30 a.m. on December 5<sup>th</sup>. The Board discussed **Oregon Trails**' economic development incentive request and the comments which Board members have received from the public.

Additional services on the **courthouse master plan** were discussed. Motion by Burnside to approve 'not to exceed' \$900, for an additional meeting between Architect Chris Schiltz and each department head. Carried.

There being no further business, the Chair adjourned the meeting at 12:15 p.m. until Tuesday, December 5<sup>th</sup> at 8:30 a. m. for a special session. Carried.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**(ENTERED OUT OF ORDER)**

**BOARD OF SUPERVISORS MEETING  
SCHOOL ELECTION CANVASS  
SEPTEMBER 15, 2006**

The Buena Vista County Board of Supervisors met in special session on Friday, September 15, 2006 at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Lanphere, and Vail, and with Auditor Strawn as clerk for the meeting. Absent: Burnside, Gustafson.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes: Lanphere, Vail, and Crampton. Nays: none. Abstentions: none.

Motion by Vail, pursuant to Chapter 50.24 of the 2005 Code of Iowa to declare the results of the September 12, 2006 School Election as follows:

**Albert City-Truesdale School District:** total voters - 29

For School Board Director - elect 2

Brent Moens	23	elected
Douglas Rebhuhn	27	elected
Scattering	4	

**Alta Community School District:** total voters - 56

For School Board Director - elect 2

Bruce Glienke	56	elected
Dale Wetherell	46	elected
Scattering	3	

**Newell-Fonda School District:** total voters - 95

For School Board Director, District 1 - elect 1

Lyle Rossiter	85	elected
Scattering	4	

For School Board Director, District 2 – elect 1

Greg Baskerville	92	elected
Scattering	3	

For Public Measure “B” – 5yr., 10% PPELevy

Yes	61	approved
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**Sioux Central School District:** total voters - 374

For School Board Director, District 2 - elect 1

Sara Fassler 232

Lory Krummen 135 elected

For School Board Director, District 3 - elect 1

Kevin Ehlers 176 elected

Tracey Bailey 31

Tim Wittmaack, 169

**Storm Lake School District:** total voters - 70

For School Board Director - elect 2

Dan Douglas 69 elected

Todd D. Nicholson 71 elected

**Iowa Central Community College:**

For Director, District 3 – elect 1

Larry E. Hecht 136 Carried.

There being no further business, motion by Vail to adjourn the meeting at 8:45 a.m. until Tuesday, September 16 at 8:30 a.m. for a special session. Carried.

**BOARD OF SUPERVISORS MEETING  
FIFTY-FIRST MEETING, 2006 SESSION (51)  
DECEMBER 5, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, December 5, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Thirty-eight interested persons were present in the Public Meeting Room for the second discussion of financial incentives for the ethanol plant proposed to be built west of Alta. The Board had offered a 12 year-100% abatement plus an annual PILT of \$100,000, and an additional 3 year 50% abatement with \$0/yr PILT. On behalf of Oregon Trails Energy, Kathy Showalter (PlanScape Partners) responded that the company did not accept that offer, but counter-proposed 18 years with 100% abatement, and PILT of \$50,000 for 18 years. The project stands to employ 45-50 people. Showalter, with JonAlan Page from the company reported on their meeting the night before with the neighbors and the City of Alta. There were many questions, mostly from fear of the unknown. Troy Uppa, from US Bio-Albert City stated that there is new excitement in Albert City about the ethanol business and the jobs. He is excited for Alta because Oregon Trails would bring new residents, restaurants, etc. to that community. The people indicated that they fully support the new market for grain and the DDG feed source.

Gary Molgaard, Alta Fire Chief, reported on his investigation of what Alta should expect with regard to meeting the fire-fighting needs of an ethanol plant. Other communities have developed very positive relationships in that regard.

The Chair reported having received 5 letters of support from economic development groups such as Storm Lake Area Development. He also stated that Albert City provided unprecedented community support for the US Bio project, with no opposition. He has received calls of questions and concerns about Oregon Trails. Albert City to the approach that US Bio was crucial for their economic survival. Alta doesn't have quite the same situation. All of the grain for the Alta plant will arrive by truck. Raccoon Valley Bio-Diesel will receive their raw product and distributed their bio-diesel by rail. For Alta, the bulk of the transfer will be over the road for inputs, so the concern regarding the roads is huge with 150-175 trucks/day. Showalter commented that this grain is already delivered to buyers over the road, so that really shouldn't be an issue.

Supervisor-elect Ken Hach, who lives in the district where the plant is proposed, has been hearing good support for the project; people hope it happens.

Vince Davis, Farm Bureau asked about the opportunity for local investor equity and about a feasibility study with regard to access to adequate corn supply. A: Currently tests are being done to assess adequate water supply, and, there will be no local investors at this time. US-Bio doesn't provide for local investor equity with the exception of those persons who are members of ALCECO (900 farmers). Oregon Trails is considering 40% equity, 50-60% debt, but the numbers aren't firm yet. Davis asked again about local investment. Showalter responded that even though local investment won't be available, there is economic benefit because the plant will buy from the local farmers. Farmers have had to rely on the feds for their profits for the last 30 years. The ethanol industry will have an impact on that. Also, Raccoon Valley Bio-Diesel has a different business plan – the company is being created by local people.

Gustafson asked if "we are getting into competition, that by providing incentives for this plant, could this put the other out of business?" It was noted that Ida County had just approved their 2<sup>nd</sup> ethanol plant.

Phil Sundblad, Farm Bureau, commented that there is a huge need for ethanol plants in the United States; we have much room to grow. However, he is also disappointed with no local investment. He asked the Board to consider tying some local ownership to the financial incentive. Gustafson stated that the Board probably couldn't do that; that is out of the Board's control. The Board represents the whole county. "We need to increase the tax base". He appreciated Oregon Trail's decision to back off the 20 years in their request. He couldn't support 20 years, but he can support 18. He thinks the PILT should go up as the 18 years go by. Gustafson suggested another formula stating that the county will need funds as the roads deteriorate. The Board has learned some important things from previous experience – don't hang future Boards with costs and no funds to meet them with. He also believes that the company is looking at a progressive town. There are recreational opportunities for their employees.

Phil Letzring voiced some concern about the sharp turn from Hwy 7 onto 570<sup>th</sup>. Will there be trucks in the ditch? BV County Maintenance Superintendent commented that the truck route needs to be identified. Last night he was assured that there would not be another 'Vera-Sun' situation where the trucks back up on the highway due to inadequate staging area on the Vera-Sun property.

Showalter and Page had left the room for a brief conversation. After returning, she stated that the company would offer 15 years at 100% abatement and no PILT.

Several other variations were suggested. The Chair indicated that the Board needed to have adequate time to consider the request, that there may have been an error in acting so quickly with US Bio. "We are trying to get smarter this time."

Motion by Gustafson to offer 9 years of \$50,000 PILT, and 9 years at \$75,000, and 100% abatement for 18 years. The motion carried.

Twenty-six persons were present for the 3<sup>rd</sup> and final Reading of an amendment to the zoning ordinance. Zoning Director Kim Johnson re-stated that the Zoning Commission motion to approve the request failed, having the effect of recommending denial to the Board of Supervisors. Dave Rettig stated one of the concerns last time was that Rembrandt Enterprises was going to get bigger when in fact the rezoning will not increase the size of the operation. In fact, if the rezoning is denied, that RE will have to grow in another way to be successful.

Burnside stated that when the project was started, we knew that they would get bigger. Dave said last time he is working on the odor. But this is a rezoning request. We want to work with the company to improve the current situation. The Chair closed the meeting to further public comment.

Motion by Burnside to approve the 3<sup>rd</sup> and Final Reading of an ordinance to amend the zoning ordinance changing a parcel owned by Rembrandt Enterprises from A-1 to I-1. Crampton believes they are working on the problem; he will continue to stay in touch. Ayes—Burnside, Crampton, Vail, Lanphere. Nay—Gustafson. Carried.

## **BUENA VISTA COUNTY ORDINANCE NO. 6.1A-10**

### **Title: AMENDMENT TO ZONING DISTRICTS MAP.**

BE IT ENACTED by the Board of Supervisors of Buena Vista County, Iowa:

**SECTION 1. Purpose.** The purpose of this ordinance is to amend the Zoning Districts Map with respect to the real estate described in Section 2 below in accordance with Section 10.104 of Ordinance 6.1 of the Buena Vista County 2003 Code of Ordinances.

**SECTION 2. Change to Zoning Districts Map.** The official Zoning Districts Map, referred to in Section 1.105 of Ordinance 6.1 of the Buena Vista County 2003 Code of Ordinances, is amended as follows:

The real estate described as:

DESCRIPTION LOT E

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) OF SECTION 32, TOWNSHIP 93 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 Lot C of said Section 32 appearing of record as document number 010032 in the Buena Vista County Recorder's office: Thence on an assumed bearing of South 00°00'00" West, along the southern extension of the West line of said Lot C, 218.70 feet; Thence North 90°00'00" West, 400.00 feet; Thence North 00°00'00" East, 450.00 feet; Thence South 90°00'00" East, 400.00 feet to the West line of said Lot C; Thence South 00°00'00" West, along said West line, 231.30 feet to the Point of Beginning. Hereafter known as Lot E of Section 32, Township 93 North, Range 36 West of the 5<sup>th</sup> p.m., Buena Vista County, Iowa;

is changed from an "A-1" Agricultural District to an "I-1" Industrial District.

**SECTION 3. When Effective.** This ordinance amending the Zoning Districts Map shall be in effect after its final passage and publication as provided by law.

Adopted by the Board of Supervisors on this 5th day of December, 2006.

/s/ Bill Lanphere, Chair, Supervisors...../s/ Karen M. Strawn, Auditor

Motion by Vail to approve and to authorize the Char to sign the Truesdale snow removal agreement for current snow season. Carried.

Motion by Vail to direct the auditor to void warrant #207491 issued 10/17/06 to Sherri Peterson in the amount of \$254.40, which was lost in the mail, and to issue a new one in the same amount to Peterson. Carried.

Motion by Burnside to approve and to authorize the Chair to sign November claims for the LEC project totaling \$502,572.28. Carried.

Attorney Dan Connell, representing the estate of Karlton Fullenworth, requested a copy of the 28E agreement between the City of Storm Lake, the City of Lakeside, Buena Vista County and the Lake Preservation Association. The agreement identifies the County as the sole owner of the dredge.

Lloyd Galbraith & Clint Hoferman spoke to the Board about space needs for Veterans services. The State of Iowa will fund a grant program targeting those counties without a full-time director, providing up to \$10,000 (\$1 for \$1 match) per county to improve veterans' services. Guidelines are being written, including how the \$10,000 match can be used. The Chair asked if a county could take responsibility for an adjoining county and receive their \$10,000 also. To apply for the funds, the Board of Supervisors will need to prepare a plan, and then adjust it as the guidelines come out.

