

**BOARD OF SUPERVISORS MEETING  
FIRST MEETING, 2002 SESSION (1)  
JANUARY 2, 2002**

The Buena Vista County Board of Supervisors met for the first meeting of the 2002 session on Wednesday, January 2, 2001 at 8:30 A.M. in the Boardroom with Chairman Burnside presiding and with the following other members present: Bruns, Crampton, Gustafson and Vail and with Auditor Karen Strawn as clerk for the meeting.

Motion by Vail to approve the minutes of the 12/31/2001 meeting as corrected. Ayes --- Bruns, Crampton, Gustafson, Vail, Burnside. Nays --- none. Abstentions --- none. Carried.

Motion by Crampton to adjourn the 2001 session sine die. Carried.

The first order of business for the 2002 session was election of the Chairman. The Auditor called for nominations for Chairman of the Board of Supervisors. Motion by Bruns to nominate Vail. The Auditor asked for any further nominations. There being none, motion by Crampton that nominations cease and a unanimous ballot be cast for Vail. The vote on Vail for chairman was ayes--Bruns, Burnside, Crampton, and Vail, nays--Gustafson. Abstentions -- none. Carried.

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

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

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

Motion by Burnside to appoint the following persons as delegates and representatives to the committees, commissions and boards as noted for 2002:

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

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

Vail as Buena Vista County Equal Employment Opportunity Officer.

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

Burnside-delegate to the Buena Vista Solid Waste Commission.

Crampton to the Western Iowa Tourism Council, as the county's liaison, with Crampton to delegate meeting attendance to others.

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

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

Gary Armstrong as the Buena Vista County Drainage Attorney.

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

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

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

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

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

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

Jon Ites, Chuck Eddy, Kim Johnson, and Bruns, with the other board members as alternates for Bruns, to the **Weather Committee.**

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

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

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

Bruns to the **Iowa Drainage District Association Governing Board.**

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

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

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

Burnside to the **Gingerbread House Board.**

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

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

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

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

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

Karen Strawn-**ADA Coordinator.**

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

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

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

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

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

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

Marc Bertness-representative, to the **Regional Housing Authority**.

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

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

**Planning & Zoning Commission** members: Mark Bertness, Roger Peterson, Mike Lenz, Vic Hansen, Ginger Vietor, and Bob Rebhuhn, with two vacancies to be filled as soon as possible.

**Zoning Board of Adjustment** members with terms as follows: Ken Bertness-6/21/02, Bruce Engelmann-6/21/03, Cynthia Smith-6/21/04, Bob Stoughton-6/21/05, John Massop-6/21/2006.

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

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

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

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

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

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

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

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

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

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

Motion by Gustafson, to appoint the following persons to the committees, commissions, and boards as noted for 2002:

Rick Meyer for a 5-yr term expiring 12/31/06 to the Buena Vista County **Conservation Board**

Dr. David Crippin, **County Medical Examiner**, and Tim Speers, BV Co. Hospital EMT, and Deputy Doug Simons, Ken McClure, Storm Lake Police Dept., and independent EMT's Bob Christensen and Greg Ebersole, as **Deputy Medical Examiners** (Chapter 331.801). Terms expire 12-31-02.

Rich Haldin, Lloyd Galbraith and Ray Kurtz to the **Veterans Affairs Commission** for the 2002 year, or until their terms expire (Chapter 250).

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

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

To the **Buena Vista County Eminent Domain Compensation Commission** (Chapter 472.4): Farmers-Dale Bodholdt, Don Diehl, Elmer Lubinus, Steve McKenna, Nick Ackerman, Becky Dirx, Kevin Cone; Realtors-J.D. Lehr, Margie Robinson, Darwin Johnson, Bob Hall, Joe Aube, Dick Schmidt, Clark Fort; for Cities: Edward Groth, Nola Jensen, J.H. Spooner, John Gaffney, Virginia Moffitt, Jeff Elbert, Norris Olney, Jr.; for their Occupation-Mark Rehstrom, Tim Brown, George Schaller, Marvel Olsen, Ronnie Brown, Brian Drzycimski, Ronald Haroldson.

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

**Local Board of Health**-members with 3-yr. terms as follows: Dr. Scott Wulfekuhler-12/31/04, Jon McKenna & Brenda Halverson-12/31/02, Diane Tuttle and Jackie Bertness-12/31/03.

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

Norm Lund, **Weed Commissioner** and Dave Wiley, Assistant Weed Commissioner (Chapter 317.3).

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

Kim Johnson as Buena Vista County **Zoning Administrator**. The vote on this motion carried.

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

Motion by Gustafson to pay mileage to employees (including deputy medical examiners) at the rate of 30 cents per mile for each mile traveled by private vehicle (not for county owned vehicles) for county business in 2002. Carried.

Motion by Burnside that the policy for meal cost reimbursement to employees, and to others serving on boards and in other appointive positions, shall be: meals eaten out of county during approved schools or meetings may be reimbursed at their actual cost to a maximum of \$20.00 per diem. (Reimbursements for meals, when no overnight stay is involved, will show on the employee's W-2). No reimbursement will be made for tips or alcoholic beverages. To receive reimbursement, receipts must be submitted. If the per diem is exceeded due to a meal/meeting, that fact shall be noted on the reimbursement claim. Carried.

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

Motion by Bruns to continue the following insurance coverage from the Olson, Eaton, Svendsen Agency for the remainder of FY'02: 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 Crampton that the Depository Banks currently being used by the Treasurer, Recorder, Auditor & Sheriff continue to be used during 2002 in the amounts stated below, and, that the appropriate

elected official be and is hereby authorized to deposit the designated office funds in amounts, not to exceed in the aggregate, named for said bank:

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

The vote on this motion carried.

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

Motion by Burnside that the 2002 Federal Depository Bank shall be Security Trust and Savings Bank, Storm Lake, with the payroll deposits to be made by wire transfer. Carried.

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

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

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

Motion by Gustafson to establish 7% as the rate of interest to be paid during 2002 on all stamped warrants, and charged on Improvement Certificates and Drainage District waivers, effective this date (for Buena Vista County drainage districts only). Carried.

#### **Dog License Resolution**

Motion by Burnside that dog licenses be provided at no charge for the unincorporated areas of the county and in towns without licensing ordinances. (Chapter 331.381.14). Carried.

#### **Resolutions of Appointment**

Motion by Burnside that Jon L. Ites be re-appointed Buena Vista County Engineer for 2002, with his salary according to the employment contract (Chapter 309.17). Ayes—Bruns, Burnside, Crampton, Vail; nays—Gustafson; abstentions—none. Carried.

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

Motion by Crampton to adopt Resolution 2002-01-02a, and to authorize all Board members to sign. Carried.

**Resolution 2002-01-02a – Regarding Farm to Market Construction Projects**

**BE IT RESOLVED**, by the Board of Supervisors of Buena Vista County, Iowa, that Jon L. Ites, the County Engineer of Buena Vista County, be and is hereby designated, authorized and empowered, on behalf of the County Board of Supervisors of said County to execute the Certification of Completion of Work and Final Acceptance thereof, in accordance with plans, and specifications in connection with all Farm-to-Market and federal or state aid construction projects in this county, and to authorize all of the board members to sign. (Chapter 309.17).

**Authority to Close Roads & Detour Traffic**

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

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

Motion by Gustafson that the Buena Vista County Employee Handbook with the effective date of April 6, 1999, and amended 5/25/99, 7/06/99 & 1/19/00, along with the various Departmental Rules, Job Descriptions, be declared the governing policy for all Buena Vista County employees under the jurisdiction of the Board of Supervisors for Buena Vista County, and that the Medical History, Physical Examination, and County Work Release forms be used in conjunction with the Handbook. Carried.

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

Motion by Gustafson that the beaver control policy (payment of \$25 per beaver tail for beavers trapped in drainage districts), as adopted January 1, 1986, shall be in effect for 2002. Carried.

Motion by Burnside to continue for FY'02 and FY'03, the beaver control program for the non-drainage district areas of the county; the program includes the requirement that the claimant possess a fur-bearer's license as required by law, and to limit the payout for the program to \$1000 in each fiscal year. Carried.

**Resolutions on Wage Schedules**

Motion by Gustafson that the following wage schedules, adopted as shown, shall be in effect for 2002: Full & part-time Courthouse Clerks 6/11/96, Sheriff's deputies 4/23/91 (as amended (1/13/98), (and paying on-call time to deputies at the hourly rate based on 10% of the 85% deputy's salary), Jailers-12/30/94, Secondary Road employees 2/14/95 and amended 2/11/97, and matrons 2/29/00. Carried.

Motion by Burnside that election officials be paid \$7.25/hr. and chairpersons \$7.75/hr. effective this date. Carried.

**Official Newspapers**

Having received a request for official newspaper designation from each, motion by Burnside to designate the following as official newspapers for legal publications for 2002: Storm Lake Pilot-Tribune, The Times, and Buena Vista County Journal. Carried.

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

**Pre-Screening Agencies Appointed**

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

**Fence Repair & Replacement Policy**

Motion by Burnside to adopt Resolution 2002-01-02b re: fence repair & replacement. Carried.

**RESOLUTION 2002-01-02b**

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

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

Removal of fencing by rod:	\$6.00 for barb	\$8.00 for woven
Replacement of fencing by rod:	\$6.00 for barb	\$8.00 for woven
Plus new material costs.		
- The property owner shall have 18 months after completion of project to receive payment for replacement of fencing.

The vote on this resolution was carried. -----

Kuehl & Payer Engineer Bob Payer was present to have signed the plans for the proposed improvements to M-31. Motion by Crampton to approve plans for letting on **Project #STP-S-CO11(47)—5E11** by IDOT on 3/26/02. Carried.

Engineer Jon Ites discussed the decreasing estimates on road use tax for preparing the FY'03 budget. He is adjusting projects, etc. accordingly.

Ites reported on his negotiations for 2 trucks and snow equipment. Prices quoted are good for today, with trade-ins and with the purchase of 2 trucks, one in the current FY, and one in FY'03. Gustafson is opposed to purchasing a 2nd truck at this time for delivery and payment in FY'03 because the board has not yet approved the FY'03 budget for secondary roads.

Motion by Bruns to purchase from Barry Motors, Danbury, Iowa, in the current fiscal year, a **tandem axle Sterling truck** for \$48,812 plus snow equipment from Hiway Truck, Fort Dodge, Iowa, for \$45,237, and to purchase a second tandem axle truck and snow equipment from the same vendors, after 7/1/02 for \$46,562 plus \$45,237. Ayes—Bruns, Burnside, Crampton, Vail. Nays—Gustafson. Abstentions—none. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign Resolution 2002-01-02c regarding the completion of Highway 20. Carried.

**RESOLUTION NO. 2002-01-02c**

**RESOLUTION IN SUPPORT OF THE COMPLETION OF U.S. HIGHWAY 20**

**WHEREAS**, Transportation and economic development go hand in hand; and,

**WHEREAS**, the completion of U.S. Highway 20 as a four (4) lane east-west thoroughfare across Iowa is a key to the future growth and prosperity of Buena Vista County; and

**WHEREAS**, progress is currently being made in Grundy and Hardin counties and now needs to continue between Fort Dodge and Sioux City, Iowa;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Buena Vista County, Iowa, hereby declares support for the continuation of U.S. Highway 20 across the State of Iowa.

**BE IT FURTHER RESOLVED** that the Board of Supervisors urges Governor Vilsack, Iowa, DOT Commissioners, DOT Director Mark Wandro and staff, to expedite the completion of U.S. Highway 20 as a second 4 lane east-west route to encourage economic development and stimulate growth in our state.

**PASSED AND APPROVED** this 2nd day of January, 2002.

Ayes: Bruns, Burnside, Crampton, Gustafson, Vail; Nays: none; Other: none.

Buena Vista County, Iowa

Attest:

By: Richard Vail  
Chairman, Board of Supervisors

By: Karen M. Strawn  
Auditor

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

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**BOARD OF SUPERVISORS MEETING  
SECOND MEETING, 2002 SESSION (2)  
JANUARY 8, 2002**

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

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

**Veterans Services Officer** Clint Hoferman reported that the number of veterans requesting his services has continued to increase, beyond what he is able to see in the two days currently scheduled. He may need to add another half day. The number of veterans he sees from other counties has decreased, but he is still serving veterans outside Buena Vista County.

8:45 a.m.—The time having arrived for the public hearing on the subdivision request of Dr. Crotty, the Chairman opened the hearing with Zoning Director Kim Johnson present. Johnson reviewed the



request and stated that her recommendation to the Zoning Board was to approve, subject to a stipulation. The Zoning Board's decision was also to recommend approval by the Board of Supervisors. There being no objection, motion by Gustafson to close the public hearing. Carried. Motion by Crampton to approve and to authorize the Chairman to sign Resolution 2002-01-08-A approving the subdivision request of Dr. Crotty. Carried.

#### **RESOLUTION 2002-01-08-A**

**WHEREAS**, Dermatology Medical Center, Inc (Dr. Crotty); and Gerry Watts have presented a preliminary and final plat (of survey) on the following described property:

#### **DESCRIPTION OF LOT "A"**

The Northwest quarter of the Southwest quarter (NW¼ SW¼) of Section Eleven (11), except the North 363.15 feet thereof, in Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, containing 29.12 acres, subject to County Road right of way and any other existing easements.

#### **DESCRIPTION OF LOT "B"**

The North half of the Northeast quarter of the Southwest quarter (NE¼ SW¼) of Section Eleven (11), except the North 363.15 feet thereof, in Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, containing 9.13 acres, subject to any existing easements.

#### **DESCRIPTION OF LOT "C"**

A part of the Northeast quarter (NE¼) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Beginning at the Southwest corner of said NE¼, the center of said Section 11; thence North 0°14'55" West 1130.39 feet along the west line of said NE¼ to a point on the southwesterly right of way line of the former Midwestern Railroad Properties Incorporated railroad right of way; thence South 56°55'34" East 2071.35 feet along said southwesterly right of way line to a point on the south line of said NE¼; thence North 90°00'00" West 1730.81 feet to the point of beginning, containing 22.46 acres, subject to any existing easements. NOTE: The East-West centerline of said Section 11 is assumed to bear true East and West.

#### **DESCRIPTION OF LOT "D"**

A part of the Southeast quarter (SE¼) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Beginning at the Northwest corner of said SE¼, the center of said Section 11; thence North 90°00'00" East 1730.81 feet along the north line of said SE¼ to a point on the southwesterly right of way line of the former Midwestern Railroad Properties Incorporated railroad right of way; thence South 56°55'34" East 665.45 feet along said southwesterly right of way line; thence South 90°00'00" West 2286.86 feet to a point on the west line of said SE¼; thence North 0°14'50" West 363.15 feet to the point of beginning, containing 16.75 acres, subject to any existing easements. NOTE: The East-West centerline of said Section 11 is assumed to bear true East and West.

#### **DESCRIPTION OF LOT "E"**

A part of the Southeast quarter (SE¼) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Beginning at a point on the East line of said SE¼, at a distance of 363.15 feet south of the East quarter corner of said Section 11; thence North 90°00'00" West 357.48 feet to a point on the southwesterly right of way line of the former Midwestern Railroad Properties Incorporated railroad right of way; thence South 56°55'34" East 426.15 feet along said southwesterly right of way line to a point on the east line of said SE¼; thence North 0°07'54" East 232.64 feet to the point of beginning, containing 0.96 acres, subject to

County road right of way and any other existing easements. NOTE: The East-West centerline of said Section 11 is assumed to bear true East and West.

**DESCRIPTION OF LOT "F"**

The East 723.53 feet of the Southwest quarter (SW1/4) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, except the North 664.90 feet thereof, containing 33.09 acres subject to County road right of way and any other existing easements.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: Lot B, Lot C, Lot D, and Lot E of Section 11 in Township Ninety-three (93) North, range Thirty-five West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa are not buildable lots.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: Lot B, Lot C, Lot D, and Lot E of Section 11 in Township Ninety-three (93) North, range Thirty-five West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa are not buildable lots.

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

**DESCRIPTION OF LOT "A"**

The Northwest quarter of the Southwest quarter (NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) of Section Eleven (11), except the North 363.15 feet thereof, in Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, containing 29.12 acres, subject to County Road right of way and any other existing easements.

**DESCRIPTION OF LOT "B"**

The North half of the Northeast quarter of the Southwest quarter (NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) of Section Eleven (11), except the North 363.15 feet thereof, in Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, containing 9.13 acres, subject to any existing easements.

**DESCRIPTION OF LOT "C"**

A part of the Northeast quarter (NE1/4) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Beginning at the Southwest corner of said NE<sup>1</sup>/<sub>4</sub>, the center of said Section 11; thence North 0°14'55" West 1130.39 feet along the west line of said NE<sup>1</sup>/<sub>4</sub> to a point on the southwesterly right of way line of the former Midwestern Railroad Properties Incorporated railroad right of way; thence South 56°55'34" East 2071.35 feet along said southwesterly right of way line to a point on the south line of said NE<sup>1</sup>/<sub>4</sub>; thence North 90°00'00" West 1730.81 feet to the point of beginning, containing 22.46 acres, subject to any existing easements. NOTE: The East-West centerline of said Section 11 is assumed to bear true East and West.

**DESCRIPTION OF LOT "D"**

A part of the Southeast quarter (SE<sup>1</sup>/<sub>4</sub>) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Beginning at the Northwest corner of said SE<sup>1</sup>/<sub>4</sub>, the center of said Section 11; thence North 90°00'00" East 1730.81 feet along the north line of said SE<sup>1</sup>/<sub>4</sub> to a point on the southwesterly right of way line of the former Midwestern Railroad Properties Incorporated railroad right of way; thence South 56°55'34" East 665.45 feet along said southwesterly right of way line; thence South 90°00'00" West 2286.86 feet to a point on the west line of said SE<sup>1</sup>/<sub>4</sub>; thence North 0°14'50" West 363.15 feet to the point of beginning, containing 16.75 acres, subject to any existing easements. NOTE: The East-West centerline of said Section 11 is assumed to bear true East and West.

**DESCRIPTION OF LOT "E"**

A part of the Southeast quarter (SE<sup>1</sup>/<sub>4</sub>) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Beginning at a point on the East line of said SE¼, at a distance of 363.15 feet south of the East quarter corner of said Section 11; thence North 90°00'00" West 357.48 feet to a point on the southwesterly right of way line of the former Midwestern Railroad Properties Incorporated railroad right of way; thence South 56°55'34" East 426.15 feet along said southwesterly right of way line to a point on the east line of said SE¼; thence North 0°07'54" East 232.64 feet to the point of beginning, containing 0.96 acres, subject to County road right of way and any other existing easements. NOTE: The East-West centerline of said Section 11 is assumed to bear true East and West.

**DESCRIPTION OF LOT "F"**

The East 723.53 feet of the Southwest quarter (SW¼) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, except the North 664.90 feet thereof, containing 33.09 acres subject to County road right of way and any other existing easements.

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

**DESCRIPTION OF LOT "A"**

The Northwest quarter of the Southwest quarter (NW¼ SW¼) of Section Eleven (11), except the North 363.15 feet thereof, in Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, containing 29.12 acres, subject to County Road right of way and any other existing easements.

**DESCRIPTION OF LOT "B"**

The North half of the Northeast quarter of the Southwest quarter (NE¼ SW¼) of Section Eleven (11), except the North 363.15 feet thereof, in Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, containing 9.13 acres, subject to any existing easements.

**DESCRIPTION OF LOT "C"**

A part of the Northeast quarter (NE1/4) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Beginning at the Southwest corner of said NE¼, the center of said Section 11; thence North 0°14'55" West 1130.39 feet along the west line of said NE¼ to a point on the southwesterly right of way line of the former Midwestern Railroad Properties Incorporated railroad right of way; thence South 56°55'34" East 2071.35 feet along said southwesterly right of way line to a point on the south line of said NE¼; thence North 90°00'00" West 1730.81 feet to the point of beginning, containing 22.46 acres, subject to any existing easements. NOTE: The East-West centerline of said Section 11 is assumed to bear true East and West.

**DESCRIPTION OF LOT "D"**

A part of the Southeast quarter (SE¼) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Beginning at the Northwest corner of said SE¼, the center of said Section 11; thence North 90°00'00" East 1730.81 feet along the north line of said SE¼ to a point on the southwesterly right of way line of the former Midwestern Railroad Properties Incorporated railroad right of way; thence South 56°55'34" East 665.45 feet along said southwesterly right of way line; thence South 90°00'00" West 2286.86 feet to a point on the west line of said SE¼; thence North 0°14'50" West 363.15 feet to the point of beginning, containing 16.75 acres, subject to any existing easements. NOTE: The East-West centerline of said Section 11 is assumed to bear true East and West.

**DESCRIPTION OF LOT "E"**

A part of the Southeast quarter (SE¼) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Beginning at a point on the East line of said SE¼, at a distance of 363.15 feet south of the East quarter corner of said Section 11; thence North 90°00'00" West 357.48 feet to a point on the southwesterly right of way line of the former Midwestern Railroad Properties Incorporated railroad right of way; thence South 56°55'34" East 426.15 feet along said southwesterly right of way line to a point on the east line of said SE¼; thence North 0°07'54" East 232.64 feet to the point of beginning, containing 0.96 acres, subject to County road right of way and any other existing easements. NOTE: The East-West centerline of said Section 11 is assumed to bear true East and West.

**DESCRIPTION OF LOT "F"**

The East 723.53 feet of the Southwest quarter (SW¼) of Section Eleven (11), Township Ninety-three (93) North, Range Thirty-five (35) West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, except the North 664.90 feet thereof, containing 33.09 acres subject to County road right of way and any other existing easements.

**PASSED, APPROVED AND ADOPTED** this 8th day of January, 2002.

/s/ Richard Vail, Chair, Board of Supervisors      /s/ Karen M. Strawn, Auditor  
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Johnson reviewed another **subdivision request** for a parcel in Brooke Township submitted by Mona Beck, Jon Hokanson, and Claudia Simon. Motion by Crampton to set 1/29/02 at 8:30 a.m. as the date and time of public hearing for the Beck/Hokanson/Simon subdivision request. Carried.

The board reviewed the current **beaver bounty claim** form for non-drainage district areas, and agreed to changes which would allow its use for drainage district and non-drainage district areas, and adding the BV Co registration number of the trapper.

Gustafson left the meeting to appear for jury duty. All remaining motions offered at this meeting were carried with the following vote: Ayes: Bruns, Crampton, Vail. Nays: none. Abstentions: none.

Engineer Jon Ites presented 2 utility construction permits for approval. Motion by Bruns to approve the **utility construction permit** application of Paul Koth, Alta, to install a 1" waterline under county road M-31 between Sections 34 and 35, Nokomis Township. Carried.

Upon review of the **utility construction permit** application of the City of Newell to install a sanitary sewer force main, the engineer was directed to further investigate by requesting plans and details, as this application is significantly different from an earlier proposal.

Ites presented proposals for bridge inspection for FY'02 and '03. There being a 11% difference between the proposals, motion by Bruns to accept the low **quote** of Calhoun-Burns in the total amount of \$11,290 (part in each FY'02 and '03) for bridge inspections. Carried.

Ites requested direction from the board as to what revenues should be programmed from the General Basic and Rural Basic funds for the **FY'03 secondary road budget**. The chair placed this item on the agenda for the next meeting.

The following members of the **Buena Vista County Library Association** were present to give their annual report to the supervisors: Jolene Anderson-Rembrandt, Cathy Jensen-Marathon, Susan Stone – Storm Lake, Martha Landsness-Sioux Rapids, Lois Schumacker-Linn Grove, Sue Pedersen-Alta, Nola Josephson-Albert City, and Karen Hagen-Newell. Members thanked the supervisors for their annual support which opens up other areas of financial support. No changes were requested to their current level of funding - \$.165/thousand of taxable rural valuation.

Motion by Crampton to set a bid letting date for **weed chemicals** – March 5 at 8:30 a.m. Carried.

**Storm Lake Area Development Corp.** Executive Boardmembers Edean Wetherell & Mike Wilson, and CEO Chris Nolte, discussed how the merger of SLADC and the Storm Lake Chamber of Commerce has effected their activities for the past year. There has been a strong effort by SLADC to reach out to all BV Co. communities. The spec building, for which SLADC has prospects, has been supported for \$12,360/yr for 5 years by the county. The funds were spent on interest on the building loan and marketing efforts. Nolte requested a one year renewal of that support. Because they know that budgets are tight this year, their request for general budget dollars is down 10% to \$30,600. Their priorities for the upcoming year are to encourage growth and new business from existing businesses, and filling the spec building.

Motion by Crampton to approve the minutes of the 1/2 meeting as printed. Carried.

Motion by Bruns to direct the auditor to void warrant #137972 issued 11/20/01 to Sterling Solutions Inc. in the amount of \$400, and to authorize re-issuance, the original having been lost in the mail. Carried

There being no further business, motion by Bruns to adjourn at 11:55 a.m. until Tuesday, January 15 at 8:30 a.m. for a regular meeting.

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**BOARD OF SUPERVISORS MEETING  
THIRD MEETING, 2002 SESSION (3)  
JANUARY 15, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 15, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Karen Strawn as clerk for the meeting.

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

Treasurer Kathy Bach presented her semi-annual report and discussed current investments. Motion by Burnside to approve the Treasurer's semi-annual report. Carried.

The auditor reviewed the details of a proposed budget amendment. Motion by Burnside to set February 5 at 8:30 a.m. as the date and time for a FY'02 budget amendment. Carried.

So that he can prepare the budget, Engineer Jon Ites requested confirmation of what revenues the secondary road fund is to receive from General Basic and Rural Basic in FY'03. Motion by Burnside to approve the Engineer's requests for the following transfers for FY'03: from General Basic to Secondary Roads-\$128,245; from Rural Basic to Secondary Roads-\$1,241,680, an increase of a total of \$109,335 over the current year. Ayes-Burnside, Crampton, Vail. Nays—Bruns, Gustafson. Carried. Bruns believes that the county should have stayed with the 77.5% local effort in the Rural Fund.

The board reviewed the list of allocations for inclusion in the FY'03 budget. The auditor will contact a couple of the organizations which haven't been heard from.

Marian and George McNabb were present to complain about brush clearance and tree removal in the Linn Grove area. They are concerned about the damage to the ecology, and to the mess left behind with poor clearing practices.

