

**SUPERVISORS MEETING
FIRST MEETING, 1998 SESSION (1)
JANUARY 2, 1998**

The Buena Vista County Board of Supervisors met for the first meeting of the 1998 session on Friday, January 2, 1998 at 9:00 A.M. in the Boardroom with Chairman Bruns presiding and with the following other members present: Burnside, Crampton, Gustafson, and Vail, and with Auditor Karen Strawn as clerk for the meeting.

Unless otherwise noted, all actions (prior to adjournment of 1997 session) were carried with the following vote: Ayes—Burnside, Crampton, Gustafson, Vail. Nays—none. Abstentions—none.

Motion by Vail, second by Burnside, to approve the minutes of the December 31, 1997 meeting as printed. Carried.

There being no further business for the 1997 session, motion by Gustafson, second by Crampton, to adjourn sine die. Carried.

The first order of business for the 1998 session was election of Chairman. The Auditor called for nominations for Chairman of the Board of Supervisors. Motion by Gustafson, to nominate Doug Bruns. Motion by Bruns to nominate Dick Vail. Motion by Burnside, second by Crampton, that nominations cease. Carried. The vote on the nominations was as follows: for Bruns-Gustafson aye; for Vail-Burnside, Bruns, Crampton, Vail aye. Vail was declared Chairman of the Board for 1998.

Unless otherwise noted, all actions (following election of the Chair) were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Abstentions—none.

Chairman Vail called for nominations for Vice-Chair. Motion by Burnside, second by Bruns, to nominate Crampton for Vice-Chair. There were no further nominations. The vote on this motion carried.

Supervisors' Committee, Commission & Board Appointments

Motion by Burnside, second by Bruns, to appoint the following persons as delegates and representatives to the committees, commissions and boards as noted for 1998:

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

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

*Vail as Buena Vista County Equal Employment Opportunity Officer.

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

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

*Crampton to the Tourism Council.

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

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

*Crampton-representative to the BV-Crawford-Sac De-Categorization Governing Board, with Gustafson as alternate.

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

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

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

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

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

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

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

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

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

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

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

*Vail to the Iowa Lakes RC&D Board.

*Burnside to the Gingerbread House Board.

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

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

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

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

*Karen Strawn-ADA Coordinator.

*Gloria Hadachek as the BV County Emergency Management Coordinator.

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

*Dewyne Stucynski as the Lock-out/Tag-out Program Coordinator for the Courthouse, DHS Annex, and E. Richland Annex.

*Jon Ites as the primary contact person, and Shirley Johnson as the secondary contract person for Drug and Alcohol Testing Alliance.

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

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

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

*Kim Johnson-representative to the **Regional Housing Authority**.

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

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

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

*Ken Bertness to the **Zoning Board of Adjustment** with his term to expire 6/21/01.

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

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

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

*Dawn Mentzer-Case Manager, Anita Hallquist-Supervisor, Sue Morrow-MH Community Based Services representative, Ken Hayes-MR/DD Community Based Service representative, and Jim Gustafson-BofS representative to the **Targeted Case Management Advisory Board**.

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

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

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

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

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

The vote on this motion was carried.

Citizens' Committee, Commission & Board Appointments

Motion by Crampton, second by Gustafson, to appoint the following persons to the committees, commissions, and boards as noted for 1998:

*Dr. David Crippin, **County Medical Examiner**, and, Kevin Petersen, Rick Roberts Tim Speers, EMTs, and Deputy Doug Simons, and SL Detective Mark Kirkholm as **Deputy Medical Examiners** (Chapter 331.801). Terms expire 12-31-98.

*Rich Haldin, Virgil Jensen and Ray Kurtz to the **Veterans Affairs Commission** for the 1998 year, or until their terms expire (Chapter 250).

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

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

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

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

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

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

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

*Shirley Pritchard, (the second seat to be filled later) to the **Local Board of Health** for 3-year terms expiring 12-31-00.

*Tony Bodholdt to the Buena Vista County **Conservation Board** for a 5-year term expiring 12/31/02.

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

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

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

The vote on this motion carried.

Motion by Bruns, second by Burnside, to accept the resignation of Bob Driver from the **Zoning Commission**, and to appoint Phil Driver to fill the vacancy. Carried.

Mileage Rate and Meal Reimbursement

Motion by Gustafson, second by Bruns, to pay mileage to employees at the rate of 25 cents per mile for each mile traveled by private vehicle (not for county owned vehicles) for county business for 1998. Carried.

Motion by Gustafson, second by Bruns, for 1998 to reimburse mileage for non-county employee deputy medical examiners at 25 cents per mile for both performance of medical examiner duties and for miles traveled to and from medical examiner meetings/schools. Carried.

Motion by Gustafson, second by Crampton, that the policy for meal cost reimbursement to employees, and to others serving on boards and in other appointive positions, shall be: meals eaten out of county during approved schools or meetings may be reimbursed at their actual cost to a maximum of \$20.00 per diem. 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 Burnside, second by Crampton, to continue the following insurance coverage from the Colburn & Elk Agency for the remainder of FY '98: 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 Gustafson, second by Burnside, that the Depository Banks currently being used by the Treasurer, Recorder, Auditor & Sheriff continue to be used during 1998 in the amounts stated below, and, that the appropriate elected official be and is hereby authorized to deposit the designated office funds in amounts, not to exceed in the aggregate, named for said bank:

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

The vote on this motion carried.

Depository Resolution-Payroll Deposits

Motion by Bruns, second by Burnside, that the 1998 Federal Depository Bank shall be Security Trust and Savings Bank, Storm Lake, with the payroll deposits to be made by wire transfer. Carried.

Resolution on Interest Rates for Drainage

Motion by Gustafson, second by Burnside, to establish 9% as the rate to be paid during 1998 on all stamped warrants, Improvement Certificates, and Drainage District waivers, effective this date (for Buena Vista County drainage districts only). Carried.

Resolution to Research Drainage and other Assessments

Motion by Burnside, second by Bruns, that the County Attorney is hereby directed to research drainage and other assessments due and payable on parcels of Buena Vista County property prior to putting them on the list of properties for scavenger auction. Carried.

Dog License Resolution

Motion by Gustafson, second by Crampton, to set a \$1.00 fee for dog licensing in the unincorporated areas of the county and in towns without licensing ordinances. (Chapter 331.381.14). Carried.

Resolutions of Appointment

Motion by Burnside, second by Bruns, that Jon L. Ites be re-appointed Buena Vista County Engineer for 1998, with his salary according to the employment contract (Chapter 309.17). Ayes—Burnside, Bruns, Crampton. Nays—Gustafson. Abstentions—none. Carried.

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

Resolution Regarding Farm to Market Construction Projects

Motion by Bruns, second by Crampton, that Jon L. Ites, the County Engineer of Buena Vista County, be and is hereby designated, authorized and empowered, on behalf of the Board of the Board of Supervisors of said County to execute the Certificate of Completion of Work and Final Acceptance thereof, in accordance with the plans, and specifications therefore in connection with all Farm-to-Market construction projects in this county, and to authorize all of the boardmembers to sign. (Chapter 309.17). Carried.

Authority to Close Roads & Detour Traffic

Motion by Bruns, second by Burnside, to authorize County Engineer Jon L. Ites to close any and all county roads, on which construction is proposed, in order to facilitate construction, and for the duration of the construction, and to close any county road for necessary maintenance repair, and to mark all detours as necessary, without requiring any further authorization, and furthermore, to be authorized to issue and sign special permits for the movement of vehicles of excessive size and weight upon Buena Vista County Secondary roads in accordance with Chapter 321E Code of Iowa. Carried.

Holiday, Vacation, and Sick Leave Policy

Motion by Burnside, second by Crampton, that the Buena Vista County Personnel Policy with the effective date of December 1, 1986, as amended December 30, 1986, and September 29, 1987, along with the various Departmental Rules, Job Descriptions, the Family Medical leave policy, approved 3/5/96, currently in effect, be declared the governing policy for all Buena Vista County employees under the jurisdiction of the Board of Supervisors for Buena Vista County, and that the Medical History, Physical Examination, and County Work Release forms be used in conjunction with the Personnel Policy. Carried.

Beaver Control Resolution for Drainage Districts

Motion by Burnside, second by Gustafson, that the beaver control policy (payment of \$25 per beaver tail for beavers trapped in drainage districts), as adopted January 1, 1986, shall be in effect for 1998. Carried.

Resolutions on Wage Schedules

Motion by Crampton, second by Bruns, that the following wage schedules, adopted as shown, shall be in effect for 1997: Full & part-time Courthouse Clerks 6/11/96, Sheriff's deputies 4/23/91, Jailers-12/30/94, and Secondary Road employees 2/14/95 and amended 2/11/97. Carried.

Motion by Gustafson, second by Burnside, to set the hourly rate of pay for precinct election officials at minimum wage plus 25 cents/hr, and minimum wage plus 60 cents/hour for precinct election chairpersons for 1998. Carried.

Motion by Crampton, second by Bruns, to set the hourly rate of pay for matrons at minimum wage. Carried.

Official Newspapers

Having received a request for official newspaper designation from each, motion by Burnside, second by Gustafson, to designate the following as official newspapers for legal publications for 1998: Storm Lake Pilot-Tribune, The Times, and Buena Vista County Journal. Carried.

Motion by Gustafson, second by Bruns, to direct the Auditor to publish all motions of the Board, whether seconded or not, any actions resulting in a consensus of the Board, and, on a quarterly basis, the list of claims paid from the minutes of the Board meetings. Carried.

Pre-Screening Agencies Appointed

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

Fence Repair & Replacement Policy

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

RESOLUTION 1998-01-02

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

- Right-of-Way purchases with a total land cost of less than \$2,500.00. The County will offer 3.5 times the current assessed value.
- Dirt borrow purchases for use on construction projects. The County will offer 2.5 times the current assessed value.

Fence costs shall follow these guidelines:

Removal of fencing by rod:	\$6.00 for Barb	\$8.00 for Woven
Replacement of fencing by rod:	\$6.00 for Barb	\$8.00 for Woven
	Plus new material costs	

The property owner shall have 18 months after completion of project to receive payment for replacement of fencing.

Carried.

Zoning Director Kim Johnson discussed the need for a County **Land Preservation and Use Commission**. Burnside suggested that the county may have had one in the early 1980's. Johnson will research the issue.

Motion by Burnside, second by Gustafson, to change the name of the Zoning Commission to the Buena Vista County **Planning & Zoning Commission**, with the commission having the following members: Mark Bertness, Phil Driver, Dwayne Hinkeldey, Gary Grundmeier, Mike Lenz, Darwin Brummer, Vic Hansen, and Bob Rebhuhn. BVCo Planning and Zoning Commission change name of comm. Carried.

Newell Historical Society President Marilyn Monson reported that a trust for restoration of the Allee Mansion has been established with funds from the Allee family. They have funds, including a ledge, for rebuilding the kitchen. Monson thanked the Board for their previous support of the NHS, and requested \$1,000 for the FY'99 budget.

There being no further business, the meeting adjourned until Tuesday, January 6 at 8:30 a.m. for a regular meeting.

**BOARD OF SUPERVISORS
SECOND MEETING, 1998 SESSION (2)
JANUARY 6, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 6, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Recorder Shari O'Bannon displayed 6 newly preserved vital statistic records which had been in a very damaged condition due to their age. Their current life expectancy is 110 years.

The Chair reported on a phone call from the City of Marathon regarding payment for the paving of a road within the city limits.

Sheriff Chuck Eddy requested the board's approval to start a new deputy at 69% due to previous experience. The board will consider an amendment to the sheriff's deputy wage schedule at their next meeting.

Engineer Jon Ites is corresponding with the City of Alta regarding their portion of M-31 which is scheduled for work in 2002. For budgeting purposes the city will consider resurfacing, resurfacing with some new features, or reconstruction.

Work is progressing on stockpile agreements and leases. Motion by Burnside, second by Gustafson, to approve and to authorize the chair to sign a 5 year gravel stockpile lease with Archie Jr. and Janice Mackay for their property in Section 5, Nokomis Township (known as Mackay's stockpile), with the rent to be \$100/year, due and payable Sept. 15th each year. Carried.

Ites reviewed calculations on the motorgrader offer made by Chad Wiedeman at the Board's 12/31/97 meeting. He also discussed road clearing work done following the 1-4-98 ice storm.

After a brief review of the Wapello County Board of Supervisors resolution on large livestock operations, the board tabled any action pending their review of Senator Tom Harkin's Animal Agriculture Reform Act.

The board proceeded with consideration of the Comp Board's recommendations for FY'99. Motion by Bruns, second by Crampton (for discussion purposes), to reduce by 55% the recommendations of the Comp Board for FY'99 to the following: 3.15% for the Attorney, 2.7% for the Auditor, Recorder, Sheriff and Treasurer, and 1.8% for the Board of Supervisors. Bruns is concerned about the FY'98 tax request disapproved by the State Appeal Board and the difficulty the county will have in the upcoming budget. He would prefer that wages be paid from a tax other than from property tax. Burnside stated that the taxpayers had not received a tax reduction during the years that the county had the freeze because schools, cities, and townships were not covered by the freeze. She believes that the county can't stay at the frozen level with the needs for maintenance and replacement of items that were delayed during the freeze. The Chair reminded the board that this decision is to be made now so that the budget is not balanced on the backs of the employees' wages. Gustafson believed that the timing of the board's decision in relation to the timing of wage decisions by other boards was that when the Supervisors made the early decision, the other boards would give higher increases. He would be interested in keeping all budgets at current levels with an increase only for the wages and corresponding FICA and Ipers, and the increase in health premiums. Ayes—Bruns. Nays—Burnside, Crampton, Gustafson, Vail. Defeated.

Motion by Burnside, second by Crampton, to accept and approve the report of the Comp Board for the following recommendations for FY'99: Attorney-7%; Auditor, Recorder, Sheriff, Treasurer-6%; Board of Supervisors-4%. Ayes—Burnside, Crampton, Vail. Nays—Bruns, Gustafson. Abstentions—none. Carried.

Motion by Burnside, second by Bruns, to promote Preston Jacobs from Eng. Tech II to Eng. Tech III, effective 1-3-98. Ayes—Bruns, Burnside, Crampton, Vail. Nays—Gustafson. Abstentions—none. Carried.

Motion by Bruns, second by Crampton, to **increase** the maintenance foremen 15cents/hr. effective 7/1/87. Ayes—Bruns, Burnside, Crampton, Vail. Nays—Gustafson. Abstentions—none. Carried.

Motion by Gustafson, second by Burnside, to approve a wage **increase**, effective 7/1/98, of \$1,800/yr. each for S. Petermeier & T. French. Bruns had considered of 4% or about \$1,400 for each. The vote on the motion was: ayes—Burnside, Crampton, Gustafson, Vail. Nays—Bruns. Carried.

UDMO Exec. Director Larry Rohret, and local director Joan Spooner, met to give the board their FY'97 annual report and to request funding at the same level as this year for the FY'99 **budget** - \$19,715. Storm Lake has the busiest office of all served by UDMO. They also discussed the availability of low-income housing.

The board continued their discussion of if/when to enter into a purchase agreement for a **motorgrader** - now or April, both for delivery after July 1 and with the first being a leased machine, and the latter a new one. Gustafson prefers to wait until later and take quotes on more than 1 machine. Bruns suggested making an offer of \$136,500, with Crampton, Burnside, and Vail.

Motion by Burnside, second by Bruns, to approve and to authorize the Chairman to sign the **Memorandum of Loan Agreement** between Buena Vista County and Storm Lake Area Development Corporation. (The agreement details the terms under which \$50,000 was paid in FY'95 as an economic development incentive for **Tuscarora**). Carried.

Motion by Crampton, second by Burnside, to approve the **minutes** of the 1/2/98 meeting as printed, and the following **reports**: Dec. budget reports, 2nd Qtr FY'98 Sheriff's fees, and 1/2/98 L.O.S.T. payment. Carried.

There being no further business, the meeting adjourned to Tuesday, January 13 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS
THIRD MEETING, 1998 SESSION (3)
JANUARY 13, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, January 13, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

8:30 a.m.—The time having arrived for the public hearing on the **ag area** petition filed 12/30/97 by Allan Pedersen, etal, the Chair opened the hearing with no interested persons present. Timely publication was noted, and no written or verbal objections had been received. Motion by Burnside, second by Bruns, to close the public hearing. Carried.

Ron Pedersen arrived, and explained the use of the parcel contained entirely within the proposed area, but excluded from the petition.

Motion by Gustafson, second by Burnside, to approve the Allan Pedersen, etal petition as filed to establish an ag area for the following described property: Beginning at the Northeast Corner of Section 20, Township 92 North, Range 37 West of the Fifth P.M.; thence South to the Southeast Corner of the Northeast Quarter of said Section 20; thence West to the Southwest Corner of the Northeast Quarter of said Section 20; thence South to the Southeast Corner of the Southwest Quarter of said Section 20; thence West to the Southwest Corner of said Section 20; thence continuing West to the Southwest Corner of the East Half of the Southwest Quarter of Section 19, Township 92 North, Range 37 West of the Fifth P.M.; thence North to the Northwest Corner of the East Half of the Southwest Quarter of said Section 19; thence East to the Northeast Corner of

the Southwest Quarter of said Section 19; thence North to the Northwest Corner of the Northeast Quarter of said Section 19; thence continuing North to the Northwest Corner of the South Half of the Southeast Quarter of Section 18, Township 92 North, Range 37 West of the Fifth P.M.; thence East to the Northeast Corner of the South Half of the Southeast Quarter of said Section 18; thence South to the Southeast Corner of said Section 18; thence East to the Northeast Corner of the Northwest Quarter of the Northwest Quarter of Section 20, Township 92 North, Range 37 West of the Fifth P.M.; thence South to the Southeast Corner of the Northwest Quarter of the Northwest Quarter of said Section 20; thence West to the Southwest Corner of the Northwest Quarter of the Northwest Quarter of said Section 20; thence South to the Southwest Corner of the Northwest Quarter of said Section 20; thence East to the Southwest Corner of the Northeast Quarter of said Section 20; thence North to the Northwest Corner of the Northeast Quarter of said Section 20; thence East to the Point of Beginning EXCEPT a parcel described as follows: Beginning at the Southeast Corner of the North Half of the Southeast Quarter of Section 19; Township 92 North, Range 37 West of the Fifth P.M.; thence West to the Southwest Corner of the North Half of the Southeast Quarter of said Section 19; thence North to the Northwest Corner of the South Half of the North Half of the Southeast Quarter of said Section 19; thence East to the Northeast Corner of the South Half of the North Half of the Southeast Quarter of said Section 19; thence South to the Point of Beginning. Carried.

Betty Ohlund, Gingerbread House Director, was present to answer questions about the daycare funds budgeted by the Board. The county subsidy is provided to assist parents who no longer qualify for purchase of services by DHS, but whose income has not increased sufficiently to cover the full cost of daycare. The goal is to encourage parents to continue working by preventing all of their additional wages from being spent on child care due to increased daycare rates. The board will review the budget and then review their findings with her.

Motion by Burnside, second by Gustafson, to approve an addition to the Sheriff's Deputy Wage Schedule as follows: "In the event a deputy is hired who has 3 or more years experience, the sheriff shall have the authority to offer up to 66% as the starting wage (with the same frequency for raises as in the schedule above), as he determines is appropriate.", and to authorize the Chairman to sign. Carried.

Dept. Heads met with the board to discuss several budget issues, asking how newly mandated and/or uncontrollable expenditures in FY'99 should be handled. These items are in excess of what can be absorbed in departmental budgets held to FY'98 levels. Examples include the changes in property tax statements required by HF726, increased jail expense due to higher population and longer stays. The consensus of the board was to pay for these items in the current year, and to amend the budget if necessary. Gustafson requested that all employees have unique account numbers so that budgets would be easier to read. This change will be implemented July 1, 1998. Eddy discussed a program which can supply some of the departmental supplies such as copy paper, plumbing supplies, etc., for the cost of the catalog and shipping. Department heads plan to participate for a trial period.

Engineer Jon Ites presented resolutions for the board's consideration. Motion by Bruns, second by Burnside, to approve the following resolution, and to authorize the Chair to sign:

RESOLUTION TO ADVANCE A PROJECT FROM PRIORITY LIST: 1998-01-13a

WHEREAS, Buena Vista County, Iowa, desires to advance Project FM-11(35)—55-11 described as the ACC resurfacing of Old Highway 71 Storm Lake north to New Highway 71, and project L-FM-R-202—73-11 described as the ACC resurfacing of M44 from Highway 3 south 2.5 miles contained in approved Secondary Road Construction Priority List to the FY 1998 Accomplishment List for the following reasons: For April Letting with other A.C.C. resurfacing projects, and

WHEREAS, the total estimated cost is \$810,000 with \$10,000 being the day labor portion, and

WHEREAS funds for the above project should be allocated from the following sources: 1. No funds will be spent until FY'1999.

(date) Jan. 13, 1998 _____ Richard Vail _____
Chairperson, Board of Supervisors

The vote on this resolution carried.

Motion by Gustafson, second by Burnside, to approve the following resolution:

RESOLUTION 1998-01-13b

WHEREAS, the Board of Supervisors of Buena Vista County, Iowa, desires to transfer \$830,000 from its allotment of Local Road Use Tax Funds to their Farm-to-Market Road Fund for the following purpose:

To fund Fiscal Year 1999 Projects associated with Transfer of Jurisdiction

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Buena Vista County, Iowa, that the treasurer of the State of Iowa be authorized and requested to transfer \$830,000 of the Local Road Use Tax allotment for Buena Vista county, Iowa to the Buena Vista County, Iowa, Farm-to-Market Road Fund commencing July 1, 1998.

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

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

Adopted this 13th day of January, 1998.

Richard Vail
Chair, Board of Supervisors
Buena Vista County, Iowa.

The vote on this resolution carried.

Motion by Burnside, second by Bruns, to approve and to authorize the Chairman to sign **a gravel stockpile lease** with the city of Newell (Newell stockpile) for 5 years beginning 1/1/98 for \$100 per year.

A letter was received from **IDOT** regarding interim highway planning and programming guidance.

IDOT Engineers Dwight Rohrholm, Clyde Bartel and Bob Rye reviewed the before and after inspections of the Lakeside blacktop which showed an improvement in the road following its use as a detour. The before inspection was done when frost was in the ground, and the after was done after traffic had helped to smooth out the road. Rohrholm explained the methods used, and that inspectors are few in number, but travel all over the state, so that the process is administered equitably from place to place around the state. Gustafson suggested that if not all inspections are done at the same time of year, IDOT methods don't correct for seasonal changes, and therefore inspections are not consistent. Also discussed was Hwy 7 which is a 20' wide road. 95% of the narrowest roads in Iowa are in the western third of the state.

President Cathy Jensen (Marathon), Nola Josephson (Albert City), Rose Peterson (Storm Lake), Martha Landsness (Sioux Rapids), Jolene Anderson (Rembrandt) and Deb Ites (Newell) from the **Buena Vista Co. Library Association** requested an additional ½ cent (total \$.165) in funding in the FY'99 budget. Each provided an update on their libraries and the activities they plan to stimulate interest.

Treasurer Kathy Bach discussed **delinquent tax properties** upon which action will be taken by the county.

Motion by Gustafson, second by Bruns, to approve and to accept the **detour reimbursement** offers from the IDOT in the amount of \$56,417 for roads used during construction of Hwy 71, and \$15,343 for roads used during construction of the 3 & 71 intersection. Carried.

Ites reported the acceptance of the Board's offer of \$136,500 for a motorgrader. Motion by Bruns, second by Crampton, to approve the purchase of a 1997 140H Caterpillar from Ziegler for \$136,500 net with trade-in with payment due 7/1/98, and with delivery in June or July, 1998; and to authorize Engineer Ites to sign the purchase order. Ayes—Bruns, Burnside, Crampton, Vail. Nays-Gustafson. Carried.

Motion by Burnside, second by Bruns, to approve the minutes of the 1/6 meeting as printed, and the following reports: Dec. Clerk's fees and surcharges, 2nd Qtr FY'98 Clerk's fees and surcharges, Oct-Nov-Dec Mangold Spectra lagoon monitoring. Carried.

Motion by Burnside, second by Crampton, to approve the change of status of Jean Chindlund to Special Deputy Auditor's Office, (working 2 days per week with no benefits), the appointment of Sue Kennedy as Auditor's 1st Deputy, and to continue the employment of Barb Henrich 5 days per week with benefits in the Auditor's office, all effective Feb. 2, 1998. Carried.

There being no further business, the meeting adjourned to Friday, January 16 at 8:30 a.m. to begin review of departmental budgets.

**BOARD OF SUPERVISORS
FOURTH MEETING, 1998 SESSION (4)
JANUARY 16, 1998**

The Buena Vista County Board of Supervisors met in special session on Friday, January 16, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Budgets for the following departments were reviewed: Veterans Services Officer, Board of Supervisors, Treasurer, non-departmental.

Supervisors Bruns and Vail met with County Attorney Phil Havens, Treasurer Kathy Bach, and Attorney John Murray to discuss action on property with delinquent taxes.

There being no further business, the meeting adjourned to Monday, January 19 at 8:30 a.m. for a regular session.

Continue review of departmental budgets.

**BOARD OF SUPERVISORS
FIFTH MEETING, 1997 SESSION (5)
JANUARY 19, 1998**

The Buena Vista County Board of Supervisors met in regular session on Monday, January 19, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Motion by Burnside, second by Bruns, to approve and to authorize the Chairman to sign the FY'99 Grants to Counties application to the IDNR for well abandonment, well testing and well rehab programs. Carried.

The board reviewed comments on the proposed manure line ordinance for drainage districts.

Motion by Gustafson, second by Bruns, to set the dates of public hearing on 2 subdivision requests as Tuesday, Feb. 3 at 8:30 a.m. for Dana Haahr, and at 8:45 a.m. for Paul and Dean Lietz. Carried.

Motion by Burnside, second by Crampton, to approve the minutes of the 1/13 meeting as amended. Carried.

Engineer Jon Ites submitted secondary road claims for work done in drainage districts between July 1, 1997 and December 31, 1997.

TerraCon has submitted a proposal for soil testing service for 3 bridge structures scheduled for FY'99. Motion by Gustafson, second by Burnside to accept the quote of TerraCon for soil exploration services in the amount of \$2,500, and to authorize the Engineer to sign. Carried.

Motion by Gustafson, second by Crampton, to accept the proposal of Kuehl & Payer in the amount of \$750 to establish centers and locate centerlines of existing roadways located at Section 10-93-38, and to authorize the Engineer to sign. Carried.

Motion by Bruns, second by Burnside, to accept the proposal of Kuehl & Payer in the amount of \$625 to establish corners on project #96552 in Section 8-93-36, and to authorize the Engineer to sign. Carried.

Treasurer Kathy Bach reviewed the semi-annual report, pointing out how many of the funds reported are not available as operating funds of the county. Deputy Auditor Sue Kennedy presented the July-Dec, 1997 cash flow report. Motion by Burnside, second by Bruns, to approve the Treasurer's semi-annual report. Carried.

The board selected 6 properties to be pursued for delinquent tax action.

Motion by Gustafson, second by Bruns, to eliminate reimbursement for Supervisors mileage for regular session days, effective retroactive to January 1, 1998. Carried.

Supervisor Gustafson left the meeting to attend a case management meeting in Des Moines.

The board reviewed the following budgets: insurance and auditor.

Motion by Bruns, second by Burnside, to approve payroll subject to audit at a later time. Carried.

Claims were audited and allowed.

There being no further business, the meeting adjourned to Monday, January 26 at 8:30 a.m. to continue review of departmental budgets.

**BOARD OF SUPERVISORS
SIXTH MEETING, 1998 SESSION (6)
JANUARY 26, 1998**

The Buena Vista County Board of Supervisors met in special session on Monday, January 26, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Budgets for the following departments were reviewed: Weeds, Medical Examiner, Communications Center, Care Facility, Home Health Care Agency, Sheriff & Jail, and Conservation. The

board requested that Conservation Director Gary Christiansen conduct a survey of the surrounding counties to find out the number of acres under the management of each of the Conservation Boards. Buena Vista County has approximately 600 acres without the Raccoon River project.

Marge Neulieb met with the Board to update them on the current and pending project of **the Buena Vista County Historical Society**, and to request \$1,500 in the FY'99 budget.

Motion by Bruns, second by Burnside, to set the rate for reimbursable, **Sheriff's service mileage** at \$.325/mile. Carried.

There being no further business, the meeting recessed to Tuesday, January 27 at 8:30 a.m. to continue departmental budget review.

JANUARY 27, 1998

The Buena Vista County Board of Supervisors reconvened this special session on Tuesday, January 27, 1998, at 8:30 a.m. in the Boardroom with Vice Chairman Crampton presiding, and with the following others present: Bruns, Burnside, and Gustafson, and with Auditor Strawn as clerk for the meeting. Chairman Vail was absent due to illness.

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

David Welle, **NW Aging** Exec. Director, accompanied by Boardmembers Floyd Courtright, Ina Hansen, Virgil Wenell and Lucille Cochran, with HM/HHA Director Marilyn Monson, presented their annual report. Their funding request has remained stable over the last several years.

Dana Haahr had requested to meet with Treasurer Kathy Bach and the Board regarding his delinquent taxes. He explained his financial situation, and the steps he is taking to resolve the problem. He emphasized that he was not asking to have his taxes forgiven, but only for a bit more time to complete the action he has taken to resolve the problem. The board thanked him for presenting the information, and agreed to have him return once he completes the current action.

Motion by Bruns, second by Gustafson, to approve and authorize the board to sign the plans for F-M bridge **project STP-S-11(23)—SE-11** located in Section 16 Grant Township.

Assessor Ted Van Grootheest requested the dates of Feb. 17 and March 3, both at 2:00 p.m., for the **Assessor's budget** work session, and Assessor's budget hearing. The board approved.

Janice Danielson, **BV Co. Genealogical Society**, thanked the board for its past support of her organization, and reported how the funds have been used. They now have a computer with a connection to the Internet which has yielded quite a few inquiries. She requested \$750 in the upcoming budget.

Budgets for the following departments were reviewed: Custodian, Recorder, DHS Administration, Public Health, and Data Processing.

Following a lunch meeting with Farm Bureau members, the board returned to the courthouse and convened the afternoon session for the purpose of the next readings of the 2 manure line ordinances.

The Vice chair opened the meeting and turned to Supervisor Bruns for **1st Reading of Ordinance #5.4**, regulating manure lines in drainage ditches. Present were 19 interested persons and media. The first question from Dale Arends asked who would be responsible for getting the pumper's past history which would be required under the ordinance. Also, who would be responsible if that information were later found to be incorrect.

Steve Jorgensen believes that the ordinance proposes another level of bureaucracy. EnvHealth Director Kim Johnson noted that for restaurant inspections, the state imposes the requirements, but the county enforces them.

Supervisor Gustafson stated that the intent of the ordinance is to act to require precautions which would serve to prevent accidents.

Bruns suggested that if we all could agree both on the intent of the ordinance and on lobbying together for uniform state level regulations, then we wouldn't have to enact an ordinance at county level.

Dean Baughman stated that Farm Bureau has been lobbying for uniform regulations to keep an even playing field. He requested that the board wait to see what happens to the Humboldt ordinances to see at which level of government control prevails.

Jorgensen asked if the boardmembers, personally, had lobbied.

Baughman requested that the board wait to proceed any further until the Humboldt decision is made.

Arends suggested waiting until after Feb. 12, for the meeting which Bruns had mentioned earlier. With Ag Extension, the board is inviting a speaker from Minnesota to talk about his experience with umbilical manure pumping lines and their regulation in Minnesota.

Gustafson believes that the opposition to the proposed ordinances seems to aimed at the Supervisors rather than to the ordinances themselves, and that the issue IS the ordinances.

Jorgensen asked how the ordinance will be enforced - and won't that lead to further expense for the county?

Supervisor Burnside believes that if Buena Vista is the only county which chooses to regulate, no pumper will be willing to work in BV.

Gustafson suggested that it was time to consider Ordinance 5.3, and moved to approve the 1st reading of Ordinance 5.4-Manure Lines in Drainage Ditches, subject to review by the task force, and changing the effective date to August 1, 1998, seconded by Bruns. Carried.

Bruns read proposed **Ordinance 5.3** regarding county secondary road right-of-way. Motion by Gustafson, second by Bruns, to approve the 2nd Reading of Ordinance 5.3, subject to the following amendments: adding to Section 10B "providing however that junctions, coupling or splices in a secondary containment system shall be allowed"; adding to Section 10E "under Section 455 pertaining to an operation of a pollution control device or practices which is part of a confinement feeding operation"; the Code section in 3 (Iowa Code, section 306.3(11)); adding to Section 11 "commencing upon effective date (Section 13"; and in Section 13, deleting "its final passage, approval and publication as provided by law" and adding August 1, 1998". The vote on this motion was carried.

There being no further business, the meeting recessed to Wednesday, January 28 at 8:30 a.m. to continue review of departmental budgets.

JANUARY 28, 1998

The Buena Vista County Board of Supervisors reconvened this special session on Wednesday, January 28, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

The following departmental budgets were reviewed: Secondary Roads, Attorney, Clerk & District Court, General Relief, Veteran's Affairs, Mental Health, Mental Health Director, and Case Management.

The Board participated in a conference call with Dave Horan, Exec Director of NWIPDC, and Anne Scott regarding the redrawn districts for JTPA services.

There being no further business, the meeting adjourned to Tuesday, February 3 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
SEVENTH MEETING, 1998 SESSION (7)
FEBRUARY 3, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 3, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

8:30 a.m.—The time having arrived for the public hearing on the subdivision request of Dana Haahr, the Chair opened the hearing with Zoning Director Kim Johnson, and Mr. Haahr present. It was reported that the notice had been published as required by law and that the Zoning Commission recommended approval of the request. There having been no written or oral objections, motion by Gustafson, second by Burnside, to close the public hearing. Carried.