Motion by Vail to approve and to authorize the Chair to sign change order #1 and the 2<sup>nd</sup> and final pay estimate for DD #67. Carried.

**Sheriff** Chuck Eddy and Deputy Doug Simons discussed staffing in the office and requested approval to eliminate the part-time secretarial position and to add a full-time secretarial position. The fulltime position will require additional and different skills than the part-time position. Marilyn Peters will be taking over property sales, etc. following Deputy Don McClure's retirement. The part-time person can't keep up with the workload, and there is the need to get someone trained prior to Peter's retirement. The staffing change can be accomplished without increasing the budget this year due to hiring a replacement officer at a lower rate of pay than McClure. Eddy would begin advertising the position to start after

January 1. Gustafson would like to delay starting a full time position until 7/1/2007, or at least 3/1/2007 when the county gets through the budget process. Motion by Burnside to eliminate the part-time secretarial position in the Sheriff's Office and add a full-time secretarial position effective after Jan 1, 2007. Ayes:-Burnside, Crampton, Vail & Lanphere. Nays-Gustafson. Carried.

Eddy invited the Board to attend a retirement coffee for Deputy Don McClure at 2:00 p.m. on the 14<sup>th</sup> in the Public Meeting Room.

Motion by Lanphere to approve the minutes of the 11/28 meeting and the following reports: Nov 26<sup>th</sup> testing of Spectra Lagoon by Mangold, Nov. Clerk's fees, Nov 14 Conservation Board minutes. Carried. Also reviewed were the 2006 annual report of Western Iowa Tourism, and FY'06 audit of NW IA ADTU.

There being no further business, the Chair recessed the meeting at 12:00 p.m. until Wednesday, December 6<sup>th</sup> at 9:00 a. m. to receive FY'08 budget requests. Carried.

#### **Wednesday, December 6, 2006:**

The purpose of today's meeting was to hear FY'08 budget requests.

Marilyn Monson was present to request \$1,000 for the Newell Historical Society painting project. A large portion of the necessary funds have been accumulated. She also requested \$625 for Tourism including the \$375 for reimbursement of mileage and registration for the BV Co. Convention and Visitor's Bureau, and \$250 for ½ of the Western Iowa Tourism dues. The Storm Lake Chamber of Commerce paying the other half.

The Buena Vista Historical Society currently plans no big projects but is requesting \$800 to help with the electric bill, heating, and wages, etc. They want to tear up a weed patch and re-seed it. They purchased a riding lawnmower to do the mowing which was previously done by city when the Pioneer cabin and schoolhouse were located along the lake.

Fiscal Manager Travis Edwards, Joan Spooner, Storm Lake Site Director of Upper Des Moines Opportunity, requested \$19,715 for FY'08. They reviewed statistics and financial information which indicates that the majority of their clients are the working poor. Cindy Johnson, Prevention Coordinator for NW Iowa Alcohol & Drug Treatment Unit in Storm Lake, presented information about the programs provided by her agency. ADTU's FY'08 request is \$.90/capita, or \$18,370.

Motion by Lanphere to approve and to authorize the Chair to sign a claim for postage in the amount of \$126 for absentee ballots. Carried.

The Board recessed until December 7<sup>th</sup>.

#### **Thursday, December 7, 2006:**

The purpose of today's meeting was to hear FY'08 budget requests.

Members of the Buena Vista County Library Association met with the Board to update them on their activities, and to request funding in the FY'08 budget - \$71,670, the same as received in '03. Betty Joliffe-Marathon, Misty Gray-Storm Lake, Martha Landsness-Sioux Rapids, Patria Jensen-Linn Grove, Caroline Boettcher-Newell, Cathy Jensen-Albert City, Sue Pederson-Alta, and Jolene Anderson-Rembrandt. Joliffe stated, "Most people have the best impression of libraries, that they're doing a good job. Voters want more services, and would support the tax increase needed to increase funding. Funding the libraries can be a solution to many community needs." BV libraries have been meeting their top priorities: keeping services free, providing books for children, having good reference materials

including computers and databases, keeping their buildings well-maintained. They thanked the Board for all their support through the years.

Cynthia Beauman, Executive Director of NW Aging Association, requested \$10,842 for FY'08. Avis Yungbluth requested \$1,000 for the Sioux Rapids Historical Society. Arlin Hinkeldey requested \$1,000 for the Hanover Historical Society.

Vicki Roberts, Lee Meyer, and Randy Robbins-President of the BV County Fair Board requested \$75,000 for FY'08. They discussed repairs needing to be done and changes to the '07 county fair including no carnival. Gustafson suggested that a small entry fee be charged to exhibitors. The Fair Board has met with ISU Extension to try and establish a good line of communication.

Dwight Young, Bob Donahoo, and Colleen Schwanz from BV County Soil Conservation Service requested \$3,000 to support their educational program. The local funding allows them to go out to the schools and teach students about soil, erosion, watersheds, terraces, conservation, water quality, and wildlife in BV County etc. They received an award a few years ago for their quality educational program.

Dean Maiden requested \$800 for the Marathon Historical Society, and Dick Aronson requested \$1,000 for the Albert City Historical Society.

Rose Lee, Executive Director of RIDES (Regional Transit Authority), requested funds in the amount of \$7,961 for vehicle replacement, \$1,300 to subsidize transportation to the Storm Lake Senior Citizens' site, and \$9,126 for the nite taxi service (the increase will used to restore service on every Tuesday and Thursday evening).

There being no further business, the meeting adjourned.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FIFTY-SECOND MEETING, 2006 SESSION (52)  
DECEMBER 12, 2006**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 12, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson and with Auditor Karen Strawn as clerk for the meeting. Absent: Vail.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, and Lanphere. Nays--none. Abstentions: none.

The Chair opened the public hearing on the disposition of the "**Burbank**" property in Linn Grove. There being no comments from the public, motion by Gustafson to close the hearing. Carried. Motion by Crampton to approve and to authorize the Chair to sign a Resolution declaring the Board's intent to sell the Burbank property by sealed bid. Ayes-Burnside, Crampton, Gustafson, and Lanphere. Carried. The Auditor was directed to advertise a notice in the Pilot-Tribune and the Storm Lake Times, and to notify adjacent property owners.

**RESOLUTION 2006-12-12-A**

**WHEREAS**, Buena Vista County, Iowa, owns the following described real estate situated in Buena Vista County, State of Iowa, to-wit:

Parcel in Linn Grove, IA: Commencing at the point 13 feet North of the Southeast corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section Seven (7), Township Ninety-Three (93) North, Range Thirty-Seven (37) West of the 5<sup>th</sup> P.M.; thence North 295 feet, thence West 280 feet, thence South 308 feet, thence East 97 feet, thence North 13 feet, thence East 183 feet to the point of beginning situated in Buena Vista County, Iowa, more generally known as the county storage yard in Northwest Linn Grove off 80<sup>th</sup> Ave.

**WHEREAS**, a public hearing was held on 12-12-06 at 8:30 a.m. for the purpose of hearing public comment on the proposal to sell the property, and

**WHEREAS**, the Board of Supervisors has determined that there is not objection, and, that it is in the best interest of Buena Vista County to sell said property; and

**WHEREAS**, the Board of Supervisors proposes to sell said property.

**BE IT RESOLVED** by the Board of Supervisors of Buena Vista County Iowa, that the property shall be sold by sealed bid on the 16<sup>th</sup> day of January, 2007 at 9:00 am. Bids will be accepted in the Buena Vista County Auditors Office until that time.

**BE IT FURTHER RESOLVED** that the terms of sale will be 10% down at the time of sale, balance due in 30 days, with the county setting a minimum bid and reserving the right to refuse any and all bids. This motion carried unanimously.

**ADOPTED** this 12<sup>th</sup> day of December, 2006, at Storm Lake, Iowa, by the Buena Vista County Board of Supervisors.

/s/ Bill Lanphere, Chair...../s/ Karen M. Strawn, County Auditor

Motion by Gustafson to approve the minutes of the 12/5, 12/6, & 12/7 meetings as printed, and the following reports: Nov. Spectra lagoon monitoring report by Mangold; and, to approve and to authorize the Chair to sign today's claims approval list. Carried.

Treasurer Kathy Bach discussed assigning the tax sale certificate for a Newell property to the City. Their plan would be to proceed to take deed to the property, and then ask for an abatement of taxes. Motion by Burnside to assign tax sale certificate #040113 to the City of Newell for parcel #16-17-457-003. Carried.

Several Board Members attended a November ISAC meeting on what information a county should request from agencies applying for funds from the county. The information includes an IRS form 990 &/or a 501(c)(3) determination letter from the IRS. The Auditor was directed to request the information.

With the pending resignation of Julie Smith as the County's HIPAA Officer, the Board discussed how to fill the position or meet the requirements of the HIPAA law. One option would be to ask if the City

of Storm Lake, Buena Vista Regional Medical Center or Storm Lake Schools would be willing to share services. No action was taken.

Engineer Jon Ites informed the Board that Region 3 DOT is reviewing the **Hwy 110 and C-65 project**. Also, the county's **DOT budget amendment** has been approved, in time for today's bid letting.

The time having arrived for the bid letting on the 3-bridge mile project, the Board received bids from 9 contractors. Upon examination of the bids, motion by Crampton to tentatively award the contract for **project #L-C-785—73-11** to the apparent low bidder, Peterson Contractors Inc., of Reinbeck, IA. In the amount of \$206,546.00, subject to an audit of the bid tab. Carried. (The Engineer later notified the Board that the bid extensions were correct, confirming that Peterson Contractors Inc. was the low bidder.)

Jan Alfred, Executive Director of **CAASA (Centers for Abuse)**, with Sara Huddleston-Multicultural Outreach Coordinator, Jenny Ahlers-BV County Coordinator, and Rhonda Dean-Development Coordinator was present to discuss their program and to request funding in the FY'08 budget. The agency now includes the former CADA (Council Against Domestic Abuse), and covers a 9-county area. Alfred gave a program and staffing overview. She believes that there is a need in this county for a shelter. Currently the agency has 4. The request was the same as last year, \$4,500. Also present was Recorder Shari O'Bannon, who presented a \$200 check to the agency on behalf of the Kiwanis Beavers.

The Chair discussed a meeting held last week between Environmental Health Director Kim Johnson, himself, and residents from Bel-Air through Casino Beach regarding a sanitary sewer district. Johnson is writing a grant application for funds to start a managed **sanitary sewer district**. Attendees had questions, and the reaction was positive. Johnson is looking at a second meeting, in the near future. Sewer service from the City of Storm Lake might be the quickest and easiest solution, but there is much opposition to the idea. The City of Storm Lake won't extend their sewer lines unless property owners annex into the City. Gustafson suggested that someone could be sent to Iowa Lakes Regional Water to inquire what they could do; they are helping Truesdale. Johnson has identified several other locations in the unincorporated area where there are groups of homes. Gustafson also suggested talking to Julie Sievers, DNR. The county would have to hire a qualified wastewater manager.