BV Ag Society President Tom Witt and Mary Weiland, Sec'y/Manager-BV Co Fair Board, were present to request funding for FY'03 - \$25,000, the same as for the current year. The 2002 county fair

will be held June 20-23. Upcoming plans include removing the livestock barns and building a more attractive, and more usable facility. Also needed is grandstand re-roofing.

Burnside left the meeting for a doctor's appointment.

Bob Christensen presented the Emergency Management Commission's proposal for funding for FY'03. The total for HAZMAT and Emerg. Mgt. from the county would increase to \$33,250 total from \$30,550 in the current year.

Motion by Vail to appoint Denzil Stacy as the county's at-large representative to the Iowa Lakes RC&D Board. Carried.

Motion by Bruns to approve the minutes of the 1/8 meeting as printed, and the following reports: Dec. budget reports, Dec. Conservation Board minutes, Dec Clerk's fines-fees-surcharges, Dec Mangold monitoring of Spectra lagoon, 4<sup>th</sup> Qtr FY'02 Clerk's fines-fees-surcharges. Carried.

There being no further business, motion by Crampton to adjourn at 12:10 p.m. until Thursday, January 17, at 8:30 a.m. for the 1<sup>st</sup> of several departmental budget review meetings.

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**BOARD OF SUPERVISORS MEETING  
FOURTH MEETING, 2002 SESSION (4)  
JANUARY 17, 18, 21, 25, 2002**

The Buena Vista County Board of Supervisors met in special session on Thursday, January 17, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Expenditure proposals for the FY'03 budget were reviewed for the following departments: Veteran's Services Officer, General and Veteran's Relief, Custodian, Treasurer, Mental Health.

The chairman left the meeting to attend a funeral.

Some discussion was held on upcoming capital projects for the next several years, and the possibility of designating funds in the ending balance for those purposes. Included for consideration were re-roofing the E. Richland Annex and replacement of generator in the courthouse.

There being no further business, the board recessed until Jan 18.

**Friday, Jan. 18, 8:30 a.m.**—present: Chairman Vail, Bruns, Burnside, Crampton, and Auditor Strawn as clerk for the meeting. Absent: Gustafson, for another meeting.

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

Expenditure proposals for the FY'03 budget were reviewed for the following departments: Medical Examiner, Environmental Health/Zoning, Conservation, Sheriff/Jail, Auditor, Data Processing, and Insurance.

Custodian Dewyne Stucynski was present to further discuss capital projects including a proposal from Prochaska and Associates for engineering services for the jail HVAC project. This item will be added to the 1/21 agenda for action.

There being no further business, the board recessed until Jan 21.

**Monday, January 21, 2002, 8:30 a.m.**—present: Chairman Vail, Bruns, Burnside, Crampton, Gustafson, and Auditor Strawn as clerk for the meeting.

Expenditure proposals for the FY'03 budget were reviewed for the following departments: Weed Dept., Public Health/Homecare, Communications Center, Attorney, Secondary Roads.

Motion by Crampton to approve and to authorize the Chairman to sign the proposal of Prochaska & Associates, Omaha, for engineering services for the jail HVAC project in the total amount of \$6,500.00, plus reimbursable expenses. Carried.

Crampton left the meeting for a funeral.

County Attorney Phil Havens was present to discuss a proposal by Jim and Jon Bauer regarding the non-compliance of the building they were constructing at Casino Beach. Motion by Bruns, pursuant to Chapter 21.5(1)(c) of the 2001 Code of Iowa, that the Board go into closed session (to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation). The vote on this motion was Bruns-aye, Burnside-aye, Gustafson-aye, Vail-aye. Carried.

Motion by Gustafson to reopen the meeting from closed session. Bruns-aye, Burnside-aye, Gustafson –aye, Vail-aye. Carried.

The board proceeded with review of the departmental budgets including review of equipment purchases and construction projects for secondary roads.

Burnside left for another meeting.

Motion by Gustafson to approve the minutes of the 1/15 meeting as corrected. Carried.

There being no further business, the board recessed until Jan 25.

**Friday, January 25, 2002, 2:00 p.m.**—present: Chairman Vail, Bruns, Burnside, Crampton, Gustafson, and Auditor Strawn as clerk for the meeting.

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

Proposals for the FY'03 budget were reviewed for the following departments: Recorder (exp & revs), Treasurer's revenues, Clerk of Court, Environmental Health/Zoning revenues and Communications Center expenditures.

Chris Young, Chair of the Buena Vista County Compensation Board, presented their recommendations for elected officials' salaries for FY'03. They are 2% for the Board of Supervisors, and 4% for all other officials. If approved by the Board of Supervisors, the salaries would be: Attorney-\$45,013; Auditor, Recorder and Treasurer-\$38,521; Sheriff-\$51,188; Supervisors-\$20,273, plus an additional \$500 for the Chair. The Board of Supervisors will make its decision at the 1/29 meeting.

There being no further business, the meeting was adjourned at 4:25 p.m. until Tuesday, January 29, at 8:30 a.m. for regular session.

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**BOARD OF SUPERVISORS MEETING  
FIFTH MEETING, 2002 SESSION (5)  
JANUARY 29, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 29, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Zoning Director Kim Johnson was present for the public hearing on the subdivision request of Beck, Hokanson & Simon. The Chair opened the hearing with no other interested persons present. Johnson reported that the Zoning Board's recommendation was favorable to approve subject to two conditions. There being no objections, motion by Burnside to close the public hearing. Motion by Crampton to accept the recommendation of the Zoning Commission, and, to approve and to authorize the Chair to sign Resolution 2002-29-01-A approving the subdivision request of Beck, Hokanson, & Simon. Carried.

**RESOLUTION 2002-29-01-A**

**WHEREAS**, Mona Beck, Jon Hokanson, and Claudia Simon have presented a preliminary and final plat (of survey) on the following described property:

DESCRIPTION LOT B

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE¼ NW¼) OF SECTION 9, TOWNSHIP 93 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Northwest Quarter (NW¼) of said Section 9; Thence on an assumed bearing North 90°00'00" West, along the North line of said Northwest Quarter (NW¼), 51.03 feet to the Northeast (NE) Corner of Lot A in said Section 9 appearing of record as document no. 011668 in the office of the Buena Vista County Recorder; Thence South 00°00'00" West, along the East line of said Lot A, 279.49 feet to the Point of Beginning. Thence South 00°00'00" West, along the southerly extension of the East line of said Lot A, 82.75 feet to the easterly extension of the South line of said Lot A; Thence South 89°04'04" West, along said extended South line, 105.19 feet to the eastern boundary of said Lot A; Thence North 00°40'11" West, along said eastern boundary, 82.76 feet to the southern boundary of said Lot A; Thence North 89°04'38" East, along said southern boundary, 106.16 feet to the Point of Beginning.

Hereafter known as Lot B of Section 9, Township 93 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa. Tract contains 0.20 Acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own.

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





approximately that much time involved. There will also be a cost for the services of the Drainage Attorney to review a proposed agreement. Bruns wants some assurance that this project will not change the drainage to the point that landowners upstream lose their access to federal programs. Motion by Burnside to direct Engineer Ivan Droessler to draft a letter to Dr. Dudycha indicating the findings of the study, and outlining the details of an agreement between DD #47 and Dr. Dudycha which needed to protect the Board's future responsibilities as Trustees of the drainage district. Carried. A copy of the letter is to be sent to Renee Braun of NRCS.

Droessler inquired whether the board wanted Bud Vote to develop a priority list for tree clearing for the upcoming season. The consensus of the board was to have Vote prepare a priority list for work up to \$10,000.

Treasurer Kathy Bach requested action on taxes for 2 properties. Motion by Burnside to approve the suspension of taxes on parcel #08-14-153-005, pursuant to Chapter 427.8 of the 2001 Code of Iowa. Carried.

Motion by Gustafson to abate the current taxes on a mobile home Title #11-W023881, the mobile home having been junked. Carried.

Motion by Burnside to approve the minutes as corrected, and the following reports: Dec 5 Communications Commission minutes, Dec. Recorder's fees, Jan 15 Farm-to-market fund balance. Carried.

Motion by Vail to approve and to authorize the Chairman to sign the following claims to Clay County Secondary Roads: for DD#14-42 Lat 178 Jt. for tile repair \$225.75; for DD #22 Jt. Br 158 for tile repair \$107.75; for DD #22 Jt. Lat 252 for tile repair \$651.00; for DD #22 Jt. Lat 252-132 for tile repair \$498.60; for DD #22 Jt. Lat 310 for tile repair \$160.00. Carried.

Upon recommendation of Watchman Bud Vote, motion by Crampton to accept as complete the tree removal work of Richards Construction on DD #49 in the W½ of Section 25, Poland Township. Carried.

Engineer Jon Ites discussed the OSHA 200 report. Motion by Crampton to sign a letter of recognition to secondary road employees for maintaining a good safety record for 2001, and, to appoint Shirley Johnson to the Safety Committee. Carried.

Motion by Burnside to purchase a subscription of "Workers Comp Law Bulletin" from non-departmental funds for use by the Worker's Compensation secretary. Carried.

Motion by Burnside to authorize payment to IDOT from farm to market funds for asphalt testing expense in a total amount of \$7,437.90. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the program agreement for the unified certification program for disadvantaged business enterprises (DBE/UCP). Carried.

Motion by Bruns to approve and to authorize the chair and auditor to sign the detour agreement with IDOT for the Raccoon River bridge construction project on Hwy 7. Carried.

Motion by Bruns to approve and to authorize the Chairman and Auditor to sign the agreement for federal aid on the M-31 project #STP-S-CO1(47)—5E-11, this being a joint city/county project. Carried. The federal participation will be \$192,000 which is 60% of the total \$320,000.

Motion by Crampton to approve and to authorize the Chairman to sign the TEA 21 funding application for the C-49 project between Storm Lake city limits and US Hwy 71, project #STP-S-CO-11(39)—5E-11 & C-49 re-construction, the application being for 60% funding of the \$660,000 total cost. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign Resolution 2002-01-29B concerning the county's opposition to changing the road use tax formula. Carried.

**RESOLUTION 2002-01-29B**

**Whereas** the Iowa Chamber Alliance is promoting a proposal to change the Road Use Tax Fund Distribution Formula to increase the city's share from 20 to 25 percent, to increase the state's share from 47.5 to 50 percent, and to decrease the county's share from 32.5 to 25 percent, and to change the basis for the division of the county's share from area and needs to population,

And, **Whereas** we foresee that if this proposal is successful, it will result in dramatic changes to funding levels for County Secondary Road Departments, affecting the ability to provide maintenance and construction services on Secondary Roads,

And, **Whereas** the County Secondary Road System is vitally important with respect to providing a transportation system that serves the needs of the agricultural industry, and provides safe travel routes for school buses, mail carriers, rural residents, and the traveling public,

And, **Whereas** the continued upkeep of the rural roads is so very important that funding levels cannot be shifted away from them.

Be It Therefore Resolved, that the Buena Vista County Board of Supervisors oppose the Iowa Chamber Alliance proposal in the initial form that it has been presented. Passed and Approved on this 29<sup>th</sup> day of January, 2002.

/s/ Richard Vail, Chair; /s/ Herb Crampton; /s/ Lorna Burnside; /s/ Doug Bruns; /s/ Jim Gustafson;  
Attest: /s/ Karen M. Strawn, Auditor

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Ites reported that the application for funds from **FUNDCO** for a bridge replacement has again been turned down.

A second request from Romaine Kiischer for the county to participate in cost sharing on installation of a backflow prevention device in DD#49 in the NW corner of Section 34 Poland Township was denied.

Taking up the discussion of the **Compensation Board's** recommendations for FY'03 of increases of 2% for Supervisors and 4% for all other officials, Bruns asked what the county's cost increase will be on a single policy for health and dental insurance - \$583. The employee will see an increase of \$372 for the family portion. Motion by Bruns to decrease the recommendations by 50%. In discussion, Bruns noted this is not fair if compared to increases that state employees are receiving. Crampton said he would suggest a 25% decrease instead. The vote on Bruns' motion was: Aye-Bruns; Nays-Burnside, Crampton, Gustafson, Vail. The motion failed. Motion by Crampton to reduce the Compensation Board's recommendations for elected officials' salaries by 25%, for the following FY'03 salaries--Attorney-\$44,850, Sheriff-\$50,696, Auditor, Recorder & Treasurer-\$38,150, and Supervisors-\$20,461, plus an additional \$500 for the Chairperson. Ayes—Burnside, Crampton, Gustafson, Vail. Nay-Bruns. Carried.

Rhonda Christensen, representing the BV Co. **Child Abuse Prevention Team**, met with the board and reported the projects her group has been involved in including: April Child Abuse Prevention month activities, coordinating the Parents Reaching Out To Parents and the MOMs group, a mom's mentoring team. She noted that the number of abuse cases are going up in this county. They have been involved in efforts to promote positive parenting. Some of the funds received from the county in the past have been used to advertise for a PROP Coordinator, with the wages for that person being provided through a state grant; child abuse prevention month advertising; a parenting series at the Storm Lake Middle School; curriculum for "It's My Child Too!". They are requesting \$1,000 again for FY'03.

CPC Dawn Mentzer was present to discuss the issue of increasing provider rates. After discussion, motion by Burnside to increase provider rates by 2% for FY'03 for the following: Spectra Health Care, Inc., Lutheran Family Services, and Genesis. Carried.

Marilyn Monson, Storm Lake Chamber of Commerce, and Lois Radke, Chair, BV Co Convention and Visitors Bureau, were present to discuss their current activities in the area of tourism, and to request funding for FY'03 in the amount of at least \$1,000. Previously, the county has paid \$250/yr. in dues to Western Iowa Tourism, with the other ½ (\$250) paid by the Storm Lake Chamber of Commerce. This year, an additional \$500 was allowed by the county to reimburse some of the meeting expenses of persons going to tourism workshops and meetings.

DHS-IM Supervisor Mary Ellen Hatch introduced herself to the Board, as one of three supervisors for DHS employees based in Storm Lake, and the only one of the 3 supervisors herself based in Storm Lake. She reviewed the new Table of Organization for the local office and the Sioux City Regional office. The board reviewed the DHS FY'03 budget and asked about the capital project – replacing the telephone system.

Communications Supervisor Mark Van Hooser, Sheriff Chuck Eddy, Fire Chief Mike Jones, and Storm Lake Public Safety Officer Mark Prosser were present to discuss the proposal to replace the CLUES software for the Communications Center, jail and the records management system for the Sheriff and city police departments. The Sheriff has been outfitting the patrol cars with laptop computers enabling them to access the DOT's Tracks program. He has ordered 2 more in the current year. Only the CAD system and jail module have been included in the budget so far. No action will be taken until the Board sees how the remainder of the budget goes together.

The city of Sioux Rapids has requested that the Sheriff's Department provide law enforcement services to the city. A contract for 3 years has been proposed. Motion by Gustafson to approve and to authorize the Chairman to sign a 3-year agreement with the City of Sioux Rapids to provide law enforcement services at the rate of the 1<sup>st</sup> year salary, plus FICA, IPERs and health/dental insurance for the first year, plus 65% of any salary increase, and any employee benefits increases. Carried. (The first year total will be \$48,815.)

A telephone call was received from Palo Alto Auditor Gary Leonard regarding approval to place a non-perforated tile in DD #22 Jt. The Palo Alto and Clay County boards had given joint approval earlier in the day. It was the consensus of the BV Co. Board of Supervisors to concur with the decision of the Clay and Palo Alto boards in approving installation by NRCS of a non perforated tile through a wetland located in Tri Jt. #22, the S½ of Section 7, Booth Township.

There being no further business, the meeting was adjourned at 3:15 p.m. until Tuesday, February 5, at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
SIXTH MEETING, 2002 SESSION (6)  
FEBRUARY 5, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 5, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

8:30 a.m.—The time having arrived for the public hearing on an amendment to the FY'02 budget, the Chairman opened the hearing with no interested persons present. It was noted that the notice of public hearing had been published in all official newspapers as required. The auditor reviewed the amendment. There being no objections, motion by Burnside to close the public hearing. Carried. Motion by Gustafson to approve the (1<sup>st</sup>) **FY'02 budget amendment** as published. Ayes—Burnside, Crampton, Gustafson, Vail. Nays--Bruns. Carried.

Correspondence from Larry and Greg Sundblad regarding a **wetland project** in Section 9, Lee Township was reviewed. The Chair will consult with Engineer Ivan Droessler on the matter.

Environmental Health Director Kim Johnson presented a **grant application** for her well programs. Motion by Burnside to approve and to authorize the Chairman to sign the well-closure/testing/re-hab IDNR grant application for FY'03 in the amount of \$16,500. Carried.

Motion by Burnside to set the date and time of public hearing on the **subdivision request** of Ted & Kay Lenhart for a parcel in Section 15, Providence Township as February 19 at 8:30 a.m. Carried.

Motion by Burnside to appoint Dennis Gutz to the **Zoning Commission** as the representative for Grant and Coon Townships. Carried.

The Board noted that on 2/4/02, a **manure management plan (MMP)** was filed by Nathan Sievers for his hog confinement operation in Section 11, Coon Township. The 30-day comment period ends March 4, 2002. The plan is on file in the Auditor's office and is available for public inspection.

Assessor Ted Van Grootheest discussed funding for the next phase of the **GIS project**. It was the consensus of the Board to support the project, with the cost to be spread over 3 years from the Special Appraisers fund, if approved by the Conference Board. Also, the board requested that the project include 1 monument in each town.

Motion by Burnside to approve the following **utility permit applications** filed by:

- Clay County Regional Water to install a service main under the county line gravel road at the intersection of 180<sup>th</sup> St. & 190<sup>th</sup> Ave to provide service to 1054 430<sup>th</sup> Ave.;
- City of Newell to install 2" and 2½" sewer mains along Roger Road (M-54). Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the final payment voucher to Kuehl & Payer, Ltd. for design services on the M-31 **project STP-11(47)—5E-11** in the amount of \$1,822.50. Carried. The City of Alta will be billed for 50% of the cost, with the check to be deposited in the county's farm-to- market account from which the costs were originally paid.

The Board discussed a change to the **Iowa Administrative Code** under Chapter 567- Environmental Protection Commission, regarding animal feeding operations. The rule change becomes effective February 13, 2002. The auditor was directed to prepare a news release explaining the rule change, and notifying the public that copies of the explanation and the rule change are available in the office of the County Auditor.

Ordering levies for **Jt. DD #19-26 & 76-133** was postponed pending further investigation of their financial status.

Motion by Burnside to approve the **minutes** of the 1/29 meeting as printed, and the following **reports**: January budget reports, Jan Conservation Board minutes. Carried.

The Board reviewed preliminary **FY'03 budget** documents and made plans for the second departmental budget review.

There being no further business, motion by Burnside to adjourn the meeting at 11:50 a.m. until Thursday, February 7, at 9:00 a.m. for a budget work session.

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**BOARD OF SUPERVISORS MEETING  
SEVENTH MEETING, 2002 SESSION (7)  
FEBRUARY 7, 2002**

The Buena Vista County Board of Supervisors met in special session on Thursday, February 7, 2002, at 9:00 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

The board reviewed the first draft of the FY'03 budget. The board directed a request to department heads to review and reduce their expenditure submissions for both the current and the budget year.

Motion by Gustafson to approve the minutes of the 2/5 meeting as printed. Carried.

There being no further business, the meeting adjourned to 2/12 at 8:30 a.m. for a regular session.

**BOARD OF SUPERVISORS MEETING  
EIGHTH MEETING, 2002 SESSION (8)  
FEBRUARY 12, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 12, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Zoning Director Kim Johnson reviewed her funding proposal for FY'03 to update the county's Comprehensive Plan. The board approved inclusion of the item, to be further discussed at today's 5:30 p.m. meeting with the Zoning Commission.

CPC Dawn Mentzer was present to discuss several items. Motion by Burnside to approve and to authorize the Chairman to sign the substance abuse prevention grant with the Iowa Department of Public Health in the amount of \$20,350 for FY'03. Carried.

Motion by Gustafson to provide 30 days written notice to terminate the county's service provider contract with Community and Family Resources, Fort Dodge. Carried.

Mentzer discussed her review and recommendations for the county's Managed Care Plan. Motion by Gustafson to amend the Managed Care appeal process as presented (changes the make-up on the appeal board). Carried.

Public Health Director Diane Anderson reviewed the outside revenue sources for her budget, discussing the areas of state funding reductions. Two changes were made to the FY'02 re-estimate, and to the **FY'03 request**.

George and Marian McNabb appeared to ask what the board had done regarding the cutting of **trees and brush** in the Linn Grove area. They believe that too many trees are being cut unnecessarily and that the debris left behind, along with the stumps which have not been removed, are a hazard to the public (bikers, walkers, and snowmobilers). It was explained that trees in the right-of-way create a buffer for blowing snow, causing drifts to form on the roadway which is a hazard to motorists. The board agreed to have the tree cutting cease until boardmembers have a chance to view the area.

The board reviewed the results of budgetary changes submitted by department heads. The auditor will make the adjustments and prepare a draft for the board's review.

There being no further business, the meeting recessed at 3:00 p.m. until 5:30 p.m for a joint session with the Zoning Commission.

**5:30 p.m.**—Present in the public meeting room of the courthouse for the joint session between the Zoning Commission were all of the Supervisors except Chairman Vail, who was attending a Sioux Rapids City Council meeting, and, Zoning Director Kim Johnson, Zoning Commission members: Mark Bertness, Ginger Vietor, Roger Peterson, Bob Rebhuhn, Vic Hansen, Bob Stoughton, Ken Bertness, and Dennis Gutz, and Auditor Strawn.

Johnson reported the status of the **subdivision ordinance** on which the commission began the amendment process in June of 2000. It is awaiting final review and revision by the county attorney. Since that time 14 subdivision requests have been heard by the Zoning Commission. Only 4 of the 14 would have come before the Commission if the ordinance amendment had been complete. The Commission voiced its desire to see the amendment completed to eliminate the routine/non-controversial requests. The county attorney is expected to complete the review sometime following the April 15 income tax deadline.

The county's **Comprehensive Plan** last revision was approved in 1993. NWIPDC did the work on the revision at a cost of between \$6,000 and \$10,000. An estimate of cost from another independent organization was \$30,000 a couple years ago. The purpose of the Comprehensive Plan is to set forth in writing the county's goals and objectives for development. It may include transportation, parks and recreations, location of housing, soils maps, etc.

**HF2178** is a land use management bill which could have a significant effect on any work done on the comprehensive plan, if the bill is passed. The bill has an early effective date, and requires completion of a plan (not a comprehensive plan, nor a zoning plan) by January 1, 2003. The Commission would prefer not to begin work on a Plan revision, if it might be over-ridden or replaced by the land management plan.

Several issues were discussed including a 'home enterprise zone', TIF plans for abandoned rural residences, and building construction permits for unincorporated area.

It was the consensus of the group to start the process by reviewing the current Comprehensive Plan to become familiar with the areas that need to be updated and to determine how much work needs to be done. The Zoning Director will schedule a meeting, and all who can attend will do so.

The meeting adjourned at 6:55 p.m. There being no further business, the meeting adjourned to 2/19 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
NINTH MEETING, 2002 SESSION (9)**

**FEBRUARY 19, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 19, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

8:30 a.m.—the time having arrived for the public hearing on the subdivision request of Ted and Kay Lenhart, the Chairman opened the hearing with no interested persons present. Zoning Director Kim Johnson reported that the Zoning Commission's recommendation was to approve with a stipulation. There being no objections, motion by Burnside to close the public hearing. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign Resolution 2002-19-02-A approving the subdivision request of Ted and Kay Lenhart for a parcel in Providence Twp. Carried.

**RESOLUTION 2002-19-02-A**

**WHEREAS**, Ted and Kay Lenhart have presented a preliminary and final plat (of survey) on the following described property:

**DESCRIPTION: LOT A**

**A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) OF SECTION 15, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at the Northeast (NE) Corner of the Northeast Quarter (NE ¼) of said Section 15; Thence on a previously recorded bearing of South 00° 00' 00" West, along the East line of said Northeast Quarter (NE ¼), 380.99 feet to the Point of Beginning. Thence North 90° 00' 00" West, 248.00 feet; Thence North 00° 00' 00" East, 347.77 feet to the South right-of-way line of the Chicago Central and Pacific Railroad; Thence North 76° 57' 40" West, along said South right-of-way line, 157.58 feet to the North of said Northeast Quarter (NE ¼); Thence North 89° 40' 02" West, along said North line, 87.74 feet; Thence South 00° 00' 00" West, 483.83 feet; Thence South 90° 00' 00" East, 489.25 feet to the East line of said Northeast Quarter (NE ¼); Thence North 00° 00' 00" East, along said East line, 100.00 feet to the Point of Beginning.

Hereafter known as Lot A of Section 15, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 3.18 Acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: Lot A becomes part of the original lot and is not a buildable lot on its own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: Lot A becomes part of the original lot and is not a buildable lot on its own.

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

**DESCRIPTION: LOT A**

**A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) OF SECTION 15, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**



Commencing at the Northeast (NE) Corner of the Northeast Quarter (NE ¼) of said Section 15; Thence on a previously recorded bearing of South 00° 00' 00" West, along the East line of said Northeast Quarter (NE ¼), 380.99 feet to the Point of Beginning. Thence North 90° 00' 00" West, 248.00 feet; Thence North 00° 00' 00" East, 347.77 feet to the South right-of-way line of the Chicago Central and Pacific Railroad; Thence North 76° 57' 40" West, along said South right-of-way line, 157.58 feet to the North of said Northeast Quarter (NE1/4); Thence North 89° 40' 02" West, along said North line, 87.74 feet; Thence South 00° 00' 00" West, 483.83 feet; Thence South 90° 00' 00" East, 489.25 feet to the East line of said Northeast Quarter (NE ¼); Thence North 00° 00' 00" East, along said East line, 100.00 feet to the Point of Beginning.

Hereafter known as Lot A of Section 15, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own.

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

**A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) OF SECTION 15, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at the Northeast (NE) Corner of the Northeast Quarter (NE ¼) of said Section 15; Thence on a previously recorded bearing of South 00° 00' 00" West, along the East line of said Northeast Quarter (NE ¼), 380.99 feet to the Point of Beginning. Thence North 90° 00' 00" West, 248.00 feet; Thence North 00° 00' 00" East, 347.77 feet to the South right-of-way line of the Chicago Central and Pacific Railroad; Thence North 76° 57' 40" West, along said South right-of-way line, 157.58 feet to the North of said Northeast Quarter (NE1/4); Thence North 89° 40' 02" West, along said North line, 87.74 feet; Thence South 00° 00' 00" West, 483.83 feet; Thence South 90° 00' 00" East, 489.25 feet to the East line of said Northeast Quarter (NE ¼); Thence North 00° 00' 00" East, along said East line, 100.00 feet to the Point of Beginning.