Motion by Burnside, second by Bruns, to approve the following resolution:

RESOLUTION 1998-02-03a

WHEREAS, Dana Haahr has presented a preliminary and final plat (of survey) on: Description Lot A: a tract of land located in the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) and in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼), all in Section 32, Township 91 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Beginning at the Southwest (SW) Corner of the Northwest Quarter (NW¼) of said Section 32; Thence on an assumed bearing of North 00°00'00" East, along the West line of said Northwest Quarter (NW¼), 379.08 feet; Thence North 89°13'46" East, 359.25 feet; Thence South 01°30'36" East, 777.37 feet to the North line of the South 27.957 acres of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of said Section 32; Thence South 89°21'21" West, along said North line, 377.74 feet to the West line of said Southwest Quarter (SW¼); Thence North 00°17'13" West, along said West line, 397.44 feet to the Point of Beginning.

Description Lot B: a tract of land located in the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) and in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼), all in Section 32, Township 91 North, Range 35 West of the 5th p.m., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Southwest (SW) Corner of the Northwest Quarter (NW¼) of said Section 32; Thence on an assumed bearing of North 00°00'00" East, along the West line of said Northwest Quarter (NW¼), 379.08 feet to the Point of Beginning. Thence North 89°13'46" East, 359.25 feet; Thence South 01°30'36" East, 777.37 feet to the North line of the South 27.957 acres of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of said Section 32; Thence North 89°21'21" East, along said North line,

945.95 feet to the East line of said Northwest Quarter of the Southwest Quarter (NW¼ SW¼); Thence North 00°13'28" West, along said East line, 396.73 feet to the Southeast (SE) Corner of the Southwest Quarter of said Northwest Quarter (SW¼ NW¼); Thence North 00°04'34" West, along the East line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), 1323.96 feet to the Northeast (NE) Corner of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼); Thence South 89°17'06" West, along the North line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), 1322.39 feet to the Northwest (NW) Corner of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼); Thence South 00°00'00" West, along the West line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), 942.55 feet to the Point of Beginning.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any:

WHEREAS, the final plat meets with the approval of the Board subject only to the following if any:

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa Board of Supervisors that the final plat of Description Lot A: A Tract Of Land Located In the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) and in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼), all in Section 32, Township 91 North, Range 35 West Of The 5th P.M., Buena Vista County, Iowa, Description Lot B: a tract of land located in the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) and in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼), all in Section 32, Township 91 North, Range 35 West Of The 5th P.M., Buena Vista County, Iowa is hereby accepted subject to the following if any:

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of said Description Lot A: a tract of land located in the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) and in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼), All In Section 32, Township 91 North, Range 35 West Of The 5th P.M., Buena Vista County, Iowa, Description Lot B: a tract of land located in the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) and in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼), all in Section 32, Township 91 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa and copies of said final plat shall be of record in the appropriate county offices.

PASSED, APPROVED AND ADOPTED this 3rd day of February, 1998.

/s/ Richard Vail, Chair, Board of Supervisors

/s/ Karen M. Strawn, Auditor

Carried.

8:45 a.m.—The time having arrived for the public hearing on the subdivision request of Paul Lietz and Dean Lietz, the Chair opened the hearing with Zoning Director Kim Johnson present. It was reported that the notice had been published as required by law and that the Zoning Commission recommended approval of the request. There having been no written or oral objections, motion by Burnside, second by Crampton, to close the public hearing. Carried.

Motion by Burnside, second by Bruns, to approve the following resolution:

RESOLUTION 1998-02-03b

WHEREAS, Paul Lietz and Dean Lietz have presented a preliminary and final plat (of survey) on Description Lot A: a tract of land located in the East Half of the Southwest Quarter (E½ SW¼) of Section 20, Township 91 North, Range 38 West Of The 5th P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Southeast (SE) Corner of the Southwest Quarter (SW¼) of said Section 20; Thence on an assumed bearing of South 89°55'52" West, along the South line of said Southwest Quarter (SW¼), 611.82 feet to the Point of Beginning. Thence North 00°04'56" West, 2647.63 feet to the North line of said Southwest Quarter (SW¼); Thence South 89°50'32" West, along said North line, 709.69 feet to the Northwest (NW) Corner of the East Half of said Southwest Quarter (E½ SW¼); Thence South 00°00'47" West, along the West line of said East Half of the Southwest Quarter (E½ SW¼), 2228.27 feet to the South line of tract described in Land Deed Book 48, Page 973 in the office of the Buena Vista County Recorder; Thence North 89°53'12" East, along said South line, 676.61 feet to the East line of the

Be it hereby resolved that as per Section 321.471, Code of Iowa, the Buena Vista County Board of Supervisors prohibits the operation of vehicles with gross weight in excess of 10 tons upon the highway known as C-63 from the Cherokee County line east 3 miles. This restriction shall be in force until removed by the County Engineer.

Date: 2/3/98 /s/ Dick Vail, Board of Supervisors Chairman Attest: /s/ Karen Strawn, County Auditor Carried.

Engineer Jon Ites recommended an increase in fees for installation of driveways to better reflect the cost of the materials and labor. Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman to sign the following updated 'Driveway/Field Entrance Policy and Fee Schedule':

DRIVEWAY/FIELD ENTRANCE
Buena Vista County
(Price for services by County forces.)

***Culvert** - 18" diameter minimum except extending existing drives.

Diameter	Per Foot
15"	\$10.25
18"	\$12.00
24"	\$17.50
30"	\$24.00
36"	\$34.30
42-60"	Cost + \$3.00 /L.F.

*Culvert furnished in multiples of 4 feet.

*Length based on width of top plus depth of ditch using 2:1 cross slope.

*Drives and field entrances on paved roads shall be constructed with 6:1 cross slopes.

The above rates approved by the Board of Supervisors on February 3, 1998.

Effective Date: /s/ Dick Vail, Chairman, Board of Supervisors Carried.

The annual **OSHA form 200** accident report for 1997 has been completed and posted and required. Engineer recommended a letter to Secondary Road employees for their ongoing great safety record. Boardmembers and the engineer signed a letter of appreciation to road employees.

Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign the **underground utility permit** application of GTE to relocate underground telephone cable for box culvert project #BROS-11(41) between Sections 17 & 20, Poland Township at the entrance to the park. Carried.

Motion by Burnside, second by Gustafson, to approve 2½ days of **vacation carryover** after Ron Buske's anniversary date into the new year. Carried.

CADA Director Sally Dobson, and Sarah Huddleston, Minority Outreach Assistant, met with the Board to review their 1997 annual report, and to request continued funding in the amount of \$4,500 in FY'99.

Motion by Crampton, second by Gustafson, to approve the following **reports**: 1997 OSHA 200 report, Dec Conservation board minutes, Dec. 10 Jail inspection report by Iowa Dept. of Corrections, Jan Conservation board minutes. Also reviewed were: Dec 11 NWIPDC Council minutes, 2nd Qtr FY'98 Farm-to-Market Fund; 3rd year MHAP Co. Baseline billings; FY'97 BVCH audited financial report; Iowa Dept of Public Health reports: single contract project, FY'97 Home Care Aide/Chore appropriation, FY'97 Public

Health Nursing appropriation, FY'97 Iowa Senior Health program appropriation, Iowa Community Services Bureau program. Carried.

There being no further business, the meeting adjourned to Tuesday, February 10 at 8:30 a.m. for budget session.

**BOARD OF SUPERVISORS
EIGHTH MEETING, 1998 SESSION (8)
FEBRUARY 10, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 10, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

After review of his physician's letter, and of the recommendation of the county's personnel consultant, motion by Bruns, second by Burnside, to deny Steve Tjaden's request for an extension to his **Family Medical Leave**, but instead, to grant an unpaid leave of 30 days, to notify him of his obligation to reimburse the county for health insurance premiums advanced by the county plus 8 hours holiday pay and 23.5 hours sick leave (issued in error), to advise him that he will be responsible for the full premium if he chooses to keep the health insurance during the unpaid leave, and finally, to review his circumstances and an updated medical statement on March 3, 1998. Carried.

The auditor presented the **FY'99 proposed budget** with several funding proposals including the impact of last year's State Appeal Board decision. With nine additional department heads present, considerations for reductions in expenditures along with an increase in the general basic levy were discussed. The board asked department heads to identify any proposed expenditures that could be reduced without 'cutting to the bone' and likely necessitating an amendment to the budget next year. The department heads agreed to review their budgets and meet again with the board Wednesday morning.

Motion by Bruns, second by Crampton, to send a letter to NWIPDC requesting that they submit a bid to subcontract with Iowa Central Community College to provide **JTPA services** in Buena Vista County, and that this request be made part of the records regarding the provision of services in this county. Carried.

Motion by Bruns, second by Burnside, to request that the level and cost of the **JTPA services** currently provided by NWIPDC be documented to serve as a benchmark for comparison with future services. Carried.

Engineer Jon Ites presented bills for approval for payment. Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign the universal pay voucher in the amount of \$3,834.47 to Kuehl and Payer Ltd. for engineering and surveying services on C-13 **project #FM-11(34)—55-11** this amount being the retainage and final payment on the contract. Carried.

Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign the universal pay voucher in the amount of \$3,989.00 to Gateway 2000 for computer purchase on **project #STP-CMS(3)—70-00**. Carried.

Ites reported on his meeting on 2/9/98 with the Sioux Rapids City Council regarding the **C-13 paving** project as it extends inside the city limits.

Supervisor Vail left the meeting.

Motion by Burnside, second by Gustafson, to approve and authorize the Chairman to sign a letter of support to NWIPDC to accompany the application of Gingerbread House for grant funding for their expansion project. Carried.

The meeting recessed at 12:00 noon until Wednesday, February 11 at 8:30 a.m. in the 2nd Floor PMR #1 to continue this budget work session.

FEBRUARY 11, 1998

The Board reconvened in the 2nd Floor Public Meeting Room with department heads present, to review the current draft of the FY'99 budget. Among other items discussed were the climbing jail and YES Center populations which result in increases to the cost of jail operation and detention services.

Motion by Bruns, second by Crampton, to approve and to authorize the Chairman to sign a letter requesting that NWIPDC submit a bid to Iowa Central Community College to provide JTPA services to Buena Vista County as a subcontractor to the College due to NWIPDC having been the provider for a number of years. It is the board's intent in making the request to put it on record. Carried.

It was further moved by Bruns, second by Burnside, to request a 'measuring' of JTPA services currently provided by NWIPDC to serve as benchmark for comparison of future services performed and future cost in providing the services. Carried.

Engineer Jon Ites asked and received for approval to use the new maintenance building as a location for a secondary road employee gathering.

The Chair left the meeting and Crampton assumed the chair.

Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign a letter of support for the grant application of Gingerbread House, Headstart, and Arrowhead Education Area, for a child development project and building. Ayes—Bruns, Burnside, Gustafson. Carried.

In order to give the auditor time to complete the FY'99 budget changes, the board recessed the meeting again until Thursday afternoon at 12:30 p.m. in order to approve the final draft.

FEBRUARY 12, 1998

With neither the Chair, nor the Vice-Chair present, at Gustafson's suggestion and Burnside's concurrence, Burns served as Chair Pro-tem for the meeting.

Nurse Administrator Karole Graen informed the board of a number of changes to her proposed budget, resulting in a net reduction.

Engineer Jon Ites discussed the recent ISTEAs meeting which he had attended. Due to some funding changes, it will be necessary for him re-prioritize several projects. He requested a date for a tour of the county to see the proposed projects. A date will be set when all boardmembers are present.

The board gave final approval on the FY'99 proposed budget with the Public Health changes incorporated. The final draft will be prepared for Tuesday's meeting.

The adjourned in time (until Tuesday, Feb. 24) to attend an informational meeting hosted by BV Co. Ag Extension on the safe use of umbilical pumping lines for manure management in the pork industry.

**BOARD OF SUPERVISORS
NINTH MEETING, 1998 SESSION (9)
FEBRUARY 17, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 17, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

8:30 a.m.—The time having arrived for the public hearing on the subdivision request of Dave Friedrich, the Chairman opened the hearing with Friedrich present. Zoning Director Kim Johnson reported that the notice had been published as required, that no objections had been filed, and that the Zoning Commission had recommended approval. Hearing no objections, motion by Burnside, second by Gustafson, to close the public hearing. Carried.

Motion by Bruns, second by Crampton, to approve the following resolution:

RESOLUTION 1998-02-17a

WHEREAS, David Friedrich 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 (S½ SE¼) of Section 20, Township 90 North, Range 38 West of the 5th P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Southwest (SW) Corner of the Southeast Quarter (SE ¼) of said Section 20; Thence on a previously recorded bearing of South 90°00'00" East, along the South line of said Southeast Quarter (SE¼), 783.20 feet to the Southeast (SE) Corner of a survey performed by Charles A. Tapley on February 24, 1987, said point also being the Point of Beginning. Thence along the southeasterly line of said survey, a recorded bearing and distance of North 30°06'15" East, 679.24 feet; thence along the East line of said survey, a recorded bearing and distance of North 01°55'18" West, 373.94 feet; thence along the North line of said survey, a recorded bearing and distance of South 88°12'06" West, 421.81 feet; thence North 46°13'00" West, 35.00 feet; thence North 88°16'37" East, 445.81 feet; thence North 47°03'43" East, 170.91 feet; thence South 27°42'51" East, 1245.00 feet to the South line of said Southeast Quarter (SE¼); thence North 90°00'00" West, along said South line, 1031.02 feet to the Point of Beginning.

Description Lot B: a tract of land located in the South half of the Southeast Quarter (S½ SE¼) of Section 20, Township 90 North, Range 38 West of the 5th P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Beginning at the Southeast (SE) Corner of Southeast Quarter (SE¼) of said Section 20; thence on an assumed bearing of North 01°20'10" West, along the East line of said Southeast Quarter (SE¼), 1322.37 feet to the Northeast (NE) Corner of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼); thence North 89°58'43" West, along the North line of the South Half of the Southeast Quarter (S½ SE¼), 2117.47 feet; Thence South 23°47'47" East, 383.00 feet; Thence North 88°16'37" East, 445.81 feet; thence North 47°03'43" East, 170.91 feet; thence South 27°42'51" East, 1245.00 feet to the South line of said Southeast Quarter (SE¼); Thence South 90°00'00" East, along said South line, 844.02 feet to the Point of Beginning.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any:

WHEREAS, the final plat meets with the approval of the Board subject only to the following if any:

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa Board of Supervisors that the final plat of Description Lot A: a tract of land located in the South half of the Southeast quarter (S½ SE¼) of Section 20, Township 90 North, Range 38 West of the 5th P.M., Buena Vista County, Iowa,
And

Description Lot B: a tract of land located in the South half of the Southeast quarter (S½ SE¼) of Section 20, Township 90 North, Range 38 West of the 5th P.M., Buena Vista County, Iowa,

BE IT FURTHER RESOLVED that this resolution shall be affixed to the final plat of said Description Lot A: a tract of land located in the South half of the Southeast quarter (S½ SE¼) of Section 20, Township 90 North, Range 38 West of the 5th P.M., Buena Vista County, Iowa,
And
Description Lot B: a tract of land located in the South half of the Southeast quarter (S½ SE¼) of Section 20, Township 90 North, Range 38 West of the 5th P.M., Buena Vista County, Iowa, and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 17th day of February, 1998.

/s/ Richard Vail, Chair Board of Supervisors /s/ Karen M. Strawn, Auditor Carried.

As Sanitarian, Johnson discussed the problem with the crow's nesting in the trees in and around the courthouse and Storm Lake Library. A solution agreeable to the city has not yet been found.

Motion by Bruns, second by Burnside, to approve today's payroll claims subject to future audit. Carried.

Engineer Jon Ites discussed several items including disposal of outdated computer parts, and outsourcing some of the right-of-way work for upcoming projects.

10:00 a.m.--The time having arrived for the bid opening on 3 projects, sealcoat bids were: received from Sta-bilt Construction, Harlan, Blacktop Service Co., Humboldt, Manatt's Inc., Brooklyn; on a guardrail project from Ten Point Construction, Denison and Herbst Construction, Inc., Le Mars; and a bridge project from Cunningham-Reis Co. Van Meter, Christensen Bros, Inc., Cherokee, and Cramer & Associates Inc., Des Moines. Before awarding the bids, the extensions will be checked.

Motion by Crampton, second by Bruns, to approve and to authorize the Chairman to sign an application and a grant contract with the Iowa Dept of Public Health, Division of Substance Abuse and Prevention for substance abuse education and prevention funding in the amount of 25% (or \$3,743.50) of the total funding provided by the county to NW IA ADTU for FY'99 (\$14,974). Carried.

Mental Health Director Anita Hallquist presented 2 mental health accounts for the board's consideration. It was the consensus of the board to write-off one of the accounts, and to continue pursuing the other.

Motion by Gustafson, second by Burnside, to set a public hearing for March 3 at 2:30 P.M. in the 2nd Floor PMR #1 for amending the county's Managed Care plan for FY'99. Carried.

Motion by Gustafson, second by Burnside, to accept the low bid of Ten Point Construction, Denison, IA, in the amount of \$13,271.75 for guardrail project #L-MBR-420(2-98) located on M-27, SE¼ of Section 6-91-38; and the low bid of Cunningham-Reis, Van Meter, IA, in the amount of \$52,990.00 for bridge and guardrail project #L-MBR-420(1-98) located 1 mile south of Hwy 3 on M-50, SE¼ of Section 33-92-36. Carried.

Motion by Crampton, second by Bruns, to tentatively approve the low bid of Sta-bilt Construction, Harlan, IA, in the amount of \$106,509.24 for 1998 sealcoat maintenance projects 1-4, the bid to be reviewed by DOT before final approval since it exceeds 110% of the engineer's estimate. Carried.

Motion by Burnside, second by Gustafson, to approve the minutes of the 1/16 meeting as printed, 1/19 meeting as printed, 1/26-28 as printed, 2/3 as printed, 2/10 as corrected.

Motion by Burnside, second by Bruns, to set the date of public hearing on the Proposed FY'99 Budget for March 10 at 10:00 a.m.

1:00 p.m.—The time having arrived for a discussion with the Buena Vista County Solid Waste Commission about advanced refunding on the 1990 GO bonds, the Chair welcomed Dave Wiley-Chairman, Marty Rowley-Treasurer, Ellsworth Jeppesen-Manager, Attorney Gary Armstrong, Dick Schmitt, and Ruan Securities Financial Advisor John Geist. Geist informed the board of an opportunity to save approximately \$50,000 in interest on the G.O. bonds issued in 1990 for the Recycle Center, by entering into a loan agreement for up to \$880,000 (in order to take advantage of the lower interest rates available now, compared to the higher rate at which the bonds were originally issued. Motion by Gustafson, second by Bruns, to adopt, subject to review of the county Attorney, the following resolution..

RESOLUTION NO. 1998-02-17b

To fix a date for a public hearing on a loan agreement

WHEREAS, Buena Vista County (the "County"), proposes to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$880,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of refunding Essential County Purpose General Obligation Bonds, dated May 1, 1990 of the County; and

WHEREAS, it is necessary to fix a date of meeting of this Board at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

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

Section 1. This Board shall meet on the 3rd day of March, 1998, at the Boardroom of the Courthouse, Storm Lake, Iowa, at 8:30 o'clock a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once and not less than four nor more than twenty days before the meeting, in a legal newspaper of general circulation in the County.

The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE
PROCEEDINGS TO ENTER INTO A LOAN AGREEMENT
AND BORROW MONEY IN A PRINCIPAL AMOUNT
NOT TO EXCEED \$880,000

The Board of Supervisors of Buena Vista County, Iowa, will meet on the 3rd day of March, 1998, at the Boardroom of the Courthouse, Storm Lake, Iowa, at 1:00 o'clock p.m., for the purpose of instituting proceedings and taking action to enter into a loan agreement (the "Loan Agreement") and borrow money in a principal amount not to exceed \$880,000 for the purpose of paying the cost of refunding outstanding Essential County Purpose General Obligation Bonds, dated May 1, 1990.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 of the Code of Iowa. The Loan Agreement will constitute a general obligation of the County.

At the aforementioned time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the County may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Buena Vista County, Iowa, by Karen Strawn, County Auditor

Section 3. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Passed and approved February 17, 1998.
/s/ Richard Vail, Chairman, Board of Supervisors /s/ Karen M. Strawn, County Auditor
Ayes—Bruns, Crampton, Gustafson. Nays—none. Abstentions—Burnside. Carried.

Motion by Gustafson, second by Crampton, to acknowledge the late receipt, at noon, of a **bid** from Lovewell Fencing, Davenport, and to direct the County Engineer not to open the bid since the deadline had been set at 10:00 a.m. Carried.

There being no further business, the meeting adjourned to Tuesday, February 24 at 10:00 a.m. in the 2nd Floor PMR #1 for an informational session on the FY'99 budget.

**INFORMATIONAL MEETING
ON PROPOSED FY'99 BUDGET
FEBRUARY 24, 1998**

The Board of Supervisors held an informational meeting on the proposed FY'99 budget on February 24, 1998 in the 2nd Floor Public Meeting Room #1 of the Courthouse. Present for the meeting were: Chairman Vail, Boardmembers Bruns, Burnside, and Crampton; Auditor Strawn and 11 other department heads, 3 media, and 19 other interested persons. Copies of the proposed budget were distributed. The county reviewed various parts of the budget including the publication sheet which provides much more information than previous forms. Those present participated in questions and answers. The Chair thanked those present for their attendance, and announced that the public hearing will be held March 10 at 10:00 a.m. in the same location.

**BOARD OF SUPERVISORS
TENTH MEETING, 1998 SESSION (10)
MARCH 3, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 3, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Bruce Erie, who was scheduled for 8:30 a.m., called to say that he could not be present, and would reschedule for a later time.

HM/HHA Director Marilyn Monson, requested a letter of support for a FADSS **grant** for families on welfare. Four other counties are participating in the grant application. The funding would pay for home health aides teaching some of the skills that families need to get off welfare. Buena Vista County's share of the grant could be approximately \$20,000, a combination of state and federal funds. Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign, a letter of support for the 5 county FADDS (Family Development and Self Sufficiency) grant application. Ayes--Burnside, Crampton, Gustafson. Nays—Bruns. Carried.

Assistant County Attorney Rick Kimble, Sheriff Chuck Eddy, Jail Administrator Don McClure, and Payroll Deputy Jean Chindlund met with the board to further discuss Steve Tjaden's request for an extension of his **unpaid leave** due to back problems. The board initiated a conference call with him for additional

information. Motion by Gustafson, second by Bruns, upon the recommendation of the county's personnel consultant, to deny Steve Tjaden's request for an extension of his unpaid sick leave which ends March 6, 1998, and with regret, to note the termination of his employment by the Sheriff effective that date. Carried.

10:00 a.m.—The time having arrived for the opening of bids on project #L-B-203-98-73-11 to replace an existing bridge, the engineer proceeded to read bids from: Kooiker-LeMars, Minnowa Construction, Inc.-Harmony, MN, Christensen Bros., Inc.-Cherokee, Graves Construction-Melvin, IA, Cunningham-Reis - Van Meter, Murphy Heavy Construction-Anita, IA, Godberson-Smith-Ida Grove, Dixon Construction-Correctionville, and Merryman Bridge Construction-Algona. All of the bids will be reviewed before making the award.

Engineer Jon Ites discussed the need to amend his DOT budget, primarily due to construction of the new maintenance building. Motion by Burnside, second by Gustafson, to approve, to adopt, and to authorize the Chairman, Engineer and Auditor to sign the amended Buena Vista County FY'98 DOT budget. Carried.

Motion by Bruns, second by Burnside, to accept and approve the low bid of Minnowa Construction, Inc., Harmony, MN, in the amount of \$89,952.00 for bridge project #L-B-203-98—73-11. Carried.

Auditor Strawn discussed some of the election costs which have not previously been billed to other jurisdictions, but which legally can be charged. It was the consensus of the board to include the cost of programming, delivering, and picking up the voting machines from the precincts, in the costs billed to jurisdictions holding elections.

MH Director Anita Hallquist reviewed the amended Managed Care Plan in preparation for the afternoon's public hearing.

Motion by Crampton, second by Burnside, to approve and to authorize the Chairman to sign the letter of response to Hunzelman Putzier regarding the county's FY'97 financial audit. Carried.

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

Motion by Burnside, second by Gustafson, to set the date of public hearing on the Stein Aq Area Petition filed Monday, March 2, 1998, as Tuesday, March 10 at 8:30 a.m. in the boardroom. Carried.

1:00 p.m.— This being the time and place specified for taking action on the proposal to enter into a loan agreement, the Auditor announced that no written objections had been placed on file. Whereupon the chairperson called for any written or oral objections, and there were none. Motion by Gustafson, second by Crampton, to close the public hearing.

After due consideration and discussion, Supervisor Gustafson introduced the following resolution and moved its adoption, seconded by Supervisor Bruns subject to county attorney review: The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted: Ayes—Bruns, Crampton, Gustafson, Vail. Nays: none. Abstentions: Burnside (due to serving on both boards. Carried. Whereupon the Chairperson declared the resolution duly adopted, as follows:

RESOLUTION NO. 1998-03-03a

Taking additional action to enter into a Loan Agreement

WHEREAS, pursuant to the provisions of Section 331.402 of the Code of Iowa, Buena Vista County, Iowa, (hereinafter referred to as the County") has heretofore proposed to contract indebtedness and enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$880,000, for the purpose of paying the cost of refunding outstanding Essential County Purpose General Obligation Bonds, dated May 1, 1990 and has published notice of the proposed action and has held a hearing thereon;

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

Section 1. The Board hereby determines to enter into the Loan Agreement, and determines that this Resolution constitutes the "Additional action" required by Section 331.402 of the Code of Iowa.

Section 2. All resolutions and orders or parts thereof in conflict with the provisions of this resolution, to the extent of such conflict, are hereby repealed.

Passed and approved March 3, 1998. /s/ Richard Vail, Chairperson, Board of Supervisors Attest: /s/ Karen M. Strawn, County Auditor

Treasurer: Kathy Bach updated the board on delinquent tax issues.

Supervisor Gustafson introduced the following resolution and moved its adoption, seconded by Supervisor Bruns. The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted: Ayes—Bruns, Burnside, Crampton, Gustafson, Vail. Nays: none. Carried. Whereupon the Chairperson declared the resolution duly adopted, as follows:

**RESOLUTION 1998-03-03b
AMENDMENT TO RESOLUTION AUTHORIZING THE ISSUANCE OF
HOSPITAL FACILITIES GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$6,000,000
AND LEVYING A TAX FOR THE PAYMENT THEREOF**

WHEREAS, the County of Buena Vista, Iowa, is a political subdivision duly organized and existing under and by virtue of the laws and constitution of the State of Iowa; and

WHEREAS, on August 26, 1997, the Issuer adopted a Resolution Authorizing the Issuance of Hospital Facilities General Obligation Bonds in the amount of \$6,000,000 (the "Bond Resolution") and issued its Hospital Facilities General Obligation Bonds in the amount of \$6,000,000 (the "Bonds") to pay costs of (i) acquiring, constructing and equipping additions and improvements to the Buena Vista County Hospital, a county public hospital (the "Hospital"), (ii) funding capitalized interest for the Bonds, and (iii) paying costs of issuance for the Bonds a general county purpose; and

WHEREAS, the County desires to amend the original Bond Resolution to provide that the levies in Section 3 be revised.

Now, Therefore, In Consideration of the Premises and the Mutual Representations and Agreements Hereinafter Contained, the County Agrees as Follows:

Section 1. That Section 3 of the Bond Resolution is amended by deleting paragraphs (a) and (b) thereof and substituting the following:

(a) Levy of Annual Tax. That for the purpose of providing funds to pay the principal of and interest on the Bonds hereinafter authorized to be issued, there shall be levied for each future year the following direct annual tax on all of the taxable property in Buena Vista County, Iowa, to-wit:

<u>AMOUNT</u>	<u>FISCAL YEAR (JULY 1 TO JUNE 30) YEAR OF COLLECTION</u>	<u>AMOUNT</u>	<u>FISCAL YR (JULY 1 - JUNE 30) YR OF COLLECTION</u>
\$637,380.00	1998/1999 (see paragraph (b) below)	\$500,950.00	2008/2009
\$562,825.00	1999/2000 (see paragraph (b) below)	\$505,575.00	2009/2010
\$557,325.00	2000/2001 (see paragraph (b) below)	\$504,325.00	2010/2011
\$556,450.00	2001/2002 (see paragraph (b) below)	\$502,200.00	2011/2012
\$505,200.00	2002/2003	\$504,142.50	2012/2013
\$505,202.00	2003/2004	\$505,017.50	2013/2014
\$506,200.00	2004/2005	\$509,821.88	2014/2015

\$503,325.00	2005/2006	\$508,425.01	2015/2016
\$504,825.00	2006/2007	\$375,000.00	2016/2017
\$500,700.00	2007/2008		

(Note: For example the levy to be made and certified against the taxable valuations of January 1, 1998, will be collected during the fiscal year commencing July 1, 1999).

(b) Additional County Funds Available. Bond proceeds and other amounts are available to pay interest on the Bonds on March 1, 1998 and proceeds so used are expected to be reimbursed to the Project Fund from subsequent tax collections. The County certifies that it will have sufficient available cash on hand on March 1 and September 1 in each of the years 1998 through 2001 to pay debt service on the Bonds prior to receipt of taxes collected by March 31 or September 30, as applicable, in each such year, all as set forth in the schedule attached hereto as Exhibit A. Funds are expected to be available to pay principal and interest on the Bonds in each fiscal year while the Bonds are outstanding. Principal and interest coming due at any time when the proceeds of said tax on hand shall be insufficient to pay the same shall be promptly paid when due from current funds of the County available for that purpose and reimbursement shall be made from such special fund in the amounts thus advanced.

Section 2. In any case where the date of maturity of principal of or interest on the Bonds or the date fixed for redemption of any Bonds shall be in the State a Sunday or a legal holiday or a day on which banking institutions are authorized by law to close, then payment of principal, premium, if any, or interest need not be made on such date but may be made on the next succeeding Business Day with the same force and effect as if made on the date of maturity or the date fixed for redemption, and no interest shall accrue for the period after such date.

Section 3. Except as provided herein, all terms and conditions of the Bond Resolution shall remain in full force and effect.

PASSED AND APPROVED this 3rd day of March, 1998.
/s/ Richard Vail, Chairperson Attest: /s/ Karen M. Strawn, County Auditor

Exhibit A

due dates	principal	interest	total due	3/1 or 9/1 balance	on hand after pmt	3/31 or 9/30 collections	3/31 or 9/30 balance
03/01/98	0.00	151,475.00	151,475.00	151,475.00	0.00	0.00	0.00
09/01/98	0.00	151,475.00	151,475.00	0.00	-280,905.00	318,690.00	37,785.00
03/01/99	0.00	151,475.00	151,475.00	37,785.00	-113,690.00	318,690.00	205,000.00
09/01/99	205,000.00	151,475.00	356,475.00	205,000.00	-151,475.00	281,412.50	129,937.50
03/01/00	146,350.00	146,350.00	292,700.00	129,937.50	-16,412.50	281,412.50	265,000.00
09/01/00	215,000.00	146,350.00	361,350.00	265,000.00	-96,350.00	278,662.50	182,312.50
03/01/01	140,975.00	140,975.00	281,950.00	182,312.50	41,337.50	278,662.50	320,000.00
09/01/01	220,000.00	140,975.00	360,975.00	320,000.00	-40,975.00	278,225.00	237,250.00
03/01/02	135,475.00	135,475.00	270,950.00	237,250.00	101,775.00	278,225.00	380,000.00
09/01/02	230,000.00	135,475.00	365,475.00	380,000.00	14,525.00	252,600.00	267,125.00
03/01/03	129,725.00	129,725.00	259,450.00	267,125.00	137,400.00	252,600.00	390,000.00
09/01/03	240,000.00	129,725.00	369,725.00	390,000.00	20,275.00	251,725.00	272,000.00
03/01/04	123,725.00	123,725.00	247,450.00	272,000.00	148,275.00	251,725.00	400,000.00
09/01/04	250,000.00	123,725.00	373,725.00	400,000.00	26,275.00	253,100.00	279,375.00
03/01/05	117,475.00	117,475.00	234,950.00	279,375.00	161,900.00	253,100.00	415,000.00
09/01/05	265,000.00	117,475.00	382,475.00	415,000.00	32,525.00	251,662.50	284,187.50
03/01/06	110,850.00	110,850.00	221,700.00	284,187.50	173,337.50	251,662.50	425,000.00
09/01/06	275,000.00	110,850.00	385,850.00	425,000.00	39,150.00	252,412.50	291,562.50
03/01/07	103,975.00	103,975.00	207,950.00	291,562.50	187,587.50	252,412.50	440,000.00
09/01/07	290,000.00	103,975.00	393,975.00	440,000.00	46,025.00	250,350.00	296,375.00
03/01/08	96,725.00	96,725.00	193,450.00	296,375.00	199,650.00	250,350.00	450,000.00
09/01/08	300,000.00	96,725.00	396,725.00	450,000.00	53,275.00	250,475.00	303,750.00
03/01/09	89,225.00	89,225.00	178,450.00	303,750.00	214,525.00	250,475.00	465,000.00
09/01/09	315,000.00	89,225.00	404,225.00	465,000.00	60,775.00	252,787.50	313,562.50
03/01/10	81,350.00	81,350.00	162,700.00	313,562.50	232,212.50	252,787.50	485,000.00
09/01/10	335,000.00	81,350.00	416,350.00	485,000.00	68,650.00	252,162.50	320,812.50
03/01/11	72,975.00	72,975.00	145,950.00	320,812.50	247,837.50	252,162.50	500,000.00
09/01/11	350,000.00	72,975.00	422,975.00	500,000.00	77,025.00	251,100.00	328,125.00
03/01/12	64,225.00	64,225.00	128,450.00	328,125.00	263,900.00	251,100.00	515,000.00
09/01/12	365,000.00	64,225.00	429,225.00	515,000.00	85,775.00	252,071.25	337,846.25
03/01/13	54,917.50	54,917.50	109,835.00	337,846.25	282,928.75	252,071.25	535,000.00
09/01/13	385,000.00	54,917.50	439,917.50	535,000.00	95,082.50	252,508.75	347,591.25
03/01/14	45,100.00	45,100.00	90,200.00	347,591.25	302,491.25	252,508.75	555,000.00
09/01/14	405,000.00	45,100.00	450,100.00	555,000.00	104,900.00	254,910.94	359,810.94
03/01/15	34,721.88	34,721.88	69,443.76	359,810.94	325,089.06	254,910.94	580,000.00
09/01/15	430,000.00	34,721.88	464,721.88	580,000.00	115,278.12	254,212.50	369,490.62
03/01/16	23,703.13	23,703.13	47,406.26	369,490.62	345,787.49	254,212.50	599,999.99

09/01/16	450,000.00	23,703.13	473,703.13	599,999.99	126,296.86	187,500.00	313,796.86
03/01/17		12,171.88	12,171.88	313,796.86	301,624.98	187,500.00	489,124.98
09/01/17	475,000.00	12,771.88	487,771.88	489,124.98	1,353.10	0.00	1,353.10
	6,000,000.00	3,773,828.78	9,773,828.78	13,838,295.89	1,353.10	9,753,136.88	
						22,045.00	
						4,213.00	
						9,779,394.88	

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

- **minutes** of the 2/11, 2/12, and 2/17 meetings as printed;
- **reports** - Sept, Oct, Jan & Mar E911 minutes, Sept-Nov. Communications Commission minutes, Jan & Feb Budget reports; other reports reviewed were-Jan clerk's surcharges, NWIPDC minutes, Feb. De-Cat minutes;
- **Jt. DD #14-22 Lat 168** claim to Clay Co. Secondary Roads in the amount of \$327.00 for repairs. Carried.