Kathy Showalter met with Board Members to inform them of Oregon Trail's acceptance of the financial incentive offered by the Board. "Oregon Trails accepts the offer and thanks you for it. It is an acceptable compromise." She presented a resolution for the Board's consideration. The next step for Oregon Trails is to have a project review done by the IDED Board. Motion by Crampton, seconded by Burnside, to adopt the following resolution providing economic development incentives to **Oregon Trails Energy**, and to authorize the Chair to sign. Ayes-Burnside Crampton, Gustafson, and Lanphere. Carried.

#### **RESOLUTION 2006-12-12**

Resolution to authorize financial assistance for Oregon Trail Energy, L.L.C.

**WHEREAS** Oregon Trail Energy, L.L.C. is interested in building a 110-million-gallon, dry mill, corn-processing ethanol plant in Buena Vista County, Iowa; and

**WHEREAS** this facility will create at least 40 new jobs and make a multi-million dollar investment in the County for the project; and

**WHEREAS** this project will create an important new market for area agriculture producers, providing them with another revenue source, expand the area's economy, and allow area residents to invest in this effort, resulting in a positive economic impact for the county and its residents; and

**WHEREAS** the project intends to apply for grants and loans through various state and federal programs; and

**WHEREAS** Oregon Trail Energy, L.L.C. is in need of financial assistance in the form of property tax relief using tax abatement in order to make this project a reality;

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

Section 1: The County wholly endorses this project and all applications for state and federal grant and loan funding; and

Section 2: Buena Vista County intends to negotiate a development agreement and will offer eighteen (18) years of 100 % abatement of taxes on Oregon Trail Energy, L.L.C. property taxes available through the High Quality Job Creation program from the Iowa Department of Economic Development; and

Section 3: Oregon Trail Energy, L.L.C. will make eighteen annual payments to the County, beginning six months after the production of ethanol begins. For years 1-9, the County will be paid \$50,000 annually. In years 10-18 the County will be paid \$75,000 annually.

**PASSED AND APPROVED** this 12th day of December, 2006.

/s/ Bill Lanphere, Chair.....ATTEST: /s/ Karen Strawn, County Auditor

There being no further business, the Chair adjourned the meeting at 12:00 p.m. until Tuesday, December 19<sup>th</sup> at 8:30 a. m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FIFTY-THIRD MEETING, 2006 SESSION (53)  
DECEMBER 14, 2006**

The Buena Vista County Board of Supervisors met in special session on Thursday, December 14, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Crampton, Gustafson and with Auditor Karen Strawn as clerk for the meeting. Absent: Vail.

Upon completion of the canvass of the December 12<sup>th</sup> State Representative-Dist. 52 & Public Measure D-SILO Extension Special Election, and pursuant to Chapter 50.24 of the 2005 Code of Iowa, motion by Burnside, second by Crampton, to declare the results as follows: total voters-2,314

**State Representative, District 52:**

Cate Logan, Democrat	652
Gary Worthan, Republican	1,616

**Public Measure D to extend the SILO tax until 12-31-2022:**

Yes	1,706 – approved.
No	570

Carried.

There being no further business, the Chair adjourned the meeting at 9:00 a.m. until Tuesday, December 19<sup>th</sup> at 8:30 a. m. for a special session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FIFTY-FOURTH MEETING, 2006 SESSION (54)  
DECEMBER 19, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, December 19, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting. Absent: Crampton.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Gustafson, and Lanphere. Nays--none. Abstentions: none.

Environmental Health Director Kim Johnson gave a presentation on improving the county's wastewater systems. Many of the septic systems in the unincorporated area of our county do not meet current standards, and in fact some empty into the road ditches. There are at least nine residential or business clusters in the unincorporated area which need to be addressed. The DNR has begun addressing the improvement of the water quality in the Des Moines and Raccoon Rivers. In the future, 'time of transfer' inspections could be required. If a septic tank is inadequate or in failure, the sale of a property would not go through. Applications to the DNR for the second round of grants to manage sanitary sewer districts are due soon. Johnson has begun the process of meeting with residents in the unincorporated communities. Questions to consider: how much staff would be required, where would the funding come from, what would the program look like? It is hoped that beginning with a voluntary exploration of a project instead of waiting until counties are mandated to take action would be advantageous. Gustafson urged planning for the necessary resources – grants and fees may not always be able to support it.

John Hansen, Midwest Construction Consultants, reported that he is very pleased with the progress and the quality of the work on the LEC project, but would like to see a larger Woodruff crew so that two activities could proceed simultaneously. He'll ask for another 6 workmen. They are ahead with block work so should be able to meet the completion deadline. The colors have been chosen. He has been able to negotiate costs on removal and disposal of cardboard, block and debris which should save a few dollars.

Don Bringle and Jeff Green, Consolidated Correctional Food Service of Des Moines, made a proposal for food service at the LEC. They also provide laundry services. Ed Bierer from Stellar Services, LLC gave a presentation on commissary services which includes inmate banking services. Sheriff Eddy will need to know whether or not to budget for vendors for food service &/or commissary in the FY'08 budget.

Public Health Nurse Administrator Sally Bonnesen presented a second proposal for computers, PDA's and a printer. The Chair suggested that the Board of Health hear the proposal prior to Bonnesen

placing an order; the next meeting is January 9<sup>th</sup>. Motion by Lanphere to approve the purchase of computer equipment by **Public Health** subject to concurrence by the Board of Health. Carried.

Marlin Sejnoha, President, and Jeff Green from CBM Food Service, updated the Board on their jail food service, and their laundry and commissary services for the LEC.

Engineer Jon Ites asked for clarification on the opening of the courthouse on December 26<sup>th</sup>. The Board agreed that Secondary Road workers should report back to work that day at noon, which allows them the same number of hours off as courthouse employees.

IDOT Engineer Rich Michaelis reported to Ites that the IDOT hasn't found financing yet for the project to remove the curve on Hwy 110 at the airport, but proposes a 55%-state / 45%-county cost share; this would be \$337,000 for the county. DOT won't go any further till a funding source is found. C-65 does not qualify for safety funding.

Motion by Vail to approve and to authorize the Chair to sign the contract, contractors bond and certificate of insurance of Peterson Contractors Inc., Reinbeck, IA. for project # L-C-785—73-11 (3-bridge mile) \$206,546.00. Carried.

Motion by Burnside to approve and to authorize the Chair to sign the Agreement for Federal-Aid Highway Bridge Replacement and Rehabilitation (HBRR) for project #BROS-CO11(57)—5F-11 (bridge over the Raccoon River, 2 miles south of C-49 between Sections 1 & 12 Providence Township. Carried. The project will require wetland mitigation; Ites plans to swap the requirement on this project for the wetland created at Mellowdent.

Julie Smith, HIPAA Privacy and Security Officer for the county, gave a brief overview of HIPAA and her role as consultant. Buena Vista County is in good shape currently on training, policies, etc. The next event anticipated will be implementing national health care numbers. Every person will be assigned a number, just like each driver has a driver's license number. People will carry a credit card type ID with a magnetic strip containing all of their healthcare information on it. Smith presented the HIPAA Security Policies and Procedures for Buena Vista County which have been approved by the county attorney. The policies were written from a perspective of a HIPAA Committee which would include representatives from a number of departments. A coordinator could be appointed from the Committee. The County needs to have a Privacy Officer, Security Officer, and a Compliance Officer. Smith recommended that the Committee utilize the internet for training purposes, rather than buy a video program which is quickly outdated. Training is available online. Computer audits can be done by R&D Industries. Public Health Nurse Administrator Sally Bonnesen will need to bring her department's policies up to date to reflect the standards that CareFacts (software) requires. Smith also gave the Board her 30 day notice. Motion by Gustafson to approve the updated HIPAA Security Policies & Procedures for Buena Vista County. Carried. Motion by Gustafson to accept with regret the resignation of Julie Smith as HIPAA Privacy and Security Officer, effective 1/19/2007. Carried.

Motion by Burnside to approve the minutes of the 12/12 meeting as printed, and the following reports: 12/5 test results on Spectra lagoon by Mangold and minutes of LEC Project meeting #5. Carried.

Burnside, Crampton and Merten will be available at 8:30 a.m. for the Treasurer's semi-annual Treasurer's cash count on January 2, 2007.

Motion by Vail to approve and to authorize the Chair to sign the claim in the amount of \$5,860.24 to River Valley Forest Services for the 3<sup>rd</sup> payment on the tree clearing project in Jt. DD #14-42. Carried.

The Board acknowledged letters appointing new **Compensation Board** members; Paula Balder has been appointed by the County Treasurer, and Dan Connell has been appointed by the County Attorney-elect. Also received was a report from Kuehl & Payer on the cost estimates vs. final cost for chemical treatment on Jt. DD #181. The Auditor reported that Architect Chris Schiltz completed the

second round interviews with Department Heads for the courthouse master plan. A report is expected any day, with Schiltz to make a final presentation soon.

There being no further business, the Chair adjourned the meeting at 1:15 p.m. until Tuesday, December 26<sup>th</sup> at 1:30 p. m. for a regular session. Carried.

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Karen M Strawn, Auditor

Bill Lanphere, Chairperson

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**BOARD OF SUPERVISORS MEETING  
FIFTY-FIFTH MEETING, 2006 SESSION (55)  
DECEMBER 26, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, December 26, 2006, at 1:30 P.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside, Gustafson, Vail and with Auditor Karen Strawn as clerk for the meeting. Absent: Crampton.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Gustafson, Vail, and Lanphere. Nays--none. Abstentions: none.

Brian Blomme, Drainage Watchman from Kuehl & Payer, reported that the DD#67 cleanout project has been completed. The contract was with L. A. Carlson for \$14,986.40, with a change order of \$270.00 for additional material to repair the spoil bank. Tom Sievers was concerned about tile outlets buried during the repair of the ditch. Engineer Ivan Droessler offered \$100 for tile exploration, then 50% cost share for those tile. However, it appears that Sievers has done his own repair. Droessler has suggested that the Board not hold a completion hearing, since the contract was less than \$15,000. Motion by Gustafson, to accept the project as completed at the final price of \$15,256.40. Carried. If there are additional tiles to be found and repaired, the 50% share will prevail.

Blomme reviewed the tree clearing projects for 2006 (which, are not all completed yet). With the projects he proposes for 2007, he also recommends a completion date of 2/15/08 rather than 12/15/07 since the February date reflects what is currently happening with completion. Motion by Vail to authorize Blomme to get proposals for 2007 tree clearing as follows: DD #83, DD #34 MOD, DD #34 Lat 9, DD #34 Lat 7, and DD #34 Lat 2. Carried.

Sheriff Chuck Eddy and Mark Van Hooser presented a plaque to Supervisor Vail in recognition of his service and dedication to the Buena Vista County 911 Service Board from January, 1991 to November, 2006.

Burnside asked whether a decision on the jail food service should be made by the current Board or the new Board. The Chair felt that the new Board should decide. No action was taken.