Hereafter known as Lot A of Section 15, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 19th day of February, 2002.  
/s/ Richard Vail, Chair, Board of Supervisors                      /s/ Karen M. Strawn, Auditor  
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Johnson informed the board of an improper **well closure**. She will require that it be re-opened and then closed properly.

Asking for guidance from the board regarding the enforcement of the **zoning ordinance**, Johnson presented 2 sample zoning compliance policies for the board's consideration.

Motion by Gustafson to approve the **minutes** of the 2/7 and 2/12 meetings as printed, and the following **reports**: Jan budget reports, 1/1 Communications Commission minutes, Jan Mangold monitoring of Spectra lagoon, w/c loss run for FY'01.

A letter received from the **Regional Transit Authority** ('Rides') requesting \$15,000 in supplementary operation funds for FY'03 was received. The auditor was directed to respond requesting information on what the funds are needed for, and advising that the letter was received too late to be included in the FY'03 budget.

It was noted that **law enforcement contracts** with Albert City, Lakeside and Marathon need to be negotiated for the appropriate increases in employee wages and benefits. Sheriff Eddy is to begin discussions with each city.

Motion by Crampton to approve a 3% wage increase for secondary road employees for FY'03, based on an Equipment Operator III rate, and with no change to work hours. Carried.

Motion by Gustafson to approve a \$1,000 wage increase for the assistant engineer and the maintenance superintendent, the amount being based on the average dollar increase for other secondary road employees. Ayes—Gustafson, Nays—Bruns, Burnside, Crampton, Vail. The motion failed. Motion by Bruns to approve a wage increase to \$44,100 for FY'03 for the maintenance superintendent (3.42%), based on 150% of foreman's increase. Gustafson commented that he believed the amount was too much, and that \$1000 was fair. Ayes—Bruns, Burnside, Crampton, Vail. Nay—Gustafson. The motion was approved.

Engineer Jon Ites has a couple old low end computers that are excess property. Bruns will investigate if the Season's Center can use them.

Ites reviewed the departmental rule for the secondary road department on the subject of sick leave for family illness.

Ites reviewed pending legislation including the proposal to again bleed the Road Use Tax Fund for support of the Iowa Highway Patrol.

Steve Gustafson was present to discuss developments in the situation with the Bauer property at Casino Beach. He asked, and the board confirmed, that a letter sent to Bauer's attorney by the county attorney, had not been previously reviewed by the board. He also objected to a paragraph which indicated he had given his blessing to the Bauer proposal to relocate the new garage/residence on the current house site. He had requested seeing Bauer's plan before giving approval to the Bauer proposal, but has not seen the plans. Bruns stated that the county attorney's letter reads as though a variance will be granted, however, the county can't guarantee that it would be granted. Gustafson believes the residents at Casino should have been involved in the letter writing process. A meeting is being arranged by the County Attorney to include Bauer, his attorney, the board chair and vice-chair. Supervisor Gustafson wants Steve Gustafson and his attorney to attend the meeting. Supervisor Gustafson also asked that the minutes reflect that the board is not in agreement with the letter.

The board reviewed the summary of the proposed FY'03 budget and finalized it with a General Basic increase of \$248,184, a \$25,000 increase in the MH Services Fund, a decrease of \$51,250 in Debt Service, and a \$102,298 in the Rural Basic Fund, over the FY'02 levies. Motion by Burnside to tentatively approve the FY'03 budget, and to set March 12 at 11:00 a.m. in the Public Meeting Room as the date and time of public hearing. Carried.

Burnside left the meeting for a medical appointment.

Motion by Gustafson to order the following levies for the drainage districts listed: 70% for Jt. DD #19-26 MOD, and 290% for Jt. #76-133, with a levy date of September 1, 2002, due and payable September 30, 2002, delinquent October 1, 2002, with waivers allowed on parcels with assessments greater than \$100 on 40 acres at 9% interest. Ayes—Bruns, Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

Motion by Gustafson to direct that the \$15,000 cashier's check currently held by the county from Christian Brothers be deposited, and a Treasurer's check for \$10,000 be issued to Christian Brothers, with the remainder of \$5,000, issued by Treasurer's check to B. V. County, to be retained until completion of the DD #81 project. Ayes—Bruns, Crampton, Gustafson, Vail. Nays—none. Abstentions—none. Carried.

There being no further business, the meeting adjourned at 11:40 a.m. until Tuesday, February 26 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
TENTH MEETING, 2002 SESSION (10)  
FEBRUARY 26, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 26, 2002, at 12:30 p.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, and Gustafson and with Deputy Auditor Kennedy as clerk for the meeting. Absent: Crampton.

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

Motion by Burnside to approve and to authorize the Chairman to sign Resolution 2002-02-26-A declaring the need for a housing authority in Buena Vista County, Iowa, and to sign the Certificate of Appointment of Marc Bertness as the County's Representative to the Regional Housing Authority. Carried.

**RESOLUTION 2002-02-26-A**

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

That the Board of Supervisors of Buena Vista County, Iowa hereby determine, find, and declare that:

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

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

**NOW THEREFORE**, Pursuant to the provisions of Chapter 28E, Code of Iowa, and by virtue of our office as Board of Supervisors, we hereby appoint the one (1) person hereinafter named to serve as Representative to the Northwest Iowa Regional Housing Authority, representing Buena Vista County, Iowa and to serve for the number of years appearing after his name respectively, from the 1<sup>st</sup> day of January, 2002. Marc Bertness---1 year.

**PASSED, APPROVED AND ADOPTED** this 26th day of February, 2002.

/s/ Richard Vail, Chair, Board of Supervisors                      /s/ Karen M. Strawn, Auditor  
by Sue Kennedy, Deputy

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Burnside received a request from Harold & Evelyn Grau for a railing on the grandstand at the Buena Vista County Fairgrounds. The request will be passed on to the Fair Board.

Motion by Bruns to approve the Certificate of Completion and Final Acceptance of Work for project BROS-CO11(42)-5F-11. The original contract was \$229,853.46, but the final cost is \$236,606.79. Carried.

Motion by Burnside to accept \$387,600 in Traffic Safety Funds for deposit in the Farm To Market Fund for project FM-TSF-CO11(34)-5B-11, this being 95% of expected reimbursement. Carried.

Engineer Jon Ites received a letter from Romaine Kischer regarding prices for flap gates. The Board decided not to do anything.

Letter was received from Pat Sand requesting to gate a road on the south side of Section 34, Maple Valley Township. Currently, B. V. County does not have a Class "C" designation for roads. The Board directed the County Engineer to proceed with establishing a Class "C" Road Ordinance.

Letter was received from Orren Knoffloch concerning the rebuilding of their gravel road by their residence.

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

Upon concluding the Conference Board meeting, the board returned to continue their meeting.

Motion by Burnside to authorize the Chairman to sign a letter of support for the Council Against Domestic Abuse for a grant request. Carried.

Motion by Bruns to donate the excess old computer equipment from the Engineers Office to Seasons Center. Carried.

Leland Olson met to discuss his future land purchases and some drainage issues regarding the acres used for the drainage ditch running through this property.

There being no further business, the meeting adjourned at 3:30 p.m. until Tuesday, March 5 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
ELEVENTH MEETING, 2002 SESSION (11)  
MARCH 5, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 5, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Burnside and Gustafson and with Deputy Auditor Kennedy as clerk for the meeting. Absent: Crampton due to health, and Bruns was attending the Iowa Water Quality Conference.

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

8:30 a.m.—The time having arrived for the bid opening for the season's supply of **weed chemicals**, 2 bids were received from: Vegetation Management Supply, Inc. of Des Moines and Van

Diest Supply Co. of Webster City. Motion by Gustafson to accept the low bid of Van Diest Supply Co., Webster City, in the total amount of \$10,190.40 for 660 gallons of Hidep. Carried.

Rhonda Christensen updated the Board on the activities of the Extension Service. Several items were mentioned including: their free newsletters that are available, Family Nutrition Program, Diversity Group Meetings, Mental Health Services provided by grant funds, and Finding Data on the Internet class.

The 9:00 meeting scheduled with Terry Johnson of Genesis, was cancelled.

Motion by Burnside to approve the minutes of the 2/19 and 2/26 meetings as printed, and the following reports: 2<sup>nd</sup> Workers Compensation Dividend Computation.

Motion by Burnside to void a stamped drainage warrant issued to Jeremy Morrow, February 12, 2002 for \$125 and to re-issue. The original warrant is lost. Carried.

Michael Pertzborn & Larry Schmitz were present to discuss health insurance. Larry Schmitz presented information about an employer funded healthcare account. This does not replace our current health insurance. Employees would be offered options with various deductible amounts.

Kerry Erts, of Cady Insurance Co., did not come for his scheduled appointment.

There being no further business, the meeting adjourned at 12:00 noon until Tuesday, March 12 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
TWELFTH MEETING, 2002 SESSION (12)  
MARCH 12, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 12, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Steve Gustafson was present to discuss an upcoming meeting regarding the Bauer-Casino Beach property, and a letter drafted by his attorney.

Supervisor Bruns left the meeting for a medical appointment.

Veterans Services Officer Clint Hoferman was present to request an amendment to his current budget due to it having been set prior to increasing his and the secretary's hours. Motion by Gustafson to amend appropriations in the FY'02 budget as follows:

Action	Activity	Dept	Fund	Amount	
Increase	5100	27	General Basic	\$5,763	
Decrease	5300	23	General Basic	\$2,791	
Decrease	5000	55	General Basic	\$2,972	Ayes-Burnside, Crampton, Gustafson, Vail. Nays-

none. Absent-Brun. Carried.

Brun. returned to the meeting.

Motion by Burnside to approve the minutes of the March 5 meeting as printed, and the following reports: Feb budget reports, Feb Mangold monitoring report of Spectra lagoon, 2/21 NWIPDC Policy Council minutes, 2/13 NW Aging minutes, 2/13 Communications Commission minutes, 2/6 Conservation Board minutes. Carried.

Engineer Jon Ites discussed several tourism events to be held in the county this summer. An issue has come up with a worker's comp claim being denied. The auditor will write a letter requesting further information.

Motion by Gustafson to approve the utility construction permit application submitted by Mediacom, Prior Lake, MN, to install underground fiber optic cable, for cable TV and internet services, from Hwy 71 into Truesdale along 540<sup>th</sup> St & 30<sup>th</sup> Ave. Carried.

The board moved to the 2<sup>nd</sup> floor public meeting room for the public hearing. 11:00 a.m.--The time having arrived for the public hearing on the FY'03 proposed budget, the Chairman opened the hearing with 3 interested persons and 2 media, 18 county employees/dept. heads plus all 5 boardmembers and Auditor Strawn. The Chairman verified that the notice was published as required. After distribution of several budget materials, and a few brief remarks including appreciation for the work of the various departments to trim any extra, the Chairman opened the hearing to public comments. A representative from DHS asked about funds that had been cut from their administrative budget. The amount, which had been in the budget for a number of years, and had not been spent, was removed because it had appeared over and over. She was assured that if the time came that the phone system had to be replaced, the Board would make funds available. Their intent was to eliminate requests that were not known to be essential for FY'03.

The engineer expressed his concern that several of the funds were being allowed to get so low that any flexibility in his budget has been eliminated. With the rural fund balance so low, a transfer to secondary roads for local option funds due to it, is not possible until after the September tax collection. Levied dollars from the rural fund also can't be transferred until after September tax collection. With the potential for more than 25% of the secondary road expenses to be needed in the first quarter, such low balances don't allow for any options.

There being no additional questions, and no comments from the board, motion by Gustafson to close the public hearing. Carried. The board returned to the boardroom. Motion by Bruns to adopt the FY'03 budget for Buena Vista County as published. Carried.

The board reviewed the comment letter regarding the FY'01 annual financial audit from the county's auditors and directed that copies be distributed to department heads.

Motion by Burnside to amend appropriations from the 2/5/02 budget amendment as follows:

Action	Activity	Dept	Fund	Amount
Increase	6100	22	REAP	\$36,000
Increase	6100	22	ConsLandAcq	\$35,000
Increase	92xx	97	General Basic	\$19,057
Increase	0010	26	General Basic	\$18,595. Carried.

There being no further business, motion by Gustafson to adjourn the meeting at 12:25 p.m. until Tuesday March 19 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
THIRTEENTH MEETING, 2002 SESSION (13)  
MARCH 19, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 19, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Motion by Burnside to amend today's agenda by adding approval of liquor license applications for Little Sioux Golf and Country Club, Sioux Rapids, and Lake Creek Country Club, Storm Lake. Carried.

Sheriff Chuck Eddy discussed the letter he sent to the City of Albert City regarding the monthly fee for the law enforcement contract. He has also submitted letters to Marathon and to Lakeside. The board discussed the method of calculating costs, what is to be included, and the annual increases. Eddy will proceed with negotiations of the contracts with Albert City, Lakeside, and Marathon.

Motion by Gustafson to approve, and to authorize the Chairman to sign, a letter to PENCO notifying them that the County objects to invoice PN-0084150 which is for additional premium due on the FY2000-01 auto insurance policy, inasmuch as the bill is at least 16 months delinquent. Carried.

Motion by Crampton to approve and to authorize the Chairman to sign the board's letter of responses to the auditor regarding the county's FY'01 annual audit. Carried.

Zoning Director Kim Johnson discussed a proposed zoning compliance policy. Motion by Gustafson to approve and to authorize the Chairman to sign the Zoning Compliance Policy to become effective, 7/1/02. Gustafson suggested putting something in the paper to notify the public. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign the new zoning compliance fee schedule to become effective July 1, 2002. Carried.

Johnson also discussed the Onsite Wastewater Assistance Fund (OSWAF) loan program which makes low interest loans available for onsite septic systems. The county may participate in the future.

Motion by Burnside to approve the minutes of the 3/12 meeting as printed, and the following report: 3/13 IDNR site visits. Carried

Motion by Gustafson to approve and to authorize the Chairman to sign the liquor license applications of Little Sioux Golf and Country Club, Sioux Rapids, (a 9 month license), and Lake Creek Country Club, Storm Lake. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the "Community Mental Health Center Affiliation" designating the Seasons Center for Community Mental Health for FY'2003. Carried.

Motion by Crampton to approve and to authorize the Chairman to sign a letter to Computer Management Systems, Ames, asking that they address computer security issues with the county's PC network, as per the auditor's comments letter in the FY'01 audit. Carried.

There being no further business, motion by Gustafson to adjourn the meeting until Tuesday March 26 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
FOURTEENTH MEETING, 2002 SESSION (14)  
MARCH 26, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 26, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson and with Deputy Auditor Kennedy as clerk for the meeting.

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

Motion by Burnside to amend today's agenda by adding approval of a Class E liquor license for Pronto Market, Storm Lake. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign the Class E liquor license application for Pronto Market, Storm Lake. Carried.

Motion by Gustafson to set April 2, 2002 at 8:30 a.m. as the date and time of the public hearing for the Darold Sievers subdivision request. Carried.

Motion by Gustafson to set April 2, 2002 at 8:40 a.m. as the date and time of the public hearing for the Chuck Hogrefe subdivision request. Carried.

DHS Service Area Manager Pat Braesch and DHS Executive Officer Jeanne Uhl introduced themselves to the Board and went over the changes to the various county DHS offices and changes in staffing.

Engineer Jon Ites informed the Board that the secondary road crew will start summer hours on April 6.

Engineer Jon Ites had a request from the City of Lakeside for use of a motorgrader and roller for a road project. It was the consensus of the Board to allow them to use the equipment based on the fee schedule that was previously established.

Motion by Burnside to approve the utility construction permit application submitted by Iowa Lakes Electric Cooperative, Estherville, IA, to install a single-phase, 7200 volt overhead distribution line along the north side of 650th St, from the middle of south side of section 29, Providence Township to the middle of south side of Section 30, Providence Township. Carried.

The Board considered renewal of the employment contract with County Engineer Jon Ites. Motion by Crampton to approve and to authorize the Chairman to sign the employment contract with Jon Ites as County Engineer commencing 7/1/2002 and ending 7/1/2004, at a salary of \$71,500 in the first year, and \$75,000 in the second year. The motion was amended by Bruns to drop the second year salary to \$74,500. The vote on the amendment was: Ayes--Bruns, Crampton. Nays--Burnside, Gustafson, Vail. Failed. The vote on the original motion: Ayes—Bruns, Burnside, Crampton, Vail. Nays--Gustafson. Carried.

Motion by Gustafson to approve the minutes of the March 19 meeting as printed. Carried.

Paul Ryan with Prochaska & Associates presented an update on the jail HVAC project.

There being no further business, motion by Gustafson to adjourn the meeting at 11:25 a.m. until Tuesday, April 2 at 8:30 a.m. for a special session.

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**APRIL 2, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 2, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson and with Deputy Auditor Kennedy as clerk for the meeting.

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

8:30 a.m.—The time having arrived for the public hearing on the subdivision request of Darold Sievers, the Chairman opened the hearing with Zoning Director Kim Johnson present. Johnson reviewed the request and stated that her recommendation to the Zoning Board was to approve. The Zoning Board's decision was also to recommend approval by the Board of Supervisors. There being no objection, motion by Crampton to close the public hearing. Carried. Motion by Burnside to approve and to authorize the Chairman to sign Resolution 2002-04-02-A approving the subdivision request of Darold Sievers. Carried.

**RESOLUTION 2002-04-02-A**

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

**DESCRIPTION: LOT A**

**A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW ¼ NW ¼) OF SECTION 24, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW ¼) of said Section 24; Thence on an assumed bearing of North 90° 00' 00" East, along the North line of said Northwest Quarter (NW ¼), 879.00 feet to the Point of Beginning. Thence continuing North 90° 00' 00" East, along said North line, 371.83 feet; Thence South 00° 00' 00" East, 348.35 feet; Thence South 88° 35' 17" West, 146.32 feet; Thence South 01° 43' 02" East, 51.78 feet; Thence South 88° 40' 27" West, 218.84 feet; Thence North 00° 00' 00" East, 408.8 feet to the Point of Beginning.

Hereafter known as Lot A of Section 24, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 3.24 Acres and is all subject to all easements of record.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any: Lot A survey is verified as to legal description.

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

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

**DESCRIPTION: LOT A**

**A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW ¼ NW ¼) OF SECTION 24, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW ¼) of said Section 24; Thence on an assumed bearing of North 90° 00' 00" East, along the North line of said Northwest Quarter (NW ¼), 879.00 feet to the Point of Beginning. Thence continuing North 90° 00' 00" East, along said North line, 371.83 feet; Thence South 00° 00' 00" East, 348.35 feet; Thence South 88° 35' 17" West, 146.32 feet; Thence South 01° 43' 02" East, 51.78 feet; Thence South 88° 40' 27" West, 218.84 feet; Thence North 00° 00' 00" East, 408.8feet to the Point of Beginning.

Hereafter known as Lot A of Section 24, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: none

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

**A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW ¼ NW ¼) OF SECTION 24, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW ¼) of said Section 24; Thence on an assumed bearing of North 90° 00' 00" East, along the North line of said Northwest Quarter (NW ¼), 879.00 feet to the Point of Beginning. Thence continuing North 90° 00' 00" East, along said North line, 371.83 feet; Thence South 00° 00' 00" East, 348.35 feet; Thence South 88° 35' 17" West, 146.32 feet; Thence South 01° 43' 02" East, 51.78 feet; Thence South 88° 40' 27" West, 218.84 feet; Thence North 00° 00' 00" East, 408.8feet to the Point of Beginning.

Hereafter known as Lot A of Section 24, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 2nd day of April, 2002.

/s/ Richard Vail, Chair, Board of Supervisors      /s/ Sue Kennedy, Deputy Auditor

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Zoning Director Kim Johnson reviewed a re-zoning request submitted by John Foster. Motion by Gustafson to set April 23, 2002 at 8:30 a.m. as the date and time of public hearing for the Foster re-zoning request. Carried.

8:40 a.m.—The time having arrived for the public hearing on the subdivision request of Charlie Hogrefe, the Chairman opened the hearing with Zoning Director Kim Johnson present. Johnson reviewed the request and stated that her recommendation to the Zoning Board was to approve, subject to a stipulation. The Zoning Board's decision was also to recommend approval by the Board of Supervisors. There being no objection, motion by Burnside to close the public hearing. Carried. Motion by Crampton to approve and to authorize the Chairman to sign Resolution 2002-04-02-B approving the subdivision request of Charlie Hogrefe. Carried.

**RESOLUTION 2002-04-02-B**

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

**DESCRIPTION LOT B:**

That part of the north one-half of the Northwest quarter of Section 1, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Commencing at the Northwest corner of said Section 1; Thence south 0°00.0' East (assumed meridian) 1166.91 feet along the west line of the northwest quarter of said Section 1 to the point of beginning; Thence continuing south 0°00.0' East 186.13 feet to the southerly line of the north one-half of said Northwest quarter; Thence North 89°49.9' East 466.69 feet along said Southerly line; Thence north 0°00.0' West 186.33 feet; Thence South 89°48.5' West 466.69 feet to the point of beginning, containing 2.00 acres subject to public road Right-of-Way along the West line of said Section 1.

**DESCRIPTION LOT C:**

That part of the North one-half of the Northwest quarter of Section 1, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Commencing at the Northwest corner of said Section 1; Thence South 0°00.0 East (assumed meridian) 700.22 feet along the West line of said Northwest quarter to the point of beginning; Thence continuing South 0°00.0' East 466.69 feet; Thence North 90°00.0' East 466.69 feet; Thence North 0°00.0 West 466.69 feet; Thence south 90°00.0' West 466.69 feet to the Point of Beginning, containing 5.00 acres subject to public road Right-of-Way along the West line of said Section 1.

WHEREAS, the final plat meets with the approval of the Zoning Commission subject to the following if any: Lot B is not a buildable lot of its own.

WHEREAS, the final plat meets with the approval of the Board subject only to the following if any: Lot B is not a buildable lot of its own.

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

**DESCRIPTION LOT B:**

That part of the north one-half of the Northwest quarter of Section 1, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Commencing at the Northwest corner of said Section 1; Thence south 0°00.0' East (assumed meridian) 1166.91 feet along the west line of the northwest quarter of said Section 1 to the point of beginning; Thence continuing south 0°00.0' East 186.13 feet to the southerly line of the north one-half of said Northwest quarter; Thence North 89°49.9' East 466.69 feet along said Southerly line; Thence north 0°00.0' West 186.33 feet; Thence South 89°48.5' West 466.69 feet to the point of beginning, containing 2.00 acres subject to public road Right-of-Way along the West line of said Section 1.

**DESCRIPTION LOT C:**

That part of the North one-half of the Northwest quarter of Section 1, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Commencing at the Northwest corner of said Section 1; Thence South 0°00.0 East (assumed meridian) 700.22 feet along the West line of said Northwest quarter to the point of beginning; Thence continuing South 0°00.0' East 466.69 feet; Thence North 90°00.0' East 466.69 feet; Thence North 0°00.0 West 466.69 feet; Thence south 90°00.0' West 466.69 feet to the Point of Beginning, containing 5.00 acres subject to public road Right-of-Way along the West line of said Section 1. is hereby accepted subject to the following if any: Lot B is not a buildable lot of its own.

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

That part of the north one-half of the Northwest quarter of Section 1, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Commencing at the Northwest corner of said Section 1; Thence south 0°00.0' East (assumed meridian) 1166.91 feet along the west line of the northwest quarter of said Section 1 to the point of beginning; Thence continuing south 0°00.0' East 186.13 feet to the southerly line of the north one-half of said Northwest quarter; Thence North 89°49.9' East 466.69 feet along said Southerly line; Thence north 0°00.0' West 186.33 feet; Thence South 89°48.5' West 466.69 feet to the point of beginning, containing 2.00 acres subject to public road Right-of-Way along the West line of said Section 1.

**DESCRIPTION LOT C:**

That part of the North one-half of the Northwest quarter of Section 1, Township 91 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, described as follows:

Commencing at the Northwest corner of said Section 1; Thence South 0°00.0 East (assumed meridian) 700.22 feet along the West line of said Northwest quarter to the point of beginning; Thence continuing South 0°00.0' East 466.69 feet; Thence North 90°00.0' East 466.69 feet; Thence North 0°00.0 West 466.69 feet; Thence south 90°00.0' West 466.69 feet to the Point of Beginning, containing 5.00 acres subject to public road Right-of-Way along the West line of said Section 1, and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 2nd day of April, 2002.

/s/ Richard Vail, Chair, Board of Supervisors      /s/ Sue Kennedy, Deputy Auditor

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**Storm Lake Area Development Corp.** CEO Chris Nolte was present to discuss leadership development. He introduced Frank Spillers, USDA Rural Development Coordinator. They would like to have the County host a community meeting here in the Courthouse on May 1, 2002 at 7:00 p.m. to discuss establishing a vision statement for Buena Vista County. They are visiting all communities in the County, and all are invited to attend the meeting on May 1. They also presented a report on a series of community conversations in Iowa regarding immigration.

Custodian Dewyne Stucynski met with the Board to discuss funding for the **Jail HVAC** project. They will be meeting again with Paul Ryan, of Prochaska on June 4 to finalize their plans and start the bid process.

Sheriff Chuck Eddy and Deputy Don McClure presented information to the Board regarding \$23,200 in **SCAAP grant funds** to be received by Buena Vista County.

Motion by Bruns to approve and to authorize the Chairman to sign the **fireworks permit** application of the City of Rembrandt, with the city to assume all responsibility for liability and safety, the fireworks to be shot on 7/4/02 from Eastman's field South of C-25, or North side of C-25 in Pitts' field. Carried.

Motion by Burnside to set April 23 at 8:45 a.m. as the date and time for a **FY'02 budget amendment**. Carried.

Motion by Burnside to approve the **minutes** of the 3/26 meeting as printed. Carried

There being no further business, motion by Gustafson to adjourn the meeting, before going to Linn Grove to view the brush and tree removal, until Tuesday, April 9 at 8:30 a.m. for a regular session.