Motion by Bruns, second by Gustafson, to approve the Buena Vista County **Managed Care Plan** dated 4-1-98, to be effective July 1, 1998. Carried.

Motion by Burnside, second by Bruns, to appoint Diane Tuttle to the Buena Vista **County Board of Health**, replacing Stan Sievers who recently resigned. Carried.

Motion by Crampton, second by Burnside to appoint Rhonda Christensen as a Buena Vista County representative to the **De-Cat Governing Board**. Carried.

Motion by Burnside, second by Gustafson, to set the following **raises** to be effective July 1, 1998: A. Hallquist \$13.78/hr., D. Mentzer \$27,825/yr., S. Fiedler \$24,806/yr., K. Konradi \$8.50/hr., P. Guerra \$9.00/hr., C. Hoferman \$10.00/hr., D. Stucynski \$11.42/hr., J McShane \$9.39/hr., K Johnson \$26,156/yr., L Wood \$18,832/yr., N Lund \$9.16/hr. as commissioner, \$7.69 as sprayer, R Sievers \$8.85/hr., D Wiley \$7.69/hr., C Laursen \$6.72/hr. Bruns stated that he is on record as being against 6% raises, so must be consistent within this motion. Ayes—Burnside, Crampton, Gustafson, Vail. Nays—Bruns. Carried.

Motion by Burnside, second by Crampton, to approve the **employment** of Lisa Rehm and Shelley Peters, both effective 2-3-98 at \$6.24/hr., as part time home health aides. Carried.

There being no further business, the meeting adjourned to Tuesday, March 10 at 8:30 a.m. in the boardroom for a special session.

BOARD OF SUPERVISORS
ELEVENTH MEETING, 1998 SESSION (11)
MARCH 10, 1998

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 10, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

The time having arrived for the **public hearing** on the Ag Area Petition filed 3/2/98 by James Stein, et al., the Chairman opened the hearing with Stein, and no other interested persons present. It was reported that notice of public hearing had been published as required, and that no written comments had been received. After discussion, and hearing no objections, motion by Gustafson, second by Bruns, to close the public hearing. Carried.

Motion by Burnside, second by Crampton, to approve the **Ag Area Petition** to add on to an established, adjacent ag area, filed 3/2/98 by James Stein, et al., consisting of approximately 86 acres, and whose boundary is described as: From Section 17 center, go South ¼ mile to the point of beginning, then East ¼ mile, then South ¼

mile, then West ¼ mile, then an additional 1697.8 feet West, then 622.25 feet North, then 1,697.8 East, then North to the beginning point. Carried.

Motion by Burnside, second by Bruns, to approve, and to authorize the Chairman to sign the contract, contractor's bond, and certificate of insurance for Cunningham-Reis of Van Meter, Iowa, for **project #L-MBR-420-(1)-98**, a bridge overlay for a bridge on M-50, the total project cost being \$52,990.00. Carried.

Motion by Bruns, second by Burnside, to approve, and to authorize the Chairman to sign the contract and contractor's bond of Ten Point Construction of Denison, IA, for **project #L-MBR-(2)-98**, a guardrail rehab on M-27 with a total project cost of \$13,271.75. Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign the contract, contractor's bond, and certificate of insurance for Sta-Bilt Construction of Harlan, IA, **for 1998 sealcoat maintenance projects 1-4** with a total project cost of \$106,509.24. Carried.

The board proceeded with a discussion of re-prioritizing projects in the 5-yr secondary road construction program due to funding changes.

10:00 a.m.—The time having arrived for the **public hearing** on the proposed 1999 county budget, the Chairman opened the hearing in the 2nd Floor PMR #1 with 14 department heads, and employees, 3 media and 3 interested persons present. It was reported that notice had been published as required in each of the 3 official newspapers. Supervisor Gustafson spoke regarding the increasing costs of juvenile detention and housing inmates in the jail. Several department heads made brief remarks about their budgets. Hearing no objections, and with no further discussion, the Chair closed the public hearing.

Upon returning to the boardroom, motion by Crampton, second by Burnside, to adopt, and to authorize the Chairman and Auditor to sign, the proposed **FY'99 budget** as published. Carried.

Motion by Burnside, second by Gustafson, to approve the class C beer permit and Sunday sales applications of **Pronto Market** and **Casino Marina**. Carried.

Motion by Burnside, second by Bruns, to direct the Auditor to have the annual Notice of Destruction of **Noxious Weeds** published in all of the newspapers, and the Advertising Guide. Carried.

Motion by Burnside, second by Gustafson, to **void warrant** #96833, issued 2/17/98 in the amount of \$150.00 to Indian Hills Community College, the warrant having been reported lost. Carried.

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

**BOARD OF SUPERVISORS
TWELFTH MEETING, 1998 SESSION (12)
MARCH 17, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 17, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Bruce Erie, from the **Newell Fire Department**, and Communications Supervisor and Ass't Supervisor, Nancy Brady and Mark Van Hooser, met with the board to discuss the Fire Department's request that the county pay for repeater equipment with funds appropriated to the Communication Commission. Supervisor Gustafson stated that the issue is not an issue for the Board of Supervisors, that the Communications Commission controls the expenditure of funds in that budget, with the Supervisors only controlling the bottom line. Brady reported that replacement of the existing radio system is in the long

range plan of the Comm. Commission. Erie suggested that the replacement system plans include the issue of reaching all of the communities in the county.

Environmental Health Director Kim Johnson discussed the next waste tire program for which she is submitting a grant application to DNR. In the fall, she will conduct an amnesty program which will collect tires from individuals, and will be limited to 600 pounds per person. The fee program will be conducted in the spring, with each group being limited to \$500 in collection fees. BV Co's application will be for Buena Vista County only. Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign a letter of support for the waste tire grant application. Carried.

Engineer Jon Ites introduced Cory Weiland who has interest in part of a site currently used as a gravel stockpile site.

Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign the contract, contractor's bond, and approve the certificate of insurance for Minnowa Construction, Inc., Harmony, MN, for bridge project #L-B-203-98—73-11, the total cost to be 89,952.00. Carried.

The board further discussed the re-prioritizing of road projects for the 5-year construction plan.

With 4 interested persons and media present, the board discussed proceeding with the next reading on the ordinance regulating manure lines on road right-of-way. Gustafson asked that a time be set for the 3rd reading. Burnside would like to delay until after the legislature is finished with this session. The consensus was to schedule April 14 at 11:00 a.m. for the 3rd reading. Bruns and Burnside will proceed with getting the task force together on the drainage district ordinance so that it may be ready at the same time. Copies of the ordinance reflecting the changes made during the 2nd reading were distributed.

Jim Daniel, Vice President for Development at Buena Vista University, met with the Board to discuss a federal grant in the amount of \$1,350,000 that the university has been awarded. The grant will be used to advance the university's distance learning project through technology updates. Motion by Crampton, second by Burnside, to approve and to authorize the Chairman to sign a letter requesting that Jim Daniel be the local contact person, and, the applicant and administrator of the grant. Carried.

Ites asked the board's policy on purchases from Federal Surplus Property Stores. It was noted that that in previous years, the engineer's department had gone through the application process. Gustafson does not want to purchase any equipment not specifically budgeted for.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign a letter of support for the grant application being submitted by CADA. Carried.

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

- minutes of the 3/3 and 3/10 meetings as printed;
- reports – 1/7, 1/9 and 2/9 Communications Commission minutes, Feb Clerk's fees and surcharges, Feb. Conservation Board minutes; also reviewed were 2/12 NWIPDC council minutes. Carried.

There being no further business, the meeting adjourned to Tuesday, March 24 at 9:30 a.m. in the boardroom for a special session.

**BOARD OF SUPERVISORS
THIRTEENTH MEETING, 1998 SESSION (13)
MARCH 24, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 24, 1998, at 9:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present:

Bruns, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Burnside.

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

Gustafson asked for guidance on what to approach the YES Center board with - some type of rate reduction on the fees charged for juveniles admitted. Buena Vista has a much greater usage than all other members, with BV being one of 14 counties. Ideas included a sliding fee scale, discount after a base number of days per juvenile or total number of days for all admissions.

Environmental Health Director Kim Johnson discussed the law which would enable counties to begin inspections of funeral homes & crematoriums, tanning facilities, and tattoo parlors beginning July 1, 1998. Buena Vista County was one of 12 counties/cities which completed 100% of their food establishment and hotel inspections for 1997. Johnson advised the board that the proposed new food bill would double the number of required food establishment inspections, but would not raise the fees a like amount. The current fee schedule has been in effect since 1979.

Engineer Jon Ites reported delivery today of the new excavator, and, that the roads are currently quite soft. The auditor was directed to publish the embargo notice.

Motion by Gustafson, second by Crampton, to approve the minutes of the 3/17 meeting as printed. Carried.

Motion by Gustafson, second by Bruns, to set the date and time of public hearing on an amendment to the FY'98 budget as Tuesday, April 14 at 10:30 a.m. in the boardroom. Carried.

Motion by Bruns, second by Crampton, to approve and to authorize the Chairman to sign, the Iowa Department of Public Health Community Services Bureau grant application for Home Care, Public Health, and Senior Health, naming the Board of Health as the administrating unit of government. Carried.

Motion by Crampton, second by Gustafson, regarding actions previously taken for the purpose of doing an advanced refunding on GO bonds issued May 1, 1990, for the Recycle Center, to rescind portions of 2 resolutions, approved 2/17/98 and 3/3/98, the portion to be rescinded in both being "subject to county attorney review", the rescinding action being taken because the resolutions had been authorized by a bonding attorney employed by the county, rather than an outside attorney. Carried.

John Geist, Ruan Securities, reviewed actions yet to be taken on the advanced refunding which will save approximately \$46,000 over the life of the bonds. Motion by Bruns, second by Gustafson, to approve, and to authorize the Chairman to sign the following letter of intent:

LETTER OF INTENT

Ruan Securities Corporation, Des Moines, Iowa, and Citizens First National Bank, Storm Lake, Iowa (the "Underwriters") will undertake to assist the Board of Supervisors of Buena Vista County, Iowa (the "Board" or "County"), in underwriting approximately \$875,000 General Obligation Refunding Notes to refund the callable portion of the County's outstanding Essential County Purpose General Obligation Bonds dated May 1, 1990, with the issuance costs capitalized in the issue.

At the discretion of the Board, the Underwriters will underwrite the Notes offered by the County under the following terms:

- The Refunding Notes will be dated April 1, 1998, and will mature serially June 1, 2001 to June 1, 2005, inclusive, and bear interest and mature as shown on the attached schedule. The Notes are not subject to redemption prior to their stated maturities. The Refunding Notes will be sold to the Underwriters at a discount of \$10.00 per \$1,000.

- The Refunding Notes will be accompanied by a legal opinion of recognized bond counsel.
- The Board will pay the costs of issuance to be capitalized in the issue which includes note printing, Escrow Agent fee, bond counsel and opinion, underwriting fees, publication fees, local legal fees, if any, fees for COA verification of the yields and escrow sufficiency, Moody's rating fee, and will pay to Ruan Securities Corporation a fee of ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100.00) for out-of-pocket and management expenses.
- The Underwriters will prepare an Official Statement in compliance with disclosure guidelines for offerings, of securities by local governments, which will contain general information and economic data concerning the County.
- The Board has no obligation to the Underwriters nor the Underwriters to the Board should the refinancing of outside Bonds not occur.

Respectfully submitted, John R Geist, Vice President

Accepted by: /s/ Richard Vail, Chairperson

Dated: March 24, 1998

Carried.

RESOLUTION

After due consideration and discussion, Supervisor Crampton introduced the following resolution and moved its adoption, seconded by Supervisor Gustafson. The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted:

Ayes: Bruns, Crampton, Gustafson, Vail. Nays: none. Absent: Burnside. Carried.

Whereupon, the Chairperson declared the resolution duly adopted as hereinafter set out.

Resolution No. 1998-03-24

**APPROVING AND AUTHORIZING A LOAN AGREEMENT &
 PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING
 NOTES AND THE LEVY OF TAXES TO PAY SAME**

WHEREAS, pursuant to the provisions of Section 331.402(3) and 331.443 of the Code of Iowa, Buena Vista County, Iowa (the "County"), has heretofore proposed to contract indebtedness and enter into a loan agreement (the "Loan Agreement") in the principal amount of \$875,000 to provide funds to pay the cost, to that extent, of refunding Essential County Purpose General Obligation Bonds, dated May 1, 1990 of the County, and has published notice of the proposed action and has held a hearing thereon;

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 a loan agreement with Ruan Securities Corporation, Des Moines, Iowa, as the lender (the "Lender"), in substantially the form attached hereto, providing for a loan to the County in the principal amount of \$875,000, for the purpose set forth in the preamble hereof.

The Chairperson of the Board and the 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. General Obligation County Refunding Notes, in the aggregate principal amount of \$875,000, are hereby authorized to be issued in evidence of the obligation of the County under the Loan Agreement, in the denomination of \$5,000 each, or any integral multiple thereof, dated April 1, 1998,

maturing on June 1 in each of the years in the principal amounts and bearing interest at the respective rates as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate Per Annum</u>
2001	\$165,000	4.15%	2004	\$180,000	4.30%
2002	\$170,000	4.20%	2005	\$185,000	4.35%
2003	\$175,000	4.25%			

Section 3. The form of agreement of sale (the "Sale Agreement") of the Notes to the Lender is hereby approved, and the Chairperson of the Board and County Auditor are hereby authorized to execute the Sale Agreement for and on behalf of the County.

Bankers Trust Company, Des Moines, Iowa, is hereby designated as the Registrar and Paying Agent for the Notes and may be hereinafter referred to as the "Registrar" or the "Paying Agent".

All of the interest on the Notes shall be payable December 1, 1998, and semiannually thereafter on the first day of June and December in each year. Payment of interest on the Notes 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 Notes 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 Note or Notes at the office of the Paying Agent.

The Notes 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 Notes without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Notes shall cease to be such officer before the delivery of the Notes, 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 Notes shall not be valid or become obligatory for any purpose until the Certificate of Authentication thereon shall have been signed by the Registrar.

The Notes 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 Note 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 Notes shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 4. The Notes shall be in substantially the following form:

(Form of Note)
 UNITED STATES OF AMERICA
 STATE OF IOWA, BUENA VISTA COUNTY
 GENERAL OBLIGATION REFUNDING NOTE

No. RATE MATURITY DATE NOTE DATE CUSIP \$

April 1, 1998

Buena Vista County (the "County"), in the State of Iowa, for value received, promises to pay on the maturity date of this Note to

or registered assigns, the principal sum of

THOUSAND DOLLARS

in lawful money of the United States of America upon presentation and surrender of this Note at the office of the Bankers Trust Company, 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 Note, 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, 1998. Interest on this Note 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 Note shall not be valid or become obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Registrar.

This Note is one of a series of notes (the "Notes") issued by the County to evidence its obligation under a certain Loan Agreement, dated as of April 1, 1998 (the "Loan Agreement"), entered into by the County for the purpose of providing funds to pay a portion of the cost of refunding Essential County Purpose General Obligation Bonds, dated May 1, 1990 of the County.

The Notes are issued pursuant to and in strict compliance with the provisions of Sections 331.402(3) and 331.443 of the Code of Iowa, 1997, 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 Notes (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 Notes and the rights of the owners of the Notes.

This Note 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 Note 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 Note 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 Note 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 Note, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, Buena Vista County, Iowa, by its Board of Supervisors, has caused this Note 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 the first day of April, 1998.

BUENA VISTA COUNTY, IOWA

By (Facsimile Signature)
Chairperson, Board of Supervisors

Attest:

By (Facsimile Signature)
County Auditor

(Facsimile Seal)

On each Note there shall be a registration dateline and a Certificate of Authentication of the Registrar in the following form:

Registration Date: _____

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Note is one of the Notes described in the within-mentioned resolution.

Bankers Trust Company
Des Moines, Iowa
Registrar

By (Signature)
Authorized Officer

ABBREVIATIONS

The following abbreviations, when used in this Note 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	(Custodian)
entireties	As Custodian for _____
JT TEN - as joint tenants with	(Minor)
right of survivorship and under Uniform Transfers to Minors Act	
not as tenants in common	(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 Note to _____

(Please print or type name and address of Assignee)

please insert social security or other identifying no. of assignee

and does hereby irrevocably appoint _____, Attorney, to transfer this Note on the books kept for registration thereof with full power of substitution.

Dated: _____

Signature guaranteed: _____

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears on this Note in every particular, without alteration or enlargement or any change whatever.

Section 5. The Notes 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 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 6. 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 Notes as it falls due, and also to pay and discharge the principal thereof at maturity, there be and there is hereby ordered levied on all the taxable property in the County in each of the years while the Notes 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, 2000,
sufficient to produce the net annual sum of \$282,840;

For collection in the fiscal year Beginning July 1, 2001,
sufficient to produce the net annual sum of \$200,365;

For collection in the fiscal year beginning July 1, 2002,
sufficient to produce the net annual sum of \$198,225;

For collection in the fiscal year beginning July 1, 2003,
sufficient to produce the net annual sum of \$195,788;

For collection in the fiscal year beginning July 1, 2004,
sufficient to produce the net annual sum of \$193,048.

Section 7. A certified copy of this resolution shall be filed with the County Auditor, 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. Any amount received by the County as accrued interest on the Notes shall be deposited into such special account and used to pay interest due on the Note on the first interest payment date.

Section 8. 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 Notes.

Section 9. The Loan Proceeds together with such other legally available funds of the County as may be determined to be necessary, shall be deposited and set aside into the Escrow Account pursuant to the Escrow agreement and used and applied as set forth therein.

Section 10. It is the intention of the County that interest on the Notes 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 Notes 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 Notes 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 the bonds, it has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the bondholders to provide certain disclosure information to prescribed information repositories on a continuing basis or unless and to the extent the offering is, exempt from the requirements of the Rule.

The principal amount of the Notes is less than \$1,000,000. The County hereby represents that it has not issued within the six months before the date of issuance of the Notes, and that it reasonably expects that it will not issue within six months after the date of issuance of the Notes, other securities of the County of substantially the same security and providing financing for the same general purpose or purposes as the Notes. Consequently, this Board hereby finds that the Rule is inapplicable to the Notes, because the aggregate principal amount of the Notes and any other securities required to be integrated with the under the Rule is less than \$1,000,000.

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 March 24, 1998. /s/Chairperson, Board of Supervisors Attest: /s/ County Auditor

LOAN AGREEMENT

This Loan Agreement is entered into as of April 1, 1998, by and between Buena Vista County, Iowa (the "County") and Ruan Securities Corporation, Des Moines, Iowa (the "Lender"). The parties agree as follows:

1. The Lender shall loan to the County the sum of \$875,000, at a discount of \$8,750, and the County's obligation to repay hereunder shall be evidenced by the issuance of General Obligation Refunding Notes in the aggregate principal amount of \$875,000 (the "Notes").
2. The County has adopted a resolution (the "Resolution") authorizing and approving the Loan Agreement and providing for the issuance of the Notes for the purpose of paying the cost, to that extent, of refunding Essential County Purpose General Obligation Bonds, dated May 1, 1990 of the County. The Resolution is incorporated herein by reference, and the parties agree to abide by the terms and provisions of the Resolution. In and by the Resolution, 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 the Notes as the same will respectively become due, and the County has irrevocably pledged the faith, credit, revenues and resources and all the real and personal property of the County for the full and prompt payment of the principal of and interest on the Notes.
3. Any amount received by the County as accrued interest on the Notes shall be deposited in the special account within the County's Debt Service Fund established pursuant to the Resolution and shall be held therein and used, along with other amounts on deposit in such account, to pay interest on the Notes due on the first interest payment date.
4. The Notes, in substantially the form set forth in the Resolution, shall be executed and delivered to the Lender in evidence of the County's obligation to repay the amounts payable hereunder. The Notes shall be dated April 1, 1998, shall bear interest, shall be payable as to principal on the dates and in the amounts, shall be subject to prepayment prior to maturity and shall contain such other terms and provisions as provided in the Notes and the Resolution.

5. This Loan Agreement is executed pursuant to the provisions of Section 331.402(3) of the Code of Iowa and shall be read and construed as conforming to all provisions and requirements of the statute.

IN WITNESS WHEREOF, we have affixed our signatures all as of the date first above written.

BUENA VISTA COUNTY, IOWA, By /s/ Richard Vail, Chairperson, Board of Supervisors
Attest: /s/ Karen M. Strawn, County Auditor (Seal)
RUAN SECURITIES CORPORATION, Des Moines, Iowa, By (Signature) (Type name and title)

There being no further business, the meeting adjourned to Tuesday, March 31 at 8:30 a.m. in the boardroom for a regular session.

**BOARD OF SUPERVISORS
FOURTEENTH MEETING, 1998 SESSION (14)
MARCH 31, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 31, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Motion by Crampton, second by Burnside, regarding the start date of a new **employee's Blue Cross Health insurance** coverage, to select Option a, which has the effective date of insurance coverage as the 1st of the month following the date of hire, this option being the same as has been the policy. Carried.

Motion by Gustafson, second by Bruns, to approve the following items on the consent agenda: 1) **minutes** of the 3/24 meeting; 2) approve and authorize the Chairman to sign the **deferred compensation agreement** for Buena Vista County. Carried.

Motion by Bruns, second by Crampton, to approve the following **reports**: Dec. and Jan. Board of Health minutes. Carried.

Engineer Jon Ites reported that the audit on the bridge project has been completed by the State Auditor's staff. Motion by Gustafson, second by Crampton, to authorize the Chairman to sign, the voucher for final payment on bridge **project #BROS 9011(5)—5-E-11** located on the north side of Section 23, Grant Township. Carried.

Motion by Bruns, second by Burnside, to approve and to authorize the Chairman and Auditor to sign, a participation agreement for federal cost share on **project #STP-S-11(33)—5E-11** for a bridge on M-50, and located at the Southeast corner of Section 16, Grant Township. Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman and Auditor to sign, a participation agreement for an 80-20% federal cost share on **project #BROS-11(41)—8J-11** for a twin box culvert at Marathon City Park located in the Southwest corner of Sec 17, Poland Township. Carried.

Ites reported having difficulty designing an amending **5-year construction plan** which is necessary due to funding changes. Gustafson favored changing the C-13 re-construction project to a resurfacing project in budget year 2001 with the possibility of changing it back at that time. Vail is

concerned if the project is taken out now, it will never be done. It was the consensus of the board to have ltes put C-13 in 2001 as a resurfacing project, which will leave the final decision until next year.

CPC Anita Hallquist brought to the Board background information about the appeal of a mental health decision. Present were Attorneys Paul Lochray and Larry Dugan, County Attorney Phil Havens, Frank Vavaris - Benefit Consulting - Cedar Rapids, and 2 family members. The appeal was in regard to the denial of services due to the client's resources being in excess of what is allowed by the Buena Vista County managed care plan. Vavaris presented information about the law, trusts, and how he believes that they work with the Managed Care Plan. The Chair thanked all present for their input and stated that the board will take their request and the additional information under consideration.

Co. Attorney Phil Havens reviewed the relevant issues to be considered. Following discussion, motion by Bruns to deny the appeal of decision for one person for county-paid mental health services. The motion died for lack of a second.

The board discussed changing the managed care plan. Havens suggested that the board's decision must be made upon what the plan is now, and later, if they choose, change the plan. Motion by Bruns, second by Gustafson, effective 4/30/98, to deny county-paid services for the appellant under pages 25-26 (2nd paragraph under 4.e, on page 25) of the Buena Vista County Managed Care Plan as approved April 1, 1997. Carried.

MH Director Anita Hallquist discussed increasing the hours of one employee, Paula Guerra, to 35 per week, to make her eligible for full time benefits. Hallquist will ask at the department head meeting whether anyone has a need for any extra help.

There being no further business, the meeting adjourned to Tuesday, April 7 at 8:30 a.m. in the boardroom for a special session.

**BOARD OF SUPERVISORS
FIFTEENTH MEETING, 1998 SESSION (15)
APRIL 7, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 7, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

The board looked over the changes made to the personnel policy, and questions to be directed to the county's consultant. The auditor will forward the questions and policy to the consultant.

Motion by Burnside, second by Gustafson, to approve the minutes of the 3/31 meeting as amended. Carried.

Engineer Jon ltes has been notified by IDOT that the traffic count on C-49 off of Hwy 71 is now sufficient to warrant lighting, however, still at county expense of about \$75,000.

ltes presented the secondary road budget and construction program for the board's consideration. The board discussed upcoming projects, design work, and staffing for the projects approved. Motion by Gustafson, second by Burnside, to approve and adopt, and to authorize the Chairman, Auditor and Engineer to sign, the DOT Secondary Road Budget and 5-yr Construction Program for FY'99. Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—Vail. Carried.

Ites gave a road condition report.

Treasurer Kathy Bach reported on the status of delinquent taxes on several parcels.

There being no further business, the meeting adjourned at 11:25 a.m. to Tuesday, April 14 at 8:30 a.m. in the boardroom for a regular session.

**BOARD OF SUPERVISORS
SIXTEENTH MEETING, 1998 SESSION (16)
APRIL 14, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 14, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Motion by Crampton, second by Burnside, to amend the agenda by changing the time of the Casino Beach drainage discussion from 1:15 p.m. to 9:30 a.m. Carried.

Weed Commissioner Norm Lund, and sprayer Dave Wiley were present to open weed chemical bids. Bids were received from Mike's Lawn and Garden, Storm Lake, Vegetation Management Supply, Inc., West Des Moines, and Terra Industries, Inc., Merrill. Motion by Gustafson, second by Bruns, to accept the bid of Vegetation Management in the total amount of \$4,200 for weed chemicals for delivery in July, 1998. Carried.

Motion by Gustafson, second by Bruns, to appoint Roger Sievers as 1st Deputy Weed Commissioner, and Dave Wiley as 2nd Deputy Weed Commissioner. Carried.

Treasurer Kathy Bach met with the Board and reported on the status of delinquent taxes in the name of Phil Koster. Motion by Burnside, second by Gustafson, to adopt the following resolution:

RESOLUTION 1998-04-14a

WHEREAS, the Board of Supervisors of Buena Vista County, in attempting to pursue the collection of delinquent personal property taxes, has reached a final agreement with Phil Koster on the Building on leased land; and

WHEREAS, the Board of Supervisors has the power to compromise taxes, interest and penalty on any parcel of land; and

WHEREAS, Mr. Koster has paid delinquent taxes in the amount of \$413.00, the County agrees to abate costs associated with this building, including penalty and costs which have accrued on these delinquent taxes. Mr. Koster agrees to remove the building by August 1, 1998, at which time the current and following year taxes will be abated.

THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA, that Mr. Koster's check is accepted as payment in full of the delinquent taxes up to but not including the 1996 assessment, and that the Treasurer shall adjust the tax list accordingly.

Approve and adopted at Storm Lake, Iowa, this 14th day of April, 1998.

Carried.

Motion by Gustafson, second by Bruns, to **abate the taxes** on parcel #00001031.30 as a correction, the property having been assessed under both the current owner, and the previous owner. Carried.

Bach discussed a letter from the DOT regarding the recently approved legislation to allow up to 42 counties to take over **driver's licensing**. DOT will be requesting each county to respond with regard to their interest in being one of the 42 counties. The response is requested in May.

Motion by Burnside, second by Crampton, to set the date and time of public hearing on the **ag area petition** filed by Carl Roger Bjork as Tuesday, April 28 at 8:30 a.m. in the Boardroom. Carried.

Engineer Jon Ites reported on ISTE, drainage, and the status of current work.

Bob Willadsen was present for discussion of the drainage problem at **Casino Beach**. Ites suggested postponing work until June or July when soil conditions will be better than they are currently. Gustafson and Bruns would like to get the problem solved and would propose that the county do the work, if the landowners will pay for the pipe. Ites gave a copy of the proposed easement to Willadsen. Supervisor Crampton will work with Willadsen to contact the neighbors. It was the consensus of the board that the project is approved with landowners paying for the pipe that lies on private property.

Motion by Gustafson, second by Crampton, to approve the **minutes** of the 4/7/98 meeting as printed, and the following **reports**: Jan-Mar Mangold on Spectra lagoon, Mar Sheriff's fees, budget reports, Clerk's surcharges fines and costs, Conservation Board minutes. Also reviewed were minutes of the 3/8 NWIPDC board meeting, and 3rd Qtr FY'98 Farm-to-Market funds. Carried.

10:30 a.m.--The time having arrived for the public hearing on the FY'98 **budget amendment**, the Chair opened the hearing with no interested public present. The auditor, noting that the notice of public hearing had been published as required, reviewed the amendment. Hearing no objections, motion by Burnside, second by Bruns, to close, the public hearing. Carried.

Motion by Bruns, second by Gustafson, to approve the amendment of the FY'98 budget as published. Carried.

Env Health Director Kim Johnson reported on the status of the **food bill**. If the county were to discontinue food establishment inspections, the benefit of having local training for food service employees would be eliminated. Also, there would be no further one-day event inspections. Johnson reported that currently, owners and employees call in advance of making changes and get advice on making changes with food safety in mind.

For the readings of the two **manure line ordinances**, the board moved to the district courtroom where 42 interested persons were present including media, and county personnel.

The Chair brought the meeting to order and requested a motion to approve the **3rd reading** of **Ordinance #5.3**. Motion by Gustafson, second by Bruns, to approve the 3rd Reading of Ordinance 5.3 regulating umbilical manure lines in road right-of-way. The chair then called for discussion.

A question from the audience - since the proposed ordinance has evolved over the 1st and 2nd readings, is it appropriate to act on it in the current form. Assistant Co. Attorney Dave Patton explained that the Code of Iowa provides for changes to be made in its prescription of the ordinance adoption procedure, and that consideration of the current form.

Dale Arends - After hearing the Supreme Court's ruling on the Humboldt Co. ordinances, and HF 2494, he doesn't feel the ordinances are appropriate or legal.

Patton answered that he has a conflict - he was acting as an advisor to the Board of Supervisors in the development of these ordinances, and now he is being asked to evaluate them in light of the Supreme Court ruling. However, he believes that the court would rule against the county's ordinances. The county would not be able to regulate contamination of groundwater because that is the responsibility of the Iowa DNR.

Supervisor Gustafson stated that a year ago the board refused a request to close a road for the purpose of pumping manure.

Patton - the county can regulate something that obstructs the roadway, but it is the DNR's responsibility to regulate the disposal of manure.

One hog producer noted that he has been using the umbilical lines for several years, and that they are the most effective and cost efficient method of manure disposal, and that they cause the least amount of odor for his neighbors. If the ordinances pass, the custom pumpers will opt to avoid Buena Vista County, in favor of counties where there are no such ordinances. This will create an economic disadvantage for those producers who won't be able to utilize that method of manure disposal.

Supervisor Bruns read selected portions of the Supreme Court decision on the Humboldt Co. ordinances, noting that the DNR is the exclusive issuer of licenses and permits.

Patton added that the court decision says that counties don't have the power to regulate. Polly Fabrizio suggested that approval of this ordinance might be the step needed to get the issue into court to facilitate the process of better regulation. Patton answered that Humboldt County has already done this. The fight over groundwater contamination should take place with the DNR.

Bruns suggested that perhaps that the Board should be working together with DNR to develop better regulation.

Arends re-stated that he feels the ordinance is not legal, and that it is not needed in light of the passage of HF2494.

Gustafson stated that he wanted to approve the ordinance and take it to court, he called the question. Motion by Bruns, second by Burnside, to amend ordinance #5.3 by striking the word 'and', and adding the word 'or', in . Carried.

On the original motion to approve the 3rd Reading of Ordinance #5.3, with the above amendment, the vote was Bruns-nay, Burnside-nay, Crampton-nay, Gustafson-aye, Vail-nay. Failed.