Engineer Jon Ites has been approached about the 'Burbank' property in Linn Grove – the city may be interested. Ites suggested that since the flyers have already gone out, wait to see what bids come in prior to making a decision. The Board always has the right to reject the bids. Councilman Arnie Hicks was present to let the Board know that the City of Linn Grove is interested in the property, including the buildings on the approximately 2 acres. Vail suggested that the city put a bid in. Hicks will take the information back to the Council.

Ites notified the Board that notice has been received from the county's insurance carrier regarding coverage on a tractor that was involved in an accident. An underinsured motorist hit the back of the tractor, and the insurance carrier deems the policy to cover autos only. Medical expenses for the county employee have exceeded the limits of the underinsured motorist. The Auditor will advise the insurance carrier and see that coverage begins immediately.

Upon recommendation of District Watchman Brian Blomme, motion by Gustafson to approve full payment to B&W Control Specialists for weed spraying completed in 2006 as follows: in Jt. DD#181 -- BC MOD1 \$13,727.00, BC MOD2 \$5,953.75, LC MOD \$7,277.75; in DD #20 \$4,901.00, in DD #34 MOD \$5,188.25; in DD #34 Lat 2 OD \$4,065.50, in DD #49 MOD \$332.00; in Jt. DD #1 MOD \$4,055.25; in Jt. DD #1 Lat 1 OD \$2,453.25; in Jt. DD #1 Lat 2 OD \$3,829.75. Carried.

Pursuant to Chapter 50.24 of the 2005 Code of Iowa, motion by Burnside to declare the results of the canvass of the 12/19 Special Storm Lake School Bond Election (Public Measure E-to authorize issuance of \$5,500,000 in general obligation bonds for a new elementary school) as follows: Total voters-994, Yes-810, No-184. The question was declared approved. Carried.

Motion by Gustafson to approve the minutes of the 12/19 minutes and to approve and to authorize the Chair to sign today's claims approval list. Carried.

The Chair recessed the meeting for completion of today's minutes. Motion by Vail to approve the minutes of the 12/26 meeting, and to adjourn the 2006 session sine die. Carried.

There being no further business, the Chair adjourned the meeting at 3:30 p.m. until Tuesday, January 2<sup>nd</sup> for the 2007 organizational session.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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*(Entered out of order)*

## **BOARD OF SUPERVISORS MEETING GENERAL ELECTION CANVASS, 2006 SESSION NOVEMBER 13, 2006**

The Buena Vista County Board of Supervisors met in special session on Tuesday, December 19, 2006, at 8:30 A.M. in the Boardroom with Chairman Lanphere presiding and with the following other members present: Burnside and Crampton and with Auditor Karen Strawn as clerk for the meeting. Absent: Gustafson, Vail.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes—Burnside, Gustafson, and Lanphere. Nays--none. Abstentions: none.

Pursuant to Chapter 50.24 of the 2005 Code of Iowa, and upon completion of the Canvass of the tally lists of the November 7, 2006 Buena Vista County General Election, motion by Burnside, to declare

the results as follows, and to direct the Auditor to prepare abstracts and certificates of election as necessary:

**TOTAL VOTERS:** 6,436 (\*elected, R=Republican, D=Democrat, G=Iowa Green, L=Libertarian, S=Socialist Workers, P=Nominated by Petition)

For **U.S. Representative-5th Dist**

Steve King-R	3,879	Joyce Schulte-D	1,846
Roy Nielsen-P	415	Cheryl L. Brodersen-P	85

For the office of **Governor & Lt. Governor**

Jim Nussle & Bob Vander Plaats-R	3,446
Chet Culver & Patty Judge-D	2,743
Wendy S. Barth & Richard L. Johnson-G	48
Kevin Litten & Mark Nelson-L	48
Mary T. Martin & Kevin A. Dwire-S	18

For the office of **Secretary of State**

Mary Ann Hanusa-R	3,218
Michael A. Mauro-D	2,636

For the office of **State Auditor**

David A. Vaudt-R	4,686
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For the office of **State Treasurer**

Michael L. Fitzgerald-D	4,359
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For the office of **Secretary of Agriculture**

Bill Northeim-R	3,822
Denise O'Brien-D	2,201

For the office of **Attorney General**

Tom Miller-D	4,390
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For **State Representative—52<sup>nd</sup> Dist**

Mary Lou Freeman-R	(not canvassed)
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For the office of **County Treasurer**

*Kathy Bach-D	5,014
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For the office of **County Recorder**

*Shari O'Bannon-D	4,959
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For the office of **County Attorney**

Phil Havens-R	2,832
*Dave Patton-P	3,094

For **Co. Supervisor-1st Dist**

*Ken Hach-R	2,610
Willard Christensen-P	1,351
Gary Small-P	1,793

For **Co. Supervisor-2<sup>nd</sup> Dist**

Dale Arends -R	3,219
Karla Jean Madsen-D	2,228
Tim Humes-P	423

For **Co. Supervisor-3<sup>rd</sup> Dist**

Richard Dirkx-R	2,904
*Paul Merton-D	3,135

For the office of **Township Clerk**

**Trustee**

<b>Barnes</b>	*Bernard Nelson	91	*Ralph Warkentin	8
			Carolyn Reiling	1
<b>Brooke</b>	Mark Sickelka	1	Jess Fastenow	2
	*Stan Hartwell	12	*Richard Hasley	7
	Doug Kracht	1	Gary Christiansen	4
			Stan Hartwell	2
<b>Coon</b>	*Duane Hornor	84	*Carl Bellows	80
<b>Elk</b>	*Gordon R Andersen	76	*Ardyce Anderson	87
<b>Fairfield</b>	*James A. Roberts	87	*Lloyd Danielson	99

<b>Grant</b>	*Jean Miller	1	John Sievers Jean Miller Wade Nehring *Larry Lucht Paul Merten	1 1 1 1 ## (tie vote broken by Board of Supervisors)
<b>Hayes</b>	*Richard Rice	265	*Jeff Chindlund Pat Lenhart Bill Kelly Gary Pickhinke	266 1 1 1
<b>Lee</b>	*Joy L.. Madsen	71	Barb Meister Ken Bertness *Dave Miller Brandon Axdahl Gary Edwardson	2 1 2 ## (tie vote broken by Board of Supervisors)
<b>Lincoln</b>	Richard Fondroy *Dennis V. Anderson	4 66	*Richard Fondroy Dale Boettcher Tim Heuton	3 1
<b>Maple Valley</b>	*Martin Glienke	4	*James Watts Tom Snyder Dave Friedrich	84 1 1
<b>Newell</b>	*Stephen Kier	74	*Dale Bodholdt	81
<b>Nokomis</b>	*James F. Black	128	Paul Hill *Connie Braunschweig	48 97
<b>Poland</b>	*Norris G Olney Jr	50	*Dave Wesselink	62
<b>Providence</b>	*John Oatman Jr.	106	*Stan Peters	103
<b>Scott</b>	*Anna Mae Roter-Flink	91	Randy Mckibben *Trent Hatlen Dale Sorenson Tom Struve Charlotte Binder	2 3 ## (tie vote broken by Board of Supervisors) 1 3 1
<b>Washington</b>	*Terry Stull	165	*Dwayne Stille	169

For the office of <b>County Hospital Trustee</b>			
*Michael Sharar	348	*Shelley Hohneke	3,066
*Glen Huntington	363	*Leann Baumhover	3,390
*Randall L Bobolz	3,851	*Jose Fuentes	2,822
		*Nancy J. Sargent	3,348
		*Darla Weiland	3,235

For **Soil & Water Conservation Comm'r:**

*Robert C. Donahoo	3,086
*James L. Hinkeldey	4,052

For <b>Ag Extension Council</b> -to fill vacancy	
*Mark Williams	4,070

For **Agricultural Extension Councilmembers**

**Court of Appeals Judges**

John C. Miller	Yes-3,251	No-831
Anuradha Vaitheswaran	Yes-2,648	No-1,205
Van D. Zimmer	Yes-2,948	No-885

**District Court Judges**

David A. Lester	Yes-3,171	No-842
Nancy L. Whittenburg	Yes-3,011	No-1,188

**District Associate Court Judges**

Donald J. Bormann	Yes-3,119	No-848
Donavon D. Schaeffer	Yes-3,007	No-904

**Gambling Boat question**

Public Measure B	Yes-2,332
No-3,741	

The vote on this motion carried.

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Karen M Strawn, Auditor

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Bill Lanphere, Chairperson

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**Buena Vista County Claims List**  
**Jan – Dec 2006**