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**APRIL 9, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 9, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Custodian Dewyne Stucynski discussed the outcome of last week's tornado drill, stressing that it is important for all departments within the courthouse to participate. Motion by Crampton to approve and to adopt the policy regarding "Tornado, Fire and Other Evacuation Drills". Carried.

#### **POLICY ON TORNADO, FIRE, AND OTHER EVACUATION DRILLS**

All personnel working in the Buena Vista County Courthouse and other county buildings have the responsibility to participate in all tornado, fire and other evacuation drills that are provided for the safety and protection of all personnel and the public.

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CPC Dawn Mentzer, with Social Workers Wanda Woltman and Jessica Rooks, were present to discuss state **MH funding reductions** in both the current and next 2 fiscal years. The probable loss over 3 years is approximately \$600,000 (FY'02-04). In order to adjust programs for the loss of revenue, Mentzer suggested additional management of expenditures in order to avoid significant increases in the levy. Through focus groups, consumers and providers can be made aware of changes that will be necessary. The Board was favorable to the recommendation. Two meetings will be held: Monday, April 29 at 4:00 p.m. for consumers, and Thursday, May 2 at 3:00 p.m. for providers, both in the 2<sup>nd</sup> Floor Public Meeting Room of the courthouse. Woltman and Rooks reviewed a number of cases illustrating the types of costs that the county has been able to save by finding the lowest level of appropriate care at the least cost.

The Chairman introduced a letter received from the County Attorney regarding the **Bauer property at Casino Beach**, and suggested that the Board consider a closed session, as recommended by the County Attorney. Motion by Burnside to close the meeting to discuss the County Attorney's letter regarding the Bauer property at Casino Beach, pursuant to Chapter 21.5(c) (...where litigation is imminent...). Bruns-nay; Burnside-aye; Crampton-aye; Gustafson-nay; Vail-aye. The motion failed, as 3/5<sup>ths</sup> majority does not meet the 2/3<sup>ds</sup> required. The Chairman questioned the advisability of not following the County Attorney's suggestion to discuss the matter in closed session. The County Attorney's letter requested a board response as to its position regarding the Bauer proposals to move the new garage/house structure to the existing (old) house foundation, and to bear the expense of removal of the old foundation upon which the new structure currently sits. The general consensus of the board was to respond individually.

Assistant Engineer Steve Wolf presented the IDOT budget & Construction Program for approval. Motion by Crampton to approve, and to authorize the Chairman and Auditor to sign, the **FY'03 IDOT budget & 5-year Construction Program**. Carried.

Motion by Bruns to accept, approve and to authorize the Chairman to sign, the contract, contractor's bond, and certificate of insurance of Rohlin Construction, Estherville, the contract amount totaling \$1,252,362.22 for **project #'s FM-CO11(44)—55-11, STP-S-CO11(47)—5E-11, FM-CO11(49)—55-11, L-FM-401—73-11, L-R-306—73-11**. Carried.

Gary Lalone updated the board with the information that Jim Ganske, who was in town to look at the **Storm Lake dredging project**, will be providing a written description of his recommendations for the

DNR to review. Lalone wanted to keep the communication lines open. If an agreeable plan is accepted, and local funds provided, DNR may make additional funds (beyond what was approved for use in the current year) available for the project. At this time there is only 1 other dredging project competing for the DNR funds.

On the subject of tree and brush removal at Linn Grove, the board discussed their trip to the area following last week's meeting. Removal of trees in the fence line has ceased, with removal now being just in the county's right-of-way. The purpose of the tree and brush removal program was restated – the program is intended to improve site distance. The board agreed that large limbs on the tree could be cut from the bottom to avoid the 'stripped' look of the trees. Bruns passed along a comment he had received from a highway patrolman to Maintenance Superintendent Tom French, who was present for the discussion – the county is to be complimented on the way the roads are maintained.

Due to an error in the prior publication, motion by Burnside to reset the budget amendment hearing date for the FY'02 county's budget as 4/30/02 at 8:30 a.m. Carried.

Auditor's staffmembers Sue Kennedy and Patti Maymon were present to discuss the security of the computer network, and the findings and recommendations in the county's audit. They will report back with some strategies to address the issues.

The Board noted the receipt of the following manure management plans which have been submitted to the IDNR for approval; the locations of the confinement facilities are noted:

- New Fashion Pork – (4000 head) – Olson #1 – site #1-NW¼ Section 25 T93N R35W Poland Township, site #2-SW¼ Section 34 T93N R35W Poland Township, filed 3-26-02
- New Fashion Pork – (4000 head-part year, & 8000 head nursery-part year) – Olson #2 – site #1-SW¼ Section 25 T93N R35W Poland Township, site #2-NW¼ Section 34 T93N R35W Poland Township, filed 3-26-02
- New Fashion Pork – (4000 head-part year & 8000 head nursery-part year) – Hogrefe #1 – site #1-NW¼ NW¼ Section 1 T91N R36W Grant Township, filed 3-26-02
- New Fashion Pork – (4000 head-part year & 8000 head nursery-part year) – Hogrefe #2 – site #1-NE¼ SE¼ Section 34 T92N R36W Lincoln Township, filed 3-26-02
- New Fashion Pork – (4000 head) – Jim & Steve Ehlers - E½ NW¼ Section 4 T91N R35W, Coon Township filed 4-2-02.

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Motion by Gustafson to approve the minutes of the 4/2/02 meeting as printed, and the following reports: March budget reports, Clerk's fines-forfeitures-surcharges, 3<sup>rd</sup> Qtr FY'02 Sheriff's fees, Clerk's fines-forfeitures-surcharges, and also reviewed: NW Aging 3/313/ minutes, Buena Vista County's FY'02 audit. Carried.

Motion by Burnside to approve and direct the auditor to have published the annual "Destruction of Noxious Weeds" public notice, and, the public notice regarding "Do Not Spray" permits (available in the office of the County Engineer). Carried.

The board noted in discussion of the Storm Lake dredging project, that they may want to appropriate \$1,500 for a study, in the Capital Projects service area, and that this amount should be added to the budget amendment. The dredging project should be incorporated in the overall 5-year Capital Projects plan, which will be discussed at a future date, prior to 6/30/02, and prior to designation of any fund balance.

There being no further business, motion by Bruns to adjourn the meeting until Tuesday, April 16 at 8:30 a.m. for a special session..

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**BOARD OF SUPERVISORS MEETING  
SEVENTEENTH MEETING, 2002 SESSION (17)  
APRIL 16, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 16, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Barb Henrich, Drainage Clerk, and Treasurer Kathy Bach, reviewed the financial status of several drainage districts for which levies are needed. No action was taken at this time.

Genesis Director Terry Johnson and Cindy Wiemold, Storm Lake Site Administrator, updated the board on their activities and programs at the Storm Lake site.

Motion by Gustafson to approve the minutes of the 4/9 meeting as amended. Carried. The following reports were reviewed: Feb NWIPDC Policy Council minutes, 3<sup>rd</sup> Qtr Farm-to-Market fund, April Mangold's Spectra lagoon monitoring report.

The board noted the receipt of the manure management plan filed by New Fashion Pork – Myron Bloom - and submitted to IDNR for approval, (for 4000 head) – in the E½ Section 14 T93N R36W, Lee Township filed 4-15-02.

Environmental Health Director Kim Johnson reported on some dead hogs found in a creek. She will recommend to the Board of Health that information be published alerting the public to the danger to the water system when dead hogs are improperly disposed.

Johnson also reviewed SF2294, which has been sent to the governor for signature, specifically the sections that impact the county in terms of responsibility and communication.

Clarence Hoffman was present to discuss the Iowa Communities Assurance Pool – an organization providing liability protection to cities and counties in Iowa. Many traditional insurance programs have gone out of business, while ICAP has grown very strong. After 6 years of building its reserve account, an entity can earn a premium discount. Currently about 60 Iowa counties are in the program. ICAP has broadened its coverage in many areas including data processing. He would like an opportunity in Buena Vista County, the next time the county requests proposals.

There being no further business, motion by Gustafson to adjourn the meeting until Tuesday, April 23 at 8:30 a.m. for a regular session.

**INFORMAL BOARD OF SUPERVISORS MEETING  
WITH BUENA VISTA COUNTY CONSERVATION BOARD  
APRIL 16, 2002**

The Buena Vista County Conservation Board met April 16, 2002 at 7:00 p.m in the E. Richland Annex with Chairman Rick Meyer presiding, and the following other members present: Tony Bodholdt,

Arnie Hicks, Mark Kirkholm, and Roger Meyer, and with Secretary Diane Christiansen and Director Gary Christiansen also present. County Supervisors Crampton, Gustafson, and Vail were present for a discussion about moving the Weed Department from the supervision and direction of the Board of Supervisors to the Conservation Board.

Currently, property tax support for Conservation purposes is about \$.17/thousand of assessed valuation, \$.05 under the required level of support to be eligible for approximately \$6,000 in REAP funds. Moving the Weed Department to the jurisdiction of the Conservation Board would allow the expenditures of that department to be counted towards the county's qualification at \$.22. A sound vegetation management plan must also be implemented. In addition to the \$6,000 the county could qualify for, the conservation board would be eligible to apply for REAP grant funds.

A review of how the level of property tax support is calculated was provided by Secretary Christiansen. She explained that revenues generated by or for Conservation, including ½ of the cash rent for the Sturchler property, has been approved by the Supervisors for transfer to the Conservation Land Acquisition Trust fund.

If the Weed Dept. is transferred to Conservation, weed department employees would become Conservation Board employees. Questions and answers were traded regarding how the weed department currently is organized, the number of and schedules of weed department employees, etc. It was noted that although the weed commissioner is currently part time, and he also does some of the spraying, the department could change if a more comprehensive vegetation program is implemented. The Conservation Board would establish the job description for the employees. Paperwork, such as timesheets for payroll, would first be processed by Secretary Christiansen, then sent to the Auditor's office.

Conservation board members asked if the county had a roadside vegetation inventory – yes – completed several years ago, but with no subsequent action taken on it. A good integrated roadside vegetation management plan could reduce the spray program even further from where it is today – a spot spray program. Years ago, the county used a broad spray program.

It was suggested that the Conservation Board might wish to invite the weed commissioner and employees in for a discussion of the program. Auditor Karen Strawn was asked to prepare some financial information for the Conservation Board's use including budget and actual expenditures, current pay rates, number of hours worked in a year, etc.

There being no further questions on this subject, Chairman Meyer closed the discussion and the Conservation Board went on to other items of business.

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**BOARD OF SUPERVISORS MEETING  
EIGHTEENTH MEETING, 2002 SESSION (18)  
APRIL 23, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 23, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson and with Auditor Strawn as clerk for the meeting.

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

8:30 a.m. The time having arrived for the public hearing on the rezoning request of John Foster for a property in Section 22 T-91-N R-37-W (from A-1 to Industrial), the Chairman opened the meeting



with Zoning Director Kim Johnson present. She reported that Foster proposes to develop a commercial junkyard. The property has been a junkyard for many years but will now have to comply with the junkyard ordinance. Foster will have to clean up the tires at his own expense. She reported that the Zoning Commission recommended approval of the request. There being no objections, motion by Crampton to close the public hearing. Carried.

Motion by Gustafson to follow the recommendation of the Zoning Commission to approve the rezoning request of John Foster to rezone from A-1 to Industrial, the following property:

A Parcel of land located in the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section Twenty-two (22), Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., described as follows to-wit: Commencing at a Point Six Hundred Forty and Thirty-five hundredths feet (640.35') South of the Northwest corner of Northwest Quarter of Northwest Quarter (NW¼ NW¼) of Section 22, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Thence N 89° 41' E along a line parallel with the South line of the NW¼ of NW¼ of Section 22 a distance of Five Hundred Eighty-six Feet (586.0') Thence due South along a line parallel with the West line of the Northwest Quarter (NW¼) Section 22 a distance of Six Hundred Eighty-three and Twenty-five hundredths Feet (683.25') thence S 89° 41' West along the South line of the NW¼ NW¼ of Section 22, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., a distance of five hundred Eighty-six Feet (586.0') to the Southwest corner of the NW¼ NW¼ of Section 22, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Thence due North along the West line of the Northwest Quarter (NW¼) of Section 22, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M. a distance of Six Hundred Eighty Three and Twenty-five hundredths feet (683.25') to the Point of beginning and containing an area of 9.19 acres of which 0.52 acres are present highway right-of-way. For the purpose of the above description the West line of said NW¼ of Section 22 is assumed to be a true N & S bearing.

Carried.

County Attorney Phil Havens was present to discuss letters from the Bauers' new counsel -- Attorney John Loughlin, Cherokee, requesting acknowledgement of the receipt of a new notice of Bauer's possible claims. Havens explained that the incident for which the claim was filed happened last fall or earlier, and that acceptance would re-start the timeline for filing a claim. The second letter offers Bauer's willingness to do several items. The Board's consensus was to withhold acknowledgement with respect to the first letter, and to stay with their original position regarding removal of the new foundation under the new structure where it currently is situated.

Gustafson introduced the discussion of his relationship with Engineer Ites, and asked Ites if he wanted to request a closed session. Ites responded that if the issues were snow removal policy and snow equipment, he did not want a closed session. Gustafson proceeded, stating that the snow equipment put on the new trucks has been a waste of money because it doesn't do the job, and also, the Henke V-plows haven't been used much in the last 10 years, which is also a waste of money. The belly plows on the trucks just don't work. The result is that the roads are in poor condition. Employees who have spoken to him don't think the equipment was a good choice either.

Ites responded that the Monroe plows do work, cost less money than Henke, and the snow removal policy has changed since 10 years ago, which has resulted in the change in equipment and methods. In a blind survey of road employees (not conducted or received back by him, and with no names required on them), of those responding, the majority liked the new equipment and did not like the International trucks. Ites read from an October, 2000 letter written by ISAC Attorney David Vestal stating that the Board's role in the county is policy-making, not directing how the county engineer carries out particular work. Ites also referred to the Code of Iowa regarding the duties of the engineer, that he performs his duties under the direction of the supervisors--not of an individual supervisor. Further, the employee handbook states that an employee with a grievance has a specific method for having it addressed, which is not with the boardmember. Ites stated that Gustafson should not be soliciting employees' comments on equipment. With regard to a purchasing decision which cost the county money, Ites pointed out that the International trucks that Gustafson wanted to purchase cost more to operate than the Sterling trucks (\$7,000 over the life of the truck), and have a lower re-sale value. The skipper trucks were purchased for their safety -- Henke equipment can be a hazard. Ites then explained the safety,

effectiveness and cost advantage of the newer snow equipment. Gustafson stated that the purchase was made without his full knowledge, but the Chairman confirmed that the equipment change was discussed and approved by the board.

Gustafson stated that he doesn't believe what Ites tells him, he can't trust him. He has many other issues, but did not speak to them. Motion by Gustafson to terminate the engineer according to the terms of his employment contract. Ayes-Gustafson. Nays-Brunns, Burnside, Crampton, Vail. The motion was defeated.

Burnside stated that she hoped that this discussion would end Gustafson's attempt to manage the engineer and other departments. The letter from David Vestal clearly explains that the Board's role is to make policy, and that a single supervisor should not be directing the county engineer – as the remaining 4 may not be in agreement. Gustafson stated that he didn't care what Vestal had written.

Ites has been given a new start date for the Hwy 7 project – May 27, and has visited with **City of Storm Lake** Engineer Jim Winterton to discuss the city's upcoming construction program and how it affect the county. They also discussed the maintenance of joint roads. The city has annexed some property which will affect the county's projects by reducing the amount of the county's participation in the projects.

Ites discussed a new potential gravel site - Molgaard Pit, near Linn Grove. He would like to try it this summer to determine the quality of the **gravel**, and at a cost savings to the county. Motion by Brunns to purchase up to 25 tons of gravel from Becker Gravel Company. Carried.

Ites reported on a possible wetland project adjacent to **DD #162**.

This year's RAGBRAI route includes C25 & C16. Ites would like to find a contractor to **crack fill and slurry** this year, to improve these roads prior to RAGBRAI. This moves half of the project up 1 year. He would also add the road into Marathon's park to make this a complete project. Motion by Burnside to authorize the Engineer to take quotes on slurry-leveling for 3 small projects. Carried.

The Tier III (**LUST**) site monitoring report on the Hudson St. site shows that there has been little change since the last report.

The Secondary Road department incurred a bill in the **Hazmat** incident last week – an overturned anhydrous tank. Ites will check with Bob Christensen on whom to bill.

Ites distributed a draft copy of a **Class C road ordinance** for the Board's review to be discussed later.

Motion by Burnside to authorize the Chairman and Engineer to sign the claim to the IDOT in the amount of \$130.41 for reproduction costs of plans, to be paid from **Farm-to-market funds**. Carried.

The Board reviewed 2 bids for a concrete pad at Spectra. Motion by Gustafson to accept the low bid of Lynn Laursen, Newell, in the amount of \$2,560 to install a concrete pad, and to remove the door frame at **Spectra**. Carried. It was the consensus of the Board to have the air conditioning unit repaired at Spectra, rather than replace it.

It was noted that the **manure management plan** submitted by Kenneth Ehlers on 4/18/02 is for a parcel in SE¼ Section 35, Lee Township (facility for 3840 head).

Motion by Crampton to approve the **minutes** of the 4/16 meeting as printed. Carried.

11:00 a.m.--The time having arrived for the **Jt. DD #274** meeting with the Sac County Board of Supervisors, the call was placed to the Sac County Courthouse. Sac County Chairman Russ Kroeger reported that all 3 board members (Kroeger, John Bensley, & Rick Hecht) and Auditor Jim Dowling were

present. Vail reported that all BV Co Board members (Bruns, Burnside, Crampton, Gustafson, and Vail) and Auditor Strawn were present in Storm Lake. Motion by Russ Kroeger, second by Burnside, that Vail act as Chairperson and Strawn as Secretary for the meeting. Ayes—all. Carried.

Due to stamped warrants and the need for a future spraying project, Watchman Bud Vote had recommended a 25% levy. Motion by Bruns, second by Hecht, to order a 25% levy as of this date for Jt. DD #274, due and payable 9/1/02, delinquent 10/1/02, with 7% interest. Ayes—all. Carried.

Strawn will forward a copy of the minutes to Sac County. There being no further business, motion by Kroeger, second by Burnside, to close the meeting. Ayes—all. Carried.

Treasurer Kathy Bach reported that she has submitted a site survey requested by the DOT for drivers' licensing. The original date for implementation of drivers' licensing stations by the remaining counties was to have been 1/1/04, but may now be as early as 1/1/03.

CPC Dawn Mentzer reported that she is advertising for a case manager, to replace Jessica Rooks who will be leaving about June 1. She is concerned about attracting and maintaining quality staff, so would like the Board to consider an increase in the starting wage. Current starting wages in area counties are between \$26,000 and \$30,000. The Board will review her recommendations for action at a later time.

Doug Svendsen, agent from Olson Eaton Svendsen - the county's agency, and Pete Holt Sr. and Pete Holt Jr. were present to discuss last week's meeting between Clarence Hoffman and the Board. They affirmed that Cornhusker Casualty, the county's liability insurance carrier, will be writing coverage for the next fiscal year. Holt provided the Board with his evaluation of ICAP which is a pool, not an insurance company. He stated that insurance companies in Iowa are regulated. Since ICAP is not an insurance company, it is not regulated and is not required to have a guarantee fund which Cornhusker does have. Instead, ICAP has an accumulated surplus fund and purchases their reinsurance from another pool. Cornhusker purchases reinsurance coverage from a reinsurance company. Svendsen and Holt asked if the county planned to go out for bids, or would Cornhusker be providing the coverage for the next two years. It was the consensus of the Board that the county would be staying with Cornhusker for an additional 2 years, as has been the past practice.

There being no further business, motion by Burnside to adjourn the meeting at 12:00 noon until Tuesday, April 30 at 8:30 a.m. for a special session.

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**BOARD OF SUPERVISORS MEETING  
NINETEENTH MEETING, 2002 SESSION (19)  
APRIL 30, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 30, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Sheriff Chuck Eddy was present to inform the board of a grant application he is preparing.

8:30a.m.—The time having arrived for the public hearing on the second amendment to the county's FY'02 budget amendment, the Chairman opened the hearing with 0 interested persons present. The auditor confirmed that the proper notice had been published as required, and then reviewed the areas to be amended. There being no objections, motion by Burnside to close the public hearing.

Carried. Motion by Gustafson to approve the 2<sup>nd</sup> FY'02 budget amendment as published, and to approve the following appropriations:

Action	Activity	Dept	Fund	Amount	
increase	5300	23-PH	General Basic	\$2,791	
increase	5000	55	General Basic	\$2,972	
decrease	6100	22	REAP	\$36,000	
decrease	6100	22	Cons Land Acq	\$35,000	
increase	0210	22	REAP	\$28,000	
increase	0210	22	Cons Land Acq	\$43,000	
increase	2010	31	Gen'l Supp	\$4,000	
increase	2120	31	Gen'l Supp	\$18,000	
increase	0010	26	General Basic	\$6,000	
increase	9110	52	General Basic	\$5,000	Carried.

Craig Neulieb, Control Systems Specialists, was present to discuss a proposal to improve the computer controls at **Spectra**. The frequency of power brownout/failures have increased, potentially causing damage to the equipment. He proposed installation of a UPS. After discussion, a UPS was located in excess equipment which Neulieb will install.

Community Services Director Dawn Mentzer was present to discuss her proposal for an increase in case manager **salaries**. She also discussed a plan for opening up some **targeted case management** slots. No action was taken at this time.

Kim Johnson distributed and discussed copies of proposed Iowa Administrative Rule changes regarding private **well construction permits** and well contractor certification.

The board directed the auditor to prepare a letter to Clarence Hoffman, for the Chairman's signature, advising him that the Board does not plan to make any changes in the county's **insurance coverage** for FY'03.

**Veterans' Affairs** Commissioners Ray Kurtz and Lloyd Galbraith, and Veterans Services Officer Clint Hoffman, thanked the board for the funding allowed for attendance at the Veterans Affairs Conference attended by themselves and Commissioner Rich Haldin and Secretary Paula Guerra. They discussed the possibility of a veterans' clinic being located in Storm Lake. The clinic would employ 6-7 persons including doctors and nurses, and would be open Monday-Friday. The number of veterans in this area is substantial. They are currently being sent either to Des Moines or Sioux Falls. In anticipation of a clinic being located here, they proposed the idea of having a director on board to help facilitate the process.

Custodian Dewyne Stucynski was present to discuss major improvements to the courthouse, E. Richland Annex, and DHS Annex which are to be included in the county's **5-year capital improvement plan**.

Emergency Management Director Bob Christensen was present to discuss the status of the **Hazard Mitigation** plan currently being prepared by NWIPDC. He will review the plan document amendment for the next meeting.

Motion by Burnside to approve the **minutes** of the 4/23 meeting. Carried.

Motion by Crampton to appoint Chris Nolte to the **NWIPDC board** replacing Jim Gossett. Carried.

There being no further business, motion by Burnside to adjourn the meeting at 11:45 a.m. until Tuesday, May 7 at 8:30 a.m. for a regular session.

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**BOARD OF SUPERVISORS MEETING  
TWENTIETH MEETING, 2002 SESSION (20)  
MAY 7, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 7, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson and with Auditor Strawn as clerk for the meeting.

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

With representatives from 9 departments present, Kirby Moss & Mike Vogel, Employee Group Services of Cedar Rapids, presented a proposal for funding employee health insurance. Additional presentations were given by Kerry Erts - Cady Insurance of Burlington, and by Larry Schmitz-Schmitz & Associates of Adel with Mike Pertzborn - Stille Pierce & Pertzborn, Storm Lake, appearing as their local representative.

Gary Lalone, Phil & Margaret Redenbaugh, & Jerry LaRoche were present to update the board on the Storm Lake dredging project, and to request that the board consider purchasing the dredge at an estimated cost of \$600,000. The group is currently working in several areas: fundraising, writing a plan for the IDNR (Jeff Kestel-author) to be completed by May 20, and preparing for a June 18 meeting with Jeff Vonk, IDNR. They also discussed the formation of a water quality commission (with 2 county representatives and 2 city representatives from Storm Lake and Lakeside, and possibly Alta) and others. Lalone stressed that they were hopeful that the board could reach a decision about a dredge purchase soon in order to keep the project on track, and to provide that information to Vonk during his 6/18 visit.

Drainage Attorney Gary Armstrong discussed Dr. Dudycha's (undated) letter regarding the concerns of the Board with regard to Dudycha's proposed wetland project and its relationship to DD #47. Armstrong recommended that the board insist upon a written agreement between Dudycha and the board as trustees of DD#47, and that the provisions of the agreement include the professional engineer's recommendations outlined in his January 30, 2002 letter. The consensus of the board was to have Armstrong prepare a letter of response to Dr. Dudycha restating the engineer's points and noting that the board does insist upon the written agreement. Armstrong will also provide a copy of the letter to NRCS.

Regarding a 300% levy to be ordered on DD #81, Armstrong advised the board that if they allow waivers, the landowner has the option of waiving for 3 or for 10 years.

Engineer Jon Ites discussed a request from the city of Linn Grove to buy a tractor previously used for mowing roads. Motion by Burnside to declare the 1984 Ford tractor model 6610 with loader and broom 'disposable' equipment, and to authorize the engineer to negotiate a sale for fair market value. Carried.

Road sign standards have changed, causing the need to drill holes in certain sign posts to allow them to "break away" when struck by a vehicle. Ites estimates there are approximately 3000 such posts in the county.

Drug testing law now requires employees possessing CDL's (not just supervisory personnel) to be educated annually on prohibited drug use in transit operations.

The Chairman will contact Dean Maiden, Marathon, to offer 2 (excess) steel girders, with the original steel plates still attached, to be displayed with his railroad exhibit.

The culverts in the M-31 project have been completed.

Ites presented quotes from Sta-Built, Harlan, and Fort Dodge Asphalt. Motion by Bruns to accept the low quote of Fort Dodge Asphalt in the amount of \$12,237.50 for the following slurry-leveling projects in the original quote which include 6½ miles on C-16 and C-25, and the entrance to the Marathon Park, and, for an additional \$11,893 for the following additional - C-63 to Hwy 7. Carried.

Ites reported that he had received several inquiries about gifting vacation days to an employee whose family member is hospitalized. Motion by Burnside to allow secondary road employees to give up to 2 days of their accumulated vacation leave to a fellow road employee with the following provisions: the employee is to receive the gift at his current rate of pay regardless of donor's payrate; approval is given on a 1 time basis only; any and all gifts will be kept confidential. Carried.