Motion by Bruns to approve the 2nd Reading of Ordinance #5.4, and to direct the County Attorney to ask for an Attorney General's opinion on the legality of the proposed ordinance. Seconded by Burnside. It was noted that the reference to Section 904 of the Iowa Code should be Section 903. The vote on this 2nd Reading was: Bruns-aye, Burnside-aye, Crampton-ayes, Gustafson-aye, Vail-aye. Carried.

The board returned to the boardroom for the remainder of the meeting.

Sheriff Eddy discussed a grant proposal which would provide an additional 20% or \$15,000 in the Cops Fast grant program. Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign the Small Community Grant application for \$15,000, which will assist in retention of a deputy hired under the Cops Fast program, and, to adopt the following resolution:

RESOLUTION 1998 - 04 - 14b

Title: Resolution of Need to Retain Cops Fast Officer

WHEREAS, the Cops Fast grant program has enabled Buena Vista County to hire an additional Sheriff's Deputy, needed to handle the increasing workload of the Sheriff's department; and,

WHEREAS, the Buena Vista County Board of Supervisors wishes to maintain law enforcement services at current levels for the benefit and welfare of it's citizens; and,

WHEREAS, the level of crime activity is not expected to decrease in the foreseeable future; and,

WHEREAS, the need for safety education provided by the department is expected to increase,

NOW THEREFORE BE IT RESOLVED by the Buena Vista County Board of Supervisors, that the COPS Fast position funded through the COPS Fast program, shall, and is hereby continued.

Passed and Approved at Storm Lake, Iowa, this 14th day of April, 1998.

/s/ _____ Attest: /s/ _____
Richard A. Vail, Chairman Karen M. Strawn, Auditor Carried.

MH Director Anita Hallquist presented an agreement for the county to subcontract with DHS to do negotiations of **purchase of service rates** for FY'99. Motion by Burnside, second by Crampton, to approve and to authorize the Chairman and Auditor to sign the 28E agreement with DHS to negotiate Purchase of Services contract service rates for FY'99. Carried. The chairman also signed a notice naming Seasons Mental Health Center as the community mental health center which Buena Vista County is affiliated with for purposes of receiving MH/DD Community Services Allocation for FY'99.

Hallquist presented **managed care** and **case management** tracking reports which identify the funding saved by alternative placement of clients. She also presented the institutional tracking report.

Hallquist introduced new **brochures** developed for Community Services, Mental Health Services, Mental Retardation or Developmental Disability Services, and Targeted Case Management Services.

There being no further business, the meeting adjourned at 2:05 p.m. to Tuesday, April 21 at 8:30 a.m. in the boardroom for a special session.

**BOARD OF SUPERVISORS
SEVENTEENTH MEETING, 1998 SESSION (17)
APRIL 21, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 21, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

The Auditor reviewed materials for **Census 2000**, and recommended that the board appoint a Coordinator to work toward a successful result. The subject will be discussed further at a later meeting.

Ken Hach, Midwest Regional Manager for **Enron Wind Development Corp.**, and Bill Strawn, Assistant Manager, updated the board on the progress on the 'Storm Lake Power Partners 1' and Buena Vista substation, (150 turbines) and 'Storm Lake Power Partners II' and Brooke substation (101 turbines) windfarm projects which are planned to start construction in late May. 10-15 of the turbines will be constructed in Cherokee County, the remainder in Buena Vista County. There will also be 2 additional turbines constructed for Waverly Light and Power.

Motion by Burnside, second by Crampton, to accept the proposal of Kuehl & Payer to re-establish center lines, and after construction, corners and points of intersection on project #FM-11--(31) in the total amount of \$4,500. Carried.

Engineer Jon Ites reminded the Board about the May 7 informational meeting at Sioux Central School, which is being held to discuss IES Utilities, Inc., constructing a 72500 kv transmission line to be located from a point beginning at the Enron substation on C-16 and going west to M-27 and then North on M-27 to Peterson.

Ites presented utility construction permit applications. Motion by Bruns, second by Burnside, to approve and to authorize the Chairman to sign, the underground construction permit submitted by Schaller Telephone Co., for burying 12/24 pair telephone cable on the east side of Sections 32 and 29 of Maple Valley Township and on the south side of Section 28, Maple Valley Township. Carried.

Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign, the utility construction permit application of Iowa Lakes Electric Cooperative to replace existing failing underground cable with 3 phase 7200/12470 volt cable on the north sides of Sections 16 & 13, Grant Township, and on the north sides of Section 18 & 16, Coon Township, to be located in private R.O.W. except for 750 feet in the northwest corner of Section 16 Coon Township, with pole and above ground enclosures. Carried.

Motion by Burnside, second by Bruns, to approve and to authorize the Chairman to sign, the utility construction permit application of Interstate Power Company (I.E.S. Utilities, Inc.) to install a 69 kv overhead transmission line starting in the north ¼ corner of Section 16, Barnes Township on C-13 south for 2 miles, then west 1½ miles on gravel road to C-16, then west on C-16 to the southwest corner of Section 22, Brooke Township. Carried.

Frank Spillers, an employee of USDA Rural Development, discussed the “Positively Iowa” project, which is a grassroots effort to develop a statement of rural Iowa’s issues and concerns. No such effort, to develop a unified rural voice, has ever been attempted. Spillers is also involved in the “Quality Jobs for Quality Communities” effort, and will be presiding over a meeting today on that subject.

Motion by Crampton, second by Burnside, to approve the minutes of the 4/14 meeting as amended. Carried.

Deputy Auditor Jean Chindlund asked several questions about an employee’s pay status. The board directed her to contact the county’s personnel consultant.

The consensus of the board was to agree to begin the gravel stockpiling project early, as the contractor is available.

There being no further business, the meeting adjourned at 11:45 a.m. to Tuesday, April 28 at 8:30 a.m. in the boardroom for a regular session.

**BOARD OF SUPERVISORS
EIGHTEENTH MEETING, 1998 SESSION (18)
APRIL 28, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 28, 1998, at 8:30 a.m. in the Boardroom with Vice Chairman Crampton presiding, and with the following others present: Bruns, Burnside, and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail.

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

Vice Chair Crampton opened the public hearing on the ag area petition filed by Roger Bjork, and found that the notice of hearing had been published as required. No written or oral objections had been submitted prior to the hearing. Bjork was present to answer the board's questions regarding his plans. Hearing no objections, motion by Burnside, second by Gustafson, to close the public hearing.

Motion by Burnside, second by Gustafson to approve the ag area petition as submitted by Roger Bjork, containing approximately 850.43 acres, with boundaries described as follows:

"Starting at the point of the southeast corner of Section 34 in Buena Vista County, Poland Township, go ½ mile north, then west to the east right-of-way of the railroad, then southeast along the railroad right-of-way to Section 10, Fairfield Township, then west to the ½ mile line, then south ½ mile, then east ¼ mile, then north ¼ mile, then east 1/8 mile, then north ½ mile, then east 3/8 mile, then north 1 mile, then west ½ mile to the point of beginning."

Carried.

Chairman Vail arrived and conducted the remainder of the meeting.

After a brief discussion, the board considered appointing a county coordinator to plan for a successful count in the upcoming Census 2000. The auditor will prepare a job description for the board's consideration.

A request from M.R. Pedersen to set up a Battle of the Bulge display on the courthouse lawn during the weekend of May 22 was approved by consensus of the board, provided that there is no conflict with the Memorial Day display of flags.

County Attorney Phil Havens and Co. Treasurer Kathy Bach discussed a proposed contract with Attorney John Murray to provide delinquent property tax collection services on five properties. Motion by Burnside, second by Gustafson, to approve, to enter into a contract with Murray & Murray, PLC., and to authorize the Chairman to sign the contract, for tax collection services. Carried.

Motion by Bruns, second by Crampton, to approve the minutes of the 4/21 minutes as printed, and the report of 2nd Qtr FY'98 Recorder's fees. Carried.

Assistant Engineer Steve Petermeier reported on the completion of two asphalt projects. Motion by Gustafson, second by Crampton, to accept as completed as of this date, and to approve final payment on the contract with Rohlin Construction for asphalt project #'s STP-S-11(26)—5 and FM-11(32)—55-11. Ayes—Burnside, Crampton, and Gustafson. Nay—Bruns. Abstentions—none. Carried.

Motion by Gustafson, second by Burnside, to approve the underground construction permit application of Iowa Lakes Electric Cooperative to install a single phase 200 volt underground distribution line to provide new service to Stan Hartwell in Brooke Twp, on the south side of section 21 and north side of Section 28. Carried.

Motion by Gustafson, second by Burnside, to raise the hourly pay rate of roadside mower Curtis Johnson, 55 cents/hour effective July 1, 1998. Carried.

MH Director Anita Hallquist, and Case Manager Dawn Mentzer, updated the board on case management activity. Mentzer currently has 31 clients. The program has both saved the county money, and equally important, has dramatically improved the quality of life for the clients.

General Assistance/Veterans Affairs Clerk Paula Guerra discussed a bill received for replacement veterans grave markers. The claim was not approved for payment today, and the Chair will meet with several parties to gather additional information.

The auditor asked boardmembers to identify persons who might be interested in serving as **election officials**. A number of persons who have been involved in recent years, have indicated they no longer wish to serve.

There being no further business, the meeting adjourned at 12:00 a.m. to Tuesday, May 12 at 8:30 a.m. in the boardroom for a regular session.

**BOARD OF SUPERVISORS
NINETEENTH MEETING, 1998 SESSION (19)
MAY 12, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 12, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Crampton.

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

Gustafson reported on Bargloff's inspection of the **Spectra facility** roof.

Jim Poulson, who had requested a meeting with the board to discuss **delinquent taxes** on a mobile home that he owns in Alta, did not appear for his appointment. No action was taken.

Motion by Gustafson, second by Burnside, to order **levies** for the following **drainage districts** with a levy date of September 1, 1998, due and payable September 1, 1998, delinquent October 1, 1998, and 9% waiver interest: Carried.

DD#9 - 45%-no waivers	DD#13 - 30% - 2 yr. waivers	DD#16 - 30% - 2 yr. waivers
DD#35 - 19% - no waivers	DD#37 - 37% - 3 yr. waivers	DD#49L2 (Garton)-14%-5 yr. w.
DD#51 - 56% - 2 yr. waivers	DD#59 - 22% - 2 yr. waivers	DD#64 - 37% - 3 yr. waivers
DD#67 - 26% - 6 yr. waivers	DD#69 - 23% - 2 yr. waivers	DD#81 - 30% - 3 yr. waivers
DD #94 - 17% - 2 yr. waivers	DD#102 - 28%- 2 yr. waivers	DD #113 - 130% - 6 yr. waivers
DD#122 - 15% - no waivers	DD#154 - 36% - 2 yr. waivers	DD#165 - 18% - none
DD#194 - 40% - 5 yr. waivers	DD#203 - 22% - no waivers	DD#105-64jt. - 25%- no waivers

Assistant Engineer Steve Petermeier presented contracts for Board approval and the Chair's signature. Motion by Burnside, second by Bruns, to approve, and to authorize the Chairman to sign, the contract with Christensen Bros. for the **project to reconstruct the M-50 bridge** in the total amount of \$247,925.21. Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign a contract with Rohlin Construction, Estherville, Iowa, in a total amount of \$1,636,858.96 for 1998 asphalt resurfacing **project #'s**: FM-11(31)-55-11 (\$259,175.30); FM-11(23)—44-11 (\$399,855.09; FM-11(35)35—55-11 (\$754,072.20); L-FM-202—73-11 (233,756.37). Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign, the **underground construction** permit application of Shane Lenhart, Storm Lake, to install a 1½"-2" waterline to hook up to the Truesdale water line for new house construction at the intersection of 120 Ave & 570th St. Carried.

The Board of Supervisors proceeded to canvass the results of the votes of the special measure proposition cast at a special City election held on May 5, 1998, and now embodies its findings and conclusions in the resolution next hereinafter set out, which was introduced by Supervisor Gustafson, who moved its adoption, seconded by Supervisor Burnside. After due consideration of said resolution by the Board of Supervisors, the Chairperson put the question upon the adoption of the resolution, and the roll

being called, the following named Supervisors voted: Ayes—Bruns, Burnside, Gustafson, Vail. Nays—none. Carried.

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

RESOLUTION

WHEREAS, the City Council of the City of Storm Lake, Iowa, heretofore did legally call a special election to be held on Tuesday, May 5, 1998, and ordered submitted thereat to the registered voters of said City, the following special measure propositions:

PROPOSITION "A"

"Shall the City of Storm Lake, in the County of Buena Vista, State of Iowa, be authorized to establish a Municipally-Owned cable communications or television system (including video, voice, telephone, data and all other forms of telecommunications and cable communications) Utility?"

PROPOSITION "B"

"If Proposition "A" above carries by a majority vote, shall the City of Storm Lake, Iowa, issue its Bonds in an amount not exceeding the amount of \$6,000,000, for the purpose of constructing and equipping said Telecommunications Utility?"

and, **WHEREAS**, legal, sufficient and timely notice of the submission of the propositions at the election and of the date and hours of the election, and of the voting precinct or precincts thereof, with their corresponding polling place or places, was duly published and a correct and complete copy of said propositions was posted at each polling place or places during the day of election throughout the hours thereof, all in strict compliance with the orders of the Board of Supervisors:

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF BUENA VISTA, IN THE STATE OF IOWA, AS FOLLOWS:

Section 1. That it is hereby found, determined and declared:

First - That said election was held and conducted in each of the voting precincts or precinct of said City at the respective polling place or places, pursuant to due notice, and in strict compliance with law, and that said propositions and the vote thereon complies strictly with law.

Second - That at said election, Proposition "A" above set out, there were cast 1190 ballots, of which votes were 800 cast "YES" and votes were 390 cast "NO" and 0 ballots were cast blank or defectively marked, the vote by precinct or precincts being as set forth and abstracted in the official tally list a copy of which is attached hereto.

That the total number of persons voting in the precinct or precincts at said election on said date, as is shown by the election registers and poll tally lists, was 1190.

Third - That at said election, Proposition "B" above set out, there were cast 1182 ballots, of which 736 votes were cast "YES" and votes were 440 cast "NO" and ' 0 ballots were cast blank or defectively marked, the vote by precinct or precincts being as set forth and abstracted in the official tally list a copy of which is attached hereto.

That the total number of persons voting in the precinct or precincts at said election on said date, as is shown by the election registers and poll tally lists, was 1182.

Fourth - Neither the above propositions nor any proposal incorporating any portion thereof, was submitted to the registered voters of such City within the six months preceding the date of the election canvassed hereby.

Section 2. That said propositions and the results of the vote thereon, shall be entered at large in the minutes book, all in conformity with Chapter 50, and in particular Section 50.24 of the Code of Iowa.

Section 3. That a copy of this Resolution, the Abstract of Votes and the original tally lists, are hereby delivered to the Commissioner of Elections for filing as required by law.

PASSED AND APPROVED, this 12th day of May, 1998.

/s/ Richard Vail, Chairperson, Board of Supervisors

ATTEST: /s/ Karen M. Strawn, County Auditor and Commissioner of Elections

Motion by Burnside, second by Bruns, to approve and to authorize the Chairman to sign the FY'99 renewal contract for **S.H.I.E.L.D. services** provided by NWIPDC. Carried.

Motion by Gustafson, second by Burnside, to accept a letter of resignation from Roger Sievers as Ass't **Weed Commissioner**. Carried.

Special Deputy Auditor Jean Chindlund and Community Services Director Anita Hallquist discussed **personnel/payroll issues**. The board will request a meeting with consultant Renee Von Bokern.

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

- **minutes** of the 4/28 meeting as printed;
 - **reports**--April Clerk's surcharges, Conservation Board minutes, budget reports, and also reviewed were Mangold-Spectra lagoon test results for 4/21 & 4/29/98;
 - **fireworks permit** for the city of Rembrandt for July 4, 1998, with the city to assume all responsibility for safety and liability;
 - **budget appropriation** increases as follows: Activity 0100 Friesen Debt Service \$3,137, Activity 2120 Detention \$65,000, Activity 3020, Env.Health \$15,000; Sec'y Roads \$566,225 (including a decrease of \$235,000 from 0200, and an increase of \$235,000 to 7230); Activity 8000 Elections \$11,281;
 - set the date of public hearing for Cory Weiland's **subdivision request** as 5/26/98 at 8:30 a.m.;
 - set the date of public hearing for Paul Hill's **rezoning request**-5/26/98 at 8:40 a.m.;
- Carried.

Motion by Gustafson, second by Burnside, to **void warrant** #98465 which had been issued to the wrong vendor, and to authorize a replacement warrant to be issued to Upper Des Moines Opportunity as reimbursement for their payment of the bill. Carried.

The Board discussed a draft job description for a **Census 2000 Coordinator**. The auditor was directed to advertise for the position in the county newspapers.

There being no further business, the meeting adjourned at 12:00 noon to Tuesday, May 26 at 8:30 a.m. in the boardroom for a regular session.

BOARD OF SUPERVISORS

**TWENTIETH MEETING, 1998 SESSION (20)
MAY 26, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 26, 1998, at 8:00 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

County Attorney Phil Havens was present to discuss changing a part-time assistant county attorney to full time. The caseload has more than doubled from the time he was first hired as an assistant under Cory Ritchie. Both the civil and criminal sides of the workload are larger than can be handled with the current staff. Part of the increase is due to legislative action making simple misdemeanors more serious. Also, everyone is aware of the increased number of juvenile cases. Motion by Burnside, second by Crampton, to change the status of Assistant County Attorney Rick Kimble from part-time to full time, effective July 1, 1998 at a salary of \$32,500. Gustafson stated that he will not support the motion. He opposes any new spending for FY'99 stating that the county can't afford it, considering our tax asking for FY'99. It was noted that Havens' had requested this change in his proposed FY'99 budget, and the request was incorporated in the FY'99 county budget as adopted. Ayes—Bruns, Burnside, Crampton, Vail. Nays—Gustafson. Carried.

8:30 a.m.—The time having arrived for the **public hearing** on the joint subdivision request of Cory Weiland and Buena Vista County, Zoning Director Kim Johnson noted that public notice for the hearing had been published as required, and that the Zoning Commission had recommended approval of the request. The portion of the subdivision in Weiland's name is adjacent to other land that he owns. It is his intent to build a house there. The county's portion of the subdivision will be used for a sand stockpile. Hearing no objections, motion by Burnside, second by Bruns, to close the public hearing. Carried.

Motion by Bruns, second by Gustafson, to approve and to authorize the Chairman to sign the following resolution approving a **subdivision request**:

RESOLUTION 1998-05-26a

WHEREAS, Cory Weiland and Buena Vista County have presented a preliminary and final plat (of survey) on the following described properties:

Parcel B: a part of the West half (W½) of the Northwest Quarter (NW¼) of Section 34, Township 92 North, Range 37 West of the 5th p.m., Buena Vista County, Iowa and being more particularly described as follows:

Commencing at the Northwest (NW) Corner of the Southwest Quarter (SW¼) of said Section 34; Thence on a bearing of North 00°00'00" East, along the West line of said Northwest Quarter (NW¼) One Thousand Forty-Six and Seven Hundredths Feet (1046.07') to the Point of Beginning. Thence continuing along said West line, North 00°00'00" East, a distance of Four Hundred Twenty-One and Forty-Three Hundredths Feet (421.43'); Thence North 90°00'00" East, a distance of Eighty-Three Feet (83.00'); Thence North 00°00'00" East, a distance of Forty Feet (40.00'); Thence North 90°00'00" East, a distance of Three Hundred Forty-Eight and Ninety-Seven Hundredths Feet (348.97'); Thence South 00°00'00" West, a distance of Four Hundred Sixty-One and Forty-Three Hundredths Feet (461.43'); Thence South 90°00'00" West, a distance of Four Hundred Thirty-One and Ninety-Seven Hundredths Feet (431.97') to the Point of Beginning and containing an area of 4.50 Acres.

Parcel C: a part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 34, Township 92 North, Range 37 West of the 5th p.m., Buena Vista County, Iowa and being more particularly described as follows:

Commencing at the Northwest (NW) Corner of the Southwest Quarter (SW¼) of said Section 34; Thence on a bearing of North 00°00'00" East, along the West line of said Northwest Quarter (NW¼) Six Hundred Feet (600') to the Point of Beginning. Thence continuing along said West line, North 00°00'00" East, a distance of Four Hundred Forty-Six and Seven Hundredths Feet (446.07'); Thence North 90°00'00" East, a distance of Four Hundred Thirty-One and Ninety-Seven Hundredths Feet (431.97'); South 00°00'00" West, a distance of Four Hundred Forty-Six and Seven Hundredths Feet (446.07'); Thence South 90°00'00" West, a distance of Four Hundred Thirty-One and Ninety-Seven Hundredths Feet (431.97') to the Point of Beginning and containing an area of 4.42 Acres.

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

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

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

Parcel B: a part of the West Half (W½) of the Northwest Quarter (NW¼) of Section 34, Township 92 North, Range 37 West of the 5th p.m., Buena Vista County, Iowa; and,

Parcel C: a part of the Southwest quarter (SW¼) of the Northwest Quarter (NW¼) of Section 34, Township 92 North, Range 37 West of the 5th 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 said:

Parcel B: a part of the West Half (W½) of the Northwest Quarter (NW¼) of Section 34, Township 92 North, Range 37 West of the 5th p.m., Buena Vista County, Iowa; and,

Parcel C: a part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 34, Township 92 North, Range 37 West of the 5th p.m., Buena Vista County, Iowa.

PASSED, APPROVED AND ADOPTED this 26th day of May, 1998.
/s/ Richard Vail, Chair Board of Supervisors /s/ Karen M. Strawn, Auditor

8:40 a.m.—The time having arrived for the **public hearing** on a zoning reclassification request from Dr. Paul Hill, Zoning Director Kim Johnson stated that notice of this hearing had been published as required by law, that no written or oral objections had been received, and that the Zoning Commission had recommended approval. The request was to re-classify a parcel as R-2 to allow for a chiropractic practice, the parcel being located outside of the corporate limits of the city of Alta. Supervisor Bruns asked about other sites in Alta. Bruns feels that commercial activities should be located in town. There being no objections from the public, motion by Gustafson, second by Burnside, to close the public hearing. Carried.

Motion by Gustafson, second by Burnside to approve the **zoning re-classification** request of Dr. Paul Hill from A-1 to R-2 for the following described property:

a tract of land located in the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) of Section 25, Township 91 North, Range 38 West of the 5th p.m., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW¼) of Section 25; Thence on an assumed bearing of South 00°00'00" West, along the West line of said Northwest Quarter (NW¼), 1342.26 feet to the Point of Beginning. Thence South 90°00'00" East 375.00 feet; Thence South 00°00'00" West, 584.20 feet to the centerline of Iowa Highway No. 7; Thence along said centerline on the arc of a 122,776.7 foot radius curve concave Southwesterly, 65.5 feet, said curve having a chord bearing and distance of North 61°42'54" West, 65.05 feet; Thence continuing along said centerline, North 61°43'48" West, 360.75 feet to the West line of said Northwest Quarter (NW¼); Thence North 00°00'00" East, along said West line, 382.51 feet to the Point of Beginning.

Bruns stated that he is opposed to a commercial enterprise, in an otherwise agricultural area, as a stand alone, but he is not necessarily opposed to a farmer engaging in commercial activity in support of farming operations. Ayes—Burnside, Crampton, Gustafson, Vail. Nays—Bruns. Carried.

Engineer Jon Ites discussed newly approved federal transportation legislation for mass transit.

Motion by Burnside, second by Gustafson, to accept as completed as of this date, **project # L-B-203-98-73-11**, to authorize the Engineer to sign the final estimate in the amount of \$90,225.60 for Minnowa Construction, Harmony, MN. Carried.

Motion by Burnside, second by Gustafson, to authorize the Engineer to sign acceptance as complete as of this date, the box culvert **project #1-C-1-98**, located on the North side of Section 34, Hayes Township, the work having been done by Godbersen-Smith, Ida Grove. Carried.

Motion by Burnside, second by Bruns, to approve, and to authorize the Chairman to sign, the pay vouchers for printing costs for 4-1998 **asphalt contracts**, and for materials cost on the **C-63 project**. Carried.

Motion by Bruns, second by Gustafson, to approve the following **utility construction permits**:

- Iowa Lakes Electric Cooperative to install a single-phase 7200v and three-phase 7200/12470v underground distribution lines to replace overhead lines to accommodate Enron Wind Farm overhead facilities on M-36 on the east side of Alta, all to be bored in private right-of-way except the road crossings;
- Iowa Lakes Electric Cooperative to install three-phase 7200/12470v distribution line to replace existing overhead, to accommodate the Enron Wind Farm, to be located on M-36 along Sections 25, 26, 35, and 36 of Nokomis Township, and along Sections 2 and 1, Maple Valley Township, all to be in private right-of-way except road crossings;
- Corn Belt Power Cooperative to install overhead 72.5 (69) kv transmission line on north right-of-way line along the south side of Sections 18 - Lee Township and 13, 14, 15 Barnes Township, then on the south right-of-way line on north side of Section 21 Barnes Township, which is an extension of the line placed previously to make loop. ----- Carried.

Ites discussed the "Intersections with High Accident Rates" report prepared by IDOT.

A request has been received from the City of Marathon to dump rock or concrete on banks of the Raccoon River adjacent to their sewage treatment facility. This area is in **DD #34**.

Supervisor Burnside left to attend a funeral.

Dick Hakes, Melanie Miller-Executive Director of the Chamber of Commerce, Bob Bergendoff, Jim Gossett-Executive Director of SLADC, Denny Hartogh, and Kevin Rogers-Storm Lake City Engineer were present to participate in a discussion of a DOT letter regarding intersection lighting at several locations along new Hwy 71. Safety is an issue at these intersections when travelers, looking to turn, can't see the intersection until they are upon it. DOT does not accept responsibility for the lighting or installation costs.

11:00 a.m.—The scheduled time having arrived, a telephone call was made to Sac County Supervisors for a teleconference for a Joint DD #274 Main Tile Middle meeting. Present for Sac County were Laura Foell, Rebecca Hillmer and Russ Kroeger. Motion by Kroeger that Dick Vail serve as Chairman, and Karen Strawn as Secretary, for the meeting. Ayes—all. Carried.

There being a negative balance in Buena Vista County for this drain, and to provide a small sinking fund, motion by Hillmer, second by Crampton to levy a 27% assessment on Jt. DD #274 Main Tile Middle, with a levy date of September 1, due and payable September 1, 1998, delinquent October 1, 1998, and with 2 year waivers available at 9% interest. Ayes—all. Carried.

Motion by Bruns, second by Hillmer to adjourn. Ayes—all. Carried.

Motion by Gustafson, second by Bruns, to void warrant #'s 98503 and 98515, having gone to the wrong vendors, and re-issue both to the proper vendors. Carried.

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

- minutes of the 5/12 meeting as printed;
- report of April minutes of NWIPDC board meeting;
- to approve and to authorize the Chairman to sign a renewal agreement with Blue Cross and Blue Shield to administer the county's flex benefit program for FY'99;
- work order for DD #181 for a proposed repair on main open ditch in the Big Cedar, Calhoun County, and to authorize the Interim Board member to sign. ----- Carried.

11:30 a.m.—The scheduled time having arrived, a telephone call was received from Pocahontas County Supervisors for a teleconference for a Joint DD #144 meeting. Present for Pocahontas County were: Paul Beneke, Loren Thompson, Vincent Triggs, Ralph Christiansen, and Dale Smith. Motion by Beneke, second by Burnside that Jim Gustafson serve as Chairman. Ayes—all. Carried. Motion by Vail, second by Beneke, that Margene Bunda serve as Secretary, for the meeting. Ayes—all. Carried.

For Jt. DD #144, both Buena Vista and Pocahontas Counties pay their own bills. Buena Vista County has outstanding warrants of \$743.06 plus interest, and Pocahontas County has a balance under \$50. Motion by Beneke, second by Crampton to levy a 30% assessment on Jt. DD #144, with a levy date of September 1, due and payable September 1, 1998, delinquent October 1, 1998, and with 2 year waivers available at 9% interest, the purpose being to redeem the stamped warrants, and to provide a small sinking fund. Ayes—all. Carried.

Motion by Beneke, second by Crampton to adjourn. Ayes—all. Carried.

Motion by Gustafson, second by Bruns, subject to sheriff's approval, to establish a Sheriff's storage fee of \$10/day, retroactive to May 1, 1998, for items seized pursuant to court orders, civil orders or legal seizure. Carried.

Supervisor Burnside returned for the remainder of the meeting.

The Board consulted with Drainage Engineer Darel Burns regarding DD #34. In the past there has been some discussion of reclassification. It was his recommendation not to re-classify unless and until requested by the landowners due to the immense cost of reclassification - approximately \$75,000. The usual reason for reclassification is to adjust assessments to better reflect benefits received. The board took no action at this time.

Treasurer Kathy Bach was present for the re-scheduled meeting with James Poulson to discuss delinquent taxes on a mobile home in his name. Poulson failed to be present for the meeting. Bach will contact him by letter.

HF2424, which will permit up to 42 additional counties to provide drivers license services, was discussed with Bach. Counties interested in being one of the 42 counties are required to submit a letter of interest to the IDOT signed by all Boardmembers and the Treasurer not later than May 30, 1998. Issues discussed were: cost to the county vs. DOT revenue retained by the county for the services provided (estimates clearly indicate that the county would have to subsidize the operation), increased staff, lack of space in current arrangement of Treasurer's department, lack of parking space around the courthouse (or the cost of renting alternative space), loss of access to Saturday services (vs. substantial change in services provided in this county), benefit of 5 days of service per week, and ability of county staff to provide excellent service. The board temporarily suspended discussion for a 3:00 p.m. appointment.

Susan Hoss, Child Support Recovery Unit, was present to report on her agency's services to Buena Vista County residents. Incentives returned to this county during calendar year 1997 totaled \$8,465.06. Buena Vista County has a caseload of 699. Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign, the renewal agreement for services for FY'99 with the Child Support Recovery Unit. Carried.

The board again took up the discussion of providing drivers license services. Motion by Gustafson, second by Burnside, that Buena Vista County is not interested in applying for the county to provide drivers license services at the present time. Carried.

There being no further business, the meeting adjourned at 3:30 p.m. to Monday, June 8 at 8:30 a.m. to canvass the June 2, 1998 Primary Election.

**BOARD OF SUPERVISORS
TWENTY-FIRST MEETING, 1998 SESSION (21)
JUNE 8, 1998**

The Buena Vista County Board of Supervisors met in special session on Monday, June 8, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Recorder Shari O'Bannon discussed budget issues and the microfilm project with the Board. The board suggested that the Courthouse committee investigate where the microfilm cabinet could be located once it is moved from Newell. O'Bannon noted that the films will need to be checked for condition, as well as re-cataloging them. It was the consensus of the board to approve hiring a high school student (at minimum wage) to do the checking and cataloging.

Communications Center Supervisor Nancy Brady discussed a personnel issue regarding one employee.

Treasurer Kathy Bach appeared with Dana Haahr to discuss **delinquent taxes** in the amount of \$30,484 plus penalty and cost of about \$16,000. Gustafson suggested a lump sum down payment, then monthly thereafter for the amount of the taxes. Haahr was asked to bring in a proposal for the board's consideration tomorrow. Bruns and Vail believe the interest should not be compromised.

Jack Anderson appeared before the board to request payment for a bill from Martin Flag Co. for **veterans grave markers**. VA Commission Secretary Paula Guerra was also present to provide some input on the actions of the VA Commission. Anderson stated that the bill is higher than in previous years due to the higher number of veterans' deaths this past year. There was some confusion over who approved purchase of the markers, and from which budget. It was the consensus of the board to approve payment of the bill from the Commission budget. Motion by Burnside, second by Crampton, to thank Jack Anderson for his 22 years of volunteer service honoring the deceased veterans in the county by placing veterans markers on their graves. Ayes—all.

Upon completion of the **Canvass** of the June 2, 1998 Primary Election, pursuant to Chapter 50.24 of the Code of Iowa, motion by Burnside, second by Crampton, 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 the same office at the last primary election):

Office	Democratic Party	Republican Party	Reform Party
Total votes cast:	375	1029	0
for US Senator	David Osterberg-266	Chuck Grassley-937	
for US Representative-5 th Dist	scattering-6	Tom Latham-893 scattering-2	
for Governor	Mark McCormick-242 Tom Vilsack-121 scattering-1	Jim Ross Lightfoot-749 David A. Oman-188 Paul D. Pate-74 scattering-1	
for Secretary of State	Chet Culver-173 Ned Miller-130 scattering-1	John Gilliland-748 scattering-1	
for Auditor of State	scattering-8	Richard F. Johnson-784	
for Treasurer of State	Michael L. Fitzgerald-304	scattering-22	
for Secretary of Agriculture	Patty Judge-256	Merlin Bartz-190 Dan Brown-345 Reg Clause-211	
for Attorney General	Tom Miller-317	scattering-12	
for State Senator-5 th Dist.	scattering-4	Mary Lou Freeman-898 scattering-1	
for State Representative-9 th Dist. --		Dan Huseman-95	
for State Representative-10 th Dist. scattering-3		Russell Eddie-794 scattering-4	
for Co. Supervisor Dist. 1	scattering-9	Jack Hays-398 Dick Vail-499# scattering-1	

for Co. Supervisor Dist. 4	scattering-4	Doug Bruns-805# scattering-3
for Co. Supervisor Dist. 5	Jim L. Gustafson-317# scattering-5	Scott Randall-693# scattering-2
for Co. Treasurer	Kathy Bach-321# scattering-2	scattering-11
for Co. Recorder	Shari O'Bannon-325#	scattering-12
for Co. Attorney	scattering-11	Phillip E. Havens-801# scattering-9

<u>Township</u>	<u>Twp. Clerk</u>	<u>Twp. Trustee</u>
(w-i = write-in)		
Barnes	Bernard Nelson (Dem)-10#	Kevin R. Ehlers (Rep)-16#
Brooke	Doug Kracht (Rep) (w-i)-5#	Jess Fastenow (Rep)(w-i)-7#
Coon	Carl Bellows (Dem)-8#	Duane Hornor (Rep) 18#
Elk	Gordon Andersen (Rep)-6#	--
Fairfield	James A. Roberts (Rep)-32# scattering (Rep) -1	Lloyd Danielson (Rep)-32#
Grant	Leonard Peterson (Dem)-2#	H. Keith Miller (Dem)-2#
Hayes	scattering (Dem)- 1 Richard Rice (Rep)-41#	scattering (Dem)-4 scattering (Rep)-2
Lee	Paul A. Madsen (Dem)-2#	Gary Edwardson (Rep)-16#
Lincoln	scattering (Rep)-2	--
Maple Valley	Martin Glienke (Rep)-21#	Jim Watts (Rep)(w-i) -11#
Newell	--	--
Nokomis	Barbara Nehring (Rep)-25#	scattering (Rep) -1
Poland	Norris G. Olney Jr. (Rep)-17#	scattering (Dem)-1 scattering (Rep) -1
Providence	Joel Anderson (Rep)-9#	James R. Selleck (Rep)-11#
Scott	Charlotte Binder (Rep)-15#	Rodney Hatlen (Dem)-1#
Washington	Robert Koch (Rep)-18#	H. Dwayne Stille (Rep)-20#

and, to prepare and submit abstracts as required. Carried.