911 Magazine 47.95; A B Upholstery 135.00; Aberson R/C & Electronics 40.00; Ac-T Preschool 3,000.00; Acutemp 306.00; Adams Tackle And Marine 9.00; Adams, Pam 11.72; Advanced Pest Technology 205.50; Affordable Automotive 452.00; Ag Partners L.L.C. 20,053.81; Age-Alta Community School 1,954.26; Agler, Charles 566.70; Agri-Mart 62.69; Air Filter Cleaning Service 1,531.14; Albert City Corp 5,712.50; Albert City Historical 800.00; Albert City Printing & 447.52; Albert City Truesdale 1,880.00; Albert City, City Of 371.30; Albert City-Truesdale 250.00; Alexander Hamilton 90.05; All About Computers Inc 360.00; Alliant Energy 41,824.65; Allied Document Solutions 6,030.43; Alpha Wireless 47,005.96; Als Corner Oil Company 200.00; Als Liquors Inc 79.96; Alta Corp 5,712.50; Alta Fire Department 162.00; Alta Implement Co 22,562.60; Alta Junior Kindergarten 350.00; Alta Municipal Utilities 2,671.26; Alta, City Of 597.00; Altamirano, Francisco 449.76; Altamirano, Melinda 322.50; Amani 50.00; American Cancer Society 100.00; American Concrete 360.00; American Legion Post 299 45.00; American Legion Post 394 225.00; American Red Cross 267.00; American Rental 85.00; Amsterdam Printing & Litho 536.09; Andersen, Gordon 31.68; Andersen, Richard A 250.00; Anderson, Ardyce 679.38; Anderson, Charleen 1,049.76; Anderson, Linda Lu 20.00; Anderson, Raymond 761.40; Anderson, Robert L 8.16; Andreason, Monty 70.00; Ann Peterson-Pyle & , Paul 775.00; Apco International Inc 470.00; Apt Us&C 155.00; Aquatic Resource Management 120.00; Arch Wireless 357.53; Armstrong, Carolyn 1,795.53; Arnold Motor Supply 1,418.19; Aronson, Paula 400.00; Arrowwood Resort And 312.90; Asap Software 1,125.21; Assn For Psychiatric Serv Pc 235.00; At & T 359.34; A-Tec Recycling Inc 373.03; Audio Entertainment 124.99; Auditor Of State 625.00; B & L Stump Service 560.00; B & M Service Inc 5,807.67; B & W Control Specialists 23,151.40; B V Co Secondary Road 25,174.04; B V Co Soil Conservation 2,250.00; B V County Health Dept 54,281.87; Bach, Kathleen 713.79; Bailey, Dan 145.01; Bailey, Taesa 1,727.80; Bailey's Test Strips & 37.50; Bak Bone 522.10; Baker, Elnora R 214.50; Bankers Trust 400.00; Bargloff & Company 28.14; Barker Company Inc, Bob 1,701.98; Barloon, Md, P.C., Gabrielle 127.00; Barnes Group Inc 1,656.53; Barry Motor Company 3.78; Bartholomew, James 60.00; Bartley, Josie 199.64; Bart's Flying Service 40.00; Baymont Ames 417.00; Baymont Inn & Suites 234.18; Be Four Kindergarten 350.00; Beals & Bob's 176.85; Beam, Deb K 50.50; Beaver Tree Service 1,575.00; Becker Gravel Company 145,438.90; Bedels Drive-In Pharmacy 4,697.45; Bergman, Debra K. 45.25; Berry, Deanna 150.00; Bertness, Jacki 101.08; Bertness, Ken 200.00; Bicomm 560.00; Binder, Charlotte 8.32; Binning Outdoors 1,017.89; Black, James F 16.15; Black, James F. 4.90; Blacktop Service Company Inc 2,066.40; Bli Lighting Specialists 1,937.24; Bodholdt Brothers 378.40; Bodholdt, Tony 237.68; Bogue, Pamela L 20.52; Bomgaars 6,611.02; Bongarde Holdings Inc 57.95; Bonnesen, Sally 915.20; Botcher, Steven 107.79; Brad's Service L.L.C. 17.50; Bremer County Assessor 82.54; Brewer, Anne 408.75; Breyfogle, Cec 1,025.15; Briest, Diane 1,396.85; Briggs Corporation 475.60; Briley, Kim 490.38; Briley's Auto Body Service 1,639.66; Brock, Sandra 23.09; Brower Construction Co 595.10; Brown Supply Co 1,136.13; Bruns, Rosey 40.00; Buckendahl, Harvey 70.00; Buena Vista Regional Med 123.75; Buena Vista Co Auditor 9,891.78; Buena Vista Co Clerk Of 314.40; Buena Vista Co Journal 5,441.47; Buena Vista Co Treasurer 6,626.00; Buena Vista Co Wellness 500.00; Buena Vista Co. Sheriff 2,074.05; Buena Vista County 34,000.00; Buena Vista County 4,203.00; Buena Vista County Ems Assoc 10,810.60; Buena Vista County Extension 180.00; Buena Vista County Fair 32,125.00; Buena Vista County Treasurer 851.35; Buena Vista Early Childhood 2,450.00; Buena Vista Glass 1,577.62; Buena Vista Regional 85,978.35; Buena Vista Regional 255.00; Buena Vista Rifle&Pistol 600.00; Burnside, Lorna 988.15; Business Forms & Sys Co 666.14; Buske, Ron 130.25; Bv Co Historical Society 800.00; Bv Co Trumpeter Swan 2,500.00; Bv Co/Mun Disaster Serv 48,510.00; Bv Stationery & Printing 44,529.26; Bvrmc, Fitness & Health 100.00; C J Cooper & Associates Inc 280.00; Cadwell, Vicki 500.00; Calhoun-Burns & Assoc Inc 26,908.53; Cameron, Thomas K 8.32; Campbell Supply Company 914.21; Campbell, Jackie 36.40; Canon Financial Services 3,785.40; Carefacts 26,375.00; Carlson Contracting Inc, L. 13,730.76; Carnine, Kim M. 1,138.55; Carpenter Uniform & 81.07; Carroll Distributing & Const 873.12; Caseys General Store 825.00; Cass Incorporated 787.36; Cavanaugh, Tim 135.55; Cavanaugh, Tom 211.20; Ccms 1,753.00; Ccp Industries Inc 3,237.39; Cdwr Government Inc 9,264.00; Cellular One 179.90; Cellular One 89.95; Central Bank 25.50; Central Business Forms 151.65; Central Iowa Distributing 8,980.77; Century Fence Company 35,166.46; Channing L Bete Company Inc 1,239.60; Chanthavysouk, Phothala 56.25; Charter Oak-Ute School 7,244.00; Chem-Trol Inc 3,026.08; Cherokee Co Public Health 4,382.03; Cherokee County Sheriff 30,424.00; Cherokee Mental Health Inst 120.00; Chief 607.97; Child & Family Policy

Center 35.00; Childrens Imagination 1,500.00; Chindlund, Ann 3,103.06; Christen Revocable Trust, 1,878.33; Christensen Brothers Inc 1,918.13; Christensen, Alisa 70.00; Christensen, Robert E. 787.78; Christensen, Diane 1,034.19; Christiansen, Gary 560.00; Christy, Donna 326.40; Cirrus Photo 1,100.00; Citizens 1st National Bank 100.00; Citizen's 1st National Bank 200.00; City Directory Inc 580.00; Clausen Hardware & Service 73.37; Clausen, Debra A 656.40; Clay County Sheriff 184.32; Clay Regional Water 21,902.00; Clayton & Sons Inc 1,000.00; Clayton, Paula 400.00; Clia Laboratory Program 150.00; Cms Holdings Inc 31,550.00; Coi Head Start 1,600.00; Coi-Head Start 213.70; Cole, Mary 645.25; ; Color-Ize Inc 503.62; Commercial Appraiser's Of 900.00; Commercial Sign & Design 285.09; Community Health Partners 3,500.00; Community Intervention Inc 325.00; Community Preschool 4,850.00; Community Services 50.00; Concept Seating 190.00; Continental Research 807.00; Control System Specialists 35,026.55; Cook, Cindy S. 136.50; Cook, Ginni 1,924.40; Cornish, Mark 150.00; Cost Advisory Services Inc 3,850.00; Council Against Domestic 4,187.50; County Case Management 4,248.00; Countyline Auto Salvagers 210.00; Court Reporters Of Iowa 71.50; Cozo 50.00; Crampton, Herb 1,053.13; Crawford Co Sheriff 18.46; Crawford County Auditor 463.50; Crawford County Home Health 57,674.31; Crc Cherokee 135.00; Crippin, David 3,600.00; Croker, Kathy 826.20; Crysteel Truck Equip Inc 107,315.33; Culligan 862.00; Cultural Heritage 4,300.00; Curry, Jim 280.15; Curry, Melanie 500.00; Cylinder Express 129.50; D & D Sales 23.45; Dahl's Machine Shop Inc 7.80; Daily Reporter, The 213.75; Dallas County Sheriff's 55.50; Danielson, Lloyd 1.28; Danielson, Rob 10.91; Datamaxx Applied 1,200.00; Datatronics Inc 1,148.02; Dave's Commercial Painting 4,350.00; Dave's Repair 950.00; Day, Christine M 190.05; Days Door Company 185.00; Day-Timers Inc 22.05; DCI - Sor 20.00; DD #181 Jt. 6,799.65; Dean & Associates 250.00; Decatur Electronics Inc 6,895.00; Deer Valley Land Improvement 837.60; Dell Marketing Lp 3,327.49; Delta Dental Plan Of Iowa 79.54; ; Deluxe Business Checks & 285.99; Demuth, Marty 18.56; Denco Corp 26,933.12; Dental Distributors Inc 1,804.36; Department Of Human 389,816.48; Department Of Veterans 1,890.00; Dept Of Human Services 19,029.49; Dept Of Human Services 314,845.55; Dept Of Human 56,296.51; Des Moines Register, The 996.84; Des Moines Stamp Mfg Co 379.90; Dettmer, Amy 400.00; Dfs Inc 225.00; DIA Fiscal Bureau 1,515.00; Diamond Mowers Inc 77.06; Diamond Vogel 5,943.45; Dickinson Co Public Health 4,164.42; Dickinson County Cpc 125.86; Dickinson County Sheriffs 37.50; Diocese Of Sioux City 80.00; Dirks, Lynn 325.00; Dispatch Monthly 38.00; District 3 Recorders 50.00; Dixon Construction Co 304,727.28; Dlt Solutions Inc 3,925.00; Dmacc 145.00; Dobson, Lois 179.60; Donahoo, Wanda 308.35; Dorsey & Whitney Llp 15,053.28; Douglas, Daniel E DDs 133.00; Dowdy, Ed 274.80; Driver, Aurlette 341.25; Driver, Phillip R 436.92; Durable Component Tech 59.00; Dust-Tex Service Inc 621.39; Eagle Point 1,069.00; Ebersole, Greg L 218.88; Eddy, Chuck 73.41; Ehlers, Kevin 3.84; Eickhoff, Mrs. Tom 171.64; Election Systems & Software 94,410.19; Electronic Engineering 1,455.20; Elevator Service & Repair 750.00; Emerald Systems 8,200.00; Emergitech Inc 15,753.03; Emmet County Sheriff Office 23.50; Engebretson Construction 1,600.00; Erickson, Larry 100.80; Erickson, Norma 313.10; Erickson's Maytag 28.96; Esri Inc 4,305.48; Evers, Valita 80.00; Exhaust Pros Of Storm Lake 15.00; Fahn, Linda 20.91; Faith, Jack A 3,857.39; Family Resource Center 41,016.40; Fareway Store 9,433.10; Farm Implement Co 172.00; Farmers Cooperative Co 35.60; Farmers Feed & Supply Co 12,492.62; Fassler, David B 117.63; Fassler, Jolee 28.80; Fastenal Company 670.56; Fastenow, Peg 528.75; Feekes Farm Center Inc 4.88; Feldman, Marlowe 10.91; Feldman, Myrna 323.30; Fellows, Mary L 638.80; Ferguson Enterprises Inc 72.89; Fesler's Inc 23.90; Fidlar Companies 7,015.82; Figueroa, Claudia 5.70; Figueroa, Evelyn 5.70; Fire Proof Plus Inc 2,075.50; First Cooperative Assoc 9,946.63; First Cooperative 116,036.31; First State Bank 285,253.10; Fiscal Services Bureau 1,573.00; Fisher, Melanie 300.00; Fitzpatrick Auto Center Inc 20,221.69; Flanigan, Tom 230.25; Fleet Services 355.08; Flexible Benefits 32,283.53; Floyd Valley Community 4,516.64; Foell, Jim 13.50; Fokkena, Holly A 25.00; Fondroy, Richard 48.96; Force America 1,163.69; Fordyce Family Farms 334.68; Fort Dearborn Life Ins 1,580.28; Four Points Sheraton 180.13; Fox Valley Systems Inc 78.92; Fp Mailing Solutions 409.55; Francis, Phyllis 393.85; Fransyl Equipment Co Inc 1,657.50; Franzmeier, Karen J Hauge 817.45; Fratzke & Jensen Funeral 2,300.00; Fratzke Rentals 1,050.00; Fred Carlson Co Llc 118,718.45; Fred Carlson Company Llc 413,182.94; Fredericksen, Cathy 435.00; Frederickson, Avonne 138.75; Frederiksen, Ferne 715.75; Fredriksen, Debbie R 72.80; ; French, Tom 153.98; Frontier Communications 1,077.46; Fudge, Roxana 760.00; G&K Services 2,386.23; Gadbury Plumbing & Heating 119,905.00; Galbraith, Jeanette 228.75; Galbraith, Lloyd F 869.25; Gale White Contruction Inc 200.00; Galls Inc 744.83; Galvin, Terrill Lynn 178.29; Gannon Center - Community 134.50; Garbage Hauling Service 3,702.86; Gateway Companies Inc 8,585.52; Geisinger Construction 556.11; General Business Interiors 1,990.00; Genesis Development 79,704.80; Genesis Development 29,502.40; Gerkin Windows & Doors