Ites asked about how the board preferred to handle the motorgrader purchase budgeted for FY'03 – by bid or negotiation. No answer was provided at this time. Ites will check on what surrounding counties have been paying.

Drainage Watchman Bud Vote reported on his survey of drainage districts needing brush and tree control, and presented a proposal from Lawn Manicurists, Des Moines for the work. Motion by Gustafson to accept the proposal of Lawn Manicurists, Des Moines for brush & tree control in the following drainage districts: **DD#3** Main Ditch - 7½ miles for \$5,750; **DD#34 Lat 8** ditch - 2½ miles for \$3,500; **DD#83** Main Ditch- 6 miles \$4,000; **DD#106** Main ditch – 2 miles for \$1,750; **DD#184** Main ditch- 2 miles for \$1,500; **DD#205** Main ditch- 2½ miles for \$1,500. Carried. The proposal for **DD 183 Jt.** - 1.5 miles for \$350 was not authorized as it is under joint jurisdiction with Pocahontas County.

Vote also discussed **DD #34** Lat 2 which needs substantial work, perhaps \$57,500, and also the upper end of DD 34 Main - \$22,500. These would have to be done with bids if all of the work was to be done, or they could be done piecemeal to keep them under \$10,000 per year. DD #1 will need about \$23,231 of work, and DD 20 Main - \$2,600. Vote will look for an area person who may be interested in acquiring the necessary equipment and doing this type of work on a part-time basis.

County Attorney Phil Havens was present to discuss a letter from John Loughlin, attorney for Jim Bauer, regarding the Bauer's concern about the possible variation of the height of the new (house at Casino) construction on the old house foundation due to having to adjust the roofline. It may not be the exact height that it is now. The board had no problem with a small variation. Bauer has agreed to remove the old 'garage' foundation at his expense, and would like to get going on the construction. The board gave their approval and will request a release of liability, which Bauer will give, provided the board of adjustment approves the variance which will be requested.

Motion by Crampton to approve the minutes of the 4/30 meeting as printed, and the following reports: March Conservation Board minutes, April Clerk's fines-forfeitures; budget reports.

Motion by Bruns to order the following drainage levies with a levy date of August 1, 2002, due and payable September 1, 2002, delinquent October 1, 2002, with waivers allowed at 7% interest: **DD #81** – 300%, **DD #89** – 15%, and **DD #107** - 12%. Carried.

Motion by Crampton to set a public hearing for May 21 at 8:30 a.m. in the boardroom for the subdivision request of Colin Johnson. Carried.

There being no further business, motion by Burnside to adjourn the meeting at 3:30 p.m. until Tuesday, May 14 at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-FIRST MEETING, 2002 SESSION (21)  
MAY 14, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, May 14, 2002, in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson and with Auditor Strawn as clerk for the meeting.

8:15 a.m. -- Steve Gustafson distributed copies of the agreement prepared by the County Attorney Phil Havens for the resolution of the problems with the **Bauer property** at Casino Beach. Adjacent property owners are quite satisfied with the agreement, however, Bauer and his attorney are not.

Farm Bureau members Dean Baughman and Phil Sundblad were present at Supervisor Burnside's invitation. She asked for Farm Bureau's input on the county contributing to the **Storm Lake dredging project**. Baughman stated that they don't know what their membership is thinking at this time since their annual opinion survey has not yet been conducted. He suggested an informal public meeting. Sundblad asked where the board was at on LPA's request to the county to purchase a dredge. Would the \$125,000 support pledged earlier go toward the purchase price, or would it be in addition to the dredge purchase? Speaking for themselves only, purchase of the dredge as the county's method of support is preferable to a cash contribution. Burnside indicated that the board hasn't yet discussed this issue, so no decision has been made. However, LPA has asked for an answer soon so that it can be included in the information to be provided to Jeff Vonk, IDNR, when he visits Storm Lake. No action was taken at this time to set a public meeting time.

With 10 department heads/employees present, Deanne Dentlinger, Wellmark account representative, discussed the Wellmark Alliance Select PPO program which is the county's current **employee health insurance** program. She also reviewed three other plan options available to the county, and offered to prepare partial self-funded and full self-funded proposals.

Sheriff Chuck Eddy requested acceptance approval of the nine new **Sheriff's reserve deputies** so that they could be sworn in. They have finished their training and have received certification by the Iowa Law Enforcement Academy. Motion by Gustafson to accept and approve the following Sheriff's reserve deputies: Jason Weiland, Pat Cross, Mike White, Lori Huegerich, Chris Eldred, Luke Ehlers, Roger Lorenzen, Marvin Engel, and John Atkinson. Carried. The reserve deputies are covered under the county's worker's compensation and liability policies.

Eddy also gave a department report including notice that he had applied for grant funds to put cameras in the **patrol cars**. Testing for the new position (Sioux Rapids law enforcement contract) will be this weekend. Replacement software (for CLUES) is still being researched for the communications center, jail administration, and civil administration.

Environmental Health Director Kim Johnson discussed the **RABGRAI** event which plans the use of county roads C-16 and C-25 on July 22, 2002. She distributed a proposed resolution, similar to the one adopted in 2001, for the event.

Motion by Burnside to set a public hearing for the Tim Westphal **subdivision request** (Elk Township Section 8). Carried.

Johnson inquired about the schedule for the next **joint city/county meeting** as she has 2 bills on subdivision and zoning law which passed the legislature and were signed by the governor. The change will cause cities and counties to work together.

Ten department heads and employees were present for a discussion of the **employee health insurance proposals**. Comments included: nervous about proposals with new ideas that aren't fully tested yet; the three other Wellmark plans are not major changes in the amount of employee risk; insurance was initially started to cover catastrophic events, not the everyday expenses which are a major focus today; employees are concerned about their cost; the ISAC plans are not varied enough to provide the incentive for employees to choose the higher deductibles; some would prefer a single choice, others want more than one; if there is to be a change, it should be a significant one where employees can actually see a difference; others believe that an employee who has a higher deductible and pays part of

the premium tend to make more informed, cost-efficient decisions; in addition to the dollar savings, it is important to look at the company providing the coverage. The conclusion was ask the Wellmark representative to prepare fully self-funded and partially self-funded proposals for presentation on 5/28.

Willie Christensen was present to discuss the new bridge project by his property in Brooke Twp. Water won't drain by the driveway. Engineer Jon Ites informed the board that the reason the water doesn't drain is that the field entrance was built incorrectly by the landowner, not by anything involved with the bridge construction. He also stated that he had previously told Mr. Christensen that the problem caused by landowners would be corrected. Christensen also asked for gravel on a "Class B" road on the north side of his property. Ites will review the request since part of the road is closed, and the county's policy is to put no gravel on closed roads and to limit costs on "Class B" roads.

Ites reported that the county's BROS funds have been built up, so he anticipates no delays on our projects.

There has been some discussion of the transfer of jurisdiction of state highways to the counties to reduce the state's costs. This could leave some counties without a state highway. A road that might be on the list in Buena Vista County is Hwy 197 south out of Albert City

Motion by Burnside to approve the following utility construction permit applications:

- of Iowa Lakes Electric Cooperative of Estherville, IA, to install single phase 7200 volt overhead power lines crossing county road N-14 between Sections 10 & 11, Coon Township, for a hog facility;
- of Iowa Lakes Electric Cooperative of Estherville, IA, to install an underground single phase 7200 volt cable from Radio Road & Milwaukee south in the west ditch to Lot 4, Blk 1, Rothmoor Addition for Harlan Gutz. Carried.

A pre-construction conference for the M-31 project was held.

Emergency Management Coordinator Bob Christensen presented the \$3,800 bill from the Sioux City Fire Department for Hazmat services on the call for the anhydrous spill. The SCFD bill was for 6 technicians time on the scene plus replacement of some consumables. It is the county's responsibility to collect the bill from the responsible party(s). The authorized request for the Hazmat services was placed by law enforcement and the Storm Lake Fire Dept. Christensen will forward the bill, and also the bill from the secondary road department to 1st Coop for payment by their insurance company.

Last weekend's rain caused a water leak in the basement of the administrator's residence at Spectra. The board discussed Sue Morrow's notes on the problem and what has been done so far. The carpeting was pulled up and removed as it had been damaged too badly to put back down. The yard area outside the house will need to be opened up with a backhoe to see where the water is coming from, in order to fix the problem. The Care Facility Committee will meet with Sue at the location later today.

Motion by Gustafson to approve the Conservation Board's request to transfer the proceeds from the sale of two used mowers (\$4,805) from the General Fund to the Conservation Land Acquisition Trust Fund. Ayes: Burnside, Crampton, Gustafson, Vail. Nays: Bruns. Carried.

The board noted receipt of a letter of resignation from Charlene Anderson as the county's public representative to the NW IA ADTU Board. A letter of thanks for her long and dedicated service to the community will be prepared for the boards' signatures.

Motion by Gustafson to approve the minutes of the 5/7 meeting as printed, and the following reports: 12/12-1/20-2/27 E911 Service Board minutes, 3/8 Communications Commission minutes, 4/10 NW Aging board minutes, April & May Mangold Environmental Testing reports for Spectra lagoon, and the 4/18 NWIPDC board minutes. Carried.



Motion by Crampton to approve and to authorize the Chairman to sign the amended agreement with the Iowa Dept. of Public Defense and NWIPDC for the county's Hazard Mitigation plan. Carried.

Motion by Gustafson to approve and to authorize the Chairman and Auditor to sign **Resolution #2002-05-14A** levying a drainage assessment in **Jt. DD #22** Lateral 252-132. Carried

**RESOLUTION 2002-05-14A  
JOINT DRAINAGE DISTRICT #22 LATERAL 252-132**

The Joint Board of Supervisors of Clay, Palo Alta and Buena Vista counties hereby prepare to levy assessments within the above named drainage district

Motion by Clay Co. Supervisor Brockshus, seconded by Palo Alto Co. Supervisor Leo Goeders, that the following resolution be adopted:

WHEREAS, there are now outstanding warrants and claims against Joint Drainage District #22 Lateral 252-132 and there being insufficient funds to solvent said account of said Drainage District.

BE IT THEREFORE RESOLVED by the Joint Board of Supervisors of Clay, Palo Alta and Buena Vista counties, Iowa, that there is hereby levied against all lands, tracts, real estate, highways and railroads within Joint Drainage District #22 on the assessment schedule of the said tile line as follows:

Lateral 252-132	\$883.07	50%
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BE IT FURTHER RESOLVED, that said assessments be so levied and when so extended shall be collected with the current property taxes due September 30, 2002, except that any single assessment on any parcel exceeding \$100 shall qualify for a waiver of installment option of two payments and any single assessment on any parcel exceeding \$300 shall qualify for a waiver of installment option of three payments.

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

/s/ Richard A. Vail, Chairperson Date 5/14/02  
Board of Supervisors, Buena Vista County

Attest: /s/ Karen M. Strawn, Auditor

/s/ Steven E. Nelson, Chairperson Date 5/7/02  
Board of Supervisors, Palo Alto County

Attest: /s/ Gary Leonard, Auditor

/s/ Sylvia Schoer, Chairperson Date 4/16/02  
Board of Supervisors, Clay County

Attest: /s/ Marjorie Pitts, Auditor

It was noted that a manure management plan had been filed 5/13/02 by Colin Johnson for a 774 head turkey facility in Section 14, Fairfield Township.

The board reviewed wage increases to become effective 7/1/02. Motion by Gustafson to increase Wanda Woltman's payrate to \$28,000 effective 7/1/02, and to \$28,500 effective 1/1/03, and to increase Community Services Director Dawn Mentzer 3% effective 7/1/02. Carried.

Motion by Vail to approve 3% increases effective 7/1/02 for the following persons: in the weed department – the weed commissioner, sprayers and drivers, the custodians, EnvHealth/Zoning Director, and the Veterans Services Officer. Carried.

Motion by Burnside to correct the published approved salaries for supervisors and county attorney which had been listed incorrectly in the minutes of the 1/29 BofS meeting: supervisors - \$20,163, plus an additional \$500 for the Chairperson , and county attorney - \$44,581 . Carried.

It was noted that Steve Wolf, Assistant Engineer, requested no salary increase for FY'03.

There being no further business, motion by Burnside to adjourn the meeting at 11:45 a.m. until Tuesday, May 21 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SECOND MEETING, 2002 SESSION (22)  
MAY 21, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 21, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, and Crampton and with Auditor Strawn as clerk for the meeting. Absent: Gustafson, for a funeral.

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

8:30 a.m. – The time having arrived for the public hearing on the subdivision request of Colin Johnson, the Chairman opened the hearing with Zoning Director Kim Johnson and Colin and Robert Johnson present. The Johnsons reviewed their turkey grow-out project. Since the project is located near town, they have visited with the closest neighbors to make their plans known, and have received no objections. Johnson reported that the Zoning Commission had recommended approval of the request. Motion by Crampton to close the public hearing. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign, a resolution approving the subdivision request of Colin Johnson. Carried.

**RESOLUTION 2002-05-21-A**

WHEREAS, Robert and Colin Johnson have presented a preliminary and final plat (of survey) on the following described property: DESCRIPTION: LOT A

A tract of land located in the North Half of the Southeast quarter (N½ SE¼) of Section 14, Township 92 North, Range 35 West of the 5<sup>th</sup> p.m., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 14; Thence on an assumed bearing of North 90°00'00" West, along the North line of said Southeast Quarter (SE¼), 813.90 feet to the Point of Beginning. Thence continuing along said North line, North 90°00'00" West, 900.00 feet; Thence South 00°00'00" West, 380.00 feet; Thence South 90°00'00" East, 900.00 feet; Thence North 00°00'00" East, 380.00 feet to the Point of Beginning;

Hereafter known as Lot A of Section 14, Township 92 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 7.85 Acres and is subject to all easements of record,

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

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

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

A tract of land located In the North Half of the Southeast Quarter (N½ SE¼) of Section 14, Township 92 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 14; Thence on an assumed bearing of North 90°00'00" West, along the North line of said Southeast Quarter (SE¼), 813.90 feet to the Point of Beginning. Thence continuing along said North line, North 90°00'00" West, 900.00 feet; Thence South 00°00'00" West, 380.00 feet; Thence South 90°00'00" East, 900.00 feet; Thence North 00°00'00" East, 380.00 feet to the Point of Beginning

Hereafter known as Lot A of Section 14, Township 92 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: none

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

A tract of land located In the North Half of the Southeast Quarter (N½ SE¼) of Section 14, Township 92 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 14; Thence on an assumed bearing of North 90°00'00" West, along the North line of said Southeast Quarter (SE¼), 813.90 feet to the Point of Beginning. Thence continuing along said North line, North 90°00'00" West, 900.00 feet; Thence South 00°00'00" West, 380.00 feet; Thence South 90°00'00" East, 900.00 feet; Thence North 00°00'00" East, 380.00 feet to the Point of Beginning

Hereafter known as Lot A of Section 14, Township 92 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of May, 2002.

/s/ Richard Vail, Chair, Board of Supervisors

/s/ Karen M. Strawn, Auditor

8:35 a.m. – The time having arrived for the public hearing on the subdivision request of Tim Westphal, the Chairman opened the hearing with Zoning Director Kim Johnson present. Johnson explained that the subdivision was requested due to locating a house on a tract previously split, this making the 3<sup>rd</sup> split. Johnson reported that the Zoning Commission had recommended approval of the request. Motion by Burnside to close the public hearing. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign, a resolution approving the subdivision request of Tim Westphal. Carried.

#### **RESOLUTION 2002-05-21-B**

**WHEREAS, Tim Westphal has presented a preliminary and final plat (of survey) on the following described property: DESCRIPTION: LOT B**

A tract of land located in the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of Section 8, Township 92 North, Range 38 West of the 5<sup>th</sup> p.m., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW¼) of said Section 8; Thence on an assumed bearing of North 00°00'00" East, along the West line of said Southwest Quarter (SW¼), 390.87 feet to the Point of Beginning. Thence continuing North 00°00'00" East, along said West line,

130.00 feet; Thence South 89°50'10" East, 252.00 feet; Thence South 00°00'00" West, 130.00 feet; Thence North 89°50'10" West, 252.00 feet to the Point of Beginning.

Hereafter known as Lot B of Section 8, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 0.75 Acres and is subject to all easements of record.

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

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

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

**DESCRIPTION: LOT B**

A tract of land located in the Southwest Quarter of the Southwest quarter (SW¼ SW¼) of Section 8, Township 92 North, Range 38 West of the 5<sup>th</sup> p.m., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW¼) of said Section 8; Thence on an assumed bearing of North 00°00'00" East, along the West line of said Southwest Quarter (SW¼), 390.87 feet to the Point of Beginning. Thence continuing North 00°00'00" East, along said West line, 130.00 feet; Thence South 89°50'10" East, 252.00 feet; Thence South 00°00'00" West, 130.00 feet; Thence North 89°50'10" West, 252.00 feet to the Point of Beginning.

Hereafter known as Lot B of Section 8, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: none

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

A tract of land Located In the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) Of Section 8, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, and being more particularly described as follows:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW¼) of said Section 8; Thence on an assumed bearing of North 00°00'00" East, along the West line of said Southwest Quarter (SW¼), 390.87 feet to the Point of Beginning. Thence continuing North 00°00'00" East, along said West line, 130.00 feet; Thence South 89°50'10" East, 252.00 feet; Thence South 00°00'00" West, 130.00 feet; Thence North 89°50'10" West, 252.00 feet to the Point of Beginning.

Hereafter known as Lot B of Section 8, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of May, 2002.

/s/ Richard Vail, Chair Board of Supervisors

/s/ Karen M. Strawn, Auditor

Engineer Jon Ites discussed two utility construction permits. Motion by Burnside to approve the following utility construction permits:

- Qwest, South Sioux City, NE, to install an underground telephone cable originating at the junction of Hwy 10 & US Hwy 71, going west ½ mile;
- City of Marathon to install underground electric service under M-54 to serve the customer at 4525 210<sup>th</sup> Ave. Carried.

Ites' road project report included: seeding had been started on the C-13 East project, signing has begun for the M-31 project and the IDOT has detour signs up for the Hwy 7 bridge replacement over the Raccoon River. This year's slurry work, and the gravel crushing at the Molgaard pit have been completed.

The current status of worker's compensation claim for a secondary road employee was discussed. After a denial of claim was received from the worker's compensation carrier, subsequent bills have been submitted to the health insurance company and have been paid. No further action will be taken.

Clarence Hoffman, ICAP representative, met with board members to apologize for erroneous information he'd provided the board at a previous meeting. He had been given incorrect information on the status of the county's current insurance carried, and wanted the board to know that he had contacted those affected persons to set the record straight. The board thanked him for meeting with them personally to provide the corrective information.

The Board noted receipt of a letter signed by Donna Christy, Marathon, opposing the use of any county funds for the Storm Lake dredging project.

Community Services Director Dawn Mentzer requested approval of a wage increase for her secretary who has successfully completed the six month probationary period and has received a favorable evaluation. Mentzer requested moving her to a 40 hour week at \$8.50/hr. Motion by Burnside to increase Linda White to \$8.50/hr effective 5/20/02 through FY'03, and to increase her hours to 40 hrs/wk effective 7/1/02. Carried.

Mentzer discussed her progress on selection of a new case manager, and requested verbal authorization for a salary maximum to be offered to the candidate.

Treasurer Kathy Bach requested abatement of taxes on a mobile home. Motion by Crampton to abate the current taxes (\$148) on mobile home title #11-W107920 which are uncollectible -- the home burned 2/17/02 and the owners have moved out of state. Carried.

Motion by Vail to confirm the action of the Marathon City Council and order a 40% levy on DD #168 due and payable with collection of first half 2002 property taxes (due September 1, 2002, delinquent October 1, 2002), with 7% interest. Carried.

Motion by Burnside to approve the minutes of the 5/14 meeting as corrected. Carried.

Steve Gustafson and Zoning Administrator Kim Johnson were present for a discussion with County Attorney Phil Havens regarding the written agreement proposed for settlement of the Bauer Casino property matter. If the Bauers submit a variance request to the Board of Adjustment which stays within the terms of the proposed agreement, Johnson agrees to recommend approval of the variance to the Board of Adjustment. The agreement does not preclude the neighbors from suing following action by the Board of Adjustment, but Gustafson believes that the agreement is acceptable to them. Motion by Bruns to approve, and to authorize the Chairman and Zoning Administrator Kim Johnson to sign, the settlement agreement with Jon M., Robert J., and Jim Bauer. Carried.

Havens reported on his research of a financing arrangement for purchase of a dredge. An election would be required regardless of which funding vehicle is used – bonds, loan, lease-purchase, etc., unless the amount is under \$400,000. A decision on that amount could be made following a public hearing. An election, which also has an additional cost unless included on the General Election ballot, can't be conducted quickly enough to meet the requested June 18 deadline for the county's decision.

Gary Lalone and Margaret Redenbaugh, Storm Lake LPA, distributed copies of the comprehensive lake management plan prepared by Jeff Kestel for submission to the IDNR. Lalone stated that they were present today to request a motion to buy a dredge. The city of Lakeside has

pledged \$30,000 up front, plus 25% of their annual local option tax proceeds, or about \$9,000 per year. As encouragement to commit to the purchase of a dredge, LPA will pledge to split between the city of Storm Lake and the County, the proceeds from the sale of the additional equipment (dredge pipe, dredge tender, jon boat and motor, and pipe fusing machine) after completion of the project, even though city and county dollars won't necessarily be used to purchase that equipment. Burnside asked for clarification: Was the \$125,000, previously voted by the Board of Supervisors for the project, being considered as part of the \$600,000 dredge purchase, or in addition to it? Lalone responding that they are asking for the \$125,000 to be a part of the \$600,000 needed for the dredge. Lalone read a letter from Tim Brown, Central Bank, to the Board of Supervisors offering the county a low interest loan, up to \$750,000. County Attorney Phil Havens provided the board information on requirements for borrowing funds for this purpose. A loan of up to \$400,000 would require a public hearing, but a greater amount, whether a loan, lease-purchase agreement or some type of bond, would require an election. He recommended that the board seek the advice of bond counsel for an opinion on whether purchase of a dredge would be an essential or general county purpose. Redenbaugh commented that each entity is relying upon evidence of support from the other in making their commitment – city, county, state and federal. They hope to be able to announce the local commitment when IDNR's Jeff Vonk comes to Storm Lake on June 18. The matter will be taken up at the June 4 meeting.

There being no further business, motion by Burnside to adjourn the meeting at 12:20 p.m. until Tuesday, May 28 at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-FOURTH MEETING, 2002 SESSION (24)  
JUNE 4, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, June 4, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Gustafson and Crampton and with Auditor Strawn as clerk for the meeting.

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

Custodian Dewyne Stucynski discussed placement of a park bench, donated in memory of Melvin Lange, on the courthouse lawn. The Board approved.

8:30 a.m.—The time having arrived for the public hearing on the subdivision request of Darold Sievers, the Chairman opened the hearing with Zoning Director Kim Johnson and no other interested persons present. Johnson reviewed the details of the request and noted that the Zoning Commission had recommended approval. There being no objection, motion by Gustafson to close the public hearing. Carried. Motion by Burnside to accept the recommendation of the Zoning Commission to approve, and to authorize the Chairman to sign, the resolution approving the subdivision request of Darold & Myrna Sievers. Carried.

**RESOLUTION 2002-06-04-A**

**WHEREAS, Darold Sievers has presented a preliminary and final plat (of survey) on the following described property Description: Lot B**

a tract of land located in the North Half of the Northwest Quarter (N½ NW¼) of Section 24, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, and more particularly described as follows:

Commencing at the Northeast (NE) corner of the Northwest Quarter (NW¼) of said Section 24; thence on an assumed bearing of North 90°00'00" West, along the North line of said Northwest Quarter (NW¼), 1302.35 feet to the point of beginning. thence continuing North 90°00'00" West, along said North line, 71.09 feet; thence South 00°00'00" West, 348.35 feet; thence South 88°35'17" West, 146.32 feet; thence South 01°43'02" East, 51.78 feet; thence North 88°40'27" East, 215.87 feet; thence North 00°00'00" East, 398.72 feet to the point of beginning.

Hereafter known as Lot B of Section 24, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

tract contains 0.83 acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own.

**WHEREAS**, the final plat meets with the approval of the board subject only to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own.

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

a tract of land located in the North half of the Northwest Quarter (N½ NW¼) of Section 24, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, and more particularly described as follows:

Commencing at the Northeast (NE) corner of the Northwest Quarter (NW¼) of said Section 24; thence on an assumed bearing of north 90°00'00" West, along the North line of said Northwest Quarter (NW¼), 1302.35 feet to the point of beginning. thence continuing North 90°00'00" West, along said North line, 71.09 feet; thence South 00°00'00" West, 348.35 feet; thence South 88°35'17" West, 146.32 feet; thence South 01°43'02" East, 51.78 feet; thence North 88°40'27" East, 215.87 feet; thence North 00°00'00" East, 398.72 feet to the point of beginning.

hereafter known as Lot B of Section 24, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own.

**BE IT FURTHER RESOLVED that this resolution shall be affixed to the final plat of: DECSRIPTION: Lot B**

a tract of land located in the North half of the Northwest Quarter (N½ NW¼) of Section 24, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, and more particularly described as follows:

Commencing at the Northeast (NE) corner of the Northwest Quarter (NW¼) of said Section 24; thence on an assumed bearing of North 90°00'00" West, along the North line of said Northwest Quarter (NW¼), 1302.35 feet to the point of beginning. thence continuing North 90°00'00" West, along said North line, 71.09 feet; thence South 00°00'00" West, 348.35 feet; thence South 88°35'17" West, 146.32 feet; thence South 01°43'02" East, 51.78 feet; thence North 88°40'27" East, 215.87 feet; thence North 00°00'00" East, 398.72 feet to the point of beginning.

hereafter known as Lot B of Section 24, Township 90 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate county offices.

**PASSED, APPROVED AND ADOPTED** this 4th day of June, 2002.

/s/ Richard Vail, Chair, Board of Supervisors

/s/ Karen M. Strawn, County Auditor

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The Board discussed the dues notice for FY'03 **Iowa Drainage District Association dues**. The dues will continue to be paid from the General Fund in the year the dues are due.