There being no further business, the meeting adjourned at 11:30 a.m. to Tuesday, June 9 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
 TWENTY-SECOND MEETING, 1998 SESSION (22)
 JUNE 9, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, June 9, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Custodian Dewyne Stucynski discussed the tree removed from the north parking of the courthouse. Stucynski also reviewed current terms of the custodial agreements for the DHS Annex & E

Richland Annex buildings. Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign the FY'99 custodial agreements with Cindy Hildreth for the DHS Annex for \$380/mo, and the E Richland Annex for \$432/mo. Carried.

Stucynski reported on an analysis by Mid American Energy showing that the **courthouse** energy use index is very good, with few opportunities for additional savings in energy usage with new equipment or retrofitting.

Motion by Gustafson, second by Bruns to approve and to authorize the interim board member to sign, the **DD#181 Open Ditch** quote award for brush control as follows: to Lawn Manicurists, Algona, for Branch 876-Area 1 in the amount of \$1,628.00, and for the Little Cedar-Area 3 in the amount of \$2,812.50, and to ChemTrol, West Des Moines, for Area 2 in the Big Cedar \$2,908.51. Carried.

Treasurer Kathy Bach discussed the status of action taken on several delinquent tax properties. Motion by Burnside, second by Bruns, to accept \$8.00, and to **abate** the remainder of the delinquent 1996 taxes in the amount of \$40.00 on parcel #0000275810, M & E assessed as Real Estate. Carried.

Engineer Jon Ites requested a date of June 23 to review fuel **quotes**—approved. He also requested setting back the date for reviewing quotes on truck chassis to July 7—approved.

Motion by Burnside, second by Crampton, to accept as complete as of this date, box culvert **project #L-C-98-73-11**, constructed by Godberson Smith, Ida Grove, and located between Sections 27 and 34 Hayes Township, and to make final payment in the amount of the retainage-\$2,320.85. Carried.

Ites reported that he is working on the **Hwy 71 intersection lighting** project with the Chamber of Commerce. Ian McGilvary, DOT Engineering Section, will be invited to meet with the group.

As trustees of **DD #34**, motion by Bruns, second by Burnside, to approve two requests permitting placement of rock or concrete rip rap (no asphalt, steel, rubber or wood), subject to DNR guidelines, in 2 locations for bank stabilization purposes on the Raccoon River, the requests having come from the City of Marathon and Darrell Behrens. Carried.

Traffic counts on **C-25** have been completed by DOT. Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman and Auditor to sign, the following resolution to designate stop intersections:

RESOLUTION 1996-06-09a

The Buena Vista County Board of Supervisors hereby designates the following intersections to be stop intersections and directs the County Engineer to sign them accordingly.

1. The intersection of county roads M-44 and C-25 at the SE corner of Section 33, Barnes Township, is to be a 4-way stop intersection.
2. The east intersection of county roads M-36 and C-25 at the SE corner of Section 31, Barnes Township, is to be a 2-way stop intersection with the north and south legs to stop for east/west traveling vehicles.
3. The west intersection of county roads M-36 and C-25 at the SE corner of Section 36, Brooke Township, is to be a 2-way stop intersection with the north and south legs to stop for east/west traveling vehicles.

/s/ Richard Vail, Chairman, Board of Supervisors
Carried.

/s/ Karen M. Strawn, County Auditor

A petition was received from residents of 590 St. **(C-49)** stating their opposition to the widening and possible right-of-way purchase along their road.

Terry Johnson, Executive Director of **Genesis** Development, and Barry Goettsch, Storm Lake Site Director, were present to update the board on the status of the Genesis facility in Storm Lake. They are also considering converting the remaining 8 bed group home into 2 - 4 bed homes. Genesis is seeking a financial partnership with the county for the conversion. The board will respond to the request by July 7.

Community Services Director Anita Hallquist, and Case Manager Dawn Mentzer discussed the current demand for the additional 4-bed units. Hallquist presented the FY'98 estimated **case management** report. Motion by Burnside, second by Bruns, to approve the 'Estimated' FY'98 Case Management report as presented with a unit cost of \$152.12, and to authorize the chairman to sign. Carried.

Motion by Burnside, second by Bruns, to approve and to authorize all boardmembers to sign the following resolution regarding the **NW IA Regional Housing Authority's** application for additional funds to be used for rent assistance:

RESOLUTION 1998-06-09b

WHEREAS, the Northwest Iowa Regional Housing Authority is making application for funding of additional rent assistance under the Section 8 Housing Program through the Department of Housing and Urban Development, and

WHEREAS, and in accordance with Section 403A.5 of the Iowa Code which states:

"A municipality or a 'Municipal Housing Agency' may not proceed with a housing project until a study or a report and recommendation on housing available within the community is made public by the municipality or agency and is included in its recommendations for a housing project."

AND IN ACCORDANCE WITH Section 213(c) of the Housing and Community Development Act of 1974, which states in part that we must determine whether or not there is a need for such housing assistance, taking into consideration any applicable State or areawide data with respect to population, poverty, housing overcrowding, housing vacancies and substandard housing. An application may be approved only if our determination is in the affirmative.

HAP CONSISTENCY (If this is for a community with a Housing Assistance Plan (HAP) this resolution must also address HAP consistency):

NOW THEREFORE, be it resolved that the County of Buena Vista, State of Iowa, has determined there is a need for such additional assistance AND is aware of the project and the study or report on available housing that is required by said statute AND that majority approval of the proposed project within its jurisdiction is hereby granted.

This resolution is meant to serve as the County of Buena Vista, State of Iowa's, final notice to HUD of such approval; no additional comment shall be forthcoming from the County of Buena Vista, State of Iowa.

In Testimony, Whereof, I have hereunto set my hand and seal this 9th day of June, 1998.

/s/ Richard Vail, Chairman, Board of Supervisors; /s/ Doug Bruns, Member; /s/ Lorna Burnside, Member; /s/ Herb Crampton, Member; /s/ Jim Gustafson, Member; /s/ Karen M. Strawn, County Auditor.

Motion by Burnside, second by Bruns, to increase the FY'98 appropriation for activity 5200 by \$575.00, this amount being within the 4/14/98 budget amendment for Service Area 5. Carried.

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

- minutes of the 5/26 meeting as printed;
- reports--May Clerk's surcharges; also reviewed--5/12 Conservation Board minutes, 5/28 minutes of Auditors/CPCs/Seasons Center Committee meeting;
- set the date of June 16 at 8:30 a.m. for the public hearing on Don Eades subdivision request.

Carried.

There being no further business, the meeting adjourned at 4:00 p.m. to Tuesday, June 16 at 8:30 a.m. for a special session.

**BOARD OF SUPERVISORS
TWENTY-THIRD MEETING, 1998 SESSION (23)
JUNE 16, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, June 16, 1998, at 8:00 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Burnside.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Crampton, Gustafson. Nays—none. Carried.

Engineer Jon Ites presented 4 utility construction permits for consideration. Motion by Bruns, second by Crampton, to approve and to authorize the Chairman to sign, underground construction applications as follows:

- Peoples Telephone Co., Aurelia, to extend telephone service by boring under M-27 from the pedestal in the west ditch to east ditch between Sections 5 & 6, Elk Township;
- Iowa Lakes Electric Cooperative, Estherville, to install a single phase 7200 volt overhead and underground line to replace failing underground cable between Sections 14, 13, Coon Township and in the NE¼ Section 23, Coon Township;
- Iowa Lakes Electric Cooperative, Estherville, to install a single phase 7200 volt overhead distribution line to replace existing failing cable in Sections 20, 29 & 32 Fairfield Township, and Sections 5, 4, 6 & 16, Coon Township all along M-54 with poles at the right-of-way line;
- Iowa Lakes Electric Cooperative, Estherville, to install a single phase 7200 volt overhead distribution line to upgrade existing line with aluminum conductors in Section 29 & 32, Lincoln Township, and Sections 5 & 8, Grant Township, all to be along 140th Ave. with poles at the right-of-way line.

Carried.

The Chairman left to attend a meeting for 1 employee with Personnel Consultant Renee Von Bokern.

8:30 a.m.: The time having arrived for the public hearing on the Don Eades subdivision request, Zoning Director Kim Johnson, and Don & Darlene Eades were present. Vice-Chairman Crampton opened the hearing and asked Johnson to review the Eades' request. The recommendation of the Zoning Commission was to approve the request. No written or verbal objections were received, and the notice of

hearing had been published as required. Motion by Gustafson, second by Bruns to close the public hearing. Carried.

Motion by Gustafson, second by Bruns, to approve and to authorize the Vice Chair to sign the following resolution:

RESOLUTION 1998-06-16

WHEREAS, Donald Eades has presented a preliminary and final plat (of survey) on the following described properties:

LOT B: A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER (NW¼ NE FRAC¼) OF SECTION 2, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast (SE) Corner of Lot Four (4), Block One (1) of Ferry's Subdivision of the Northwest Quarter of the Northeast Fractional Quarter (NW¼ NE FRAC¼) of said Section 2; Thence on an assumed bearing of South 00°17'26" West, along the west line of the East Three Hundred feet (E 300') of the North Twenty-five acres (N 25 ac) of said Northwest Quarter of the Northeast Fractional Quarter (NW¼ NE FRAC¼), 130.00 feet; Thence South 89°59'04" West, 832.95 feet; Thence North 00°02'42" East, 130.00 feet; Thence North 89°57'41" East, 333.50 feet to the Southwest (SW) Corner of said Ferry's Subdivision; Thence South 90°00'00" East, along the South line of said Ferry's Subdivision, 500.00 feet to the Point of Beginning.

LOT C: A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER (NW¼ NE FRAC¼) OF SECTION 2, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of Lot Four (4), Block One (1) of Ferry's Subdivision of the Northwest Quarter of the Northeast Fractional Quarter (NW¼ NE FRAC¼) of said Section 2; Thence on an assumed bearing of South 00°17'26" West, along the west line of the East Three Hundred feet (E 300') of the North Twenty-five acres (N 25 ac) of said Northwest Quarter of the Northeast Fractional Quarter (NW¼ NE FRAC¼), 130.00 feet to the Point of Beginning. Thence South 89°59'04" West, 832.95 feet; Thence South 00°02'42" West, 45.17 feet; Thence North 89°56'35" East, 15.00 feet; Thence South 00°01'37" West, 299.75 feet to the South line of the North Twenty-five acres (N 25 ac) of said Northwest Quarter of the Northeast Fractional Quarter (NW¼ NE FRAC¼); Thence North 89°59'26" East, along said South line, 816.37 feet to the West line of the East Three Hundred feet (E 300') of the North Twenty-five acres (N 25 ac) of said Northwest Quarter of the Northeast Fractional Quarter (NW¼ NE FRAC¼); Thence North 00°17'26" East, along said West line, 345.00 feet to the Point of Beginning.

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

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

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

LOT B: A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER (NW¼ NE FRAC¼) OF SECTION 2, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA,

LOT C: A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER (NW¼ NE FRAC¼) OF SECTION 2, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA,

is hereby accepted subject to the following if any: is hereby accepted subject to the following if any:

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

LOT B: A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER (NW¼ NE FRAC¼) OF SECTION 2, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA,

LOT C: A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER (NW¼ NE FRAC¼) OF SECTION 2, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA,

PASSED, APPROVED AND ADOPTED this 16th day of June, 1998.

/s/ Herb Crampton, Vice-Chair, Board of Supervisors /s/ Karen M. Strawn, County Auditor Carried.

Burnside arrived for the meeting. All subsequent actions, unless otherwise noted, carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Motion by Burnside, second by Gustafson, to approve the 6/8 & 6/9 minutes as printed. Carried.

It was noted that the 19% drainage levy ordered by the board on May 12, 1998, for DD #35 must allow 3 year waivers since there are parcels whose assessments exceed \$100 for 40 acres or less.

The board moved to the 2nd Floor PMR #1 to continue the personnel policy review with department heads and Consultant Renee Von Bokern. No action was taken on the draft policy.

There being no further business, the meeting adjourned at 12:20 p.m. to Tuesday, June 23 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
TWENTY-FOURTH MEETING, 1998 SESSION (24)
JUNE 23, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, June 23, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Nursing Administrator Karole Graen reviewed the application process for recovering certain administrative costs for the federal Medicaid programs, and the March and April Board of Health minutes.

Ken Hach, Midwest Regional Manager for Zond Development, and Fred Tuckner, Zond Land & Right-of-Way Specialist, were present to request a letter from the Board giving approval to begin construction of their wind energy project. Motion by Gustafson, second by Burnside, that this resolution is to certify that Enron Wind Development Corp. has provided the County a map showing the power line routing for the Project's power collection system. The County hereby approves the preliminary routing provided in the map and grants to Enron and its affiliates the right to construct poles and power lines within the County right-of-way, subject to County Engineer approval of the specific placement of poles and power lines within said county rights-of-way. Carried.

Engineer Jon Ites opened the single fuel quote submitted to the County. Motion by Gustafson, second by Crampton, to award the proposal for FY'99 season's supply of fuel to Farm Service Energy, Storm Lake. Carried.

Ites reported on a meeting with the Storm Lake Chamber of Commerce and Ian McGilvary, DOT Engineering, Ames, regarding Hwy 71 intersection lighting.

Prior to holding a meeting to discuss improvements to C-49, Gustafson suggested a letter to residents living along that road to be certain they are aware of the meeting. Terry Stull, whose name

appears at the top of the petition, will be notified of the details of the meeting.

Motion by Gustafson, second by Bruns, subject to the county attorney's review, to approve and to authorize the Chairman to sign the FY'99 services agreement with Season's Center. Carried.

Treasurer Kathy Bach reported that Jim Poulson, who requested abatement on his delinquent mobile home taxes, has changed some of the terms previously considered by the Board. Poulson no longer intends to junk the home. It was the consensus of the Board that the treasurer negotiate a new compromise reflecting this change.

Motion by Bruns, second by Burnside, to approve and to authorize the Interim Board Member to sign 2 work orders for sites in DD181 in Dover and Marshall Township, Pocahontas County. Carried.

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

- minutes of the 6/16 meeting as printed;
- the following reports: Mar & April Board of Health minutes. Also reviewed were the 5/21 NWIPDC board minutes. Carried.

Motion by Burnside, second by Bruns, to approve the employment of Leah Schettler, effective 6/20, as a full time jailer at \$8.71/hour. Carried.

Crampton reported on an "empowerment" meeting that he had attended. The Board is entitled to nominate a supervisor to the Local Community Empowerment Area Board. Motion by Burnside, second by Gustafson, to appoint Herb Crampton to the Local Community Empowerment Area Board. Carried. Motion by Crampton, second by Gustafson, to appoint Rhonda Christensen as the citizen representative to the Local Community Empowerment Area Board. Carried.

Veterans Services Officer Clint Hoferman, and Veterans Relief Commission Chair Rich Haldin, and members Ray Kurtz and Virgil Jensen, plus Veterans Relief Secretary Paula Guerra were present to discuss the county's services to veterans -- funding veteran's relief and funding the veterans service officer. Hoferman asked to replace his current computer with a larger one from the Engineer's office. The consensus was to approve the purchase from next year's veterans services officer budget. Hoferman also requested approval to pay David Falkey his mileage for the 2 days Falkey filled in for Hoferman. The consensus was to approve the mileage out of next year's budget.

The Chair confirmed that the Veterans Relief Commission will, in the future, pay only for new grave markers, and no replacements. On another budget line item, the cost of transportation has been increasing steadily. The board suggested that other resources besides the county budget should be investigated. Also discussed was the scope of responsibility of each: Veterans Services Officer, Veterans Relief Commission and Veterans Relief Secretary.

Weed Commissioner Norm Lund reported that, after getting informal quotes as suggested by the Chair, he purchased 200 gallons of Hidep from Agland, Alta.

There being no further business, the meeting adjourned at 2:45 p.m. to Tuesday, June 30 at 1:30 p.m. for a special end of fiscal year session.

**BOARD OF SUPERVISORS
 TWENTY-FIFTH MEETING, 1998 SESSION (25)
 JUNE 30, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, June 30, 1998, at 1:30 p.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Motion by Gustafson, second by Burnside, to accept the proposal of Clark Fort, to provide **insurance coverage** from PENCO and ITT Hartford for FY'99 as follows: 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.

The board reviewed 4 RFPs for the county's annual audit submitted by: T.P. Anderson Company, Humboldt, Hunzelman Putzier & Co., Storm Lake, Iowa State Auditor, Des Moines, and Williams & Company, LeMars. All met the requirements listed in the RFP. Motion by Burnside, second by Gustafson, to accept the low proposal of Hunzelman Putzier & Co. to perform the county's **financial audit** for the year ending June 30, 1998, and to authorize the Chairman to sign the agreement. Carried.

Nurse Administrator Karole Graen and Sp. Deputy Auditor Jean Chindlund met with the board to discuss the status of an employee. After conferring with Consultant Renee Von Bokern, the board instructed Graen to proceed with changing the status of Mona Mason to a regular full-time employee at 7/8's of a 40 hour week. The details of interpretation on sick leave, vacation and holidays will be formalized in the personnel policy currently under revision.

Jail Administrator Don McClure reported that the National Institute of Corrections is coming July 20-21 to assess the county's judicial system (jail, court, detention, etc.). They would like to meet with the boardmembers individually to discuss their ideas and concerns. Following that, there will be a town meeting to be held at the AmeriHost motel on July 23 - all day beginning at 8:30 a.m.

Due to a change in the way **medical examiner** and deputy medical examiners will be paid, the board held a conference call with Clark Fort, the county's insurance agent. Also present was Ass't Co. Attorney Rick Kimble. At the conclusion of the discussion, the board agreed that:

- All of the deputy medical examiners, and Dr. Crippin as medical examiner, will be considered to be county employees. As such, the fees submitted will be paid out as wages, with the requisite FICA and tax deductions. They will receive W-2's at the end of the year. The rate of pay for the deputies is \$25/hr., with the Medical Examiner receiving the difference between a total of \$250 and the amount paid to the deputy(s).
- As county employees, the county's liability coverage, worker's compensation, medical professional coverage, and umbrella will extend to the ME and DME's in their roles as medical examiners. Both the county's interests, and, the personal interests of the ME and DME's are covered. The county will be sending a letter to the insurance company notifying them of its intent to consider them employees. If the company disagrees that they are covered personally, another solution will be developed.

Supervisors Bruns, Burnside and Crampton left the meeting to count cash in **the Treasurer's office**, then returned to the meeting.

Bob Oglesbee met with the board to discuss some concerns.

Motion by Crampton, second by Bruns, to approve the **minutes** of the 6/23 meeting as printed. Carried.

A quote was received from Dan Waites to re-shingle the administrator's residence at **Spectra**. No action was taken - Gustafson will check on one of the item's before acceptance.

Motion by Gustafson, second by Burnside, to amend **appropriations** as follows: increase activity 1050 dept. 29 by \$6,200; increase activity 1110 dept. 28 by \$3,250; increase activity 5100 dept. 27 by

\$190; increase activity 5200 dept. 56 by \$1,200; increase activity 8110 dept. 7 by \$535; decrease activity 8100 dept. 3 by \$535. Carried.

Motion by Burnside, second by Bruns, to 1) eliminate the \$100 petty cash fund for general relief, kept in the Auditor's office, to establish a \$50 petty cash fund for general relief, to be kept at the E. Richland Annex, and to deposit the remaining \$50 with the County Treasurer; and 2) eliminate the petty cash fund for the fine collection project, which is no longer active, and to deposit the \$100 with the County Treasurer. Carried.

There being no further business, the meeting adjourned at 6:00 p.m. to Tuesday, July 7 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
TWENTY-SIXTH MEETING, 1998 SESSION (26)
JULY 7, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 7, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Recorder Shari O'Bannon requested approval of extra temporary staff to help catch up - the number of recorded documents has increased dramatically. The board indicated that the decision was hers. O'Bannon will hire a temp and pay her from the part-time line item.

Treasurer Kathy Bach presented 2 resolutions regarding delinquent taxes. Motion by Gustafson, second by Burnside, to approve and to authorize the Vice-Chairman to sign the following resolution:

RESOLUTION 1998-07-07a

WHEREAS, the Board of Supervisors of Buena Vista County, in attempting to pursue the collection of delinquent personal property taxes, has reached an agreement with Dana Haahr on the building on leased land; and

WHEREAS, the Board of Supervisors has the power to compromise taxes, interest and penalty on any parcel of land; and

WHEREAS, Mr. Haahr has agreed to pay \$5,000.00 by July 1, 1998, and an additional \$5,000.00 by January 1, 1999, the County in recognition of this good faith effort will abate the old accumulated interest and costs which have accrued on these delinquent taxes, and negotiate an interest settlement from July 1, 1998 to July 1, 1999 on the unpaid balance of \$20,494. Haahr agrees to keep all other taxes current and should he falter on this agreement, all accumulated interest and costs will be re-applied after July 1, 1999.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA, that Mr. Haahr's agreement to have all delinquent taxes paid by July 1, 1999 has been accepted, and that the Treasurer will accept payments on this delinquent account.

/s/ Herb Crampton Vice-Chairman, Board of Supervisors Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Vice-Chairman to sign

the following resolution:

RESOLUTION 1998-07-07b

WHEREAS, the Board of Supervisors of Buena Vista County, in attempting to pursue the collection of delinquent property taxes, has reached a final agreement with James V. Poulson, on the delinquent mobile home taxes previously sold at the Public Bidder's portion of the tax sale held on June 20, 1994; and

WHEREAS, the Board of Supervisors has the power to compromise taxes, interest and penalty on any parcel of land; and

WHEREAS, Mr. Poulson agrees to pay delinquent taxes in the amount of \$300.00, the County agrees to abate costs associated with the Public Bidder's Tax Sale Certificate No. 9400.1, including 1994, 1995, 1996, and 1997 taxes, interest and costs which have accrued, and Mr. Poulson agrees to transfer title to this mobile home and have it placed back on the tax list as of July 1, 1998;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA, that Mr. Poulson's \$300 check is accepted as payment in full of the delinquent taxes so listed, and that the Treasurer shall adjust the tax list accordingly.

/s/ Herb Crampton Vice-Chairman, Board of Supervisors

Carried.

Motion by Bruns, second by Crampton, to approve the following resolution:

APPROPRIATION RESOLUTION 1998-07-07c

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year commencing July 1, 1998 in accordance with section 331.434 (Sec 6) 1995 Code of Iowa,

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

Section 1. The amounts itemized by department or office on the certified County Budget for 1998-99 are hereby appropriated at 99% from the resources of the funds, to the department or office listed in the 1998-99 budget (see budget by department document).

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, 1998.

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 1998-99 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 1998-99 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, 1999. Carried.

It was moved by Burnside, second by Gustafson, that the following resolution be adopted:

RESOLUTION FOR INTERFUND OPERATING TRANSFERS 1998-07-07d

WHEREAS, it is desired to transfer monies from the General Basic Fund to the General Supplemental Fund and to the Secondary Road Fund; and to transfer from the Rural Services Basic Fund to the Secondary Road Fund; and

WHEREAS, said operating transfers are in accordance with section 331.432, Code of Iowa,

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

Section 1. The sum of \$166,718 is ordered transferred from the General Basic Fund to the General Supplemental Fund, with one-half the amount to be transferred no earlier than July 1, 1998 and the last one-half to be transferred no earlier than January 1, 1999. The sum of \$95,000 is ordered transferred from the General Basic Fund to the Secondary Road Fund with one-half the amount transferred no earlier than July 1, 1998 and the last one-half transferred no earlier than January 1, 1999. The sum of \$935,000 plus \$366,415 is ordered transferred from the Rural Services Basic Fund to the Secondary Road Fund (levy and local option sales tax estimate for FY'98 collections) with one-half the amount transferred no earlier than July 1, 1998 and the last one-half transferred no earlier than January 1, 1999. Note: county assistance/personal property receipts from the state of Iowa shall be deposited in General Basic for expenditure in that fund.

Section 2. The total maximum transfer from the General Basic Fund to the Secondary Road Fund shall not exceed \$166,718 (levy) and the total maximum transfer from the Rural Basic Fund to the Secondary Road Fund shall not exceed \$1,301,415 (levy plus 70% of the estimated local option receipts for the tax collected for FY'98), all for the fiscal year beginning July 1, 1998.

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.

Carried.

Engineer Jon Ites noted that truck chassis quotes would be delayed until July 21. He discussed requests for equipment and personnel to move microfilm and cabinet, and writing specs for a new vehicle for Community Services. The board will discuss the vehicle acquisition with Comm. Services Director Anita Hallquist.

The engineer presented a pay estimate for the **M-50 bridge rehab** project for which the final total was \$68,096.32, including a retainage of \$2,047.89 (3%). The original contract price was \$69,650.31. Burnside noted that the east lane of the bridge is rough, and she is concerned with having paid for a mediocre job. Ites explained that after testing, the company made adjustments to bring the bridge into compliance with the required tolerances. Any further adjustments would need to be at an additional cost to the county since the bridge is in compliance with the 'green book.' The board asked the engineer to bring in the contractor to discuss the matter.

Vail left the meeting. Unless otherwise noted, all remaining actions were carried with the following vote: Ayes—Bruns, Burnside, Gustafson. Nays—none. Carried

Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman to sign, an underground construction application from IES Utilities (an Alliant Company) to install 6" and 4" steel natural gas main from the Alta town border station north to railroad tracks on Hwy 7 located on 50th Ave 1.2 miles south of the city limits in Sections 2 & 34, Nokomis Township. Carried.

Motion by Gustafson, second by Burnside, to approve the minutes of the 6/30 meeting as printed. Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign the contract for Emergency Medical Services training funds contract with the IA Dept. of Public Health, for FY'99 in the total amount of \$6,752. Carried.

Motion by Burnside, second by Gustafson, to approve the transfer of \$480 in FY'98 boat title collections to the Conservation Land Acquisition Trust Fund. Ayes—Burnside, Gustafson. Nays—Bruns. Carried.

Sheriff Chuck Eddy, Storm Lake Police Chief Mark Prosser, Deputy Sheriff Doug Simons, Ed Hibbs, and Clint Hoferman were present for a discussion of juvenile detention costs. Supervisor Gustafson reviewed the costs for the jail and for juvenile detention for FY'98, as well as BV Co's usage of the YES Center, Cherokee, in comparison to the other member counties. He also read some observations of Joan Blundall, Season's Center, including that our detention rates, and juvenile problems are proportionately greater than Carroll County. Gustafson noted that BV County: 1) requires the disabled to pay a portion of their earnings to the County for their care, 2) that parents with kids in foster care help pay that cost, etc. Perhaps it is time to ask parents of kids in detention &/or jail to help pay the detention and jail costs. In effect, due to our disproportionate usage, BV Co is helping subsidize the YES Center for all other member counties. He has asked for some action by that board to reduce BV Co.s cost after a certain level, but he has found no support amongst the other members. A year from now, the YES board will look at their reserves and consider some action to reduce it. The county can no longer afford to just pay the bill - we don't have the resources. Currently, the state only funds at the 8% level, instead of the 10-50% required in Chapter 232 of the Code.

Clint Hoferman commented that after hearing a presentation on this subject, several of the attendees started asking whether the county should consider a facility within its own borders. Eddy explained the upcoming jail study which will look at that very question. Bruns asked if the juvenile acts are more serious than those committed by juveniles in the other counties. Eddy explained that part of the detention costs have been for incarceration of prisoners waiting to go to court, and also, to hold those who have been adjudicated but are waiting for a space in the state system. Simons suggested that some of the laws need to be changed since they don't take into consideration the consequences they create. Bruns noted that the state is talking about their financial surplus but is neglecting its codified financial responsibility.

Motion by Gustafson, second by Bruns, that the Buena Vista County Supervisors request a payment from IBP in the amount of \$80,382.50, this figure representing 25% of the county's total jail and detention spending of \$321,531.00 for fiscal year 1997-98, and also, 25% of those expenses incurred every year thereafter. Discussion—Burnside suggested bringing IBP to the table to discuss the issue. Ayes—Bruns, Burnside, Gustafson, Crampton. Nays—none. Carried.

Motion by Gustafson, second by Burnside, that the Buena Vista County Supervisors shall proceed to bill the parents and/or legal guardians for their children's detention costs incurred after July 1, 1998. Ayes—Bruns, Burnside, Gustafson, Crampton. Nays—none. Carried.

Motion by Gustafson, second by Bruns, to send a copy of these resolutions to our Legislators, and to urge them to become equal partners with the counties under Chapter 232.147 of the Iowa Code and to fund detention costs at the full 50% level. The Legislature needs to address the declining number of residential treatment beds for juveniles. Buena Vista County can no longer afford these increasing costs. Ayes—Bruns, Burnside, Gustafson, Crampton. Nays—none. Carried.

Terry Johnson, Genesis Executive Director, and Barry Goettsch, SL site manager, were present to further discuss their request for financial assistance in converting the remaining HUD building on Maywood to a waiver home at a cost of approximately \$39,639. Gustafson suggested that no decision can be made until February, 1999 for the FY2000 budget, since FY'98 ended with a shortfall of \$50,000 in the General Fund over what was anticipated. Supervisors were asked to consider a contribution \$20-25,000. Also discussed was the 22% increase in transportation fees from the Regional Transit Authority. Other transportation systems utilized by Genesis have not shown similar increases, nor have any other types of expenses.

A conference call was received from an attorney for the Environmental Protection Agency advising the board that a letter requesting access to the Sundholm property in Albert City will be received. The property has been determined to be contaminated and clean-up is required. The EPA wants to proceed with clean-up, but requires owners, and all who may have some ownership interest, to agree to permitting access to the property.

Ites discussed staffing in his office. The EIT has interviewed in another county. Ites also reviewed concerns regarding several projects.

Assistant County Attorney Rick Kimble discussed the open meetings law and some of its requirements.

There being no further business, the meeting adjourned at 3:00 p.m. to Wednesday, July 8 at 1:00 p.m. for a special session.

**BOARD OF SUPERVISORS
TWENTY-SEVENTH MEETING, 1998 SESSION (27)
JULY 8, 1998**

The Buena Vista County Board of Supervisors met in special session on Wednesday, July 8, 1998, at 1:00 p.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Having declined another county's offer to be Assistant County Engineer by accepting Buena Vista County's counter-offer, motion by Gustafson, second by Burnside, to raise the wage of Steve Petermeier, Assistant County Engineer, to 75% of the Engineer's wage, effective 7/8/98, and to increase his wage to 80% of the County Engineer upon licensure as a Professional Engineer. Carried.

Ites requested changing the status of the part-time mower position to full time, with that employee working as an equipment operator out of Sioux Rapids during the winter season, and to move the Eng Tech II position back into the office full time eliminating the equipment operator portion of his assignment.

Having received a letter from him, motion by Crampton, second by Bruns, to recognize Dr. David Crippin, appointed by the board on January 2, 1998, as the county's Medical Examiner, as an independent contractor, to establish his fee at \$150/case, and to establish the wage rate for deputy medical examiners at \$25/hour. Carried. It was noted that the Auditor's office had been notified by IPERS that neither medical examiners, nor deputy M.E.'s, shall be eligible for IPERS in those capacities.

The board reviewed submissions from 2 individuals responding to the Census 2000 Coordinator advertisement. They will be scheduled to meet with the board at a later time.

There being no further business, the meeting adjourned at 2:30 p.m. to Tuesday, July 21 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
TWENTY-EIGHTH MEETING, 1998 SESSION (28)
JULY 21, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 21, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Treasurer Kathy Bach and Deputy Auditor Sue Kennedy met with the board to review FY'98 financial summaries.

The board discussed procedures for billing juveniles & parents monthly for costs incurred at the YES Center.

Engineer Jon Ites distributed to the board a tabulation of the truck chassis bids received from Storm Lake International, Barry Motor Co., Fitzpatrick Auto Center, and Trans-Iowa Equipment. Present were Dustin Peterson from Cedar Valley Freightliner, and Bill Fitzpatrick, Storm Lake. Gustafson asked if specs could be written to allow all dealers to submit bids without any variations. Motion by Burnside, to accept the low bid of Barry Motor Co. The motion died for lack of a second. Bruns excused himself from voting on any motion due to a conflict of interest in his capacity as CPA. Gustafson stated that he did not feel there was a conflict of interest as long as the motion under consideration was to accept the lowest bid. After further discussion and explanation, at Crampton's request, Burnside again moved, seconded by Crampton, to accept the low bid of Barry Motor Co. for a tandem axle Ford Sterling LT9511 chassis (with a/c) in a total amount of \$39,485 which includes a \$21,500 trade-in allowance, for April, 1999 delivery. Ayes-Bruns, Burnside, Crampton, Vail. Nay-Gustafson Carried.