9.41; Gibbons, Leona 80.63; Gingerbread House 6,089.74; Glen D Huntington Architect 200.00; Glienke, Jeanne 454.50; Godberson-Smith Construction 155,350.36; Godfathers Pizza 66.57; Godfather's Pizza 700.00; Gouldin, Cheryl 43.48; Governing Magazine 16.00; Governors Homeland Sec 300.00; Graesing, Dennis 469.79; Graham Tire Co 18,435.08; Grainger 742.21; Graves Construction Co Inc 2,154.60; Greenman Technologies Of Ia 1,062.88; Griggs Environmental 4,473.00; Group Services Inc 106,168.06; Grout Scouts Inc 1,202.50; Grows Garbage Service 200.00; Grp & Associates 339.00; Guarantee Gutter Company 84.50; Guerra, Paula 139.57; Gustafson, Jim 1,291.27; Gutz, Dennis 4.16; Haberman, Judy 1,878.19; Haldin, Richard 573.50; Hallett Materials 171,540.44; Halverson, Brenda 323.41; Halverson, Frank 200.00; Halverson, Wayne 125.00; Hanover Historical Society 800.00; Hansen, Kathryn 153.93; Hanson Products 153.00; Harold Rowley Recycle Center 150,054.19; Harrisburg Holiday Inn 292.12; Hartje, Leonard 200.00; Hatlen, Rodney 1.92; Havens & Havens Law Firm 43,885.61; Havens, Philip E 154.00; Hawkeye Truck Equipment 588.00; Health Education Center 95.00; Health Enhancement Systems 190.93; Healthcare Connection 60.00; Heartland Inn - Airport 1,023.99; Heartland Inn - Altoona 144.45; Heiman Fire Equipment 26.52; Heinrich Envelope Llc 746.15; Hemocue Inc 256.80; Henningsen, Bill 217.25; Henrich, Barb 86.41; Henrich, Heather Marie 101.25; Henry County Secondary Road 100.00; Hepola, Carrie 16.34; Hermstad, Linda 400.00; Heuton, Tim 6.72; Hewlett-Packard Company 14,115.00; Hicks, Arnie 196.20; Hildreth, Cindy 12,729.08; Hill, Paul 6.65; Hillcrest Cmhc 126.24; Hillyard Inc 249.86; Hilton Garden Inn 732.09; Hobart Sales And Services 637.55; Hoferman, Clinton 716.94; Hoferman, Margie 463.55; Hoferman, Ruth J 247.75; Hoffard, Mark S 482.99; Holcomb Trucks-Sioux City 146,069.91; Holiday Inn 154.35; Holiday Inn Des Moines 964.45; Holiday Inn Des Moines-Nw 1,738.16; Holiday Inn Express Hotel 474.00; Hollenberg, Kimberly 1,492.26; Holliday, Dennis 114.43; Holmes, Robert 5.60; Honey Kissed Pizza 142.14; Hornor, Carrie 180.00; Hornor, Duane 4.48; Hotovec, Rick 169.16; Hotsy Equipment Company 983.29; Howe Septic Tank, Jr Jim 1,200.00; Hoyt, Sandra K 286.50; Hoyt, Sandy 45.00; Hulsebus, Joan 860.00; Hultgren Implement Co 485.08; Hultgren Implement Inc 8,056.14; Hundertmark Cleaning 458.57; Huntington, Shirley 235.80; Hunzelman Putzier & Co 21,514.85; Husman, Rodney 490.00; Hutchinson Salt Company Inc 25,028.98; Hy-Vee 75.50; Hy-Vee Drug #7028 55.53; Hy-Vee Food Store 611.59; I & K Pronto Market 104.40; I.A.A.O. 350.00; I.S.C.I.A. 150.00; I4a -- Oaa Conference 60.00; Ia Assoc Of Local Public 25.00; Ia Dept Of Public Safety 1,360.00; Ia Great Lakes Corridor Of 10,000.00; Ia Indiv Health Benefit 569.54; Ia Law Enforcement 150.00; Ia State Reserve Law 20.00; Iaccb 600.00; Iaccva 110.00; Iacme, Attn Cheri Jensen 175.00; Ia-Iaai 20.00; I-Alpha 30.00; Iceoo 125.00; Icit 225.00; Icube 200.00; Ida County Public Health 2,750.00; Ida County Sheriff's Office 130.00; Ida County Sheriff's Office 98.55; Ida Services Inc 5,437.86; Ieha 220.00; Imagetek Inc 6,908.75; Imming, Matt 90.00; Inclusion Solutions Llc 287.85; Independent Business Sys 331.17; Industrial Supply Solutions 5,660.00; Info Usa 805.00; Ingenix Inc 229.42; Injoy 399.75; Inn Xlk Storm Lake 406.60; Inst For Healthcare 596.93; Inst Of Ia Cert Assessor 1,205.00; Insurance Strategies 900.00; Intab Inc 80.82; Interstate Battery Systm 2,320.95; Inthamath, Noi 48.75; Ios Office Solutions 72,268.08; Iowa Appraiser Board 25.00; Iowa Assoc For Home Care 805.00; Iowa Auto Supply 5,911.73; Iowa Central Community 25.00; Iowa Chapter Of Apco 270.00; ; Iowa Communites Pool Admin 2,724.59; Iowa County Attorneys 1,612.00; Iowa County Recorders Assoc 454.00; Iowa Crime Prevention 100.00; Iowa Death Investigators 40.00; Iowa Department Of Natural 1,790.00; Iowa Department Of Natural 25.00; Iowa Dept Of Ag & Land 199.22; Iowa Dept Of Human Services 275.00; Iowa Dept Of Inspections & 51.00; Iowa Dept Of Management 4,243.00; Iowa Dept Of Natural 800.00; Iowa Dept Of Transportation 400.00; Iowa Dept Public Safety 5,782.00; Iowa Dept Transportation 9,105.76; Iowa District Materials 25.00; Iowa Drainage Dist Assoc 5,775.00; Iowa Emergency Management 50.00; Iowa Emergency Number Assoc 175.00; Iowa Environmental Health 30.00; Iowa Feeders Supply 1,555.42; Iowa Good Roads Assoc 80.00; Iowa Great Lakes Chapter Of 68.70; Iowa Hoist & Crane Inc 885.00; Iowa Hospital Association 45.00; Iowa Hygienic Laboratory 25.00; Iowa Insurance Division 200.00; Iowa Lakes Corridor Dev Corp 10,000.00; Iowa Lakes Electric Coop 6,967.96; Iowa Lakes Rc & D 751.00; Iowa Lakes Regional Water 462.05; Iowa Law Enforcement Academy 250.00; Iowa League Of Cities 135.00; Iowa Machinery & Supply 133.99; Iowa Medicaid Enterprise 225.63; Iowa Natural Heritage 225.00; Iowa Nena 40.00; Iowa Prison Industries 13,461.09; Iowa Public Health 250.00; Iowa Public Health 50.00; Iowa Ribbon Service 683.65; Iowa Secretary Of State 46.85; Iowa State Assoc Of Counties 7,326.00; Iowa State Assoc Of County 400.00; Iowa State Associatoin Of 824.00; Iowa State Fire Marshall 500.00; Iowa State Sheriffs & 765.00; Iowa State University 75.00; Iowa State University 340.00; Iowa State University 665.00; Iowa Telecom 2,949.90; Iowa Telecom 5,792.33; ; Iowa Transit Inc 887.87; Iowa Workforce Development 125.00; Ipef-Lecc 85.00; Ipma-Hr 508.50; Isac Public Health Affiliate 25.00; Isaca 150.00;