Receipt of the following 2 **manure management plans** was noted: 'Schmitt Hog Site, LLC', Lenard Schmitt-contact person, filed 5/28/02 for 4000 head for a site in Section 26, Lincoln Twp., and, Rotta/Richter finisher, Rusty Kosky-contact person, filed 5/29/02 for 2400 head finishers for a site in Section 9, Coon Twp.

Treasurer Kathy Bach presented a petition for suspension of taxes on one parcel, and several statements for mobile home taxes which are uncollectible. Motion by Burnside to **suspend the taxes** on parcel #14-03-455-012 pursuant to Chapter 427.8 of the 2001 Code of Iowa and the petition of the owner, in the amount of \$106 (the remainder of current taxes owed). Carried.

Motion by Gustafson to **abate the taxes** on the following mobile homes due to their being uncollectible:

- VIN # 03560264K, Title 11-W107978, owner-Larry McClellan, abate 2000 and 2001 MH taxes totaling \$300.00 – moved from Westview Trl Ct, current location unknown;
- VIN # 0599642185, Title 11-W119400, owner-Jane Van Hooser-sold to Richard Andrews, transferred to real estate, abate 2<sup>nd</sup> ½ current taxes total-\$44.00;
- VIN # 119800003, Title 11-W058818, owners Tom & Tarla Lane, previously in Westview Trl Ct., sold 1996 B.V.P.B. #96107, sold to farmer, used as out building, abate 2001 MH taxes of \$150.00 and cancel public bidder certificate;
- VIN # K16260, Title 11-W111333, owner-Salvador Soza, abate 2001 MH taxes totaling \$108.00, abandoned by owner, MH junked and removed from Vista Estates by County Line Salvage Co.;
- VIN # 1604K, Title 11-W100547, owner-Gonzalez San Juanita – abate 2001 MH taxes totaling \$146.00 and cancel B.V.P.B. #01-0106, MH junked and removed from Vista Estates by County Line Salvage Co. Carried.

Bach reported that **delinquent taxes** are down from last year – 165 parcels and approximately \$66,000. They have been sent out for publication prior to the delinquent tax sale later this month.

The date for the county to assume **drivers' licensing services** from the IDOT is still unknown, but Bach anticipates the need for salaries for ½ year in FY'03. She is making preparations with space design and is working with other counties to share an examiner.

**Weed Commissioner** Norm Lund secured the Board's approval to pay the second ½ of the weed control chemical expense in the current year instead of after 7/1/02 as planned.

After presentation and discussion of a \$1,000 deductible option by Wellmark Account Manager Deanne Dentlinger, motion by Gustafson to move the **employee health insurance program** from the ISAC Wellmark program to a self-funded plan, eliminating the \$250 deductible option, but including \$500 and \$1,000 deductible options, the \$500 option premiums to be set at the maximum level and the \$1,000 deductible set at the suggested level as an incentive to employees to select the higher deductible option (with the county funding the \$1,000 option at the maximum premiums), and including in the program a \$20,000 accidental death and dismemberment benefit, and with the June payroll deductions left at the FY'02 ISAC rates (the county to pick up the cost difference), all subject to ISAC waiving the 30 written notice of program cancellation. Carried. (After contacting ISAC and requesting a waiver, which was declined, Dentlinger reported that she would have to submit a request for rates for an August 1 program



start date. She will present the August 1 rates at the June 18 meeting. This information from ISAC renders the board's motion void.)

Engineer Jon Ites submitted an underground utility permit application. Motion by Burnside, to approve the application of Iowa Lakes Electric to install an underground 3-phase 7200/12470 volt power cable in private right-of-way along 140<sup>th</sup> Ave from the Northwest corner of Section 29, Lee Township South to the Southwest corner of Section 32, Lee Township. Carried.

Ites discussed adopting an ordinance to establish a Class "C" road designation which has been requested by a property owner. If a road were designated 'Class C', the county would put up a fence and gate to prevent public access. The board is favorable to the ordinance. Strawn will check with the County Attorney about including it in the re-codification of ordinances.

The engineer reported purchase of a used (equipment) 12' flatbed trailer for \$3,700 to be used for oiling/sanding operations, and he is in negotiations for sale of used mower tractor with loader and broom.

Receipt of a copy of a letter to Ivan Droessler from DOT Engineer Clyde Bartel regarding the pipe-crossing project in Albert City at Vine Street was noted.

With Head Custodian Dewyne Stucynski, Sheriff Chuck Eddy and Jail Administrator Don McClure present, Paul Ryan, Prochaska & Associates, Omaha, reviewed schematic designs for four jail HVAC projects including (1) replacing the existing ventilator with heat pumps, (2) installing an energy recovery ventilator, (3) installing radiant heaters, and (4) expanding the existing energy management control system. The next step would be to prepare construction documents. The plans use existing equipment as much as possible. Ryan explained that a new program of the Iowa Energy Bank was to make funding available for projects after a technical engineering analysis (TEA) is done. This could include replacement systems for the courthouse. Between the Iowa Energy Bank (IEB) and Mid-American Energy, there is also a cost-sharing/grant funding opportunity for the TEA itself. For the projects in Prochaska's schematic design, the proposed start date could be spring 2003, with most any commercial mechanical contractor able to do the work. Also, bids should be better if taken in 2003 as contractors are setting up their 2003 project schedule. Ryan proposed contacting the IEB and Mid-American about doing a TEA. This partnership for the TEA could be valuable to the county if it opens up opportunities for grants, rebates and low-cost long-term funding for things such as geo-thermal heat pumps. Ryan asked if the state jail inspector wanted quicker action. The county believes that it is making progress on the items, and that the inspector would probably accept that as progress toward correction. Ryan suggested that the board move forward on the jail, but to concurrently have the technical engineering analysis completed, especially if the study can be done at no cost. Motion by Crampton to direct Prochaska & Associates to proceed with preparation of construction documents for jail HVAC Projects 1 (replacement of existing ventilator with heat pumps) and 2 (installing an energy recovery ventilator). Carried. Ryan will also investigate the possibility of a TEA with IEB and Mid-American.

Motion by Burnside to approve the minutes of the 5/28 meeting as printed, and the following reports: May budget reports. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the beer and Sunday sales permit application for Storm Lake Access Marina. Carried.

Motion by Crampton to approve and to authorize the Chairman to sign the FY'03 agreement with NW IA Planning & Development Commission for S.H.I.E.L.D. services, (Safety & Health Issues in Employment Leadership Decisions.) Carried.

Motion by Gustafson to void the following outstanding warrants issued to Aetna Life Insurance for life insurance premium payroll deductions and re-issue to the employee (Sue Kennedy) as the company doesn't want the funds and does not show the amounts past due on the account:  
issued 6/20/01--warrant # 133322 for \$13.00--Aetna Life Insurance  
issued 7/18/01--warrant # 134313 for \$13.00--Aetna Life Insurance. Carried.

In the 2<sup>nd</sup> floor PMR, the following persons were present for the board's discussion of purchasing the **dredge for the Storm Lake dredging project**: Gary Lalone and Margaret & Phil Redenbaugh-LPA, Chris Nolte-SLADC, Marilyn Monson-Storm Lake Chamber of Commerce, Senator Mary Lou Freeman, Senator Steve King, Ken Davis, Jim Davis, Dick Hakes, Sherise Gibson, Mark Redenbaugh, Shari O'Bannon, Heather DeLance, Cal Johnson and 2 from the media. Nolte read a letter from SLADC which identified the lake as a major catalyst for tourism and major quality of life in Buena Vista County. Its preservation and renewal must be a top priority for economic development in the county.

Lalone thanked the board for its attention to the subject over the last year, and again highlighted the partnership of city and county contributions and private donations, all needed for continued financial commitment from the State of Iowa. With leadership from Brent Siegrist, Speaker of the Iowa House of Representatives, \$350,000 was kept in the state's budget for additional dredging after the current year. Beyond their purchase of land (\$375,000) the city of Storm Lake has committed an additional \$225,000 from local option sales tax dollars for purchase of equipment. Jim Ganske, consultant, has estimated that the dredge should be worth 50-70% of the original \$600,000 cost after 10 years. A contact has been made with someone from Managing Earth's Resources to look into 'value added' products from the sediment. \$250,000 has been pledged in private donations. Once more, the county is asked to purchase the dredge as its part in pushing the dredging project forward.

Marilyn Monson reported that 17 groups have been meeting once a month to develop and prepare a coordinated program for visitors to the county. They have now been certified in the "Community Economic Preparedness Program" through IDED (certification of readiness to promote the county as a destination for tourism). Very important on the list of Buena Vista County attractions is Storm Lake. Along with Buena Vista University and the Buena Vista Regional Medical Center, the lake impacts the quality of life in our county, and is 20-30 minutes at most, away from every citizen. People can eat, sleep, play and learn on the lake. Taking care of the lake so that it doesn't return to a dry state is an important investment today in our future.

Phil Redenbaugh stated that purchase of the dredge provides a unique opportunity to leverage dollars against state and federal funding for the lake.

Supervisor Bruns asked if the \$350,000 salvaged in the state's budget was for the current summer's activity – it is for next year. He also asked if the state should fall through with their funding after all, then what contingency plan would the LPA have. Gary answered that they were prepared to continue seeking additional contributions, grants, etc.

Senator King congratulated the group on taking steps to be in control of the project – he was present to be a cheerleader for the project. He would like to see one half of the lake dredged to at least 13', and even deeper in the center.

Lalone - the LPA will continue to address water quality and watershed protection. Storm Lake can serve as a model for similar projects in other communities. Farmground used as a spoil site can be returned to production in 7 years.

Bruns would be more in favor of a per household or per capita assessment to fund the project instead of a property tax source of funding. Farmers are in crisis now making it difficult for them to pay increased taxes. Lalone noted that it isn't simply farmers who are in difficult times – many others are struggling also. But now is the time to take care of what we have been given. 30% of the lakefront is open to the public, more than many other lakes.

Supervisor Gustafson agreed that funding the project may not be equitable to everyone, since city taxpayers in Storm Lake will be paying twice through their taxes, and perhaps again as private donors. The city of Storm Lake has chosen to use their local option sales tax dollars as one source for their participation, when these funds could have gone to repairing streets. The rural property owner has his local option dollars going to the road system capital projects. The lake is as important as the secondary

roads, especially from the economic development point of view – it is vital. The lake is infrastructure. Even though he can appreciate Bruns' issues, we can't wait.

Crampton stated that he has received a number of calls, including from the banks, and he is in support of the project. Burnside noted that she is the 3<sup>rd</sup> generation of her family living in the county, Up until now none in her family has paid for the gift of the lake. She supports the project.

Gustafson – “Storm Lake is Iowa’s 4<sup>th</sup> largest natural lake and its shallowest. The lake is vital to the economic development and recreational enjoyment and benefit of the citizens of Buena Vista County. Quality of life remains the number one asset this county has to offer for its economic development and for its citizens. I move that the county fund the purchase of a suitable dredge and related equipment with the sum of not more than \$600,000 and, further, that these funds be obtained within the budgeting process.”

Bruns moved to amend Gustafson’s motion “to bring the purchase of a dredge to a referendum.” The vote on the amendment was: Aye-Bruns. Nays-Burnside, Crampton, Gustafson, Vail. The amendment was defeated.

The vote on Gustafson’s original motion was: Ayes-Burnside, Crampton, Gustafson, Vail. Nay-Bruns. The motion carried.

Bruns moved that the Board of Supervisors cease appropriating money from the General Fund to the Conservation Land Acquisition Trust fund for land purchases until the lake dredging project is complete. Strawn asked for clarification of which funds he referred to – camping fees and other conservation board revenues, land rent, unexpended remaining operating budget, sales proceeds from used equipment. Due to the need to check the Code of Iowa on these types of transfers, Bruns withdrew his motion to be offered at a later time.

The Chairman thanked those who had attended the meeting, and the board returned to the boardroom. Gustafson left the meeting.

Deputy Auditor Leigh Madsen discussed the Wellness funds benefit currently available with the ISAC Wellmark health insurance program. She explained that approximately \$3,540 was received from ISAC last year, and noted how those funds, together with \$500 from the county, had been expended for employee programs.

There being no further business, motion by Burnside to adjourn the meeting until Monday, June 10 at 8:30 a.m. for the canvass the of June 4, 2002 Primary Election. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-FIFTH MEETING, 2002 SESSION (25)  
JUNE 10, 2002**

The Buena Vista County Board of Supervisors met in special session on Monday, June 10, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Vice Chairman Crampton presiding and with the following other members present: Bruns, Burnside, and Gustafson and with Auditor Strawn as clerk for the meeting. Absent: Vail.

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

Steve Jorgensen, Farm Bureau, was present to ask how the board came to their decision to purchase the dredge. He would like to have had an opportunity to attend and comment at a public hearing.

Upon completion of the **Canvass** of the June 4, 2002 Primary Election, pursuant to Chapter 50.24 of the Code of Iowa, motion by Burnside to declare the results as follows (# = declared nominated)(scattering = 1 or more write-in candidates each receiving less than 2% of the votes cast for the same office at the last primary election):

<b>Office</b>	<b>Democratic Party</b>	<b>Republican Party</b>	<b>Iowa Green Party</b>
Total votes cast:	305	1582	1
for US Senator	Tom Harkin-261 scattering-2	Greg Ganske-903 Bill Salier-564 scattering-1	
for US Representative-5 <sup>th</sup> Dist	Paul Shomshor-189 scattering-1	Jeff Ballenger-254 Steve King-575 John Redwine-264 Brent Siegrist-431 scattering-1	
for Governor	Tom Vilsack-248 scattering-5	Doug Gross-483 Steve Sukup-475 Bob Vander Plaats-539 scattering-3	Jay Robinson-1
for Secretary of State	Chet Culver-224	scattering-36	
for Auditor of State	Patrick J. Deluhery-203	David A. Vaudt-1063 scattering-2	
for Treasurer of State	Michael L. Fitzgerald-235 scattering-1	Matt Whitaker-1029 scattering-1	
for Secretary of Agriculture	Patty Judge-228	John Askew-1075	
for Attorney General	Tom Miller-250 scattering-1	Dave Millage-1008 scattering-1	
for State Representative-52 <sup>nd</sup> Dist scattering-8		Mary Lou Freeman-1344 scattering-1	
for Co. Supervisor Dist. 1	scattering-7	Doug Bruns-581 Bill Lanphere-906# scattering-3	
for Co. Supervisor Dist. 2	Leon Haahr-131 Robert Jorgensen-144#	Jack Hays-554 Richard Vail-784# scattering-1	
for Co. Supervisor Dist. 3	Jim L. Gustafson-235# scattering-4	James Osegaro-1,043# scattering-5	
for Co. Treasurer	Kathy Bach-278#	scattering-21	
for Co. Recorder	Shari O'Bannon-268# scattering-1	Debora K. Overgaard-1,111# scattering-2	
for Co. Attorney	scattering-8	Phillip E. Havens-1,210# scattering-9	

<u>Township</u>	<u>Twp. Clerk</u>	<u>Twp. Trustee</u>	<u>*Twp. Trustee Vacancy</u>
(w-i = write-in)			*1-Elk & Lincoln, 2-Newell
Barnes	Bernard Nelson (Dem)-5#		
Brooke	Douglas W. Kracht (Rep)-15#	Jesse G. Fastenow (Rep)-15#	
Coon	Carl Bellows (Dem)-4# Scattering (Rep)-1	Duane D. Hornor (Rep)-26#	
Elk	Gordon Andersen (Rep)-25# scattering (Rep)-1	Ardyce Anderson (Dem)-1# scattering (Rep)-1	Tom Cameron (Dem)-2# scattering (Rep)-1
Fairfield	James A. Roberts (Rep)-32#	Lloyd Danielson (Rep)-32#	
Grant	Leonard L. Peterson (Dem)-2#	H. Keith Miller (Dem)-3#	
Hayes	Richard Rice (Rep)-89#	John Massop (Dem)-6#	
Lee	scattering (Rep)-1	scattering (Rep)-1	
Lincoln	Richard Fondroy (Rep)-16#	Tim Heuton (Rep)-15#	Michael R. Rebhuhn(Rep)-17#
Maple Valley	Martin Glienke (Rep)-25#	Jim Watts (Rep)-20# scattering (Rep)-1	
Newell	Stephen Kier (Rep)-24#	Dale Bodholdt (Rep)-24#	Randall Edwards (Dem)-2# Richard Larsen (Rep)-19#
Nokomis	scattering (Dem)-1 scattering (Rep)-3	scattering (Dem) -1 scattering (Rep)-1	
Poland	Norris G. Olney Jr. (Rep)-18#	Dave Wesselink (Rep)-20#	
Providence	Chris H. Willfong (Rep)-23#	James R. Selleck (Rep)-28#	
Scott	Charlotte Binder (Rep)-25#	Thomas Struve (Dem)-0 scattering (Rep)-1	
Washington	Terry Stull (Rep)-42#	Dwayne Stille (Rep)-44#	

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

Larry Schmitz & Mike Pertzborn were present to review their proposal for a different funding method for **employee health insurance**.

Motion by Bruns to approve the **minutes** of the 6/4 meeting as corrected.

Deputy Auditor Leigh Madsen discussed **Wellness** funding outside of the Wellmark insurance program.

There being no further business, motion by Burnside to adjourn the meeting at 12:00 a.m. until Tuesday, June 18 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SIXTH MEETING, 2002 SESSION (26)  
JUNE 18, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, June 18, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting. Absent: Bruns.

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

Motion by Crampton to amend today's agenda by adding Sheriff Chuck Eddy at 11:15 a.m. to receive notice of two Sheriff's appointments. Carried.

Motion by Burnside to approve and to authorize the Auditor to sign the FY'03 cigarette permit application of Sparky's One Stop, Storm Lake. Carried.

Motion by Burnside to approve the following changes in appropriations for FY'02: decrease activity 5000-dept 55-General Basic fund-by \$3,200, and, increase activity 5010-dept 25-General Basic fund-by \$3,200. Carried.

Motion by Burnside to approve the transfer of \$37,000 from General Basic to Capital Projects. Carried.

Motion by Crampton to approve the minutes of the 6/10 meeting as printed, and the following reports: May Clerk's fees-fines-forfeitures, Conservation Board minutes, minutes of Jt. DD 181 & 16-30-92 meetings, June 5 budget reports, and to review the following: May Mangold monitoring report of Spectra lagoon, minutes of June NW Aging Board of Directors meeting. Carried.

Deanne Dentlinger, Wellmark Account Manager, provided premium rates for an August 1 start date for a self-funded employee health insurance program. She will conduct three employee group meetings tomorrow to review the rates and flex benefit information.

Head Custodian Dewyne Stucynski discussed FY'03 rates for custodial services contracts. Motion by Gustafson to approve, and to authorize the Chairman to sign, FY'03 custodial services contracts with a 3% increase at the DHS Annex and the East Richland Annex, the services to be provided by Cindy Hildreth. Carried.

Community Services Director Dawn Mentzer presented provider contracts for approval. Motion by Crampton to approve, and to authorize the Chairman to sign, provider agreements for FY'03 as follows: Crest Services - Des Moines (a 3% increase), Lutheran Family Services - Storm Lake (2% increase), Plymouth Life Inc. - LeMars (no increase), Genesis Development - Storm Lake (2% increase), Howard Center - Sac City (no increase), REM - Atlantic (no increase), Spectra Health Care - Storm Lake (2% increase), and Season's Center catchment fee (\$1,000/yr increase). Carried.

Mentzer discussed the recently held focus groups. She reported a drop in fund balance from the end of FY'01 to FY'02 which reflects the unbudgeted decrease in MH funding from the state of Iowa. Due to decreased current year and future funding, she requested input on managing the revenue loss. The consensus was to review again in 6 months at budget time (or sooner if she sees the need). The board may consider waiting lists for services, and, including family members in consultations with the board regarding funding issues for ICF-MR placements.

Bill Swift, Swift Air of Sioux Falls, and Sue Morrow, Spectra Health Care Administrator, were present to discuss the air conditioning system at the Spectra facility. There are two failed compressors which should still be under warranty. The auditor will provide him with documentation from the minutes of

meetings in 1997 to indicate installation date. Swift Air submitted a proposal for replacement of the two compressors. No action was taken on the proposal at this time.

General Relief Director Paula Guerra advised the board of the need to update general relief guidelines which are out of date. The rules need to be clarified in order that all applicants are treated equitably. An increase in applications is anticipated due to state funding reductions for many programs. Guerra will also update the procedures for Iowa City hospital papers. With the guidance provided by the board, Guerra will draft a proposal for an update to the guidelines.

Sheriff Chuck Eddy notified the Board of two appointments. Motion by Gustafson to approve the Sheriff's employment of Bill Erb as a new deputy to serve under Sioux Rapids law enforcement contract effective 7/1/02 and the appointment of Marilyn Peters as a Civil Process Server in the office. Carried.

JPO Bob Fritz and Juvenile Liaison Jodi Stuckenschneider were present to discuss the juvenile liaison program, which ceases June 30, 2002 under the current contract and funding arrangement, due to the schools not being able to fund 50% of the program. The board was agreeable to a 28E relationship with Juvenile Court Services with the county providing the fiscal agent services, and Juvenile Court Services providing the supervision of the liaisons and the funding - 100% for Stuckenschneider working out of the JPO's office and 50% for Tammy Nepple working in the Sioux Central school system (the remaining 50% for Nepple to be paid by Sioux Central CSD). Juvenile Court Services anticipates confirmation of the funding from Child Welfare dollars in the next few days. Fritz will have a 28E agreement prepared for the Board's consideration. Having received official notice of termination of the current agreement from Juvenile Court Services, motion by Crampton to approve and to authorize the Chairman to sign the letters of program/contract termination to the School Superintendents of Storm Lake, Sioux Central, Newell-Fonda, Albert City-Truesdale and Alta CSD's, and termination of the employment relationship with liaisons Tammy Nepple, Jennifer Schumacher, and Jodi Stuckenschneider. Carried.

Engineer Jon Ites updated the board on the status of his negotiations on the sale of used equipment.

Ites reviewed fuel quotes received from Larson Oil-Storm Lake, Newell Coop Elevator-Newell, Star Energy-Storm Lake, and 1<sup>st</sup> Coop-Alta, for the season's fuel supply. Motion by Burnside to accept the low quote of 1<sup>st</sup> Coop, Alta, for the season's supply of fuel. Carried.

Following review of a request from Max Taber regarding a permanent 4-way stop at M-27 & C-65, motion by Burnside to request Ites to conduct a traffic investigation at the intersection of M-27 & C-65, and also at the intersection of C49 & E. Milwaukee Ave. Carried.

Ites informed the board of the route to be taken by the WHO Radio Tractor Ride which will come into Storm Lake from the west on C-63 on June 24.

Ites reported that several of the new hog confinement units going up in the county are on 3<sup>rd</sup> priority roads. It was the consensus of the board to send letters to the owners to inform them of the status of these roads.

Ites updated the board on current road projects including the status of the patching on the bridge on C-25, the application of pavement markings, and the milling work on M-31.

Deputy Auditor Leigh Madsen provided the board with information on former employees or their dependents who are insured with the county under COBRA. The board anticipates setting a limit on the length of time that COBRA access will be permitted for certain categories.

There being no further business, motion by Burnside to adjourn the meeting at 2:30 p.m. until Tuesday, June 25 at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-SEVENTH MEETING, 2002 SESSION (27)  
JUNE 25, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, June 25, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

**RIDES** Executive Director Rose Lee, and Vicki Robrock, were present for a follow-up meeting regarding problems for Buena Vista County riders. Lee reviewed methods for calculation of trip costs, routes, etc., and announced an increase in fares. Brent Mangold, Cindy Wiemold, Dawn Mentzer, and Wanda Woltman, who were also present, reiterated the same problems as earlier discussed, expressing that they have not seen the desired improvements, nor has there been any additional information being provided in the monthly billing. For the protection of the county, Mentzer requested a FY'03 contract with RIDES for the night taxi service. Mangold and Wiemold asked about continued reporting so that the issues are not lost.

Engineer Jon Ites presented two permit applications. Motion by Burnside to approve and to authorize the Chairman to sign the following **utility construction permit applications**:

- from Interstate Power & Light Co, Cedar Rapids, to install a 4" natural gas plastic main on the north side of Rembrandt east along 475<sup>th</sup> St. in the north ditch, across Hwy 71 then south along the east side of Hwy 71 to C-25, then east in the north ditch of C-25 (400<sup>th</sup> St.), one mile north in the west ditch of 140th Ave for 900' and then coursing to the east side by boring;
- from Robert J. & Jon W. Bauer to have installed a ¾" plastic water line from the main on White Cap Road to Lot 5, Block 1, Casino Beach subdivision of Lots 1 & 2 of Section 9-90-37. Carried.

Ites reported that **RUT** receipts for FY'02 were about \$84,000 less than originally projected for the budget.

Chad Weidemann from Ziegler Caterpillar was present to discuss two proposals for a **motorgrader** replacement. No decision was made at this time.

Mary Lanphere appeared before the board to request the acquisition of some ditch right-of-way adjacent to her property in **Casino Beach**. She currently maintains that piece of property. The engineer noted that the county purchased the lot to use to hold snow when clearing roadways. No action was taken.

Deanne Dentlinger, Wellmark Account Manager, presented agreements for **self-funded employee health coverage**. Motion by Crampton to approve and to authorize the Chairman to sign benefit summaries (Alliance Select and Blue Rx) and the binder agreement with Wellmark for a self-funded employee health insurance program to become effective August 1, 2002 for the term of 1 year, the program to be a \$500 deductible plan. Carried. Motion by Burnside to authorize the county auditor to issue warrants automatically to Wellmark upon receipt of the monthly statement of fixed costs and benefits paid, without prior review and approval by the board. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the agreement to provide an **AD&D benefit** with the employee health insurance program at the rate of \$1.60 for any employee with spouse and child(ren), or \$1/month for any single employee. Carried.



Motion by Gustafson to approve funding in the amount of \$3,500 from the BV Co. Employee Health Insurance Fund for the employee Wellness program for FY'03. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign a letter of termination to the Iowa State Association of Counties for the Wellmark employee health insurance program-ISAC group, effective 8/1/02. Carried.

Motion by Gustafson to set the following policy on COBRA (federal law requiring access to the employer's insurance at the individual's own expense) regarding access to the Buena Vista County's health and dental insurance when an employee leaves employment with the county after July 1, 2002: employees whose employment with the county terminates shall have access at their own expense to the county's health and dental insurance for 18 months; employees who retire shall be entitled to access until age 65; an employee's spouse and/or dependents who lose access due to death or divorce shall be eligible for 36 months. Carried.