Bids were received from Storm Lake International, Barry Motor Co., Fitzpatrick Auto Center, & Trans-Iowa Equipment for a sign truck. Motion by Gustafson, second by Burnside, to accept the low bid of Fitzpatrick Auto Center for a single axle sign truck in a total amount of \$39,975 which includes a \$12,975 trade-in. Aye-Burnside, Crampton, Gustafson, Vail. Nays-none. Abstain-Bruns. Carried.

Motion by Bruns, second by Crampton to approve the (hazardous materials) Site Monitoring Report (SMR) for the Hudson St. shop, and, to authorize the engineer to sign the certification of the Report, and pay the cost of the study. Carried.

Motion by Gustafson, to accept as completed as of this date, and to approve payment of the final estimate to Cunningham-Reis, for the M-50 bridge project, in the amount of \$2,042.89 less \$500 due to the quality of the job. The motion died for lack of a second. Motion by Bruns, second by Crampton, to accept, to authorize the Chairman to sign, and to approve payment of the final estimate to Cunningham-Reis, Van Meter, Iowa for the M-50 bridge project #L-MBR-420(1-98), in the amount of \$2,042.89 Ayes-Bruns, Crampton, Vail. Nays-Gustafson. Abstain-Burnside. Carried.

Motion by Burnside, second by Gustafson, to accept as completed as of this date, to authorize the Chairman to sign, and to approve final payment to Ten Point Construction, Denison for project # L-MBR-420(2-98) in the amount of \$11,984.25. Carried.

Motion by Burnside, second by Bruns, to approve the revised utility construction permit application of Alliant, IES Utilities, Cedar Rapids, the original approved permit having been approved 7/7/98, (for installation of 6" and 4" steel natural gas main from the Alta town border station north to railroad tracks on Hwy 7 located on 50th Ave 1.2 miles south of the city limits in Sections 2 & 34, Nokomis

Township), and the revision being to note that the pipe will be directionally bored. Carried.

Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign the utility construction permit application of Iowa Lakes Electric, Estherville, to install a 7200 volt overhead distribution line to replace existing overhead to improve service, installation to be in Sections 6,5,4,3,2,1, and 10 Grant Township. Carried.

The board acknowledged the notice provided by Corn Belt Power Cooperative, Humboldt, of their intent to upgrade the operating voltage of their utility from 36.23 KV to 72.5 KV of their line from Marathon north to the substation in the NW corner of Section 10 Poland Township.

Community Services Director Anita Hallquist discussed her department's vehicle purchase. Ites will proceed with the specs.

Motion by Bruns, second by Crampton, to approve and to authorize the Chairman to sign the FY'98 substance abuse expenditure report, the funds having been provided by the Iowa Dept. of Public Health. Carried.

Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign an agreement extending the service agreement with Lutheran Family Services until July 1, 1999. Carried.

Hallquist discussed some of the items included in the 'catchment fee' charged by Season's Center to the county, which she believes should not be paid by county funds since other sources of funding are available.

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

- minutes of the 7/7 and 7/8 meetings as printed;
- reports -- June budget reports, Clerk's surcharges and fines (2), June 9 & 15 Conservation Board minutes. Also reviewed: April-June Qtr Farm-to-Market funds;
- suspension of taxes on parcel #7199.50, pursuant to Chapter 427.8 of the 1997 Code of Iowa;
- abatement of tax sale certificates: # 95104 (parcel 11-W023584), # 95110 (parcel 11-W023597), & # 95111 (parcel 11-W0233594), plus abatement of '97 taxes on the same parcels;
- set the public hearing date for ag area petition filed 7/16/98 by Robert Sievers, etal. as August 4, 1998 at 8:30 a.m. in the boardroom.
Carried.

EnvHealth/Zoning Director Kim Johnson reported on the training attended by her department on inspection of tanning beds, funeral homes, and tattoo parlors.

Weed Commissioner Norm Lund informed the board of several locations where owners have been notified to destroy weeds, but no action has been taken.

Motion by Burnside, second by Bruns, to approve and to authorize the Chairman to sign the Class C, Sunday Sales, and Outdoor Service Area liquor license application of Lake Creek Country Club. Carried.

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

RESOLUTION 1998-07-21a
AMENDMENT TO RESTATED PLAN DOCUMENT

WHEREAS EMPLOYER executed the above referenced Plan Document; and

WHEREAS effective January 1, 1998, EMPLOYER desires to amend the Plan Document as

follows:

ARTICLE VII, Section 8.05 is hereby amended by deleting \$3,500 or "less" from the heading. Additionally, the first sentence is amended by replacing "is \$3,500 or less" with "does not exceed the dollar limit under Section 411 (a) (11) (A) of the Code." Carried.

Motion by Bruns, second by Crampton, to approve, and to authorize the Chairman to sign the following resolution:

RESOLUTION 1998-07-21b

ESTABLISHMENT OF CUSTODIAL ACCOUNT AND LIFE INSURANCE TRANSFER AUTHORIZATION

WHEREAS, the undersigned Employer is owner of one or more life insurance policies issued to it by Commonwealth Life Insurance Company, Kentucky Commonwealth Life Insurance Company, Peoples Security Life Insurance Company, or Providian Life and Health Insurance Company (the "Policies") in connection with the deferred compensation plan it maintains for its employees (the "Plan") pursuant to Section 457 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, as a result of an amendment to the Code, all assets and income of the Plan must be held in a trust, custodial account or annuity contract; and

WHEREAS, the Plan has been amended to reflect the changes required by the amendment of the Code; and

WHEREAS, the Employer desires to adopt the Code Custodial Account (the "Custodial Account") to hold assets, other than annuity contracts, which will provide benefits for the participants and beneficiaries; and

WHEREAS, as a result of the amendment to the Code, the Employer desires to transfer ownership of the Policies to Bank One Trust Company, N. A. (the "Custodian") for the exclusive benefit of the Plan's participants and beneficiaries;

NOW THEREFORE, the undersigned Employer hereby accepts the Code Custodial Account Agreement, adopts the Custodial Account, authorizes transfer of ownership to the Policies to the Custodian, and designates the Custodian as the beneficiary to the Policies. Carried.

It was noted that the drainage levy ordered for **DD #105-64 jt**, in May 12, 1998, was not ordered by the joint boards, and therefore is withdrawn from levy for fall, 1998, collection.

It was also noted that the County Attorney has reviewed the FY'99 **Seasons Center services agreement**, as directed by board motion in the June 23, 1998, and has found it acceptable.

There being no further business, the meeting adjourned at 12:10 p.m. to Tuesday, August 4 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
TWENTY-NINTH MEETING, 1998 SESSION (29)
AUGUST 4, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 4, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

8:30 A.M.—The time having arrived for the public hearing on the **Ag Area** petition submitted by Nathan Sievers, et al., the Chairman opened the hearing with Robert & Nathan Sievers, and Zoning Director Kim Johnson present. The auditor noted that the notice of hearing had been published as required, and that no written comments have been received. After discussion of the Sievers' plans, motion by Crampton, second by Bruns, to close the public hearing. Carried.

Motion by Burnside, second by Crampton, to approve the ag area petition filed by Nathan Sievers, et al., consisting of approximately 80 acres, it being an addition to the Bob Skog ag area approved on 12/2/97, located in Section 1, Coon Township and having the following boundary description: Commencing at the Northwest corner of said Section 1, T-91-N, R-35-W, Coon Township, Buena Vista County, Iowa, go ½ mile east, thence ¼ mile south, thence ½ mile west, thence ¼ mile north to the point of beginning. Carried.

Sue Morrow, **Spectra** Administrator, discussed recent air conditioning adjustments at the facility, air conditioning of the administrator's residence, and a notice from DNR regarding an underground fuel storage tank at the Spectra facility.

Zoning Director Kim Johnson discussed compliance permits for existing rural commercial facilities which aren't zoned appropriately, some existing for a long time, others new. Johnson suggested holding public meetings to provide information about county zoning. Johnson will review the information with Ass't County Attorney Dave Patton.

Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign the contract with Christensen Bros., Cherokee, for **project #BROS-11(41)—8J-11** (box structure) at the Marathon Park, and to approve the bond and certificate of insurance. Carried.

It was noted that abstract of title has been updated and is received for filing, for the southern portion of the **Western stockpile site**. Included in the description is the Communications Center tower site.

There will be as many as 6 cranes working at a single time on the **Zond wind farm project**. The company doing the construction will be asking for approval to cross county roads with their track. Engineer Ites reviewed the status of the driveway building by his department for the windfarm project.

The **C-63** resurfacing project will be delayed in its start date due to a delay in getting the patching contractor on the job. The current expected start date is about Labor Day. Patching on old Hwy 71 is complete, and bridge construction on M-50 is ready to begin.

Head Custodian Dewyne Stucynski discussed the necessary office changes for the **E911** Coordinator. The Courthouse Committee met and recommended the small office outside of the boardroom.

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

- **minutes** of the 7/21 meeting as printed;
 - Class C beer & Sunday sales **liquor license** application of Sparky's One Stop.
- Carried.

Motion by Crampton, second by Burnside, to set the date and time of public hearing for the Rebhuhn **subdivision request** as August 11 at 8:30 a.m. in the Boardroom. Carried.

Motion by Burnside, second by Bruns, to set the date and time of public hearing for the S&B Pork L.C **ag area** petition as August 11 at 8:45 a.m. in the Boardroom. Carried.

Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman to sign the 28E

Transportation lease agreement with Cherokee MHI for FY'99. Carried.

There being no further business, the meeting adjourned at 12:20 p.m. to Tuesday, August 11 at 8:30 a.m. for a special session.

**BOARD OF SUPERVISORS
THIRTIETH MEETING, 1998 SESSION (30)
AUGUST 11, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 11, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Burnside, Crampton, and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Bruns

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

8:30 a.m.—The time having arrived for the public hearing on the subdivision request of Mike Rebhuhn, the Chairman opened the hearing with Rebhuhn, Attorney Steve Roth and Zoning Director Kim Johnson present. The auditor noted that the notice of hearing had been published as required, and that no written comments had been received. Johnson and Roth reviewed the elements of the request. Roth stated that signatures of the developers have been obtained and that the abstract is being brought up to date. The subdivision will be filed when the paperwork is complete, and the Treasurer's certificate has been obtained. Johnson reported that the action of the Zoning Commission was to recommend approval of the request. Motion by Gustafson, second by Crampton, to close the public hearing. Carried.

Motion by Burnside, second by Gustafson to approve and to authorize the Chairman and Auditor to sign the following resolution:

**RESOLUTION #1998-08-11 APPROVING THE PLATTING OF
REBHUHN'S SUBDIVISION TO BUENA VISTA COUNTY, IOWA**

The following owners/proprietors have submitted the proposed subdivision plat of Rebhuhn's Subdivision to Buena Vista County, Iowa, to the Buena Vista County Board of Supervisors, to wit:

Robert Rebhuhn, Ruth Rebhuhn, Michael Rebhuhn and Deborah Rebhuhn

The proposed plat has been reviewed by and recommended for approval of this board by the Buena Vista County Planning and Zoning Commission. The plat and subdivision having been found acceptable to this board and in compliance with the rules and regulations as set forth in the relevant statutes and ordinances and is found to be in conformance with the applicable provisions of the Iowa Code, and specifically the provisions of Chapter 354 of the Iowa Code 1997.

**Legal Description of Property Platted:
No. 1: LOT A**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¼ SE¼) OF SECTION 9, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Southeast Quarter (SE¼) of said Section 9; Thence on a previously recorded bearing of North 00°58'25" West, along the East line of said Southeast Quarter (SE¼), 1198.79 feet to the Southeast (SE) Corner of a survey performed by Bud L. Vote on February 11, 1987 and recorded in Miscellaneous Book 29, page 968 in the Buena Vista County Recorder's Office, said point also being the Point of Beginning. Thence South 89°51'11" West, along the South line of said survey, 460.00 feet to the Southwest (SW) Corner of said survey; Thence North 00°58'25" West, along the West line of said survey, 100.00 feet; Thence North 89°51'11" East, 460.00 feet to the East line of said Southeast Quarter (SE¼) ; Thence South 00°58'25" East, along said East line, 100.00 feet to the Point of Beginning.

Hereafter known as Lot A of Section 9, Township 92 North, Range 36 West of the 5th p.m., Buena Vista County, Iowa.

Tract contains 1.06 Acres and is subject to all easements of records.

No. 2: LOT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼ SE ¼) OF SECTION 9, TOWNSHIP 92 NORTH, RANGE 36 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Southeast Quarter (SE¼) of said Section 9; Thence on a previously recorded bearing of North 00°58'25" West, along the east line of said Southeast Quarter (SE¼), 942.79 feet to the Point of Beginning. Thence continuing along said East line, North 00°58'25" West, 256.00 feet to the Southeast (SE) Corner of a survey performed by Bud L. Vote on February 11, 1987 and recorded in miscellaneous Book 29, page 968 in the Buena Vista County Recorder's office; Thence South 89°51'11" West, along the South line of said survey, 460.00 feet to the Southwest (SW) Corner of said survey; Thence South 00°58'25" East, 256.00 feet; Thence North 89°51'11" East, 460.00 feet to the Point of Beginning.

Hereafter known as Lot B of Section 9, Township 92 North, Range 36 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 2.70 Acres and is subject to all easements of record.

No. 3: LOT C

A PART OF THE EAST HALF (E½) OF THE SOUTHEAST QUARTER (SE ¼), OF SECTION NINE (9), TOWNSHIP 92 NORTH (T-92-N), RANGE 36 WEST (R-36-W), OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) corner of the SE ¼ of Section 9, T-92-N, R-36-W, of the 5th P.M., Buena Vista County, Iowa; thence North 00°58'25" West, 1198.79 feet, along the East line of said SE¼, to the point of beginning; thence South 89°51'11" West, 460.00 feet; thence North 00°58'25" West, 647.00 feet, parallel with the East line of said SE ¼; thence North 89°51'11" East, 460.00 feet, to the East line of said SE¼ ; thence South 00°58'25" East, 647.00 feet, along the East line of said SE ¼, to the point of beginning

Excepting therefrom the following described parcel:

Lot A of Section 9, Township 92 North, Range 36 West of the 5th P.M., Buena Vista County, Iowa.

The above recorded parcel less the excepted parcel contains 5.77 Acres and is subject to all easements of record.

Hereafter known as Lot C of Section 9, Township 92 North, Range 36 West of the 5th P.M., Buena Vista County, Iowa.

It is Resolved by the Buena Vista County, Iowa, Board of Supervisors that:

The plat of Rebhuhn's Subdivision, consisting of Lots A, B, and C be and is hereby approved.

It is further Resolved that the Chairman and Auditor be and are hereby empowered to certify this Resolution and that that the certification and this Resolution shall be affixed to said Plat as required by law, and that the same may be filed in the appropriate county offices as by law provided.

Passed, approved, and adopted this 11th day of August, 1998.

By: /s/ Richard A. Vail, Chairman, Buena Vista County Board of Supervisors
/s/ Karen Strawn, Buena Vista County Auditor

Carried.

8:45 a.m.—The time having arrived for the public hearing on the ag area request filed by S&B Pork L.C. on August 3, 1998, the Chairman opened the hearing with Matthew Bloom and Zoning Director Kim Johnson present. The auditor reported that the notice of hearing had been published as required, and that no written comments had been received. Bloom answered questions and discussed the facility

being constructed. There being no objections, motion by Crampton, second by Burnside, to close the public hearing. Carried.

Motion by Crampton, second by Burnside, to approve the ag area petition filed 8/9/98 by S&B Pork, L.C., consisting of approximately 839 acres in Sections 34 & 35, Lee Township, and Section 3, Lincoln Township, with the following described boundary lines: commencing from the Northwest corner of the Northwest ¼ of Section 35, Township 93 North, Range 36 West, go ½ mile East, then 1 mile South, then ½ mile West, then ¼ mile South, then ½ mile West, then ¾ mile North, then ½ East, then ½ mile North to the point of beginning, the approval being subject to the submission of the additional signatures required - Warren Hansen & Brad Hansen. Carried.

HM/HHA Director Marilyn Monson discussed her proposal for De-cat funding. The proposal is for the "Get Ready" program which is designed to assist children in getting ready for school in homes where parents are not providing the assistance. Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign a letter of support for the proposed HM/HHA "Get Ready" project. Carried.

Engineer Jon Ites delivered a survey requesting comments on 3-lane versus 4-lane traffic on the former Hwy 71 running through Storm Lake; provided an update on the status of current projects; proposed 3 additional culvert projects for the year, the price to be negotiated (the board approved); for the Aug 30 celebration, suggested something other than a 'Slow' sign to be placed on M-31 south of the Hanover location.

TIC (The Industrial Company) representatives Jeff Gibson & Richard Lynch, Zond Development Manager Ken Hach, Zond Construction Manager Jerry Scott, Ites and Maintenance Superintendent Tom French discussed movement of cranes across county gravel and paved roads during the construction of the Zond wind farms. The cranes weigh 431,000 pounds, or 1,900lbs/sq ft. Plywood will be placed on the pavement to move the cranes, and the plywood will be oiled to facilitate turning, avoiding as much friction as possible. Hach requested approval for TIC to move their equipment on the county roads. Motion by Gustafson, second by Crampton, to approve and to authorize the engineer or his designee to approve closing the roads for transportation of the cranes, noting that TIC and/or Zond are responsible for signing and traffic control, that TIC and/or Zond will provide 48 hours advance notice of time when cranes will be moved (excluding weekends) to both the engineer and the sheriff, and finally that TIC will be responsible for any damages to the county roads. Carried.

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

- minutes of the 8/4/98 meeting as printed;
- establishment of special revenue Fund #32 to be known as Hwy 3 & 71 TIF fund;
- voiding of lost warrant #101326 in the amount of \$1,050.00, issued to Dr. David Crippin, and to authorize re-issuance. Carried.

The board proceeded with personnel policy review.

There being no further business, the meeting adjourned at 12:00 p.m. to Tuesday, August 18 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
THIRTY-FIRST MEETING, 1998 SESSION (31)
AUGUST 18, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 18, 1998, at 8:30 a.m. in the Boardroom with Vice-Chairman Crampton presiding, and with the following others present: Burnside and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail and Bruns

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

Engineer Jon Ites updated the board on his road inspection with TIC for movement of their cranes on county roads. TIC will be revising their plan. Ites also reviewed current road projects. Buena Vista County's updated 10 year needs study by DOT System Planning is in progress. This study helps to determine the amount of our road use tax distribution. He advised the board that the county is in a weak position for additional funding. Gustafson suggested billing those who do the damage to the roads instead of paying for repairs through the state which licenses farm vehicles. Ites responded that certain conditions must be met before a bill can be sent. He doesn't know how such a program could be set up. Gustafson suggested discussing the subject with the county attorney, and perhaps the Legislature, ISAC, or the Engineer's Association needs to address the problem on a state-wide basis since it is not unique to this county.

Ites and Deputy Sheriff Doug Simons discussed various requests from the **Hanover Historical Society** for signs, pedestrian walkway, and parking assistance. The group has a fundraiser on Sunday, August 30. Two pedestrian signs will be put up for the event. Simons suggested a caution or turning traffic signs on C-65. It was the consensus of the board to build the requested walkway.

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

- **minutes** of the 8/11 meeting;
- **reports** including July Conservation board minutes, Clerk's surcharges, and budget reports. Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Vice-Chair to sign the agreement for services for FY'99 with **Genesis Development**. Carried.

Motion by Gustafson, second by Burnside, for the purpose of meeting the requirements regarding the county's 1998 **disaster declaration** as it relates to general assistance, to designate the Season's Center to be the provider of Crisis Counseling Services. Carried.

The board discussed **Year 2000 compliance** and an upcoming teleconference on the subject to be held on October 7. The auditor will check into the possibility of having a downlink site in Storm Lake.

Assistant County Attorney Rick Kimble discussed the billing procedure for **juvenile detention** costs. In his research, Kimble advised that making names a part of the minutes would not be a breach of confidentiality since the names are already public in the court records. Motion by Gustafson, second by Burnside, to approve and to authorize bills be sent to the parents/guardians of the juveniles listed below for July, 1998 juvenile detention costs (juveniles who have been adjudicated). Carried.

There being no further business, the meeting adjourned at 12:20 p.m. to Tuesday, August 25 at 8:30 a.m. for a special session.

**JULY, 1998 JUVENILE DETENTION BILLS
CHARGED TO THE PARENTS/LEGAL GUARDIANS OF:**

<u>Juvenile</u>	<u>Parent/Legal Guardian</u>	<u>Amount</u>
Jose Maldonado		\$2,700
Bounthanong "Bill" Phiakhamta	Sithone & Jeremy Phiakhamta	\$1,100
Fabian Reyes	Angelica Manriquez	\$ 300
Brandon Guerra	Rita & Gary Helms	\$ 400
Kaisone Navongsa	Sub & Nhouphona Navongsa	\$1,700

**BOARD OF SUPERVISORS
THIRTY-SECOND MEETING, 1998 SESSION (32)
AUGUST 25, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 25, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Leesa McNeil, Court Administrator, and Clerk of Court Donna McPherren, JPO Bob Fritz, Ass't Co. Attorney Rick Kimble, Sheriff Chuck Eddy, Deputy Sheriff Doug Simons, Judge Mary Timco, and Custodian Dewyne Stucynski discussed the need for additional courthouse space for the court system. McNeil requested use of the 2nd Floor PMR #2. Three new employees are being added: another Juvenile Probation Officer, and both a Coordinator & clerical assistant for the new CASA program (Court Appointed Special Advocate). McNeil reviewed statistics showing the explosive growth in delinquency filings, judges' court time, civil and criminal filings, and increases for associate judges and magistrates, and involuntary hospitalizations. She noted that there would be a rearrangement of current usage, in addition to adding 3 employees. The state will pick up the cost of computer cabling and phone installation, modular office equipment, with no remodeling being required. The state will also help with the cost of a new sound system in the courtroom. The county will provide any electrical work. After lengthy discussion, motion by Burnside, second by Gustafson, to assign the 2nd Floor PMR #2 to the court system. Carried.

After moving to the 2nd Floor PMR #1, Consultant Renee Von Bokern conducted the personnel policy discussion on several items yet needing decisions, including family medical leave policy. In addition to the board, present for the discussion were: Karole Graen, Shirley Johnson, Kathy Bach, Jean Chindlund, Doug Simons, Marilyn Peters, Marilyn Monson, Nancy Brady, Kim Johnson, Anita Hallquist, and Mary Smith. After completion of those items, Von Bokern met separately on several individual issues, while the board returned to the boardroom.

It was noted that the waste tire grant application had been approved.

The board discussed a number of inquiries they had received on drainage assessments that were mailed at the same time property tax statements were mailed.

Purple loosestrife was also discussed, with the mention of some information obtained from ISU extension and the internet. Though no action was taken, it was noted that amount of purple loosestrife in BV County poses a serious threat and could destroy the county's wetlands, it will become far worse without some effort to contain it and prevent spreading.

Motion by Bruns, second by Gustafson, to approve the DD #22 Jt. work project as proposed in the August 20, 1998 letter signed by Frank Rouse, Clay County Drainage Technician, the work to be removal of trees and installation of a new tile line, all in Clay County. Carried.

Motion by Crampton, second by Gustafson, to approve and to authorize the Chairman to sign an agreement with Regional Transit Authority for services for FY'99. Carried.

Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign a letter of commitment to accompany the application to establish a BV, Crawford, Sac Co. Empowerment Board. Carried.

There being no further business, the meeting adjourned at 12:00 p.m. to Tuesday, September 1 at 8:30 a.m. for a regular session.

BOARD OF SUPERVISORS
THIRTY-THIRD MEETING, 1998 SESSION (33)
SEPTEMBER 1, 1998

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 1, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Burnside.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Crampton, Gustafson. Nays—none. Carried.

Engineer Jon Ites presented bills from IDOT for plan reviews. Motion by Bruns, second by Crampton, to approve and to authorize the Chairman and Engineer to sign the universal pay voucher to IDOT in the total amount of \$5,045.81 for materials inspection, to be paid from the Farm to Market account. Carried

Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman and Engineer to sign the universal pay voucher to IDOT in the total amount of \$152.24 for engineering services & checking shop drawings, to be paid from the Farm to Market account. Carried

For a second time, IDOT has asked whether the county would accept a transfer of jurisdiction on Hwy 197 from Hwy 3 into Albert City. Ites reported that taking jurisdiction has no benefits for the county, and the city might have some concerns. It would, of course, benefit the state by reducing their number of miles for maintenance and snow removal. It was the consensus of the board to decline.

Due to the ineffectiveness of the customary weed chemicals, brush in the ditches is not responding to treatment. Ites requested using a different chemical, which also will work on weeds. The consensus of the board was to approve purchase of 20 gallons of 'Patron 170' for trial use.

Ites discussed acquisition of a road maintenance retriever for restoring the shoulder to the proper shape and pulling the gravel back onto the road. No action was taken. He reported that repairs have and are being done on trucks to lengthen their service life, and, that a John Deere motorgrader may be needing an engine replacement and other repairs, approximately \$15,000 worth. The machine's warranty has expired. Ites asked again about changing a part-time position to a full-time and duty re-assignment for one office employee. Gustafson is not in favor of hiring any more people due to the farm economy. Bruns asked about the work previously assigned to an employee who recently resigned. Ites noted that he has not asked to replace that person. Bruns is not opposed to adding a half-time equivalent, instead of replacing the 1 full time (who resigned). The board will consider this at the next meeting of the full board.

Motion by Bruns, second by Crampton, to approve and to authorize the Chairman to sign the utility construction permit application of GTE Midwest to bury telephone line on the north side of Section 21 Poland Township to connect pedestal. Carried.

Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign, the utility construction application of Schaller Telephone to bury fiber optic cable from the intersection of C-65 and Hwy 110 west to M-31 and north along M-31 to the intersection of M-31 and C-49. Carried

Motion by Crampton, second by Gustafson, to approve and to authorize the Chairman to sign 6 utility construction permit applications (permits identified as A-E and communications) of HDR Engineering, Inc., Minneapolis, MN., to construct underground and overhead 24.94 kV power lines and underground communication cables for the Storm Lake Power Partners II, LLC windfarm project. Carried.

Motion by Crampton, second by Bruns, to set 2 public hearings as follows:

- on the ag area petition filed 9/1/98 by Franzmeier Farms Corp. to add on to an existing ag area in Section 20, Grant Twp, consisting of approximately 80 acres --- 8:30 a.m. on 9/15/98 in the boardroom; and.
- on the ag area petition filed 9/1/98 by Franzmeier Farms Corp., to establish an ag area in Section 8, 9, 16, 17 in Grant Township, consisting of approximately 773 acres --- 8:45 a.m. on 9/15/98 in the boardroom. Carried.

Env Health/Zoning Director Kim Johnson informed the board of walkway to the lake on public lands at Casino Beach which is not located as platted. No permission was requested prior to construction. The board directed that Johnson notify the responsible person that the walkway should be removed.

Johnson also informed the board of the need to develop a policy on DNR hog confinement facility inspections, to which the county may send a county representative for the purpose of participating in the inspection. The board must decide whether or not to participate. Gustafson asked about the application process, previously discussed, for all construction in the rural area. Regarding the hog confinement, Johnson will do additional research about what is involved.

Comm. Services Director Anita Hallquist, General Relief Director Paula Guerra, and Gingerbread House Director Betty Ohlund met with the board to discuss a revised daycare rate schedule. DHS rate guidelines have been adjusted, creating a need for changes in the Gingerbread House rates. It was the consensus of the board to approve the new fee schedule, with the county funding not to exceed the budgeted \$20,000 for FY'98. The board requested that Ohlund report back in about 6 months on what changes the revised schedule has created.

Hallquist submitted the FY'98 case management financial and statistical report. Motion by Bruns, second by Crampton, to approve and to authorize the Chairman to sign the case management financial and statistical report for Purchase Of Service contracts. Carried.

Motion by Crampton, second by Gustafson, to approve minutes of the 8/18 and 8/25 meetings as amended. Carried.

It was the consensus of the board to permit use of the Courthouse lobby on October 14 for the administration of flu shots by the Public Health Department.

Motion by Gustafson, second by Crampton, to approve and to authorize certificate of adjustment #3064, dated this date, for FY'99 taxes, the adjustment being made to correct the total taxes due since an erroneous taxable valuation was used in computing the taxes payable. Carried.

Motion by Gustafson, second by Bruns, to appoint Head Custodian Dewyne Stucynski to the Courthouse Committee. Carried.

Motion by Gustafson, second by Bruns, to approve renewal of the corporate membership at the Fitness Center for use by employees, and to provide notice of the renewal to employees with the next payroll. Carried.

There being no further business, the meeting adjourned at 12:35 p.m. to Friday, September 11 at 8:30 a.m. for a special session.

**BOARD OF SUPERVISORS
THIRTY-FOURTH MEETING, 1998 SESSION (34)
SEPTEMBER 11, 1998**

The Buena Vista County Board of Supervisors met in special session on Friday, September 11, 1998, at 8:30 a.m. in the Boardroom with Vice-Chairman Crampton presiding, and with the following others present: Bruns, Burnside, and with Auditor Strawn as clerk for the meeting. Absent: Vail and Gustafson.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside. Nays—none. Carried.

Motion by Bruns, second by Burnside, to approve the minutes of the 9/1 meeting as printed. Carried.

Motion by Burnside, second by Bruns, to re-establish the 50 cents/hr. differential between election workers, and election board chairpersons as follows: election workers shall be paid minimum wage plus 25 cents, chairpersons shall be paid minimum wage plus 75 cents, effective 9/8/98. Carried.

Motion by Burnside, second by Bruns, to approve an interfund loan in the amount of \$500 from General Basic fund (001) to Disaster Services (060) retroactive to 8/31/98, the loan to be paid within fiscal year 1999. Carried.

Engineer Jon Ites presented the FY98 annual report of Road and Bridge Work - Farm to Market and Local Secondary Roads. Also, Ites reported on his survey of other counties on whether or not manure pipelines are permitted in county road ditches.

Having received an inquiry about a turn-around at Casino Beach, Ites reported that installation of a driveway has been approved, with work to begin as soon as workers can be scheduled for the project.

Upon completion of the Canvass of the Regular School Election held September 8, 1998, and pursuant to Chapter 50.24, 1997 Iowa Code, motion by Burnside, second by Bruns, to declare the results as follows:

Alta Community School District: total voters: 82

For a 3-year term - elect 1:

Wesley A. Holmes	77	elected
Write-ins	0	

To fill a vacancy (1 yr) - elect 1:

Rick Glienke	58	elected
Write-ins (6 persons)	11	

Albert City-Truesdale Community School District: total voters: 85

For 3-year terms - elect 2

Nick Ackerman	62	elected
Marlyn Hogrefe	79	elected
Write-ins (8 persons)	20	

Newell-Fonda Community School District: total voters: 261

District 1 - For a 3-year term - elect 1:

Tony W. Buchholz	127	elected
Jay D. Johnson	107	
Write-ins (1person)	1	

District 2 - For a 3-year term - elect 1:

James V. Wernimont	219	elected
Write-ins (1 person)	1	

Public Measure for a 5 yr. PPEL up to \$100,000 per year (simple majority required)

Yes	155	carried
No	99	

Sioux Central Community School District: total voters: 86

District #1 - For a 3-year term - elect 1:

Mark Sichelka	82	elected
Write-ins	0	

District #3 - For a 3-year term - elect 1:

William Johnson	82	elected
Write-ins (1 person)	2	

Storm Lake Community School District: total voters: 59

For 3-year terms - elect 2

Edward J. McKenna	58	elected
Mark Schultz	59	elected
Write-ins	0	

There being no further business, the meeting adjourned at 11:00 a.m. to Tuesday, September 15 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS
THIRTY-FIFTH MEETING, 1998 SESSION (35)
SEPTEMBER 15, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 15, 1998, at 8:00 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, & Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Vail. Nays—none. Carried.

Ralph Warkentin requested the opportunity to acquire 2 railroad properties for which several years of taxes are delinquent. The parcels are landlocked and not tillable, and are located in Section 3, Barnes Township. He would like to plug up a culvert and create a wetland. Motion by Burnside, second by Bruns, to approve and to assign tax sale certificate #'s 9354.1 and 9355.1 to Ralph Warkentin, to abate the delinquent taxes, penalty and interest which have accrued on the certificates, to accept the current taxes as payment in full, and to authorize the Chairman to sign the certificates. Carried.

8:30 a.m.--The time having arrived for the public hearing on a Ag Area petition to add on to an existing area, filed 8/31/98 by Franzmeier Farms Corp., the Chairman opened the hearing with Tory Johannsen present. It was noted that the notice had been published as required by law, and that no written comments had been filed. No building is currently planned for the property in question. Hearing no objections, motion by Crampton, second by Gustafson, to close the hearing. Carried. Motion by Burnside, second by Crampton, to approve the ag area petition of Franzmeier Farms Corp., to add approximately 80 acres to an existing ag area, the boundary description as follows: Commencing from the Northwest corner of the Northwest ¼ of Section 20, Township 91 North, Range 36 West, go ½ mile South, then ¼ mile East, then ½ mile north, then ½ mile West to the point of beginning. Carried.