Isaca Meetings/Conferences 200.00; Iscta 435.00; Isfsi 10.00; Isu Extension-Bv County 348.72; Ites, Jon 209.27; J Varenhorst Fabrics 70.03; J.W. Construction Inc 123,621.47; Jacks Uniforms & Equipment 3,642.66; Jackson, Don 10.50; Jacobs, John 1,400.00; Jacobs, Preston 233.26; Jahde, Allen 58.05; Jamboree Foods 75.90; James A Doherty Co Inc 287.00; James W Bell Co Inc 2,820.70; Janitors Closet Ltd 534.76; Jeff's Jons 240.00; Jennett P.C., Dave 2,437.50; Jeo Consulting Group Inc 62,056.50; Jester Insurance Services 675.00; Jim Hawk Truck Trailers 1,475.54; Joanell Koster's Bake Shop 12.00; John Thomas Inc 595.50; Johnson County Sheriff's 102.50; Johnson County Sheriff's 26.00; Johnson, Belinda 144.80; Johnson, Cal 65.60; Johnson, Christina 500.00; Johnson, Cindy 173.18; Johnson, Curt 125.00; Johnson, Kim 359.46; Johnson, Sandy 194.15; Johnson, Shirley 144.55; Johnston Autostores 8.54; Jones Nursery 380.00; Jordan, Annette 9.80; Jorgensen, Arden 0.96; Jorgensen, Bob 180.00; Julius Cleaners 6,215.45; Just For Dispatchers 230.50; K C Nielsen Ltd 1,120.94; Kaufman, Vivian 348.00; Kelly, Ryan 25.00; Kennedy, Dorothy J 184.50; Kennedy, Susan 942.07; Ken's Wood Products 362.25; ; Kevington Lane Inc 1,794.50; Kids World 6,985.34; Kier, Jan 350.05; Kiknbac Agri-Mart 1,362.61; Kimball-Midwest 4,633.16; Kinderschool 7,050.00; Kirkholm, Mark 562.96; Kirkpatrick, Dorothy 352.50; Kjolhede, Chris 250.89; Koch Hazard Architects 6,347.90; Kolpin, Jeri L 136.67; Kooiker Inc 42,050.00; Kossuth County Sheriff 24.70; Koster, Annette 975.16; Kristensen, Robert 250.00; Krueger, Jodi K 829.25; Kruse, Jon 200.00; Kryger Glass Company 2,123.60; Kuehl & Payer Ltd 51,269.78; Kuhn, Henry 304.20; Kuhn, Sandra L 527.50; Kurtz, Ray 390.00; L & M Electronics Inc 1,082.50; Lab Safety Supply Inc 339.78; Lacal Equipment Inc 5,291.00; Lake Electric Supply 1,205.47; Lake View Concrete Products 42,788.92; Lakeshore & Family Table 139.41; Lanphere, Bill 1,240.96; Larsen, Kristi 128.40; Larson Oil & Distributin 16,463.20; Launderville, Gary J 20.79; Laursen, Katelyn 130.00; Laursen, Tami 80.00; Lawson Products Inc 222.82; Lawson, Chris 332.40; Lehmann, Arlin 2,357.70; Leibold Microcomputing 1,275.00; Lenhart, Patrick 338.52; Leos Kitchens 70.00; Letsches Bike Shop 45.12; Lewis, Brian R 161.80; Lewis, Connie 783.10; Lexis Nexis 875.00; Liberty Names Of America Inc 85.00; Lichtenberg, Marie 800.00; Lindeman, Dr Lisa 116.00; Lindensteine, Barbara 333.75; Lingle, Kristine 500.00; Linn County Public Health 187.50; Linn County Sheriff's Dept 16.84; Linn Grove Corp 5,712.50; Linn Grove, City Of 323.30; Livermore Telephone & 22,087.02; Lloyd, Gene 81.02; Logistic Systems Inc 8,418.00; Long Lines 246.68; Loring Hospital 240.53; Loving, Verna 135.00; Ltd Commodities 31.72; Lullmann, Kevin 143.20; Lund, Norman J 915.01; Lundquist, Lynde 102.38; Lutheran Services In Iowa 89,813.78; Lyon County Health Services 4,235.07; M & M Small Engine Repair 360.68; M S Door Services Ltd 17,248.98; M Y Supply Inc 353.55; M. Lee Smith Publishers Llc 297.00; M.D.Products Inc 86.00; Mack Hansen GaDD Armstrong 3,814.00; Mack,Hansen,GaDD,& Armstrong 200,000.00; Mackay Jr, Archie 125.00; Madsen, Leigh 419.07; Mainstay Systems Inc 948.00; Mallard View 11,208.50; Mangold Environ Testing 3,769.50; Mangold, Bill 235.00; Marathon 1st Responders 150.00; Marathon Corp 5,712.50; Marathon Historical Soc 800.00; Marathon, City Of 20,866.23; Marriott Des Moines Downtown 580.96; Marsh Media 77.95; Marshall & Swift 571.15; Marshall, Connie 421.88; Martin Equipment Of 378.01; Martin Marietta Materials 10,058.10; Martin, Joan Reiling 73.50; Martinis Bar & Grill 84.44; Mason, Mona 28.81; Massop, John 7.50; Mastercard 15,214.89; Maximus Inc 5,750.00; Maymon, Patti 814.92; Mc Clatchey, James F 1,050.40; Mc Gowan, Bruce 374.06; Mcclure, Don 179.05; Mccrea Enterprises 266.89; Mcgowan, Betty 180.00; Mckenna, Jon 36.02; Mckibben, Matt 105.00; Mcsorley, David L 2,818.08; Media Systems Supplies Inc 245.59; Medicare Fund 1,503.00; Med-Pass Inc 285.53; Medtronic Emergency Resp Sys 15,871.68; Meeves, Denise 57.40; Menards - Spencer 722.44; Mentzer, Dawn 334.52; Merck & Co Inc 220.57; Merten, David 8.40; Metabank 40.00; Metal Culverts Inc 56,968.85; Meteorlogix 4,283.00; Meusburger, Lisa 465.21; Meyer, Rick 95.34; Meyer, Roger 34.22; Michael Walling & 89.00; Mickelson Tire Inc 6,966.82; Mid American Energy 40,888.25; Mid American Energy Company 13,294.95; Mid American Specialties 3,688.53; Mid States Organized Crime 100.00; Mid-Iowa Sales Company 943.10; Mid-Step Services Inc 815.51; Midtown Service 287.00; Midwest Construction 132,559.94; Midwest Contracting Llc 70,116.35; Midwest Plan Printing 111.05; Midwest Wireless 12,855.98; Mikes Lawn Service Inc 3,061.09; Miller Construction 570.50; Miller Construction, Nick 52,210.00; Miller, Doris F 2,099.42; Miller, H. Keith 3.50; Miller, Kathy 425.53; Miller, Kayla 130.00; Milligan Electronics 1,550.00; Mills, Buck 50.00; Mills, Rose 296.65; Mills-Thomas, Tami 58.11; Milne, Dick 70.00; Mitchell, Kathleen 727.01; Mohr, Ken 1,002.95; Mohr, Stephanie 300.00; Monson, Marilyn 60.00; Moore & Associates P.C. 233,742.50; Morris, Charlotte Alice 385.61; Mortensen, Dave 66.63; Motorola 7,832.00; Movall, Barb 339.20; Movall, Keith 65.00; Movall, Wanette 762.00; Mph Industries Inc 1,584.52; Mueller, Nancy 492.75; ; Multi-Co. Service Agency 2,000.00; Naccho 55.00; Nactfo 60.00; Nami Iowa Fall Meeting 110.00; Napa Auto Parts 6,468.18; Napierala, Kara 60.33; National Academy Of Emd 90.00; National

Association Of 438.00; National Emergency Number 120.00; National Information Data 89.90; Natl Sheriff's Assoc 259.00; Ncc 300.00; Ncraao 2006 200.00; Ncs Inc, Dba, Noll 757.71; Neary, Fred 406.88; Nebraska Salt And Grain Co 15,604.42; Nelson, Bernard 17.60; Nelson, John 11.52; Nelsons Premix & Vet 385.67; Neo Tek Enterprises 453.00; Nepple Electric Inc 2,431.71; Nepple, Tammy 717.52; New Sioux City Iron Co 4,277.77; Newell Children's Center 350.00; Newell Corp 5,712.50; Newell Fire Dept 110.00; Newell Historical Society 800.00; Newell, City Of 490.20; Nichols Consulting 1,335.00; Nielsen, Candi 395.60; Nikkel & Assoc 192,432.00; Nikkel & Associates Inc 26,334.95; Noll, Richard 299.03; Nomad Travel Agency 502.00; Norman Just Trucking 92,510.93; North Central Regional Apco 525.00; North Lake Truck Repair 8,351.01; Northern Ia Construction 690.00; Northern Lights Distributing 23,187.50; Northrup, Carol 468.75; Northwest Aging Assoc 7,375.00; Northwest District Of 250.00; Northwest Iowa Health Center 747.28; Note Page Inc 249.50; Nothwehr, Carlene 797.35; Numara Software 1,686.75; Nw Ia Adtu 18,378.00; Nw Ia Planning & Dev Com 16,149.60; Nw Ia Youth Emergency 123,467.27; Oasis Car Wash 525.00; Oatman, John 27.28; O'bannon, Shari 512.13; O'brien Co Public Health 5,196.86; O'brien County Sheriff 53.20; Odebolt Arthur Preschool 4,450.00; Odebolt Public Library 75.00; Oden Enterprises Inc 6,332.40; Office Depot 286.26; Office Depot 201.06; Office Systems Company 2,751.57; Ohnstad, Don 200.00; Ohrtman, Mary 1,408.61; Olsen Welding & Machine 1,558.75; Olson Eaton Svendsen Inc 203,127.00; Omb's Express Police Supply 2,826.72; Omni Photo 157.25; Omni Products Inc 8,994.12; One Stop Shop 39.79; Open Arms Preschool 3,575.00; O'reilly Automotive Inc 579.67; Osceola Community Health 3,500.00; Otto, Gar 5.77; Overmohle, Mike 249.28; Owen G Dunn Co 78.30; Pages Storm Lake Bakery 29.90; Palo Alto County Sheriff 5,639.80; Parents As Techers National, 648.00; Park Avenue Management 97.00; Parrott & Sons, Matt 1,932.99; Partnerships 4 Families 25.00; Pascalin, Sergio 62.50; Patc 100.00; Pathology Medical Services 6,681.02; Patton, David 686.50; Paul Park Company 15,773.20; Paulsen, Doris 146.25; Paulsen, Ruth 723.25; Peck, Ron 200.00; Pedersen, Dale 1,850.00; Pence, Timothy R 539.00; Penton Technology Media 39.95; Perrigo, Beverly 240.10; Petersen, Tonya 400.00; Peterson Rentals 751.00; Peterson Senior Center 45.00; Peterson, James E 3.20; Peterson, Leonard 8.40; Peterson, Sherri 254.40; Petty Cash 562.91; Petty Cash Health Dept 141.25; Phillips & Phillips Trucking 30.00; Pickhinke, Gary 630.82; Pilot Tribune 8,320.61; Pishek, Donna 217.50; Pitney Bowes 5,028.00; Pitney Bowes Inc 120.47; Pizza Hut 65.98; Plains Area Mental Health 12,521.47; Ploeger, David 217.95; Polk & Co, R. L. 600.00; Polk County 21.78; Polk County Auditor 12.25; Polk County Sheriff's Office 106.70; Portable Computer Systems 835.00; Post, Russel 10.33; Postmaster 7,477.00; Prairie Fabrication 307.90; Prairie Lakes Aea 25.00; Prairie Lakes Aea 150.00; Prairiewave Communications 479.40; Prevent Child Abuse Iowa 165.00; Pride & Joy Preschool 3,350.00; Priority Dispatch 117.00; Pro Cooperative 1,990.00; Pro Elect 1,108.73; Professional Office Services 312.83; Professional Pride Inc 31.95; Professional Seed Assoc Inc 140.00; Public Agency Training 1,325.00; Public Agency Training 275.00; Public Agency Training 2,000.00; Public Safety Training 200.00; Pyle, Mindy 209.11; Qualification Targets Inc 136.16; Quality Inn & Suites 48.15; Quill Corporation 5,198.65; Quirin, Charlene 747.50; Qwest 5,886.92; Qwest 1,172.89; Qwest 30,299.53; Qwest 5,586.86; R & D Industries Inc 39,938.73; Radiology Consults Pc 25.00; Radke, Margaret 128.55; Ram Systems 6,080.00; Randall, Gale 3,469.00; Rasmussen Ford Mercury Inc 43,496.54; Rassler, Rebecca 816.30; Rebhuhn, Deb 180.00; Rebhuhn, Michael 12.16; Rebnord Technologies Inc 9,278.75; Reckamp, Ron 60.94; Reconnecting Youth Company 2,475.34; Region X11 Council Of Gov'ts 550.80; Regional Transit Authority 18,371.00; Regions Interstate Billing 552.71; Rehnstrom, Craig 11.52; Rehnstrom, Mary 179.60; Reiling, Carolyn 270.75; Rem Developmental Services 2,028.76; Rembrandt Corp 5,712.50; Rembrandt Fire Association 84.00; Rembrandt, City Of 4,365.37; Ressler Drug Co 428.75; Ressler Drug Co 206.00; Reutzel Excavating Inc 10,919.40; Rexco Equipment Inc 237.50; Rex's Electric 24,582.41; Rhode, Mindy 80.80; Rice, Monica 278.95; Rice, Richard 325.20; Richards Construction Co Inc 45,215.00; Richards, Steve 14,500.00; Richardson, Betty Jean 349.90; Richardson, Bruce D 3.50; Richmond Center, The 502.06; Rides 1,300.00; Roberts, James A 5.12; Rogers Tire Service Lc 87.00; Rogge, Renee A 82.00; Rohlfsen, Orlen W 50.00; Rohlfsen, Phyllis 507.40; Rohlin Construction Co Inc 6,781.32; Roling Signs Inc 439.20; Rons Automotive 169.00; Ruleaux, Beau 5.35; Rust's Western Shed 341.90; Ryan, Stacy 240.00; Ryherd, Joelle 306.16; S & S Farms 378.83; Sabre Communications Corp 1,000.00; Sac City Begindergarten 650.00; Sac City Food Pride 10.55; Sac Co Head Start 500.00; Sac Community School 1,800.00; Sac County Engineer 285.00; Sac County Health Services 53,214.29; Sac County Sheriff 21,377.40; Sac Elementary 3,500.00; Sac Sun 63.88; Safety X-Treme 1,234.60; Salton, June 474.00; Sammons, Jennifer 187.71; Sand, Nona 402.35; Sangl, Barb 434.25; Sangl, Larry 254.80; Sanofi Pasteur Inc 19,924.15; Sassman, Jean L 701.80; Schall, James A