Motion by Burnside to approve the minutes of the 6/18 meeting as printed, and the following reports: May 5 Communications Commission minutes and May 15 NWIPDC Policy Council minutes. Carried, with Bruns abstaining since he was absent from the 6/18 meeting.

Motion by Burnside to approve and to authorize the Chairman to sign the enrollment form for the Iowa Local Government Energy Bank Program (for a technical engineering analysis-TEA). Carried.

The auditor provided the board with year end financial data. The board reviewed ending fund balances for the purpose of considering whether or not to designate any of the funds. Due to the general fund being at an estimated 22% ending fund balance, no dollars were designated for capital projects or any other purposes.

There being no further business, motion by Burnside to adjourn the meeting at 12:28 p.m. until Tuesday, July 2 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-EIGHTH MEETING, 2002 SESSION (28)  
JULY 2, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 2, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Head Custodian Dewyne Stucynski & Dan Hegarty, Consultant for MidAmerican Energy, were present to discuss the recent courthouse electrical outages and steps to take to ensure continuation of power for essential services (i.e. jail operation, communications center, etc.). Equipment with radar signals was used to locate the line faults causing the outages. The second fault area appeared to have been hit by a backhoe. At least 5 known prior hits plus 30 years of service indicate the need for replacement of the cable. Learning that the board has discussed replacing the generator and the ramp at the east door, Hegarty suggested that if the board was going to upgrade the generator and make other changes, it would make sense for MidAmerican to coordinate the cable upgrade of their line and transformer with those changes. The board suggested talking to Glen Huntington, architect, and Bill Swift, Swift Air, for their input on the ramp and generator projects. Once all changes have been coordinated, MidAmerican's updates could be scheduled.

Lori Wittmaack met with the Board to request approval of a fireworks permit. Motion by Vail to approve and to authorize the Chairman to sign a letter of approval for the fireworks display request of Tim and Lori Wittmaack with Tim Wittmaack, Nathan Wittmaack, Ben Cameron, Eric Ehlers, Andy Meister being the individuals who will set off the fireworks, and with the group to assume all responsibility for liability and safety, the fireworks to be shot on 7/4/02, or alternate dates of 7/5 or 7/6 at 1242 460<sup>th</sup> St., Rembrandt. Carried.

Engineer Jon Ites reviewed his discussions with the head mechanic and maintenance superintendent regarding the new Caterpillar motorgrader which is proposed. He discussed several options on the machine. Gustafson stated that the motorgrader was probably needed, but he asked if Ites was going to ask for a tax increase this next budget year - FY'04. If not, he would support the proposal. But if Ites plans to request an increase in taxes, he can't support the purchase, as he doesn't want his taxes to go up. Ites responded that he can't predict that answer at this time since he doesn't know what RUT taxes or other variables will be. Sales Representative Chad Wiedemann offered the motorgrader at \$167,338 plus \$2,200 for larger tires. This includes a trade-in, and keeping the old snow wing from the unit to be traded in. A question was raised about a warranty. The board put off their decision until next week until the information is obtained.

Ites has applied for a permit in Sioux Rapids to put up a salt/sand shed since a variance is needed for the location he has proposed.

Motion by Burnside to set the letting date for project #L-B-711 to replace the structure located on the north side of Section 6, Coon Twp. For August 13 at 10:00 a.m. Carried.

Motion by Crampton to approve and to authorize the Auditor to sign the fiscal agent agreement with the 3-County Empowerment Board for FY'03, and to raise the fiscal agent fee to \$500. Carried.

Motion by Burnside to approve the minutes of the 6/25 meeting as printed, and to approve/review the following reports: 4<sup>th</sup> Qtr FY'02 Sheriff's fees, 2001 annual report on Storm Lake drinking water quality. Carried.

Motion by Crampton to approve and to adopt Resolution 2002-07-02-A which appropriates funds for expenditure by the county departments during FY'03. Carried.

#### **RESOLUTION 2002-07-02-A**

**WHEREAS**, it is desired to make appropriations for each of the different officers and departments for the fiscal year commencing July 1, 2002 in accordance with section 331.434 (Sec 6) 2001 Code of Iowa,

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

Section 1. The amounts itemized by department or office on the certified County Budget for 2002-03 are hereby appropriated at **95%** from the resources of the funds, to the department or office listed in the 2002-03 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, 2002.

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 2002-03 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 2002-03 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, 2003.

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Motion by Bruns to approve Resolution 2002-07-02-B, authorizing interfund operating transfers from the general and rural funds to the general supplemental, secondary road and capital projects funds as detailed in the FY'03 budget. Carried.

**RESOLUTION 2002-07-01B**

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

**WHEREAS**, said operating transfers are in accordance with section 331.432, 2001 Code of Iowa, **NOW THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of Buena Vista County, Iowa as follows:

Section 1. The sum of \$626,268 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, 2002 and the last one-half to be transferred no earlier than January 1, 2003. The sum of \$128,245 is ordered transferred from the General Basic Fund to the Secondary Road Fund with one-half the amount (\$60,604) transferred no earlier than July 1, 2002 and the last one-half transferred no earlier than January 1, 2003. The sum of \$280,936 is ordered transferred from the General Basic Fund to the Capital Projects Fund at appropriate times during the FY'03 as needed to meet the obligations of the fund. The sum of \$1,113,435 (Rural Basic levy) plus \$350,230 (estimated, the actual transfer to be 70% of the local option sales tax collected for FY'02) is ordered transferred from the Rural Services Basic Fund to the Secondary Road Fund (levy and FY'02 L.O.S.T. collections) with one-half the amount transferred no earlier than July 1, 2002 and the last one-half transferred no earlier than January 1, 2003. Note: county assistance/personal property receipts from the State of Iowa shall be deposited in General Basic for expenditure in that fund, with one-half of the funds to be allocated to the Secondary Road Department for expenditure for the Secondary Roads' share of the liability, property and worker's compensation insurance premiums for FY'03.

Section 2. The total maximum transfer from the General Basic Fund to the Secondary Road Fund shall not exceed \$128,245 (levy) and the total maximum transfer from the Rural Basic Fund to the Secondary Road Fund shall not exceed \$1,113,435 (levy) plus 70% of the actual local option receipts for the tax collected for FY'02), all for the fiscal year beginning July 1, 2002.

Section 3. The Auditor is directed to correct her books accordingly and to notify the Treasurer and Engineer of these operating transfers, accompanying the notification with a copy of this resolution and the record of its adoption.

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Motion by Burnside to approve and to authorize the Chairman to sign a letter of approval for the **fireworks display** request of Renee Jesse with Brent, Shawn & Darren Jesse being the individuals who will set off the fireworks, and, with the group to assume all responsibility for liability and safety, the fireworks to be shot on 7/4/02, or alternate dates of 7/5 or 7/6 at 6064 160<sup>th</sup> Ave., Storm Lake. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the contract with Prochaska & Associates to produce construction documents for the jail HVAC project. Carried.

The board discussed an addition to the COBRA policy, but no action was taken at this time.

Environmental Health Director Kim Johnson reported that Buena Vista County has been accepted in the Onsite Wastewater System Assistance Program (OSWAP).

The board received a letter signed by Conservation Director Gary Christiansen for the Conservation Board requesting that the remainder of the Conservation Board operating budget for FY'02 (\$12,000) be put toward the dredge project.

For the present, Chairman Vail will attend the first meeting on 7/19 of the USDA Local Work Group to support local conservation efforts. Dwight Young, District Chairman, SWCD, had requested that the board appoint a representative to assist in the partnership.

The auditor reported that the letter from Tom Smith regarding a cleanout of DD #274 was adequate, that no petition was needed, and that Engineer Ivan Droessler has been notified of the request.

There being no further business, motion by Burnside to adjourn the meeting at 11:50 a.m. until Tuesday, July 9 at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
TWENTY-NINTH MEETING, 2002 SESSION (29)  
JULY 9, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, July 9, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Ron Neulieb, Control Systems Specialists, and Sue Morrow, Spectra Health Care Administrator, were present to discuss the two compressors in the Spectra air cooling system which have failed after less than 5 years of service. With certified copies of Board of Supervisors minutes showing that the project had been delayed from its initial schedule, Bill Swift, from Swift Air, asked the manufacturer if the compressors should have still been under warranty at the time they failed. Swift has reported that the answer was yes. Neulieb believed that they were not since they had been ordered in March of 1997, but his service records should indicate when they were put in service. He will review his records and if the compressors are under warranty, he will repair/replace them. Supervisor Gustafson stated that he was opposed to Control Systems continuing to provide service since Neuliebs had not initiated the inquiry about the warranty at the time the units failed. Morrow is also concerned about the remaining 6 compressors and what life they may have left – what can be expected in the next 5 years. Neulieb has suggested a maintenance contract to keep the system in the best state of service.

County Attorney Phil Havens presented a lease agreement for the space to be rented in the Storm Lake Police Station. Motion by Crampton to approve and to authorize the Chairman to sign a lease agreement with the City of Storm Lake for office space for the County Attorney's department (Assistant County Attorney and clerical support employee) in the city police station, the rent to be \$250/month, and the term to be indefinite, cancelable with a written 60 day notice. Carried.

Engineer Jon Ites reviewed the price schedule for driveway installation, recommending that the prices be increased to reflect the increase in pipe cost. The board agreed to increase the prices now, rather than wait until January. Ites will prepare a schedule for the board's signature.

Chad Wiedemann, Caterpillar representative, reported that a warranty could be added to the hydraulic system for an additional \$412. Gustafson stated that he can't support the purchase for the reasons given last week. Motion by Crampton to purchase a Caterpillar 140H-02 motorgrader for \$169,950 with trade-in of a 1978-140G. Ayes—Bruns, Burnside, Crampton, Vail. Nays—Gustafson. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign the renewal application for off premises Class C beer, liquor & Sunday sales permits, and the new application for Class B wine permits submitted by Simar Food Corp dba Pronto Market. Carried.

Scott Randall, Northwest Rock of Ages Monument Company, proposed a program for purchase of cemetery memorials by payroll deduction. The program would allow a person to make the purchase over 3 years at no interest, and perhaps at a group price depending upon level of interest. The consensus of the Board was to decline to offer the program to employees, and to decline endorsement in marketing to county employees.

County Assessor Ted Van Grootheest reviewed 2002 100% valuations compared to 2001. The county shows a 1.6035% growth in the 100% values on property assessed by the county assessor. Total taxable values will not be available until rollback figures and utility values are obtained from the Iowa Dept of Revenue & Finance later this year.

Weed Commissioner Norm Lund and Assistant Commissioner Dave Wiley stated that they planned to attend the Roadside Vegetation Management Conference in Cedar Falls in August. Lund asked for direction regarding three parties who have been notified, but have failed to take action, to destroy noxious weeds. Penalties of \$10/day for 10 days can be assessed, as well as the weed commissioner hiring someone to go in and destroy the weeds. These costs would then be added to property taxes due. The Board recommended that he begin by requesting that the County Attorney write letters to the three parties.

CPC Dawn Mentzer reported that she had received a contract from RIDES (Regional Transit Authority) for the night taxi service currently being provided in Storm Lake. The rate increase will amount to approximately \$3,000 more than the current year – or \$10,539.35 total. She is concerned about how MH/MR consumers will be able to absorb the portion that they will be required to pay. Mentzer will look into some possibilities for them, and will ask the County Attorney to review the proposed contract.

Burnside left the meeting.

Motion by Crampton to approve the minutes of the 7/2 meeting as corrected, and the following reports: June 12 minutes of NW Aging Policy Council, June Spectra lagoon report by Mangold Environmental, June fines-forfeitures-surcharge fees collected by BV Co. Clerk of Court, 4<sup>th</sup> Qtr FY'02 – Clerk's fines, forfeitures, surcharge fees.

Motion by Bruns to set the following date and times of public hearings as follows: all on July 16, 2002 - at 8:00 a.m. on the Melvin Grundmeier s/d request in Section 25, Maple Valley Twp.; 8:05 Bruce Edwards s/d request in Section 6, Washington Twp.; 8:10 Richard Stille s/d request Section 19, Providence Twp. Ayes—Bruns, Crampton, Gustafson, Vail. Carried.

There being no further business, motion by Gustafson to adjourn the meeting at 12:20 p.m. until Tuesday, July 16 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRTIETH MEETING, 2002 SESSION (30)  
JULY 16, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 16, 2002, at 8:00 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

8:00 a.m.—The time having arrived for the public hearing on the subdivision request of Mel Grundmeier, the Chairman opened the hearing with Zoning Director Kim Johnson and 1 other interested person present. Johnson reviewed the details of the request and reported that the Zoning Commission had recommended approval with the stipulation that lot B becomes a part of the north lot. The sale of 2.75 acres will permit an increase to the size of an animal feeding operation. There being no objections, motion by Crampton to close the public hearing. Carried. Motion by Bruns to accept the recommendation of the Zoning Commission to approve and to authorize the Chairman to sign Resolution 2002-07-16-A approving the subdivision request of Mel Grundmeier for a location in Section 25, Maple Valley Township. Carried.

**RESOLUTION 2002-07-16-A**

WHEREAS, **Melvin Grundmeier has presented a preliminary and final plat (of survey) on the following described property: DESCRIPTION: LOT B**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE¼ SE¼) OF SECTION 25, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 25; Thence on a previously recorded bearing of South 00°11'26" West, along the East line of said Southeast Quarter (SE¼), 753.80 feet to the Point of Beginning. Thence continuing along said East line, South 00°11'26" West, 200.00 feet; Thence North 89°48'34" West, 600.00 feet; Thence North 00°11'26" East, 200.00 feet; thence South 89°48'34" East, 600.00 feet to the Point of Beginning.

Hereafter known as Lot B of Section 25, Township 90 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 2.75 Acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: Lot B becomes part of the lot directly to the North and is not a buildable lot on its own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: Lot B becomes part of the lot directly to the North and is not a buildable lot on its own.

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

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE¼ SE¼) OF SECTION 25, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 25; Thence on a previously recorded bearing of South 00°11'26" West, along the East line of said Southeast Quarter (SE¼), 753.80 feet to the Point of Beginning. Thence continuing along said East line, South 00°11'26" West, 200.00 feet; Thence North 89°48'34" West, 600.00 feet; Thence North 00°11'26" East, 200.00 feet; thence South 89°48'34" East, 600.00 feet to the Point of Beginning.

Hereafter known as Lot B of Section 25, Township 90 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, is hereby accepted subject to the following if any: Lot B becomes part of the lot directly to the North and is not a buildable lot on its own.

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

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE¼ SE¼) OF SECTION 25, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 25; Thence on a previously recorded bearing of South 00°11'26" West, along the East line of said Southeast Quarter (SE¼), 753.80 feet to the Point of Beginning. Thence continuing along said East line, South 00°11'26" West, 200.00 feet; Thence North 89°48'34" West, 600.00 feet; Thence North 00°11'26" East, 200.00 feet; thence South 89°48'34" East, 600.00 feet to the Point of Beginning.

Hereafter known as Lot B of Section 25, Township 90 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of July, 2002.

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

8:05 a.m.—The time having arrived for the public hearing on the **subdivision request** of Bruce Edwards, the Chairman opened the hearing with Zoning Director Kim Johnson and 1 other interested person present. Johnson reviewed the details of the request which will make room for a slurrystore adjacent to a hog confinement facility. She reported that the Zoning Commission had recommended approval with the stipulation that lot A becomes a part of the lot to the north. There being no objection, motion by Bruns to close the public hearing. Carried. Motion by Gustafson to accept the recommendation of the Zoning Commission to approve and to authorize the Chairman to sign Resolution 2002-07-16-B approving the subdivision request of Bruce Edwards for a location in Section 6, Washington Township, and noting that there are no more hogs planned for the site, and that the slurrystore is a better choice than a lagoon. Carried.

#### **RESOLUTION 2002-07-16-B**

**WHEREAS**, Bruce Edwards has presented a preliminary and final plat (of survey) on the following described property: **DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER (NE¼ NE FRAC ¼) OF SECTION 6, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Northeast Fractional Quarter (NE Frac.¼) of said Section 6; Thence on a previously recorded bearing of South 00°19'00" West, along the East line of said Northeast Fractional Quarter (NE Frac.¼), 457.80 feet to the Point of Beginning. Thence North 90°00'00" West, 611.80 feet; Thence South 00°19'00" West, 142.40 feet; Thence South 90°00'00" East, 611.80 feet to the East line of said Northeast Fractional Quarter (NE Frac.¼); Thence North 00°19'00" East, along said East line, 142.40 feet to the Point of Beginning.

Hereafter known as Lot A of Section 6, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 2.00 Acres and is subject to all easements of record.

**WHEREAS**, the final plat meets with the approval of the Zoning Commission subject to the following if any: Lot A becomes part of the lot directly to the North and is not a buildable lot on its own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: Lot A becomes part of the lot directly to the North and is not a buildable lot on its own.

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

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER (NE¼ NE FRAC ¼) OF SECTION 6, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Northeast Fractional Quarter (NE Frac.¼) of said Section 6; Thence on a previously recorded bearing of South 00°19'00" West, along the East line of said Northeast Fractional Quarter (NE Frac.¼), 457.80 feet to the Point of Beginning. Thence North 90°00'00" West, 611.80 feet; Thence South 00°19'00" West, 142.40 feet; Thence South 90°00'00" East, 611.80 feet to the East line of said Northeast Fractional Quarter (NE Frac.¼); Thence North 00°19'00" East, along said East line, 142.40 feet to the Point of Beginning.

Hereafter known as Lot A of Section 6, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa is hereby accepted subject to the following if any: Lot A becomes part of the lot directly to the North and is not a buildable lot on its own.

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

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER (NE¼ NE FRAC ¼) OF SECTION 6, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Northeast Fractional Quarter (NE Frac.¼) of said Section 6; Thence on a previously recorded bearing of South 00°19'00" West, along the East line of said Northeast Fractional Quarter (NE Frac.¼), 457.80 feet to the Point of Beginning. Thence North 90°00'00" West, 611.80 feet; Thence South 00°19'00" West, 142.40 feet; Thence South 90° 00' 00" East, 611.80 feet to the East line of said Northeast Fractional Quarter (NE Frac.¼); Thence North 00°19'00" East, along said East line, 142.40 feet to the Point of Beginning.

Hereafter known as Lot A of Section 6, Township 91 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of July, 2002.  
/s/ Richard Vail, Chair Board of Supervisors /s/ Karen M. Strawn, Auditor  
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8:10 a.m.—The time having arrived for the public hearing on the **subdivision request** of Richard Stille, the Chairman opened the hearing with Zoning Director Kim Johnson and 1 other interested person present. Johnson reviewed the details of the request which includes a proposal to re-divide the property, and, reported that the Zoning Commission had recommended approval of the request. There being no



objection, motion by Gustafson to close the public hearing. Carried. Motion by Gustafson to accept the recommendation of the Zoning Commission with stipulations, to approve, and, to authorize the Chairman to sign Resolution 2002-07-16-C approving the subdivision request of Richard Stille for a location in Section 19, Providence Township. Carried.

**RESOLUTION 2002-07-16-C**

**WHEREAS**, Richard Stille / Ronald and Rhonda Wind have presented a preliminary and final plats (of survey) on the following described property: DESCRIPTION FOR LOT A:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 19, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the (NE) Corner of the Southeast Quarter (SE¼) of said Section 19; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼) 633.69 feet to the Point of Beginning. Thence North 90°00'00" West, 498.40 feet; Thence South 00°00'00" East, 350.46 feet; Thence South 89°50'12" East, 498.40 feet to the East line of said Southeast Quarter (SE¼); Thence North 00°00'00" West, along the East line of said Southeast Quarter (SE¼); 391.89 feet to the Point of Beginning.

Hereafter referred to as Lot A of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

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

DESCRIPTION FOR LOT B:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 19 TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 18; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼) 985.57 feet to the Point of Beginning. Thence continuing South 00°00'00" East, along said East line, 21.98 feet; Thence North 90°00'00" West, 498.40 feet; Thence North 00°00'00" West, 23.40 feet; Thence South 89°50'12" East 498.40 feet to the Point of Beginning.

Hereafter referred to as Lot B of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 0.26 Acres and is subject to all easements of record.

**DESCRIPTION LOT C**

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER (N½ SE¼) OF SECTION 19, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southeast Quarter (SE¼) of said Section 19; Thence on an assumed bearing of North 00°33'36" East, along the West line of said Southeast Quarter (SE¼), 1648.89 feet to the Point of Beginning. Thence South 89°50'12" East, 2127.72 feet; Thence North 00°00'00" West, 5.32 feet; Thence North 89°50'12" West, 2127.67 feet to the West line of said Southeast Quarter (SE¼); Thence South 00°33'36" West, along said West line, 5.32 feet to the Point of Beginning.

Hereafter referred to as Lot C of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 0.26 Acres and is subject to all easements of record.

DESCRIPTION FOR LOT D:

A TRACT OF LAND LOCATED IN THE SOUTH ONE-HALF (S1/2) OF THE NORTHEAST QUARTER (NE¼) AND IN PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER (N½ SE¼), ALL IN SECTION 19, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 19; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼), 633.69 feet; Thence North 90° 00' 00" West, 498.40 feet; Thence South 00° 00'00" East, 345.14 feet; Thence North 89°50'12" West, 2127.67 feet, to the West line of said Southeast Quarter (SE¼); Thence North 00°33'36" East, along said West line 984.00 feet to the Northwest (NW) Corner of said Southeast Quarter (SE¼); Thence North 00° 34' 26" West, along the West line of the Northeast Quarter (NE¼), 80.91 feet; Thence South 89°45'17" East, 2617.38 feet to the East line of said Northeast Quarter (NE¼); Thence South 00°04'26" West, along said East line, 80.90 feet to the Point of Beginning.

Hereafter referred to as Lot D of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 60.00 Acres and is subject to all easements of record.

**WHEREAS**, the final plats meet with the approval of the Zoning Commission subject to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own and Lot C becomes part of the lot directly to the South and is not a buildable lot on its own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own and Lot C becomes part of the lot directly to the South and is not a buildable lot on its own.

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

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 19, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the (NE) Corner of the Southeast Quarter (SE¼) of said Section 19; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼) 633.69 feet to the Point of Beginning. Thence North 90°00'00" West, 498.40 feet; Thence South 00°00'00" East, 350.46 feet; Thence South 89°50'12" East, 498.40 feet to the East line of said Southeast Quarter (SE¼); Thence North 00°00'00" West, along the East line of said Southeast Quarter (SE¼); 391.89 feet to the Point of Beginning.

Hereafter referred to as Lot A of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

DESCRIPTION FOR LOT B:

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 19 TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 18; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼) 985.57 feet to the Point of Beginning. Thence continuing South 00°00'00" East, along said East line, 21.98 feet; Thence North 90°00'00" West, 498.40 feet; Thence North 00°00'00" West, 23.40 feet; Thence South 89°50'12" East 498.40 feet to the Point of Beginning.

Hereafter referred to as Lot B of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION LOT C**

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER (N½ SE¼) OF SECTION 19, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southeast Quarter (SE¼) of said Section 19; Thence on an assumed bearing of North 00°33'36" East, along the West line of said Southeast Quarter (SE¼), 1648.89 feet to the Point of Beginning. Thence South 89°50'12" East, 2127.72 feet; Thence North 00°00'00" West, 5.32 feet; Thence North 89°50'12" West, 2127.67 feet to the West line of said Southeast Quarter (SE¼); Thence South 00°33'36" West, along said West line, 5.32 feet to the Point of Beginning.

Hereafter referred to as Lot C of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION FOR LOT D:**

A TRACT OF LAND LOCATED IN THE SOUTH ONE-HALF (S½) OF THE NORTHEAST QUARTER (NE¼) AND IN PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER (N½ SE¼), ALL IN SECTION 19, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 19; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼), 633.69 feet; Thence North 90°00'00" West, 498.40 feet; Thence South 00°00'00" East, 345.14 feet; Thence North 89°50'12" West, 2127.67 feet, to the West line of said Southeast Quarter (SE¼); Thence North 00°33'36" East, along said West line 984.00 feet to the Northwest (NW) Corner of said Southeast Quarter (SE¼); Thence North 00°34'26" West, along the West line of the Northeast Quarter (NE¼), 80.91 feet; Thence South 89° 45' 17" East, 2617.38 feet to the East line of said Northeast Quarter (NE¼); Thence South 00°04'26" West, along said East line, 80.90 feet to the Point of Beginning.

Hereafter referred to as Lot D of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa, are hereby accepted subject to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own and Lot C becomes part of the lot directly to the South and is not a buildable lot on its own.

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

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 19, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the (NE) Corner of the Southeast Quarter (SE¼) of said Section 19; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼) 633.69 feet to the Point of Beginning. Thence North 90°00'00" West, 498.40 feet; Thence South 00°00'00" East,

350.46 feet; Thence South 89°50'12" East, 498.40 feet to the East line of said Southeast Quarter (SE¼); Thence North 00°00'00" West, along the East line of said Southeast Quarter (SE¼); 391.89 feet to the Point of Beginning.

Hereafter referred to as Lot A of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION FOR LOT B:**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 19 TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 18; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼) 985.57 feet to the Point of Beginning. Thence continuing South 00°00'00" East, along said East line, 21.98 feet; Thence North 90°00'00" West, 498.40 feet; Thence North 00°00'00" West, 23.40 feet; Thence South 89°50'12" East 498.40 feet to the Point of Beginning.

Hereafter referred to as Lot B of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION LOT C**

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER (N½ SE¼) OF SECTION 19, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southeast Quarter (SE¼) of said Section 19; Thence on an assumed bearing of North 00°33'36" East, along the West line of said Southeast Quarter (SE¼), 1648.89 feet to the Point of Beginning. Thence South 89°50'12" East, 2127.72 feet; Thence North 00°00'00" West, 5.32 feet; Thence North 89°50'12" West, 2127.67 feet to the West line of said Southeast Quarter (SE¼); Thence South 00°33'36" West, along said West line, 5.32 feet to the Point of Beginning.