8:45 a.m.—The time having arrived for the public hearing on the Ag Area petition to establish a new area filed 8/31/98 by Franzmeier Farms Corp., the Chairman opened the hearing with Tory Johannsen present. It was noted that the notice had been published as required by law, and that no written comments had been filed. A hog confinement facility is planned for a site within the proposed ag area, in Section 17, Grant Township. The board reviewed the 2 small parcels which were excepted out of the proposed area. Hearing no objections, motion by Burnside, second by Crampton, to close the hearing. Carried. Motion by Gustafson to table any action on the petition until the landowners of the 2 excepted parcels can be brought into the boardroom to inform them of the significance of the ag area designation, or, the landowners indicate in writing that they have no objections, second by Bruns. Carried.

Noting the many petitions that the county has received, the administrative time required for processing each, and the cost of publishing the required notice, Gustafson believes the county should charge a filing fee for ag area petitions.

Sheriff Chuck Eddy and Deputy Sheriff Don McClure discussed current jail population and the medical condition of one of the prisoners. Supervisors Gustafson and Burnside volunteered to serve as members of the Jail Study Committee which will begin its work upon receipt of the results of the NIC jail study. The NIC will be providing report formats to collect the necessary data, as well as other types of assistance during the study process.

Engineer Jon Ites reported that auto quotes were received from Schuelke's and Rasmussen's. Fitzpatrick's had requested an extension as they do not have '99 prices available yet. It was the consensus of the board to proceed with the proposals which had been submitted. Motion by Gustafson, second by Bruns, to accept the low quote of Rasmussen Ford for a 1999 Ford Taurus in the amount of \$15,500, less \$1,000 for trade-in on a 1990 Pontiac 6000. Carried.

It was the consensus of the Board to authorize the engineer to submit and sign an application to IDOT for the upgrading of 2 paved railroad crossings from crossbucks to flashing lights.

Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign the following 3 utility construction permit applications:

- of Alliant (IES) for an overhead 69 kv transmission line with 30 7.1/12.5 kv distribution underbuild to be located on M-27 2.5 miles southwest of Peterson;
- of Storm Lake Power Partners I, L.L.C. for an overhead 69 kv transmission line along C-49, M-36 and 70th Ave.;
- of HDR Engineering for Storm Lake Power Partners I, L.L.C. for 25 kv three phase power lines for Circuits A-E from wind farm to Buena Vista Substation, and for construction of a communications system of copper and fiber optic cables (all previously given tentative approval on 9/1/98). Carried.

After discussion, with Gustafson noting that he was opposed to adding to current staff levels even by making a 1/2 time addition, due to budget reasons, motion by Bruns, second by Crampton, to change Curtis Johnson from part-time to full-time, with his assignment during the winter to cover a Sioux Rapids route, and continue with the mowing of the roadside ditches in the summer, effective 9/26/98 at \$10.87/hour, and upon favorable evaluation, with 50 cents increases at 6 month intervals until reaching the rate for equipment operator I. Ites confirmed that there are no plans for additional staff in the engineer's office. Ayes—Bruns, Burnside, Crampton, Vail. Nays—Gustafson. Abstentions—none. Carried.

Treasurer Kathy Bach discussed a number of property tax files requiring action by the board. Regarding parcel #3383.00 in Sioux Rapids with a delinquent utility lien against it, for which the city of Sioux Rapids subsequently improperly accepted payment of the delinquent utility, motion by Burnside, second by Bruns, to authorize and direct the attorney to proceed against the Beckers with the current action for all of the costs remaining. Carried.

Motion by Burnside, second by Gustafson, to abate the current taxes on the following mobile homes:

<u>Title Number</u>	<u>Year/Make</u>	<u>Total Due</u>	<u>Reason for Action</u>	
RE parcel #3814.12	bldg. on leased land	\$14.00	mobile home moved to Clay County	
11-W068038	1985 Commodore	\$116.00	converted to R.E., will be on '98 assessment roll	
11-W093805	1972 Safeway	\$136.00	junked (cert.#11-100197)	
11-W093806	1970 King	\$120.00	junked (cert.#11-100198)	
11-W093807	1968 Frontier	\$100.00	junked (cert.#11-100199)	
11-W093808	1969 Commer.	\$110.00	junked (cert.#11-100200)	
11-W093809	1972 Astra	\$90.00	junked (cert.#11-100201)	
11-W093810	1971 Buddy	\$110.00	junked (cert.#11-100202)	
11-W093814	1965 Safeway	\$84.00	junked (cert.#11-100203)	Carried.

Motion by Bruns, second by Crampton, to approve disabled veteran's credit on 1998-99 taxes for parcel #'s 3389.00 in district 80, and 5107.00 in district 90. Carried.

Motion by Burnside, second by Gustafson, to abate the current taxes on parcel #4421.10 in district 90, as the computer was disposed of 5 years ago. Carried.

Motion by Gustafson, second by Bruns, to authorize the chairman to sign the **Family Medical Leave Approval** certificate for Jodie Weber. Carried.

Bruns reported on an inspection of the fuel oil tank at **Spectra**. A specialist will be here to inspect it on 9/16.

Motion by Burnside, second by Crampton, to approve the **minutes** of the 9/11 meeting as printed. Carried.

Motion by Gustafson, second by Bruns, to approve and to authorize bills be sent to the parents/guardians of the juveniles listed below for August, 1998 **juvenile detention costs** (juveniles who have been adjudicated), and July, 1998 charges for which adjudication has now been completed. Carried.

There being no further business, the meeting adjourned at 12:25 p.m. to Tuesday, September 29, 1998 for a regular session. It was noted that at 9:00 a.m., Monday, September 28, the Buena Vista County Board of Supervisors will host the annual Jt. DD #181 meeting in the 2nd Floor PMR.

**JUVENILE DETENTION BILLS
CHARGED TO THE PARENTS/LEGAL GUARDIANS OF:**

<u>Juvenile</u>	<u>Parent/Legal Guardian</u>	<u>Month</u>	<u>Amount</u>
Kaisone Navongsa	Sub & Nhouphona Navongsa	August	\$500
Bounthanong "Bill" Phiakhamta	Sithone & Jeremy Phiakhamta	August	\$300
Juan Canseco	Trujillo & Andres Baez	July	\$200

**BOARD OF SUPERVISORS
THIRTY-SIXTH MEETING, 1998 SESSION (36)
SEPTEMBER 29, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 29, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, & Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Vail. Nays—none. Carried.

Tory Johannsen met with the board for further discussion on his ag area petition. In spite of the Supreme Court decision ruling that the nuisance protection provided in the **ag area** law is unconstitutional, he is still interested in having his petition approved. It was the consensus of the board to request a county attorney's opinion on how to proceed with the petition in hand.

The chairman presented a check from a delinquent taxpayer for ½ of the remaining costs due on a property in Sioux Rapids. Motion by Bruns, second by Crampton, to accept \$375.00 as payment in full from Sharon Decker on parcel #3383.00 for a delinquent utility lien plus penalty and interest and legal expense, the city of Sioux Rapids having accepted the amount of **the delinquent utility bill**. Carried.

Engineer Jon Ites presented a bill for **drainage** work done by B.V. Co. Secondary Roads from Jan 1, 1998 to date.

Ites received a request from the City of **Storm Lake** to purchase **gravel** from the county. Motion by Burnside, second by Gustafson, to approve the purchase of up to 750 ton of gravel by the city of Storm Lake. Carried.

Ites reported the availability of some state funding for railroad intersections with state funding, and, the state ITIP does not currently include Hwy 7 in its 5-year plan because the concept statement for the project has not been completed.

Community Services Director Anita Hallquist reported on applications received for social worker.

At the board's invitation, Senator Mary Lou Freeman attended the meeting to discuss a number of legislative issues including jail/detention costs, purple loose strife, tax increment financing, empowerment/de-cat, implements of husbandry and ag areas. Representatives Dan Huseman and Russ Eddie had sent their regrets at not being able to meet at this time.

De-Cat Coordinator Jean Drey and DHS Area Administrator Lyle Fleshner discussed the activities of the local community empowerment board. The application of the BV, Sac, & Crawford County group had applied to become an empowerment area but was not approved. We did however, receive the highest number of points of any application submitted from northwest Iowa. Only 3 groups were awarded funding in the current application cycle.

Motion by Burnside, second by Gustafson, as trustees of the following drainage districts (#s) 3, 72, 82, 95, 104, 117, 125, 132, 138, 139, 175, & 191, to approve the utility construction applications of HDR Engineering for Storm Lake Power Partners I, L.L.C. for construction of 25 kv three phase power lines for Circuits A-E and a communications system in drainage district right-of-way, this being a companion resolution to approval for construction in road right-of-way given 9/15/98, and, to authorize the chairman to sign; further, to approve the applications of HDR Engineering for Storm Lake Power Partners II, L.L.C. for construction of 25 kv three phase power lines for Circuits A-D and a communications system in drainage district right-of-way, this being a companion resolution to approval for construction in road right-of-way given 9/1/98, and to authorize the chairman to sign. Carried

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

- minutes of 9/15 meeting as amended;
- certification of the FY'97 cost allocation plan for reimbursement of indirect costs of social services administration and indirect case management cost rate computation;
- reports—Aug Conservation Board minutes and also reviewed, BV Co. Provider's Manual. Carried.

There being no further business, the meeting adjourned at 2:25 p.m. to Tuesday, October 13, 1998 for a regular session.

**BOARD OF SUPERVISORS
THIRTY-SEVENTH MEETING, 1998 SESSION (37)
OCTOBER 13, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 13, 1998, at 8:30 a.m. in the Boardroom with Vice-Chairman Crampton presiding, and with the following others present: Bruns, Burnside, & Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Gustafson. Nays—none. Carried.

Emergency Management Coordinator Gloria Hadachek discussed the proposed Hazardous Waste & Substance Ordinance 5.9. The consensus of the board was to conduct the 1st Reading on Tuesday, October 27 at 8:30 a.m.

Sheriff Chuck Eddy and Deputy Sheriff Doug Simons discussed a grant application for the COPS Small Communities Grant Program. Motion by Burnside, second by Bruns, to approve and to authorize

Chairman Vail to sign the COPS Small Communities Grant Program application in the amount of \$15,000, the money to be used towards salary and benefits of the officer hired under the original Cops Fast grant program. Carried.

Eddy also briefly discussed the issue of **compensatory time** for his officers, and that the limit for his department is 240 hours banked, as opposed to 80 hours banked for other departments.

Engineer Jon Ites reported/requested:

- the soybean yield at the Hayes Pit farm. The board approved selling the 703.67 bushels of beans.
- that the farm-to-market fund report does not reflect receipt of a fund transfer (requested by Board resolution, transferring road-use funds to farm-to-market in lieu of sending county Hwy 71 transfer of jurisdiction funds to the IDOT). Instead, road-use funds for July, Aug, and September have been received.
- If the quality is satisfactory, the board approved purchase of gravel for the Newell pit from J.W. Readymix, Sac City.
- that the road department has billed \$44,726 in labor to build driveways for the windfarm.
- and received approval to begin negotiating on a joint waterway at a location west of Alta.

Motion by Bruns, second by Burnside, to approve the **utility construction** permit by Iowa Lakes Electric, Estherville, to install a single phase 7200 volt underground line to replace overhead lines in the northwest ¼ of Section 36 to the northeast ¼ of Section 35, Brooke Township. Carried.

Motion by Gustafson, second by Burnside, to approve the **utility construction** permit for GTE, Grinnell, IA, to install a copper cable for telephone service for the bridge project to be placed in the east ditch at the toe of the foreslope with borings at creek and under roadway between Sections 23 and 26, Providence Township. Carried.

Motion by Burnside, second by Gustafson, to approve the **utility construction** permit by Iowa Lakes Electric Cooperative, Estherville, to install a 3-phase 7200/12470 volt overhead distribution line to replace underground lines at the following location: T91N R35W, Coon Twp., on the South side Sec 31, and, T90N R35W, Newell Twp on the North side Sec. 3 through 6. Carried.

Env Health/Zoning Director Kim Johnson discussed her worker's compensation claim. Johnson distributed the FY'98 report for her department, giving income/expense/county cost by activity. She advocates installing signs at the county perimeters to inform the public that the county has zoning, and that compliance permits are required.

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

- **minutes** of 9/29 meeting;
- **reports**—1st Qtr FY'99 Clerk's surcharges & fines, Sheriff's fees, Sept. budget reports, 9/30 911 Service Board minutes; also reviewed were: 9/17/98 NWIPDC board minutes; employment of Amy Wise as radio operator in the Comm. Center effective 10/5/98 at \$8.31/hr.;
- September **juvenile detention** bills (listed below);
- claim against **Jt. DD #22 Lat 13-60-8** by Gale White Construction, Laurens, for cat and backhoe work in the amount of \$2,000. Carried.

Motion by Burnside, second by Gustafson, to approve and to authorize the Vice-Chairman to sign an agreement with American Appraisal Associates, Milwaukee, for **appraisal services** on the courthouse, DHS annex, E. Richland Annex, and the Radio Road maintenance building in a total amount of \$2,500 plus expenses. Carried.

Engineer Ites again discussed repair vs. replacement of the John Deere **motorgrader**.

There being no further business, the meeting adjourned at 12:15 p.m. to Tuesday, October 27, 1998 for a regular session.

JUVENILE DETENTION BILLS

CHARGED TO THE PARENTS/LEGAL GUARDIANS OF:

Juvenile	Parent/Legal Guardian	Month	Amount
Jehu Sanchez	Maria Sanchez	September	\$200
Jehu Sanchez	Maria Sanchez	August	\$800
Mitchel Bolte	Kathy Goodman	September	\$600
Mitchel Bolte	Kathy Goodman	August	\$200

**BOARD OF SUPERVISORS
THIRTY-EIGHTH MEETING, 1998 SESSION (38)
OCTOBER 27, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 27, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, & Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Joan Spooner, Storm Lake Center Director of UDMO, spoke to the board about the amount of food received from the Iowa Food Bank in Des Moines. Changes to the Interstate 235 intersection will eliminate the easy access which encourages corporate contributions to the bank. Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign a letter of support for keeping the access which serves the Iowa Food Bank. Carried.

Emergency Management Coordinator Gloria Hadachek discussed the Hazardous Waste & Substance Ordinance 5.9. Hadachek reported that she had received feedback from a city attorney regarding the proposed ordinance. The county attorney is also reviewing and will recommend some changes. Motion by Crampton, second by Bruns, to approve the 1st Reading of the Hazardous Waste & Substance Ordinance 5.9, subject to the review and recommendation of the County Attorney, and to set the 2nd Reading for 11/10/98. Carried.

MH Director Anita Hallquist reported the selection of a new social worker. Motion by Bruns, second by Gustafson, to employ Trisha Demers as a social worker in the Community Services Dept. effective November 9, 1998, at \$22,000 per year. Carried.

Hallquist also discussed the need to enter into a service agreement with agencies which don't have a DHS purchase of service agreement. Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign, a service agreement with Mid-Step Services, Inc., Sioux City, for services in FY'99. Carried.

MH Director Hallquist advised the board that the Youth Guidance line item in the budget has had heavy usage, and available funds will soon be depleted. She also discussed HF 2545, from the 1998 session of the legislature, which provides for incentive and efficiency pool funding for managed care.

Dr. Keith Geyer presented a request signed by 4 property owners to fill the ditch to the east of their lots, and west of M-31 in Stokes First Addition to the city of Alta. Filling the ditch would avoid multiple driveways to 5 lots, each needing a pipe to allow for drainage. Engineer Ites advised that the fill could cause damage to the city's road (which is maintained by the county, by maintenance agreement with the city.) It was the consensus of the board to work with Geyer.

Engineer Jon Ites noted that add-on air conditioning to a vehicle on order would cost about \$1,100. It was the consensus of the board not to add a/c at this time.

Ites requested additional equipment for the loader, in the amount of \$4,850, to be used for snow removal on the parking lots. The consensus of the board was to approve.

Ites reported on beans sold for \$5.19/bu. from the S. Hayes Pit, gave a road report, and reviewed the proposals received for adding to the Western stockpile. The consensus of the board was to accept Hallett's proposal.

Motion by Crampton, second by Burns, to approve and to authorize the Chairman to sign the universal pay voucher to the IDOT in the amount of \$477.96 from farm-to-market funds for review of drawings and work. Carried.

Motion by Burnside, second by Crampton, to accept as completed as of this date, the M-50 bridge project #STP-S-11(33)—5E-11, and to authorize the Engineer to sign. Carried.

Ites has revised the snow maintenance agreements by increasing the hourly rate from \$50 to \$65. Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign snow maintenance agreements with the cities of Rembrandt and Truesdale for the 98-99 snow season. Carried.

With budget time nearing, Supervisors Crampton and Burnside volunteered to meet with road employees.

The board discussed responding to requests to close road(s) to facilitate umbilical manure transfer lines. Ites will again request for a proposed policy from Assistant County Attorney Rick Kimble.

Treasurer Kathy Bach discussed a tax suspension based upon Medicaid eligibility. Motion by Burnside, second by Crampton, pursuant to 427.9 of the 1997 Code of Iowa, to approve a tax suspension on parcel #5943.00. Carried.

Motion by Gustafson, second by Burnside, to amend the minutes of 9/29 by replacing the motion regarding parcel #3383.00 with the following resolution:

RESOLUTION 1998-09-29

WHEREAS, the Board of Supervisors of Buena Vista County, in attempting to pursue the collection of delinquent property taxes, has reached a final agreement with Sharon K. Michels Decker, on the delinquent special assessment tax lien previously sold at the Public Bidder's portion of the tax sale on June 15, 1992; and

WHEREAS, the Board of Supervisors has the power to compromise taxes, interest and penalty on any parcel of land; and

WHEREAS, the City of Sioux Rapids accepted payment from Sharon Michels Decker for the delinquent utility bill in the amount of \$226.06 (even though the City of Sioux Rapids has no right to accept payment of any kind since the parcel had been sold at Public Bidder's sale) and the City of Sioux Rapids at this time expressed the desire to waive the interest due on the special assessment; and

WHEREAS, Ms. Decker was served Notice of Right of Redemption, with said Expiration date of September 24, 1998; agreed to pay \$375 which is a partial payment of the delinquent amount due; the County then agrees to abate all remaining interest and costs associated with Public Bidder Tax Sales Certificate #9492, and cancel said certificate.

THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA, that Ms. Sharon Michels Decker's check is accepted as payment in full of the delinquent taxes so listed, and that the Treasurer shall adjust the tax list accordingly.

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

Sheriff Chuck Eddy and Deputy Doug Simons discussed paying for **on-call time** for the deputies. If paid at \$1.54/hr., (or 10% of the hourly rate), the annual cost to the county would be about \$9,500. By paying for on-call time, the amount of overtime may be reduced. Eddy proposed an effective date of October 25. Gustafson is in favor, Bruns is opposed because the current budget has been set. Motion by Gustafson, second by Burnside, to approve paying on-call time to deputies at the rate of 10% of the 85% deputy's salary, effective 10/25/98. Ayes—Burnside, Crampton, Gustafson. Nays—Bruns. Abstentions—none. Carried.

Genesis Exec. Director Terry Johnson presented the FY'98 annual report for **Genesis** and for the Storm Lake Center. Genesis is looking for a facility in Storm Lake to provide a supervised residence (CASALA) to persons with chronic mental illness. Managed care has had a significant impact on the organization by presenting opportunities for new services.

Deputy Assessor Kim Carnine presented **family farm applications**. Motion by Crampton, second by Burnside, to approve and to authorize the Chairman to sign the (ownership in 97-98) family farm applications recommended by the Assessor for approval, and to disallow applications on the following parcels, as recommended by the Assessor: 8661.00, .10, 8664.00, .10, .20, .30, 9680.00, 9850.00, 9851.00, .10, .20, 9897.00, and 9028.00. Carried.

Env Health Director Kim Johnson is applying again for "grants to counties" for the well testing program. Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign the **well testing grant** application in the amount of \$21, 500. Carried.

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

- **minutes** of 10/13 meeting;
- **reports**— Jan'98-June'98 Recorder's fees, FY'98 Conservation annual report, Sept Conservation Board minutes, 10/22 Mangold-Spectra lagoon;
- approve and authorize the Chairman to sign the 1998 annual **Weed Commissioner's report**;
- approve and to authorize the Interim Boardmember to sign the work order for repairs in Jt. DD #181, Br 976 (Section 9, Williams Twp., Calhoun Co.);
- amend utility construction permits for Storm Lake I & II wind projects. Carried.

Gary Armstrong was present to discuss the position of **county drainage attorney**. He performed in that role in the mid and late '70's. Motion by Gustafson, second by Crampton, to appoint Gary Armstrong as the Buena Vista County Drainage Attorney at the rate of \$90/hr. Carried.

There being no further business, the meeting adjourned at 1:30 p.m. to Tuesday, November 10, 1998 for a regular session, and to canvass the results of the November 3, General Election.

**BOARD OF SUPERVISORS
THIRTY-NINTH MEETING, 1998 SESSION (39)
NOVEMBER 10, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 10, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, & Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Ron Neulieb, Control Systems Specialists, met with the board to discuss several unpaid bills for ceiling tile repair, pipe wrapping, etc. at **Spectra**. Neulieb explained that he had spoken to Greg Kooker, Architect, regarding these bills to determine if they should have come under the contract for installation of the air conditioning. Kooker indicated they were for work done over and above the contract. Neulieb will provide the board with an estimate for upcoming work, and agreed that any problems that come up next summer, will be at Control Systems Specialist's expense.

Engineer Jon Ites reported corn from the S. Hayes Pit sold for \$1.79/bu. IDOT has upgraded Hwy 7 from service level D to C. An application for railroad Intersection upgrade at M-50 has been denied, with a decision still pending on M-27. Hours of operation for snow equipment as approved last year begins at 5:00 a.m. The board made no change. Ites reviewed his current committee assignments. In the future the State of Iowa expects to see \$100 million dollars more per year from the federal government in road use funds, but the portion of the state we are in is scheduled to receive less.

Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign, the **utility construction permit** of GTE Midwest, Inc., Grinnell, to install telephone cable to be placed at the intersection of 250th Ave. and 490th to provide new service to a hog confinement located in Pocahontas County. Carried.

Soon after **dust control** was applied by Vetter Equipment, the county drug the road it was applied to eliminating the usefulness of the dust control. Vetter requested some consideration from the county since the dragging was done so soon after application. Motion by Gustafson, second by Burnside, to provide a dust control application of sodium chloride, next spring, on the road east of Vetter Equipment. Ayes—Burnside, Crampton, Gustafson. Nays—Bruns. Carried.

The board discussed a request from the Alta School Superintendent for a school bus **stop ahead sign** on C-25. The engineer will view the location.

The board discussed the 3-year **employment contract** proposed by the engineer. Currently there are 12 counties advertising for county engineer, and engineers in 4 more counties will be retiring in December.

Assessor Ted Van Grootheest and Treasurer Kathy Bach presented a proposal for their departments to change to the courthouse **telephone system**, and add capabilities to the courthouse system. The Board asked them to request that the company hold their proposal price for 90 days.

Motion by Bruns, second by Burnside, to approve the 2nd Reading of **Ordinance 5.9**, and to set the 3rd Reading for Nov. 17 at 9:00 a.m. Carried. Phil Havens discussed changes to the ordinance.

Env Health Director Kim Johnson discussed the **restaurant/food establishment licensing** program. Changes made by the legislature, and rules implemented by the Dept. of Inspections & Appeals, it will cost the county considerably more to operate the program if the county continues to do the inspecting.

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

- minutes of the 10/27 meeting;
- reports as follows: Oct. Conservation board minutes; also reviewed were: 10/8 NWIPDC board minutes, Spectra lagoon test results by Mangold;
- work order on DD #181 L.C. at a site in Pocahontas Co., and to authorize the interim boardmember to sign. Carried.

Pursuant to Chapter 50.24 of the Code of Iowa, and upon completion of the **Canvass** of the tally lists of the November 3, 1998 Buena Vista County General Election, motion by Bruns, second by Burnside, to declare the results as follows (candidates receiving less than 2% of the votes cast for that office are listed together as scattering), and to direct the Auditor to prepare abstracts and certificates of election as necessary:

TOTAL VOTERS: 5,768 (*elected, R=Republican, D=Democrat, F=Reform, N=Natural Law, S=Socialist Workers)

For the office of U.S.Senator	Nancy L. Watkins-N	123
Chuck Grassley-R	4,266	Scattering
David Osterberg-D	1,286	For the office of State Senator--5th Dist
Scattering	39	Mary Lou Freeman-R
For the office of U.S.Representative-5th Dist		4,611
Tom Latham-R	4,299	Scattering
Scattering	44	For the office of State Representative-9th Dist.
For the office of Governor & Lt. Governor		Dan Huseman-R
Jim Lightfoot & Almo Hawkins-R	2,987	531
Tom Vilsack & Sally Pederson-D	2,570	Scattering
Scattering	130	2
For the office of Secretary of State		For the office of State Represen.-10th Dist.
John Gilliland-R	3,024	Russell J. Eddie-R
Chet Culver-D	2,228	3,459
Sheryl Blue-F	119	Randy Mobley-F
Scattering	64	306
For the office of State Auditor		Gary Meier-(nominated by petition)
Richard D. Johnson-R	3,944	729
Ronn Young-F	316	For the office of County Treasurer
William W. Graff-N	233	*Kathy Bach-D
Scattering	3	4,474
For the office of State Treasurer		Scattering
Joan Fitzpatrick Bolin-R	2,579	10
Mike Fitzgerald-D	2,736	For the office of County Recorder
Scattering	81	*Shari O'Bannon-D
For the office of Secretary of Agriculture		4,352
Dan Brown-R	3,085	Scattering
Patty Judge-D	2,031	17
Scattering	201	For the office of County Attorney
For the office of Attorney General		*Phil Havens-R
Mark Schwickerath-R	2,086	4,408
Tom Miller-D	3,299	Scattering
		44

Comment [KS1]:

Comment [KS2]:

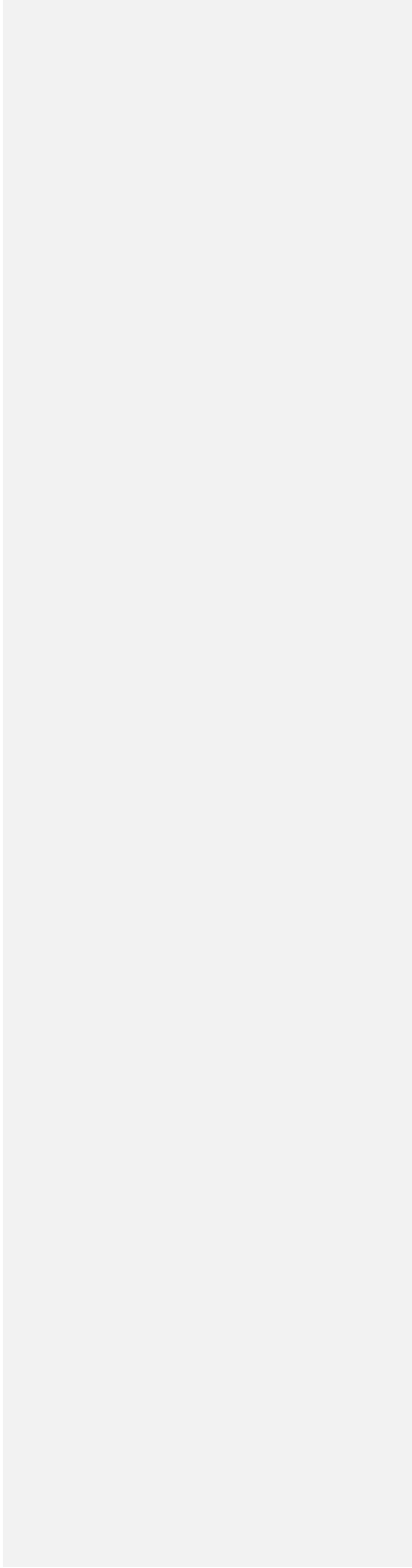
For the office of Township Clerk		Trustee (w=write-in)	
Barnes	*Bernard Nelson-D	47	*Kevin R. Ehlers-R
Brooke	*Douglas W Kracht-R	39	*Jess Fastenow-R
Coon	*Carl R. Bellows-D	65	*Duane Hornor-R
Elk	*Gordon R Andersen-R	61	Scattering
	Scattering	1	*Ardyce Anderson-D (winner of tie breaker, drawn by Board)
Fairfield	*James A Roberts-R	90	*Lloyd Danielson-R
Grant	*Leonard Peterson-D	81	*H. Keith Miller-D
			Scattering
Hayes	*Richard Rice	223	1
			*John Massop (w)
Lee	*Paul A. Madsen-D	81	4
Lincoln	*Richard Fondroy-R (w)	5	Scattering
Maple Valley	*Martin Glienke-R	76	15
Newell	(no votes cast)		*Gary Edwardson-R
Nokomis	*Barbara Nehring-R	98	79
Poland	*Norris G Olney Jr-R	65	*Bob Rebhuhn-R (w)
Providence	*Joel Anderson-R	82	1
Scott	*Charlotte Binder-R	76	*Jim Watts-R
Washington	*Robert Koch-R	163	74
			(no votes cast)
			*Jim Meyer-R
			97
			*Dave Wesselink-N (w)
			3
			*James R. Selleck
			92
			*Rodney Hatlen-D
			64
			*H. Dwayne Stille-R
			159

For the office of **Regional Library Trustee**
Marlys Maahs 3,257
Scattering 7

For the office of **County Hospital Trustee**
*Byron M. Crippin 3,225
Chris Eldred 2,048
*Lyle W. Rachuy 2,213
Scattering 6

For **Soil & Water Conservation Comm'r:**
*Robert C. Donahoo 2,908
*Paul Smith 3,278
Scattering 16

For **Agricultural Extension Councilmembers**
*Fay Keohavong 2,315
*Laura Millard 2,664
*C. Dennis Requist 2,834
*Dan Sievers 3,056
*Kent Smith (w) 28
Scattering 100



For the **Constitutional Amendment** Amends the section on rights of persons to include women:

Yes—3,772 No—820

For the **Constitutional Amendment** Removes one hundred dollar fine limit for minor offenses which may be tried without a jury:

Yes—2,695 No—1,730

Shall the following **Supreme Court Judges** be retained in office:

K. David Harris Yes--2,855 No--852

Shall the following **Court of Appeals Judges** be retained in office:

Robert E. Mahan Yes-2,684 No-777

Michael J. Streit Yes-2,479 No-767

Gayle Vogel Yes-2,512 No-759

Shall the following **District Court Judges** be retained in office:

Walter B. MacDonald Yes-2,723 No-743

Donavan D. Schaefer Yes-2,488 No-802

The vote on this motion carried.

There being no further business, the meeting adjourned at 3:00 p.m. to Tuesday, November 17, 1998 for a special session.

**BOARD OF SUPERVISORS
FOURTIETH MEETING, 1998 SESSION (40)
NOVEMBER 17, 1998**

The Buena Vista County Board of Supervisors met in special session on Tuesday, November 17, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, & Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

The final document having been recorded (Warranty Deed from (Samuelson to Franzmeier Farm Corp.), motion by Burnside, second by Gustafson, to approve the **Ag Area petition** of Franzmeier Farms Corp., subject to the Iowa Supreme Court's decision in Bormann v. Board of Supervisors in and for Kossuth County, No. 192/96-2276, filed September 23, 1998, holding unconstitutional and invalidating that portion of section 352.11(1)(a) of the Code of Iowa that provides for immunity against nuisance suits; the designated ag area being described as follows: commencing from the Northwest corner of the Northwest ¼ of Section 9, Township 91 North, Range 36 West, go 1/3 mile east, then ½ mile south, then 1/3 mile west, then 1 mile south, then ¼ mile east, then ½ mile south, then ¾ mile west, then 1 mile north, then 607.30 feet east, then 514.49 north, then 579.22 feet west, then 513.98 feet south, then 1057 feet west, then 369.7 north, then 263.0 feet west, then north to the south line of the north 55 acres of the SW ¼, then ¼ mile west, then north to the north line of the north 55 acres of the SW ¼, then 1 mile east, then ½ mile north to the point of beginning. Carried.

Motion by Bruns, second by Burnside, to approve claims in the amount of \$9,516.00 to Heritage Microfilm for the **BV Co. Library Association** project-Preservation 2000, and to Crest Information Technologies in the amount of \$654.02 for partial payment on a microfilm reader/printer. Carried.

Assistant Engineer Steve Petermeier made a request to purchase CarteGraph software that would be used to manage information (repairs and other activity, financial expenditures, etc. for the drainage districts. Motion by Burnside, second by Crampton, to approve the purchase of CarteGraph software for drainage work, to be paid from **DD #34**. Ayes-Burnside, Crampton, Gustafson. Nays-Bruns. Carried.

No action was taken to approve the 3rd Reading of **Ordinance 5.9**, due to a question raised by Nola Jensen, City Attorney for Albert City.

Treasurer Kathy Bach discussed a request from Larry & Candy Nielsen to lease the property to which the county has taken deed for **delinquent taxes** (Neal Nielson). Motion by Burnside, second by Gustafson, to approve and to enter into a lease agreement from the present to April 3, 1999 at the rate of \$200/mo. with a month's rent in advance. Carried.

Engineer Jon Ites discussed **native prairie grass seed** available through the state. He will check with Conservation to see if they have a current project that could take advantage of the approximately \$7,000 in seed paid by ISTEAF funds. Applications are due by Dec. 1, 1998.

The board discussed a memo received from IDOT re: pumping **livestock waste material**. IDOT will not be writing rules, and suggests that an individual field survey be made to assess the specific circumstances prior to granting approval to cross road right-of-way.

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

RESOLUTION 1998-11-17

The Buena Vista County Board of Supervisors hereby authorizes installation of a school bus stop ahead sign at 847 480th St. located at South Section 32 Barnes Township in Buena Vista County. The vote on this motion carried.

Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign the **utility construction** permit of GTE Midwest, Inc., to bury cable under the black top road at 425 460th Ave. 3 miles south of M-36 and 3.75 miles west on C-16 to provide Zond with service to the Brooke substation. Carried.

The board discussed the engineer's proposed **employment contract**. With the number of counties currently seeking an engineer, the number of sharing arrangements between 2 counties is likely to increase, and, the relative wage scale is likely to increase. Sharing a drainage engineer with another county might be another option to consider. Motion by Burnside, second by Bruns, to approve and to authorize the Chairman to sign the proposed contract as amended, the salary to be as follows: the Board shall pay the Engineer in equal installments an annual salary rate of not less than \$62,000 for the period January 1, 1999, through June 30, 1999; \$64,000 for the period July 1, 1999, through June 30, 2000. Ayes—Bruns, Burnside, Crampton. Nays—Gustafson. Abstentions—none. Carried.

Sheriff Chuck Eddy reported on the meetings of the **Jail Planning Committee** which has been working to find a consultant to assist with a needs assessment and pre-architectural feasibility study. After interviewing several consultants, they selected the Dana Larson Roubal & Associates Group, Des Moines. Eddy's purpose in meeting with the Board was to request approval and authorization to expend up to \$15,000 for the consultant's services. It was the consensus of the board to authorize funds for the study, not to exceed \$15,000. Deputy Don McClure pointed out the importance of involving other counties from the beginning if they are to be a part of a regional jail. If done correctly, the regional jail can save counties money. The board will contact the supervisor boards of surrounding counties at the ISAC conference in Des Moines (Nov. 18-19),

Pursuant to Chapter 50.24 of the Code of Iowa, and upon completion of the **Canvass** of the abstracts from Buena Vista, Calhoun, Ida, Pocahontas & Sac Counties of the November 3, 1998 General Election, motion by Bruns, second by Burnside, to declare the results as follows (candidates receiving less than 2% of the votes cast for that office are listed together as scattering), and to direct the Auditor to prepare an abstract and certificate of election as necessary:

For the office of **Trustee** of the **Northwestern Board of the Regional Library System:**

Marlys Maahs 7811 - elected
Scattering 20 The vote on this motion carried.

Comment [KS3]:

Motion by Burnside, second by Gustafson, to approve the minutes of the 11/10 meeting as amended. Carried.

There being no further business, motion by Gustafson, second by Crampton, to adjourn the meeting at 11:50 a.m. to Tuesday, November 24, 1998 for a regular session.

**BOARD OF SUPERVISORS
FORTY-FIRST MEETING, 1998 SESSION (41)
NOVEMBER 24, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 24, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, & Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Regional Transit Authority Executive Director Rose Lee presented her 1998 annual report. RTA's budget request for fiscal year 2000 is \$10,017 for capital improvement, the same as the current year.

At the request of the Board of Supervisors, John Murray, President of the BV Co. Bar Association, was contacted to determine the level of interest in an electronic law library. Murray appeared before the board with the recommendations of the bar. Kevin Gibson, West Group representative, who had given the bar a product demonstration, was also present for questions. The cost of electronic materials is less than print media, with the hardware being a one time additional expense. Gustafson asked if there was an opportunity for members of the bar to participate in the cost. Bruns asked if the county, in providing an electronic library, would be subsidizing some members of the bar who would then reduce purchases for their own library. It was acknowledged that some bar members might drop some purchases, but then add other references. No action was taken at this time.

Engineer Jon Ites reported to the board that he and Maintenance Superintendent Tom French are currently assessing damages to roads from equipment and materials movement for the Enron windfarm project.

The consensus of the board was to authorize the engineer to discuss submitting a joint application with the city of Alta for a road on the west side of Alta.

Zoning Director Kim Johnson requested that a public hearing be set on a subdivision request. Motion by Bruns, second by Burnside, to set 12/8/98 at 8:30 a.m. in the Boardroom as the date, time and place for a public hearing on the Norris subdivision request. Carried.

Supervisor Burnside discussed a drainage district which had been proposed back in 1911, but never established. It isn't known why the process was never completed, even though all of the preliminary work had been done. She will talk to former Drainage Engineer Darel Burns for any additional information, and with the landowner (who prompted the board to review the matter) to see if a bond had ever been posted. Since the county has recently appointed a drainage attorney, she recommended authorizing him

to proceed with the investigation.

Burnside also discussed a request for approval of additional burial expense. She suggested, and the board agreed to set up a meeting with funeral directors to discuss whether the amounts allowed under the general relief program should be adjusted to more appropriately reflect cost.

Motion by Gustafson, second by Bruns, to approve, at the request of the County Recorder a 4-day vacation carryover for Deputy Recorder Mary Weiland. Carried.

Motion by Gustafson, second by Bruns, to approve sending statements for juvenile detention expenses to the parents/guardians of the juveniles listed below. Carried.

Motion by Gustafson, second by Crampton, to approve and to authorize the Chairman to sign a letter of support for the Genesis grant application for equipment to be used in their recycling program. Carried.

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

- minutes of the 11/10 meeting as corrected.;
- reports-Oct. budget reports, clerk's fines & surcharges, FY'98 cash report, 10/30 Mangold test of Spectra lagoon. Carried.

There being no further business, motion by Burnside, second by Gustafson, to adjourn the meeting at 12:05 p.m. to Tuesday, December 8, 1998 for a regular session.

**JUVENILE DETENTION BILLS
CHARGED TO THE PARENTS/LEGAL GUARDIANS OF:**

Juvenile	Parent/Legal Guardian	Month	*rebillings	Amount
Jose Maldonado	Mr/Mrs Maldonado	July		\$2700
Bounthanong Phiakhamta	Sithone & Jeremy Phiakhamta	July, Aug,		\$1400
Fabian Reyes	Angelica Manriquez	July		\$300
Brandon Guerra	Gary & Rita Helms	July		\$400
Kaisone Navanga	Sub & Nhouphona Navongsa	July, Aug		\$2200
Mitchell Bolte	Alrin & Mary Bolte	Aug, Sept		\$800
Jehu Sanchez	Maria Sanchez	Aug, Sept		\$1000
David Caytona	Raquel Aguilar	Oct		\$300
Lisa Thongvanh	Mek Lohr	Oct		\$1700

**BOARD OF SUPERVISORS
FORTY-SECOND MEETING, 1998 SESSION (42)
DECEMBER 8, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 8, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, & Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Head Custodian Dewyne Stucynski discussed disposal of old, surrendered license plates which were sold netting the county \$275.00.

The Zoning Commission's hearing on the Norris subdivision request having been published for 12/8 instead of 12/7, rendering impossible for the Board of Supervisors to hold their scheduled public hearing at the published time of 8:30 a.m. 12/8, motion by Burnside, second by Crampton, to re-set the Board of Supervisor's public hearing on the Norris subdivision request as 12/15 at 9:15 a.m. in the Boardroom. Carried.

Recorder Shari O'Bannon and Deputy Recorder Mary Weiland discussed the need for additional help in the Recorder's office due to the substantial increase in documents filed due to the Zond windfarm project and to the increase in re-financing instruments. County revenue has increased due to the increase in documents recorded. O'Bannon could not project when business might taper off, but is considering full-time assistance for a 4 week period if possible to avoid the continued need for substantial overtime hours for herself and Weiland. The board acknowledged the increase in workload and suggested that she make the arrangements necessary to handle the workload for her department.

Motion by Crampton, second by Gustafson, for the purpose of cost reduction in annual law library expenditures, to accept the proposal of the West Group in the amount of \$5,854.80 (in the first year) for an electronic law library (to include the following: Iowa Code Annot.-\$756, US Code Annot.-\$900, ALR 3rd, 4th and 5th-\$1,428, Federal Prac. & Proc.-\$660, Am. Jur. (replaces CJS)-\$1,540, Iowa cases on Northwest Reports \$0, and, hard copy Northwest Reporter-\$1,100), and to authorize the Clerk of Court to sign the proposal. Carried.

Engineer Jon Ites discussed a drainage presentation at the annual Co. Engineer's Conference.

Having visited with Alta officials, Ites reported their interest in a joint application for the W Hwy St. "T-21 project" for 2002. In order to get a rough estimate of cost and a concept statement, motion by Bruns, second Gustafson, to authorize Ites to engage the professional services of Kuehl & Payer for a cost estimate and concept statement. Carried.

Motion by Gustafson, second by Burnside, to approve and to authorize the Chairman to sign the utility construction permit of Iowa Lakes Electric, Estherville, for a 7200 volt overhead distribution line to relocate the overhead line from the west side of the road to the east side, to eliminate a tree problem, located between Sections 28 & 27, Scott Township. Carried.

Motion by Burnside, second by Crampton, to approve and to authorize the Chairman to sign the utility construction permit of U.S. West Communications, Sioux City, to provide telephone service to a hog confinement setup, the line to be located between Sections 4 & 5, Lee Township. Carried.

Community Services Director Anita Hallquist introduced Trisha Demers to the Board as the county's new social worker. The board offered no objection to her continuing to be a direct care provider once a month for the FHC respite care program.

Hallquist again discussed the projected needs for the youth guidance services in the budget. She expects that it could be short about \$30,000 this year on the shelter care line. She has done some research, and the code does not prohibit the county from billing parents for shelter care services.

The Community Services department has been using the collection services of Iowa Credit to collect on delinquent accounts. Hallquist discussed the cost and associated difficulties involved in going through Small Claims Court, especially when it is necessary to investigate who is the current employer. The board suggested contacting a credit company in Spencer.

The board reviewed a 26 page provider report, and Hallquist distributed provider manuals - a compilation of services available from providers in Buena Vista County.

The board approved hiring Sandy Loucks for 8 hrs./wk in the Community Services department while another employee is on maternity leave.

Janice Danielson, BV Co Historical Society President, was present to request funding in the FY2000 budget in the amount of \$1,500 to be used primarily for relocating the log house to a site adjacent to the schoolhouse. The request is up from the \$1,000 requested for the current year. She noted that the bottom row of the logs on the house are in need of repair due to sitting in a swampy area. A project started this year allowed all Buena Vista County 3rd graders to experience a ½ day of country school including wear the appropriate dress for the era. Over 800 students participated. Another project includes the continuing development of the Mainstreet project in the back of the museum. Accomplished so far with the help of a state historical grant are insulating, adding new wall boards, new ceiling, and new lights. The overhead door was replaced with glass doors and includes a stained glass window.

As BV Co. Genealogical Society President, Danielson, also made a request for FY2000 funding for that organization in the amount of \$1,000, the same as requested for the current year. Their room in the back of the museum has received the same treatment - new walls, ceiling, insulation, and also a new furnace. The old furnace was sold, and with an energy credit, most of the new furnace was paid for. The funds requested will be used to purchase filing cabinets to store old probate files. The files had been received from and microfilmed by the clerk of court as they no longer needed to be retained by the clerk.

Nancy Brady extended her appreciation to the Board for the years she worked for Buena Vista County as a radio operator, Communications Center Supervisor and E911 Coordinator. She recently submitted her resignation as E911 Coordinator, effective today, to accept an instructor position at the Iowa Law Enforcement Academy in Des Moines.

Motion by Burnside, second by Gustafson, to approve the 11/24 minutes as printed, the 11/11 report of the NWIPDC board minutes, and November budget reports. Carried.

Motion by Crampton, second by Gustafson, to approve and to authorize the Chairman to sign the liquor license refund application of Morton Restaurant Ventures, Inc. Carried.

After discussion of the bill and the unusual circumstances of the particular case, motion by Burnside, second by Crampton, to approve payment to Fratzke Funeral Home for embalming services in the amount of \$405 for G. Solomon from the medical examiner budget. Ayes—Burnside, Crampton, Gustafson. Nays—Bruns. Carried.

Supervisor Burnside volunteered to meet with area funeral directors to discuss the county's policy regarding burial expenses for indigent persons. The discussion will include what types of expenses the county will pay for, the reimbursement amount, and related medical examiner issues (facility expense, transportation costs, and other expenses. The Chairman will also meet with the group. In a related discussion, deputy medical examiners will be meeting to establish protocols for approving and billing their expenses. Since the departure of Kevin Peterson, no single individual has been responsible for reviewing and approving bills, and monitoring the budget.

There being no further business, motion by Burnside, second by Gustafson, to adjourn the meeting at 12:30 p.m. to Tuesday, December 15, 1998 for a special session.

**BOARD OF SUPERVISORS
FORTY-THIRD MEETING, 1998 SESSION (43)**

DECEMBER 15, 1998

The Buena Vista County Board of Supervisors met in special session on Tuesday, December 15, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, & Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Bruns, Burnside, Crampton, Gustafson. Nays—none. Carried.

Jeff Kestel, Executive Director of Iowa Lakes RC&D, was present to discuss an application for grant funding to acquire dry hydrants to improve rural **fire fighting** capabilities. Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign Resolution 1998-12-15a (below). Carried.

RESOLUTION 1998-12-15a

Whereas, Traditional means of supplying water to rural fires requires transport from the city water source, creating turnaround time, decreased efficiency and increased losses;

And, dry fire hydrants enable fire trucks to draft untreated water from ponds, lakes and streams;

And, rural fire hydrants provide nearby sources of untreated water in adequate quantities and improve the efficiency of the fire fighting team by decreasing turnaround time;

And, it's in the best interests of Buena Vista to partner with the County Fire Departments, Soil and Water Conservation District, Township Trustees, Iowa Lakes RC&D, and private landowners to encourage the adoption and widespread installations of dry fire hydrants in the rural areas of Buena Vista County;

BE IT RESOLVED, that Buena Vista County shall provide the necessary assistance to ensure installation of dry fire hydrants.

/s/ Richard Vail, Chairman

Date: December 12, 1998.

Kestel also reviewed some of the activities of **Iowa Lakes RC&D** which include obtaining project grants in the following areas: a sawmill, a bridge, native grass plantings, historical site brochure and website, and nutrient pest management workshops.

9:15 a.m. – The time having arrived for the **public hearing** on the Norris subdivision request, Chairman Vail opened the hearing with Zoning Director Kim Johnson present. It was noted that the notice of public hearing had been published as required. Johnson reported that the Zoning Commission had met and that they recommended approval of the request by the Board of Supervisors. Motion by Burnside, second by Crampton, to close the public hearing. Carried.

Motion by Bruns, second by Gustafson, to accept the Zoning Commission's recommendation, and to approve and to authorize the Chairman to sign, Resolution 1998-12-15 (below). Carried.

RESOLUTION 1998-12-15b

WHEREAS, Mary Ellen Norris has presented a preliminary and final plat (of survey) on the following described property:

A PART OF LOT TWO (2) OF THE AUDITOR'S SUBDIVISION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¼ SE¼) OF SECTION 23, TOWNSHIP 91 NORTH,

RANGE 38 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southeast Quarter (SE¼) of said Section 23; Thence on a previously recorded bearing of South 90°00'00" East, along the South line of said Southeast Quarter (SE¼), 1313.87 feet to the West line of Lot Two (2) of the Auditor's Subdivision of the Southeast Quarter of said Southeast Quarter (SE¼ SE¼); Thence North 00°02'20" West, along said West line, 359.35 feet to the Point of Beginning. Thence continuing along said West line, North 00°02' 20" West, 840.65 feet to the Northwest (NW) Corner of said Lot Two (2);Thence South 90°00'00" East, along the North line of said Lot Two (2), 363.00 feet to the Northeast (NE) Corner of said Lot Two (2); Thence South 00°02'20" East, 849.41 feet; Thence North 88°37'04" West, 363.11 feet to the Point of Beginning.

Hereafter known as Lot B of Section 23, Township 91 North, Range 38 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 7.04 Acres and is subject to all easements of record.

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

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

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa Board of Supervisors that the final plat of Lot B of Section 23, Township 91 North, Range 38 West of the 5th 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 said Lot B of Section 23, Township 91 North, Range 38 West of the 5th P.M., Buena Vista County, Iowa.

PASSED, APPROVED AND ADOPTED this 15th day of December, 1998.
/s/ Dick Vail, Chair, Board of Supervisors /s/ Karen M. Strawn, Auditor

The Chairman announced that Ordinance 5.9 - Hazardous Waste had been read and passed upon its 1st Reading on October 27, and upon its 2nd Reading on November 10, and is now to be considered for its 3rd and final reading. It was noted that the County Attorney had reviewed the ordinance as requested, making several changes including the amount of penalty, and the inclusion of language making non-compliance an infraction. Also, the notice procedure was amended requiring the spiller to notify one of 3 county officials, in place of all 3. There being no further discussion, motion by Gustafson, second by Bruns, to approve the 3rd and final Reading of Ordinance 5.9 - Hazardous Waste as printed below, and to authorize all boardmembers to sign. Carried.

BUENA VISTA COUNTY ORDINANCE NO. 5.9

Title: HAZARDOUS WASTE AND SUBSTANCE ORDINANCE. AN ORDINANCE REQUIRING THAT PERSONS HAVING CONTROL OVER A HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE SHALL AT THEIR OWN COST CLEAN UP ANY HAZARDOUS CONDITIONS RESULTING FROM THEM AND PROVIDING REMEDIES FOR THE COUNTY TO CLEAN UP HAZARDOUS CONDITIONS IF THE PERSON HAVING CONTROL OVER A HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE FAILS TO DO SO, AND TO RECOVER THE DAMAGES AND COSTS FOR THE COUNTY, AND ESTABLISHING CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS.

Be it enacted by the Buena Vista County Board of Supervisors of Buena Vista County, Iowa.

SECTION 1. PURPOSE. In order to reduce the danger to public health, safety, and welfare from the leaks and spills and other hazardous conditions caused by hazardous substances or hazardous waste, these regulations are promulgated to establish responsibilities for the treatment, removal, and cleanup of leaks and spills and other hazardous conditions within the County limits and provide criminal penalties for certain violations.

SECTION 2. CONSTRUCTION. The ordinance shall be broadly construed to effectuate its purposes.

SECTION 3. DEFINITIONS. For purposes of this Chapter, these words have the following meanings:

1. **“Hazardous Waste”** means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, has either of the following effects:

- (a) Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
- (b) Poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. “Hazardous waste” includes, but is not limited to, wastes that are toxic, corrosive or flammable or irritants, strong sensitizers or explosives.

2. **“Hazard Waste”** does not include the following:

- (a) Agricultural wastes, including manures and crop residues that are returned to the soil as fertilizers or soil conditioners.
- (b) Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

3. **“Hazardous substance”** means any substance or mixture of substances that presents a danger to the public health or safety, and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant, or generates pressure through decomposition, heat, or by other means. “Hazardous substance” includes without limitation any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

4. **“Hazardous condition”** means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous waste or hazardous substance into the land, into a water of the State, or into the air/atmosphere, which creates an immediate or potential danger to the public health or safety, or to the environment. For purposes of this division, a site which is an abandoned or uncontrolled disposal site as defined in Iowa Code, Section 455B.411, subsection 1, is a hazardous condition.

5. **“Person having control over a hazardous substance or hazardous waste”** means any person, corporation, partnership, firm, association, cooperative or government agency of any kind, who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance or hazardous waste, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance or hazardous waste when a hazardous condition occurs, whether the person owns the hazardous substance or hazardous waste, or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance or hazardous waste.

6. **“Cleanup”** means actions necessary to contain, collect, control, identify, analyze, cleanup, treat, disperse, remove, or dispose of a hazardous substance or hazardous waste.

7. **“Treatment”** means a method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of a hazardous substance or hazardous waste so as to neutralize it, reduce it in volume, or to render the substance non-hazardous, safer to transport, amenable for recovery, or amenable for storage. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substances or hazardous waste to render it non-hazardous.

SECTION 4. CLEAN UP REQUIRED. Whenever a hazardous condition is created in Buena Vista County by the deposit, injection, or dumping, spilling, leaking, or placing of a hazardous substance or hazardous waste, so that the hazardous substance or hazardous waste may enter the environment, or be emitted into the air, or discharged into any waters, including ground waters, the person having control over the hazardous substance or hazardous waste shall cause the condition to be remedied by a clean up, as rapidly as feasible to an acceptable, safe condition.

If that person does not cause the clean up to begin in a reasonable time in relation to the hazard and circumstances of the incident, the County may, by the Board of Supervisors, give reasonable notice to the person based on the character of the hazardous condition, said notice setting a deadline for accomplishing the clean up, and stating that the County will proceed to procure clean up service, and bill the person having control over a hazardous substance or hazardous waste.

If the bill for those services is not paid within thirty (30) days, the Board of Supervisors may authorize the County’s legal counsel to proceed to obtain payment by all legal means. The authorized officer shall report the non-payment to the Board of Supervisors and may immediately seek any State or Federal funds available for said clean up. The Board of Supervisors may at any time authorize the County’s legal counsel to seek injunctive relief concerning the hazardous condition from a Court or agency.

SECTION 5. LIABILITY FOR CLEANUP COSTS. The person having control over a hazardous substance or hazardous waste shall be strictly liable to the County for all the following:

1. The reasonable cleanup costs incurred by the County as a result of the failure of the person having control over a hazardous substance or hazardous waste to clean up the hazardous substance of hazardous waste involved in the hazardous condition, pursuant to this Ordinance or any State or Federal law or regulation.

2. The reasonable costs incurred by the County to evacuate people from the area threatened by the hazardous substance or hazardous waste involved in the hazardous condition.

3. The reasonable damages to the County for the injury to, destruction of, or loss of, any and all County property, including but not limited to parks and roads, caused by the hazardous substance or hazardous waste involved in a hazardous condition. The reasonable damages may also include the costs of assessing the injury, destruction or loss.

4. All other reasonable costs or damages incurred by the County caused by the hazardous substance or hazardous waste involved in a hazardous condition or the cleanup of it.

All persons having control over a hazardous substance or hazardous waste shall be jointly and severally liable under this Ordinance.

SECTION 6. NOTIFICATION.

1. A person having control over a hazardous substance or hazardous waste shall notify the Buena Vista County Emergency Management Coordinator, the Buena Vista County Sheriff, or the Buena Vista

County Environmental Health and Zoning Director of the occurrence of a hazardous condition as soon as possible, but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The Buena Vista County Emergency Management Coordinator shall notify the proper State Office in the manner established by the State of Iowa.

2. Any County employee or any member of a law enforcement agency who discovers a hazardous condition shall notify the Buena Vista County Emergency Coordinator, the Buena Vista County Sheriff, or the Buena Vista County Environmental Health and Zoning Director. The Buena Vista County Emergency Management Coordinator shall notify the appropriate County Departments and the proper State Office in the manner established by the State.

3. Any of the three county officials or employees designated to receive notification of a hazardous condition by paragraphs 1 and 2 of this Section 6 who receives such a notification shall notify the other two county officials or employees as soon as possible.

SECTION 7. POLICE AUTHORITY. If the circumstances reasonably so require, the Buena Vista County Sheriff, the Buena Vista County Emergency Management Coordinator, a peace officer, a law enforcement officer, or a Fire Chief may:

1. Order the evacuation of persons from their homes to areas away from the site of the hazardous condition.

2. Order the establishment of perimeters or other boundaries at or near the site of a hazardous condition, and limit access to cleanup personnel.

3. Issue any other reasonable order to ensure the safety of persons or property or the containment of the hazardous condition.

No person shall disobey a lawful oral or written order issued under this section by the Buena Vista County Emergency Management Coordinator, Buena Vista County Sheriff, or any other peace officer or law enforcement officer.

SECTION 8. PENALTY. Any person, corporation, partnership, firm, association, cooperative, or government agency of any kind, who violates the provisions of Sections 6 or 7 of this Ordinance shall be guilty of a simple misdemeanor. A simple misdemeanor violation under this Ordinance shall carry a maximum penalty of a fine of \$100 or a sentence not to exceed thirty [30] days in the County jail. Each day of violation shall constitute a separate offense.

Any violation of this Ordinance also constitutes a county infraction, unless such violation is a felony, an aggravated misdemeanor, or a serious misdemeanor under State law, or a simple misdemeanor under Chapters 687 through 747 of the 1997 Code of Iowa, as amended, or unless State law otherwise provides that such violation may not be a county infraction. Each day that a violation occurs or is permitted by the offender to exist constitutes a separate offense. Any county infraction under this Ordinance is punishable by a civil penalty of not more than \$500 for a first offense and not more than \$750 for each repeat offense. Buena Vista County may seek all relief prescribed by State law for county infractions. The Buena Vista County Emergency Management Coordinator and the Buena Vista County Attorney and his or her assistants are the officers authorized to enforce this Ordinance by issuance of civil citations for county infractions.

SECTION 9. LIABILITY. The County shall not be liable to any person for claims of damages, injuries or losses resulting from any hazardous condition, except if the County is the person having control over a hazardous substance of hazardous waste.

SECTION 10. REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 11. SEVERABILITY CLAUSE. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole of any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 12. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law for hazardous conditions created or occurring on or after the date of such publication.

ADOPTED AND PASSED by the Board of Supervisors of Buena Vista County, Iowa this 15th day of December, 1998.

/s/ Richard Vail, Chairperson /s/ Doug Bruns, Supervisor /s/ Herb Crampton, Supervisor /s/
Lorna Burnside, Supervisor /s/ Jim Gustafson, Supervisor Attest: /s/ Karen M. Strawn, Auditor

Engineer Jon Ites requested information about a public hearing regarding a **proposed road closing**, the 1988 minutes not showing that official action was ever taken. The road has actually been closed for a number of years, and is located in Brooke Township between Sections 25 & 36. The bridge on that road was recently inspected, with the report recommending that the county take action to prevent public access to the bridge because it is still deteriorating.

Ites also discussed add-on **equipment** (hoist and snow removal equipment) for the trucks due to be delivered in April. He will obtain estimates.

The city of Storm Lake has requested an additional **speed limit** sign in the southerly direction on the blacktop east of Lakeside. No action was taken at this time.

Motion by Gustafson, second by Burnside, to approving the closing of the courthouse early - at noon - on Christmas Eve (this being an additional ½ day **holiday**), and no early close on New Year's Eve, this motion to include all departments. Carried.

Jay Erlandson, Albert City, requested permission to install a clean-out manhole in Albert City. The storm sewer which dumps into **DD #81**, collects deposits of sand, silt and leaves, impeding the flow of water. The manhole would provide access for clean-outs. (action below)

Nurse Administrator Karole Graen notified the board of the Dec. 3 anniversary date for **Interpreter** Fany Gonzales. (action below)

Graen has done time studies to access funds for "**federal administrative claiming**". BV Co. should receive approximately \$16,000/yr. The federal funds are to reimburse the county for the cost of administering federal programs such as Medicare. She noted that it will require a budget amendment.

Graen has again been named administrator for a multi-county **infant immunization initiative** grant. Buena Vista County will receive about \$8,700, with other counties receiving about \$3,000. Buena Vista Co. achieved 89% Infant immunization last year.

Graen distributed her annual **report** and Board of Health minutes for June, July & October. Due to the balanced budget act, the federal government provides fewer Medicare dollars, reducing the county's revenue. Staffing has been reduced accordingly. The current incoming population has a lower incidence of TB than in prior years, and no active TB.

SLADC Executive Director Jim Gossett submitted a letter with a request for funding in the **FY2000 budget**, and then introduced a discussion of housing availability in the county. IDED has identified Buena Vista County as one of the counties that does not have a current housing needs assessment. Many

grants require that a housing assessment be done prior to qualifying. At this time the county doesn't accurately know what the current situation is, and the assessment would allow us to identify opportunities. At least 3 towns in the county are interested in participating for their own information. Gossett asked for the board's cooperation in bringing together a group to consider conducting an assessment. A joint city/county meeting is due to be held soon. The consensus of the board was to include the topic on the agenda.

Burnside left for another meeting

As Trustees for **DD #81**, motion by Bruns, second by Gustafson, to authorize the city of Albert City to install a catch basin on Lat 4, DD #81 at the city expense. Carried.

Engineer Ites proposed new artwork for Buena Vista County **vehicle** identification.

Ites discussed the John Deere **motorgrader** needing repair or replacement due to a crack in the moldboard. With savings in the budget from other equipment purchases, there may be funds available for replacement. Gustafson suggested trying to repair at a cost of \$10-12,000, rather than looking for a replacement. Ites will check further on replacement parts before the board gives a final direction.

Motion by Gustafson, second by Crampton, to approve a 50 cents/hr. **raise** for Fany Gonzales, interpreter, retroactive to 12/3/98. Ayes—Crampton, Gustafson. Nays-Brun. Carried.

There being no further business, motion by Gustafson, second by Bruns, to adjourn the meeting at 12:20 p.m. to Tuesday, December 22, 1998 for a regular session. Carried.

**BOARD OF SUPERVISORS
FORTY-FOURTH MEETING, 1998 SESSION (44)
DECEMBER 22, 1998**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 22, 1998, at 8:30 a.m. in the Boardroom with Chairman Vail presiding, and with the following others present: Bruns, Burnside, Crampton, & Gustafson, and with Auditor Strawn as clerk for the meeting.

Unless otherwise noted, all actions were carried with the following vote: Ayes—Brun, Burnside, Crampton, Gustafson. Nays—none. Carried.

UDMO Exec. Director Larry Rohret, and Storm Lake Site Supervisor Joan Spooner, met with the board to request funding in the FY2000 budget in the amount of \$19,715, which is the same as the current year. For every dollar provided by the county to UDMO, \$48.65 in assistance funds are brought into the county (\$959,135).

Weed Commissioner Norm Lund, with Deputy Comm'r Dave Wiley, presented the annual weed report to the board. Lund also suggested sending a reminder notice in April to landowners who have continuing violations. The consensus of the board was to approve, subject to the approval of the county attorney. Burnside asked about mowing the grass on the shoulder of all county roads, once, in the fall prior to snow. It could be an expensive program due to the number of roads in Buena Vista County. Burnside also asked about whether the county should or should not permit cultivation of multi-flora rose, as requested by 1 person. Lund suggested that the county would need to know where the request was for, and what the conditions are present before being in favor of approving such a program. ISU has done studies on the controlled growth of the multi-flora rose, with biological control (aphids) being the most effective control without killing everything with weed chemicals. Gustafson asked Lund to provide the total

expenditures for calendar year 1998.

Engineer Jon Ites has encouraged the City of Storm Lake to put work on **C-49** (between old and new Hwy 71) into their construction program. It is in the county's plan for 2003.

Regarding the recent discussion about the **bridge and road** between Sections 25 & 36, Brooke Township, Ites has found that some action to close the road took place in 1990. He discussed what procedure would be necessary to vacate, and close the bridge to prevent any public access. Bruns suggested physically closing the bridge, and then holding a meeting to consider vacating the road. Ites noted that there needs to be a physical removal, or, a transfer of ownership of the bridge in order to get it off the county inventory, and thus the county's liability. Motion by Bruns, second by Gustafson, to authorize and direct the Engineer to barricade, for the purpose of preventing public access, the bridge located in the west ½ mile between Sections 25 & 36, Brooke Township, as recommended by the county's bridge consultant. Carried.

Motion by Burnside, second by Gustafson, to approve and to authorize the Chairman to sign the **utility construction** permit application of Iowa Lakes Electric Cooperative, Estherville, to install a single phase 7200 volt underground distribution line to replace overhead located along C-16 from the north right-of-way of C-16 along the east right-of-way of 40th Ave. Carried.

Ites again discussed the cost of repairing the John Deere **motorgrader**. Burnside has concerns about the cost of repairing it because there are additional repairs beyond the blade. Bruns is in favor of replacing the blade, and doing the other repair as well. There were questions about the operation and the servicing of the equipment. Motion by Bruns, second by Gustafson, to purchase a new blade, and a new circle, for the John Deere motorgrader. Ayes—Bruns, Crampton, Gustafson, Vail. Nays--Burnside. Abstentions—none. Carried.

Motion by Crampton, second by Burnside, to approve the **minutes** of the 12/8 and 12/15 meetings as printed, and the following **reports**: June, July and October Board of Health minutes, Public Health annual report, and the 1998 annual Weed Commissioner's report. Carried.

Treasurer Kathy Bach suggested that the Board perform its calendar year-end cash count in the Treasurer's office before the open of business on Monday, Jan. 4. The board agreed.

Bach advised the board of a court decision in favor of **Mid American Energy**, based upon the inclusion/exclusion of certain Financial Accounting Standards in the assessment process, the decision being to adjust the 1994 (and subsequent year) assessments. Additional adjustments to previously paid taxes, due to additional issues, may be pending.

With Treasurer Bach and Tax Clerk Sue Tempel, Auditor Strawn discussed the Y2k project. More public inquiries have been received about the status of the county's efforts toward Y2k compliance, and many more are expected during the coming year. Since the board is not available full-time to answer inquiries, and since it has a need to ensure that the project is moving forward, Strawn and Bach recommended appointing a Y2k Coordinator. Motion by Burnside, second by Bruns, to appoint Sue Temple as the Board's **Y2k Coordinator**, her duties being to work with department heads to insure completion of the compliance process, to work as the county's representative on local Y2k compliance committees and to report progress on the project periodically to the Board of Supervisors. Carried.

Motion by Gustafson, second by Bruns, to authorize the Chairman to sign, the "County Notification Form" pursuant to **HF2494**, appointing Environmental Health Director Kim Johnson as the county's designated agent for purposes of accompanying the DNR on a site visit (following an alleged violation, or prior to approval of a construction permit application) to an animal feeding operation, with a member of BV Co. Sheriff's department as the alternate. Carried.

The board discussed the petition which had been circulated by county employees regarding the

county **employee health insurance** program. No action was taken at this time.

Motion by Gustafson, second by Bruns, to approve and to authorize the Chairman to sign the Buena Vista County **Deferred Compensation** (restated) Plan Document (for the National Association of Counties deferred compensation program). Carried.

There being no further business, motion by Burnside, second by Crampton, to adjourn the meeting at 12:15 p.m. to Monday, January 4, 1999 for an organizational session for the new year. Carried.