100.00; Schaller Crestland School 171.00; Schaller-Crestland Preschool 650.00; Schaller-Crestland Tk & 160.00; Schettler, Fran 515.75; Schmit, John 332.12; Schmitt, Kay 306.75; Schoon Construction Inc 7,932.55; Schrank, Cailin 25.00; Schuelke Auto Company 38,175.57; Schumacher Elevator Co 1,712.42; Scott County Sheriff 21.50; Scott Refrigeration & Air 998.19; Scott Tent And Awning Co 700.00; Seasons Center For Community 177,217.59; Seat 50.00; Secretary Of State 210.00; Security Trust & Savings 88.63; Seiler Plumbing Heating Inc 2,704.42; Selleck, James 310.15; Seneca Place Apartments 400.00; Sennert, Carl 344.80; Seward, Cindy 231.55; Sexton, Mike 125.00; Sexton, Ruth 649.60; Share Corp 7,190.01; Shearer, Darlene 251.25; Sheraton West Des Moines 399.69; Sidwell Company Inc, The 5,103.00; Siebrecht, Linda 108.50; Sievers, Delores 1,578.27; Sievers, Roger D 2,085.44; Sievers, Ruth Joan 4,157.17; Silk Screen Ink Ltd 3,739.74; Simons, Douglas 70.65; Simplexgrinnell Lp 967.50; Sioux Central Child Care 350.00; Sioux Central Child Care 348.55; Sioux Central Early 1,200.00; Sioux City Foundry Co 1,220.16; Sioux City Journal 371.81; Sioux City Truck And 2,975.32; Sioux City, City Of 15,308.26; Sioux Food Center 211.17; Sioux Lumber 3,903.64; Sioux Rapids Auto & 182.94; Sioux Rapids Corp 5,712.50; Sioux Rapids Fire Dept 3,382.00; Sioux Rapids Historical Soc 800.00; Sioux Rapids, City Of 373.51; Sioux Sales Co 520.52; Siouxland Human Investment 100.00; ; Siouxland Mental Health 570.30; Sleezer, Bonnie 236.10; Smith, Joyce 200.00; Smith, Julie 3,410.00; Smith, Mary 420.00; Smith, Norma 117.30; Snyder, Delores 517.35; Snyder, Nicholas 280.00; Society Of Land Surveyors 310.00; Softech Systems 129.00; Software Spectrum Inc 2,337.24; Solid-Fm Ktfc/Ktfg 750.00; Sorenson, Janice 159.75; Southwest Public Safety 799.90; Spanger, Nancy 101.25; Specialty Underwriters Llc 789.00; Spectra Health Care 6,429.49; Spectra Health Care Inc 9,556.62; Speers, Tim 143.47; Spencer Daily Reporter 190.00; Spencer Diesel Injection 964.88; Spencer Municipal Hospital 16,109.05; Spencer Police Department 80.96; Sports Rehabilitation & 2,340.12; St Mark Lutheran Church 270.00; St Rose Of Lima Preschool 1,390.00; Sta-Bilt Construction Co 107,356.05; Stalcup Ag Service Inc 200.00; Stanard & Associates Inc 424.00; Stan's Lube Center 49.90; Stanton Electric Inc 9,194.86; Staples Credit Plan 833.60; Star Energy Llc 129,597.56; Stauber, Linda 701.40; Steffen 597.94; Steinkuehler, Melanie 500.00; Stenograph Llc 12.60; Stephens, Myrtle 780.00; Sterling Solutions Inc 450.00; Stieneke Ford 39.53; Stock Seed Farms Inc 165.98; Stoney Creek Inn 773.32; Storm Lake Access & Marina 90.00; Storm Lake Ace Hardware 70.26; Storm Lake Area Development 26,562.50; Storm Lake Cab Co 2,310.00; Storm Lake Cemetery 200.00; Storm Lake Chamber Of 266.00; Storm Lake Corp 17,137.50; Storm Lake Genealogical Soc 400.00; Storm Lake Honda 912.72; Storm Lake Hydraulics 4,875.69; ; Storm Lake Mls 180.00; Storm Lake Times 8,287.47; Storm Lake Towing 75.00; Storm Lake, City Of 12,370.26; Storm Lake, City Of 301.46; Story County Sheriffs Office 86.60; Stratavizion Consulting 4,500.00; Strawn, Karen 1,506.83; Strief, Minde 80.40; Struve, Tom 1.92; Stucynski, Dewyne 304.23; Stull, Terry A 848.00; Subway 75.35; Subway 35.25; Successful Events/Sales 64.72; Successories Llc 132.96; Sun Biomedical Labs Inc 108.00; Sundblad, Mary 641.00; Sunshine Services 630.00; Super 8 Motel 189.00; Sutter, Anna 837.68; Swanson, Sandie 250.75; Sweeney Court Reporting 241.30; Swps.Net - SW Public Safety 268.70; Synergy Center 4,225.00; Taylor Contracting Co Inc 5,979.00; Teledima 199.00; Teltronics Inc 3,900.00; Temple Aluminum Foundry Inc 3,985.48; Temple, Jim 125.00; Terracon Inc 3,014.00; Terry, Tracy 97.88; Tessier's Inc 5,342.21; The G-S Company 3,163.50; The Pride Group 11,924.80; Theeler, Fay 138.75; Theisen, Jodi 43.08; Tiefenthaler, Stacey D 1,493.98; Toohey, Rosemary 355.10; Tool Depot 56.86; Trans-Iowa Equipment 1,322.54; Treasurer Iowa State 90.00; Treasurer Of State 352.00; Treasurer State Of Iowa 21,296.18; Treasurer State Of Iowa 1,945.00; Treasurer State Of Iowa 1,395.00; Trimark Central Billing 197.00; Trimester Inc 671.00; Truemap Corporation 2,993.75; Tscherter, Estella 411.50; Turnbull, Jamie 35.45; Tyler Technologies 23,174.07; Tyler Technologies 300.00; Tyson Foods Inc 13.25; U S Postal Service 20,427.15; U S Postal Service 2,204.30; U.S. Marshals Service 3,277.55; Umdo Head Start 940.00; Uniform Den, Inc 606.05; United Building Center 2,542.87; United Community Health 1,541.00; United Counties Boards Of 120.00; United States Postal Service 5,000.00; United States Treasury 2,253.21; Up & Down Doors 1,000.00; Updyke, Hope 498.58; Upper Des Moines Oppty 48,800.91; Ups 21.49; Va Central Ia Health Care To 645.00; Vail, Richard A. 429.46; Valdez, Ofelia 610.80; Valley Pharmacy 63.55; Valley West Inn 160.50; Van Diest Supply Company 18,406.91; Van Hooser, Carol 86.80; Van Hooser, Mark 329.95; Vanderhoff, Jack 70.00; Vanguard Appraisals Inc 20,115.00; Van's Automotive 205.16; Vartec Telecom Inc 161.34; Vauble, Laura 500.00; Vaudt, Wayne 300.00; Veehoff Key & Lock 54.50; Veehoff, Mary 285.00; Vermeer Sales & Service 2,419.24; Vetter Equipment Co 1,489.72; Vfw Post 6172 135.00; Viking Office Products 576.33; Vinyl Products Mfg Inc 4,611.51; Visa 20,313.71; Visa 109.20; Vision Care Assoc Pc 585.00; Vista Paints 2,515.69; Vogel Traffic Services Inc 36,425.00; Wahltek Inc 1,963.00; Wal-Mart 1,000.00; Wal-Mart

Business 133.80; Walmart Community 5,484.51; Wandry, Mary Beth 440.00; Warkentin, Luke 470.15; Warren County Sheriff's 86.00; Warrens Service Inc 414.50; Wassom Jr., Rob 259.98; Wedeking, Martin 754.25; ; Wee Care Preschool 2,005.00; Weed Conference, Entomology 190.00; Weigart, Darlene 138.75; Weiland, Jon 300.00; Weiland, Mary 52.80; Wellmark Blue Cross & Blue 853,215.83; Wellmark Blue Cross And 250.00; Wellmark Blue Cross Blue 1,210.00; Wellmark Inc 2,652.00; Wells Fargo Bank, N.A. 450.00; Wesselink, Dave 10.32; Wessendorf, Grace 820.60; Wessman, Arlene 220.60; West Des Moines Marriott 823.75; West Payment Center 9,455.95; Western Iowa Tech Community 90.00; Western Iowa Tourism Region 322.00; Wetherell Sand & Gravel 1,980.50; Wetherell, Robert 2,048.37; Whelan-Bentley Inc 195.12; White, Linda 29.96; White, Ron 248.94; Whitmer, Meghann C. 7,050.00; Wiley, David 71.80; Wilkens, Lucille 285.40; Williams Farm Inc 2,941.86; Williams Water Works 230.00; Wilson & Pechacek 19,241.72; Wilson, Patrick J 380.00; Wise, Darlene 878.10; Witte, Emmett 250.00; Witte, Gary 210.00; Wittmaack, Myrtle M 307.50; Wogahn, Ruth 981.36; Wolf, Steven 175.50; Woodbury County Extension 390.00; Woodland Power Products 1,516.20; Woodruff Construction Llc 604,344.40; Wooten Radiator Service 350.00; Wright, Elaine 150.00; Wrs Group Ltd 308.56; Wuebker, Cindy 30.00; Wulfekuhler, Dr Scott 20.00; Xerox Corporation 18.00; Xerox Corporation 100.00; Yahoo! Custodian Of Records 20.39; Yards & Etc. 100.00; Yocom Oil Company Inc 7,360.00; Yon Family Trust, Lola 12,000.00; Youth Services, 8,537.63; Zadow, Marilyn 59.36; Zee Medical Inc 1,297.87; Ziegler Inc 35,612.63; Zion Lutheran Pre School 1,760.00;

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