Hereafter referred to as Lot C of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION FOR LOT D:**

A TRACT OF LAND LOCATED IN THE SOUTH ONE-HALF (S1/2) OF THE NORTHEAST QUARTER (NE¼) AND IN PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER (N½ SE¼), ALL IN SECTION 19, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the Southeast Quarter (SE¼) of said Section 19; Thence on an assumed bearing of South 00°00'00" East, along the East line of said Southeast Quarter (SE¼), 633.69 feet; Thence North 90°00'00" West, 498.40 feet; Thence South 00°00'00" East, 345.14 feet; Thence North 89°50'12" West, 2127.67 feet, to the West line of said Southeast Quarter (SE¼); Thence North 00°33'36" East, along said West line 984.00 feet to the Northwest (NW) Corner of said Southeast Quarter (SE¼); Thence North 00°34'26" West, along the West line of the Northeast Quarter (NE¼), 80.91 feet; Thence South 89°45'17" East, 2617.38 feet to the East line of said Northeast Quarter (NE¼); Thence South 00°04' 26" West, along said East line, 80.90 feet to the Point of Beginning.

Hereafter referred to as Lot D of Section 19, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plats shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of July, 2002.  
/s/ Richard Vail, Chair Board of Supervisors                      /s/ Karen M. Strawn, Auditor  
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Motion by Burnside to approve the minutes of the 7/9 meeting as printed, and the following reports: June Conservation Board minutes, Treasurer's semi-annual. Carried.

After discussion of the changes to the form suggested by the county attorney, motion by Crampton to approve and to adopt the Buena Vista County Application for Fireworks Display Permit for use by any person seeking approval to shoot fireworks in the unincorporated area of the county. Carried.

CPC Dawn Mentzer, PH Nurse Administrator Diane Anderson, and Deputy Auditor Sue Kennedy reported to the Board on several meetings they have attended on HIPAA (Health Insurance Portability and Accountability Act – federal legislation), and included an overview of the work to be done by the county. Planning for compliance needs to begin now in order to meet the 10/2003 deadline. An application for extension of the original deadline of 10/2002 will be needed due to the amount of work to be done. They recommended that the board appoint a committee with representatives from those departments which will be effected by the new policies, and, a coordinator to facilitate the meetings and assist the departments. Motion by Crampton to appoint the following persons to a BV Co. HIPAA Implementation Committee: Diane Anderson, Dawn Mentzer, Sue Kennedy, Leigh Madsen, Rick Kimble (Phil Havens-alternate), Lorna Burnside (Jim Gustafson-alternate), Sue Hammen (Kathy Bach-alternate), Chuck Eddy (Don McClure-alternate), and Shirley Johnson (Jon Ites-alternate), and with Julie Smith (Public Health) to be the facilitator/coordinator. Carried.

Motion by Crampton to approve and to authorize the Chairman to sign the reimbursement claim for the substance abuse grant expenditures with the Iowa Department of Public Health for FY'02. Carried.

Mentzer discussed possible alternatives for RIDES for MH/MR clients who can't absorb the rate increases. This will be discussed further at the July 30<sup>th</sup> meeting.

Tim Humes addressed the board about hog confinements. He lives 3.5 miles east of Sioux Rapids and is being surrounded by new hog confinements. He believes his civil rights are being violated with these developments being allowed, and that zoning law should not be written with a bias towards this type of endeavor. He is considering pursuing this with the ACLU because his rights to enjoy his property have been damaged. He noted that no one asked his opinion or even told him in advance of the facilities going in.

Motion by Burnside to approve and to authorize the Chairman to sign a "Consent to Assignment and Assumption of Agreement" which provides the county's consent for McLeodUSA to assign its five previously granted utility construction permits (granted by the county) to McLeodUSA Telecom Development, Inc. or PrairieWave Telecommunications, Inc. (the name to be finalized at a future unknown date), the permits having been approved March 24, 2000 for locations on C-49, W Marina Road, Radio Road (120<sup>th</sup> Ave.), at the intersection of N-14 & C-49, and, Mallard/S. Lakeshore. Carried.

Motion by Gustafson to approve and to authorize the Auditor to transfer \$1,850 from the General Fund to the Conservation Land Acquisition Trust Fund, the amount being restitution collected for the destruction of trees, to be used for their replacement from the Trust Fund. Carried.

Motion by Gustafson to approve the application for an Iowa Retail Cigarette Permit for 7/1/02 – 6/30/03, submitted by Simar Food Corporation dba Pronto Market, Storm Lake. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the 28E agreement with Juvenile Court Services and IDHS for the provision and funding of the supervision programs for juvenile Court Services for FY'03, subject to the favorable review of the county attorney. Carried.

Dale Brigham, Project Manager for **Clay Regional Water**, with Mary Jo Umschied and Elizabeth Johansen, were present to give the board an update on its progress with CRW's project in Buena Vista County. Brigham informed the board that the project in Buena Vista County will be receiving a large sum of money from the 2002 farm bill, with the formal announcement to be made in the near future. There are currently about 435 customers who have signed up in this county. CRW expects a 20-25% increase in sign-ups once construction begins.

Kuehl & Payer Engineer Ivan Droessler discussed Tom Smith's request for a cleanout in **DD#274**. Droessler had done a preliminary study last October which showed there was some impairment of the system. An additional study to explore a greater project could be done. The board set July 30 at 10:30 a.m as the date and time for a joint meeting with Sac County to accept the request, to appoint an engineer, and to order the additional study.

Droessler discussed the few proposals received to date for the **tree removal project** in the drainage districts. He would like to seek additional proposals and then negotiate to keep the project under \$10,000. The board agreed.

With Drainage Attorney Gary Armstrong, and Mark Sandvik from NRCS present, Engineer Droessler discussed the status of the **Dudycha wetland project**. After a review of the project, Droessler indicated that if the drainage attorney considers Dr. Dudycha's letter format acceptable, (listing the drainage district's concerns and his agreement on the items), then he recommends that the board members (as Trustees of the drainage district) approve Dudycha's wetland project. Armstrong will draft a resolution of approval for the board to sign as trustees of the drainage district .

**Treasurer** Kathy Bach was present to review her semi-annual report for the 2nd ½ FY'02. Motion by Burnside to accept the Treasurer's semi-annual report for filing. Carried.

Following discussion with the auditor and treasurer of the reduction of state appropriations for credits and exemptions on property taxes, motion by Bruns to approve and to authorize the Chairman to sign the following resolution regarding the administration of the reduced property tax credit/exemption reimbursements. Carried.

**RESOLUTION 2002-07-16-D**

**WHEREAS**, the State of Iowa has appropriated moneys for fiscal year July 1, 2002 through June 30, 2003, which moneys are insufficient to fund the various local property tax credits/exemptions fully, and,

**WHEREAS**, Iowa Code Section 25B.7 requires local governments to extend to the taxpayers only those portions of the property tax credits/exemptions that are estimated by the Iowa Department of Revenue and Finance to be funded by the state appropriation, and

**WHEREAS**, the Iowa Department of Revenue and Finance has estimated the percentages of funding for the affected property tax credits/exemptions as follows: Homestead credit (including Disabled Veteran's Homestead Credit) 90%, Low-income-Elderly-Disabled Credit 80%, Military Exemption 97%,

**NOW, THEREFORE BE IT RESOLVED** by the Buena Vista County Board of Supervisors that pursuant to Iowa Code Section 25B.7 the property tax credits/exemptions in Buena Vista County for fiscal year July 1, 2002 through June 30, 2003 shall be extended to taxpayers as follows:

Homestead Credit	90%	Disabled Veteran's Homestead Credit	90%
Military Exemption	97%	Low-Income, Elderly, Disabled Credit	80%

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of July, 2002.

/s/ Richard Vail, Chair Board of Supervisors

/s/ Karen M. Strawn, Auditor  
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There being no further business, motion by Bruns to adjourn the meeting at 2:10 p.m. until Tuesday, July 30 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-FIRST MEETING, 2002 SESSION (31)  
JULY 30, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, July 30, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting. Absent: Burnside.

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

Steve Gustafson informed the board that Bauer's new structure at Casino Beach has been moved from the old foundation to the new.

Jim Vermeer, Vice-President of Business Development for Corn Belt Power, met with the Board to discuss the organization of **Mid Iowa Economic Development Corporation** (MIEDC) – an economic development group combining the efforts of 10 counties. Also present were SLADC Executive Director Chris Nolte and Storm Lake City Administrator John Call. Buena Vista County has been invited to participate in the group, along with Kossuth, Pocahontas, Humboldt, Wright, Hardin, Hamilton, Webster, Calhoun and Sac Counties, to work on economic development with a regional approach. Vermeer noted that participation by appointing members to the MIEDC Board of Directors does not commit the county to financial support in the future. If possible, they would like to have the Board appoint 2 persons to the MIEDC Board of Directors by next Tuesday, August 6.

**Genesis Development** Executive Director Terry Johnson updated the Board on current activity levels at the Storm Lake facility. He reported that adult day activity has a new funding source in the form of a waiver program which would reduce the county's cost from 100% to 38%. His organization has been meeting with the hospital to discuss programs which are similar, in order to avoid duplication. He inquired whether the board had any opposition to his continuing discussion with the hospital. The board did not. Tomorrow is the 5 year anniversary for Genesis Development at the Storm Lake site.

Engineer Jon Ites presented utility permits. Motion by Bruns to approve and to authorize the Chairman to sign the following underground **utility permit** applications:

- from Peoples Telephone, Aurelia, to replace old cable on the south side of Section 5, east side of Section 6, and on the north side of Section 5, Elk Township;
- from Iowa Lakes Electric, Estherville, to install 7200V single phase electric cable from the south side of Section 16 to the north side of Section 9, Coon Township. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the following **utility permit** applications:

- from Alliant Energy (Interstate Power & Light), Cedar Rapids, to install overhead power pole lines from the NE corner Section 4, Fairfield Township, across the intersection to the SW corner of Section 34, Poland Township, thence east 1,400 feet to the hog buildings;
- from Alliant Energy, Cedar Rapids, to install overhead power pole lines from the SE¼ of Section 26, Poland Township, across the road and thence north 2,200 feet to hog buildings;

- from Iowa Lakes Electric, Estherville, to install 7200V single phase electric lines from the east side of 235<sup>th</sup> Ave., through Section 14, Fairfield Township. Carried.

Ites reported that leases for gravel stockpile sites at Alta and Newell are up this year. Following contact with the owner of the MacKay stockpile, Ites recommended an Increase in rent from \$100 to \$125 per year for 5 years. He has received no comment from the city of Newell regarding the other site.

Motion by Gustafson to accept the offer of Aurelia Implement Co. to purchase for \$9,080 the excess Secondary Road equipment – tractor with loader plus mower and broom. Carried.

The county's original 5-year construction plan had included black-topping N-14, however, when borrowing ahead from farm to market funds was suspended, this project was delayed. Permission to borrow ahead has been restored. Engineer Ites explained that moving N-14 back into the same year as the M-54 and C-13 projects, would gain overall price savings. Ites requested approval to put the N-14 project back in the same year as originally scheduled. Gustafson expressed concerns about continuing to black-top roads in the long term. Ites noted that BV County is in a good/bad situation. We are near the top in the state in the number of paved roads, which is good when considering the benefit to our citizens. But this also would indicate a lower need since we have them already, which translates into fewer dollars from road use tax funds. It was the consensus of the board to approve.

Randy Van Dyke and Dale Brigham, Clay Regional Water, were present to discuss funding for the rural water project in Buena Vista County. They are seeking the county's endorsement to seek grant funds on behalf of the county for the project. They are doing a LMI (low to moderate income) survey to determine if we are eligible, where 51% low income is necessary to qualify. Motion by Crampton to authorize the chairman to sign the pre-application for rural water grant funds to be submitted on behalf of the county, if it qualifies, by Clay Regional Water and NWIPDC. Carried.

10:30—The time having arrived for a telephonic joint meeting with the Sac County Board of Supervisors regarding DD #274 Jt., present from Sac County were Supervisors Kroeger, Bensley and Hecht, Deputy Auditor Jo Ellerbrock, Engineer Ivan Droessler, and 1 person from the media. It was reported to the Sac Board that all BV Supervisors except Burnside, plus Strawn were present in BV County. Motion by Kroeger that Bruns serve as Chairman, and Strawn as Secretary, seconded by Vail. Carried-all ayes. Droessler stated that the purpose of the meeting was to consider the petition from Tom Smith on behalf of Frank Smith and S&S Farms to clean out the drainage ditch. A preliminary investigation done last fall on the upper end was to facilitate work that Tom Smith wanted to do. A profile was done from the Wadsley location upstream to the open ditch which indicated there is over two foot of sediment. Sedimentation has been fairly rapid as it has not been too long ago that the ditch was cleaned. Droessler recommended a full investigation to determine extent of the problem and size of a cleanout project. Gustafson asked why there had been early sedimentation. Droessler stated that no grass strips are required in the district, that farming is done right up to the open ditch, and the soil is light, probably moving just by wind. Buffer strips would probably help. Motion by Gustafson to accept the petition, to appoint Ivan Droessler of Kuehl & Payer as the engineer, and to order an investigation, seconded by Hecht. Carried-all ayes. Bruns asked about the Wadsley culvert that was installed too high by the contractor a couple years ago. Droessler stated that it did not significantly impact this situation, and that a penalty had been deducted by the district from the payment to the contractor. Motion by Bensley, second by Crampton, to adjourn the meeting. Carried-all ayes.

Denise Jennett, Gingerbread House Director, was present to report on the funds provided by the county for child care. 3% of their revenue comes from the county. Jennett showed a chart indicating the employment of the parents whose children attend Gingerbread. The largest group are from businesses. 22% are Hispanic, 4% African American, another 4%-other, with 70% white. Gingerbread House also operates a center in Sioux Rapids which currently has a waiting list for babies. Their parent advisory board is working on additional playground facilities. The Storm Lake center's enrollment is the size of a grade school. She concluded that the day care assistance provided by the county is not the kind of assistance that goes on forever since parents improve their skills and income, and children grow up and out of the need for the care. It is a good investment.



General Relief Director Paula Guerra and Community Services Director Dawn Mentzer were present to discuss the county's general relief guidelines which have not been updated for several years. Several areas were discussed, with additional review to be done before approval.

With 27 consumers, providers and client family members present, the board discussed the rate increases being implemented by RIDES. Community Services Director Dawn Mentzer led a discussion of the concerns of those who use the system. The board is looking for input on how best to spend county funds, i.e. buying down the cost of tickets, keeping night shuttle service at 2 nights per week, etc. Clients expressed a number of concerns about the rate increases which virtually eliminate earnings for some who work just a few hours, access to community resources. The use of different types and prices of tickets was discussed. The board also invited input from providers by whom it was noted that reduction in the night shuttle will have an impact on the clients' sense of independence, and by another – clients could probably get by with changing the night shuttle to every other Tuesday and keeping the every Thursday schedule. RIDES Director Rose Lee was asked if there was any flexibility in the prices that she charges. She noted that the agency is on a budget also, and does not have any flexibility with its fees. Responding to another question, all counties received rate increases, but the increases were not the same everywhere. The board thanked those present for attending and providing comments. No action will be taken today, but the comments will be taken under advisement for a decision at a later time.

Community Services Director Dawn Mentzer, with staff members Wanda Woltman, Tami Mills-Johnson and Linda White present, gave the board a copy of her evaluation of the case management program, which is prepared annually. She is pleased with the results achieved by the case managers, and has learned through feed back from consumer surveys that clients and families are pleased with the services they receive. The program continues to save the county dollars by striving to place clients at the least restrictive level in environments that are most cost effective for the county.

Linda White, Community Services Secretary, reported on the condition of an old computer in that department. An outside consultant has indicated that its value is very little - 'pocket change'. Upon request to purchase, motion by Bruns to authorize the sale of an excess, outdated computer from the Community Services Department to Dawn Mentzer for \$10. Carried.

Mentzer reported on the successful personnel evaluation in June of one of the case managers.

Motion by Bruns to approve and to authorize the Chairman to sign the cost allocation plan for FY'01 prepared by Maximus. Carried.

Motion by Gustafson to approve and to authorize the Auditor to sign the cigarette permit application of the Little Sioux Golf and Country Club, Sioux Rapids. Carried.

Motion by Crampton to approve the renewal application for outside sales of beer/liquor/wine by Sparky's One Stop. Carried.

Motion by Bruns to approve and to authorize the chairman to sign the tree removal contracts with Richard Construction, Sac City, as follows: DD #1 - \$8,400 for tree removal in the main open ditch; DD #34 - \$10,000 for tree removal in the main open ditch; DD #34 - \$10,000 for tree removal in the Lateral 2 ditch. Carried.

Motion by Crampton to approve and to authorize the Chairman to sign the following resolution providing DD #47 approval to construct a wetland in Poland Township – owner, Dr. David Dudycha.

#### **RESOLUTION 2002-07-30**

**BE IT RESOLVED** by the Board of Supervisors of Buena Vista County, Iowa, acting as Trustees of Drainage District No. 47, as follows:

1. Approve the removal and modification of Drainage District No. 47's tile as proposed by the Natural Resources Conservation Services (NRCS) for the development of a proposed wetland on real

estate owned by David Dudycha on property located in the South Half (S½) of Section One (1) of Township Ninety-three (93) North, Range Thirty-five (35) West of the Fifth P.M., Buena Vista County, Iowa.

2. That this approval was subject to David Dudycha having agreed to certain requirements of Drainage District No. 47 as fully set forth in his letter of May 21, 2002, a copy of which is attached hereto and by this reference made a part hereof as Exhibit "A".

3. That this approval is subject to David Dudycha paying Kuehl & Payer a fee of \$320.96 for engineering fees, said amount to be paid within 30 days.

4. That the Auditor is directed to place a copy of this Resolution in the official minutes of Drainage District No. 47.

Passed and approved on the 30<sup>th</sup> day of July, 2002.

/s/ Richard A. Vail, Buena Vista County Board of Supervisor's Chairperson  
/s/ Karen M. Strawn, Buena Vista County Auditor

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Motion by Crampton to appoint SLADC Executive Director Chris Nolte, and Robert Reno, Sioux Rapids, as the county's representatives to the **MIEDC** Board of Directors. Carried.

Motion by Gustafson to add Kim Johnson and Tim Speers to the Buena Vista County **HIPAA** Implementation Committee, to move Julie Smith who has been appointed facilitator/coordinator to full time status with benefits, and to approve the additional funds for wages and benefits to the public health budget when needed. Carried.

The following policy was reviewed and approved by consensus of the Board:

**COURT HOUSE AND ANNEX BUILDING SECURITY**

SUBJECT: AFTER HOURS WHEN COURT HOUSE AND ANNEXES ARE LOCKED

All the doors at all the buildings should be locked at closing time which is 4:30 P.M. At the Richland Annex this would vary on immunization days and for Catholic Charities.

Any employee leaving the buildings shall not let any person in the building after the doors are locked. They can tell the person that the offices are closed for business. If the employee is concerned about confronting the people, they could use another exit or call the communication center for help from a deputy. We all must strive towards keeping the Court House and other county buildings as secure as possible.

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Following discussion of what portions of the **minutes** are currently included in the published minutes, it was noted that there may be occasions when boardmember comments should be included, even if not part of a motion. In the future "for the record" comments will be published along with the motion.

Motion by Gustafson to approve the **minutes** of the 7/16 meeting as printed, and the following **reports**: 2<sup>nd</sup> half FY'02 Recorder's fees, Maximus FY'01 actual cost allocation report, 2<sup>nd</sup> Qtr '02 Farm-to-market road fund report. Carried.

There being no further business, motion by Crampton to adjourn the meeting at 4:05 p.m. until Tuesday, August 13 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-SECOND MEETING, 2002 SESSION (32)  
AUGUST 13, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 13, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

8:30—The time having arrived for the public hearing on the subdivision request of Rolan Snyder, the Chairman opened the hearing with 0 interested persons present, and asked Zoning Director Kim Johnson to review the request. The recommendation of the Zoning Commission was to approve the request. It was noted that when the county's new subdivision ordinance is adopted during re-codification, this type of public hearing will no longer be necessary. There being no objections to the request, motion by Burnside to close the public hearing. Carried. Motion by Crampton to accept the recommendation of the Zoning Commission, and, to approve and to authorize the Chairman to sign the resolution approving the subdivision request of Rolan Snyder. Carried.

**RESOLUTION 2002-08-13-A**

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

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW¼ SW¼) OF SECTION 11, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW¼) of said Section 11; Thence on an assumed bearing of North 90°00'00" East, along the South line of said Southwest Quarter (SW¼) 893.71 feet to the Point of Beginning. Thence continuing along said South line, North 90°00'00" East, 243.00 feet; Thence North 00°00'00" East, 365.00 feet; Thence South 90° 00' 00" West, 243.00 feet; Thence South 00°00'00" West, 365.00 feet to the Point of Beginning.

Hereafter referred to as Lot A of Section 11, Township 90 North, Range 38 West of the 5<sup>th</sup> P.M. Buena Vista County, Iowa. Tract contains 2.04 Acres and is subject to all easements of record.

**WHEREAS**, the final plats meet with the approval of the Zoning Commission subject to the following if any: Lot A becomes part of original lot to west and is not a buildable lot on its own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: Lot A becomes part of original lot to west and is not a buildable lot on its own.

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

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW¼ SW¼) OF SECTION 11, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW¼) of said Section 11; Thence on an assumed bearing of North 90°00'00" East, along the South line of said Southwest Quarter (SW¼) 893.71 feet to the Point of Beginning. Thence continuing along said South line, North 90° 00' 00" East, 243.00 feet; Thence North 00°00'00" East, 365.00 feet; Thence South 90°00'00" West, 243.00 feet; Thence South 00°00'00" West, 365.00 feet to the Point of Beginning.

Hereafter referred to as Lot A of Section 11, Township 90 North, Range 38 West of the 5<sup>th</sup> P.M. Buena Vista County, Iowa; is hereby accepted subject to the following if any: Lot A becomes part of original lot to west and is not a buildable lot on its own.

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

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW ¼ SW ¼) OF SECTION 11, TOWNSHIP 90 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Southwest Quarter (SW¼) of said Section 11; Thence on an assumed bearing of North 90°00'00" East, along the South line of said Southwest Quarter (SW¼) 893.71 feet to the Point of Beginning. Thence continuing along said South line, North 90°00'00" East, 243.00 feet; Thence North 00°00'00" East, 365.00 feet; Thence South 90°00'00" West, 243.00 feet; Thence South 00°00'00" West, 365.00 feet to the Point of Beginning.

Hereafter referred to as Lot A of Section 11, Township 90 North, Range 38 West of the 5<sup>th</sup> P.M. Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 13<sup>th</sup> day of August, 2002.

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

Motion by Burnside to amend the county's Depository Resolution, approved by the Board of Supervisors on January 2, 2002, by changing the name of Commercial Trust & Savings Bank to Central Bank for the following depository limitations: Treasurer-\$5,000,000.00 and Sheriff-\$100,000.00. Carried.

Pat Baker, USDA Rural Development, discussed how the visioning process for Buena Vista County is proceeding, including the most recent city visit to Marathon. After completion of the city visits, they will come together to develop a vision for the county and then a plan to stimulate growth and development. The process is being facilitated by Frank Spillers and the USDA RD. The city visits have built momentum, with more persons participating each time, building enthusiasm to work together.

Nurse Administrator Diane Anderson invited the Board to an open house on 8/23/02 celebrating the merger of the public health nursing and homecare departments as of 7/1/02. She also reviewed the new Board of Health guidebook used to familiarize Board of Health members with their roles and responsibilities. She mentioned that the state will be changing the way that it provides money to counties for public health activities. Beginning 7/1/03, the local Board of Health will administer funds which currently go independently to its public health and homecare agencies, UDMO, and other local agencies. And finally, partnering with NW IA ADTU, Public Health has submitted a grant application for drug resistance programming in the amount of \$100,000/yr. for 3 years.

Storm Lake Chamber of Commerce Managing Director Marilyn Monson was present to discuss tourism in the county. She thanked the board for sharing the cost of the Western Iowa Tourism membership with the Chamber - \$250/yr. from each organization. She distributed new brochures on Buena Vista County destinations which were paid for with grant funds. The City of Storm Lake provided funds to develop a city brochure which has also been recently completed. By visiting with persons who pick up materials, she has found that there is interest in information about camping accommodations in the county. The Chamber also has a brochure about Santa's Castle. Monson requested the Board's support for the hotel/motel tax question which the City of Storm Lake will be asking for on the General Election ballot. A portion of the proceeds of the tax would go for promotion of the city and area. The Buena Vista County Convention and Visitors Bureau will be receiving a "Community Economic Preparedness Program" award (through IDEED) in October as the only Iowa county so certified to promote itself as a destination for tourism. She invited the Board to attend the "MainStreet" presentation to be given on August 27 at city hall by Tom Guzman, IDEED. Again, she thanked the Board for supporting the save the lake efforts. She has been working with Humboldt and Cherokee on projects on a regional basis.

Motion by Gustafson to approve the minutes of the 7/30 meeting as printed, and the following reports: June Communications Commission minutes, July Conservation Board minutes, Clerk's surcharges-fines-attorney fees, Spectra lagoon monitoring by Mangold. Carried. Also reviewed: current loss runs for FY1998-2000 from The Hartford.

10:00 a.m.--The time having arrived for the bid letting for project #L-B-711—73-11 (small precast bridge on the north side of Section 6, Coon Twp.), Engineer Jon Ites read six proposals which were received from: L. A. Carlson, Merrill; Christensen Brothers, Cherokee; Graves Construction, Melvin; Kooiker, Inc., Lemars; L. j. L. Construction, Woodbine; and Merryman Bridge Construction, Algona. Motion by Gustafson to accept the low bid of L.j.L. Construction, Woodbine for project #L-B-711—73-11, in the amount of \$68,399.33. Carried.

The preliminary bridge inspection report has been filed. Four bridges have had their ratings lowered, and one on M-36 north of Linn Grove has been added to the list of those to be checked annually. Of the four, two are in Maple Valley Township, one in Grant – all 12 ton, and the one in Lincoln Township - 20/30/30 ton.

The Des Moines Register's RAGBRAI Committee sent the county engineer a letter of thanks for his assistance and cooperation this year.

Motion by Burnside to approve and to authorize the Chairman to sign the following leases for gravel stockpile sites: Mackay site located on M-27 for \$125/yr and City of Newell site (south of county shop) for \$100/yr., both for the term of 5 years beginning 1/1/03. Carried.

Motion by Crampton to approve and to authorize the Chairman to sign an agreement with Hallett Materials to crush and furnish 40,000 tons of road gravel from the Salts Pit (1 mile into Clay County on M-50) for \$2.72/ton (this being 3 cents/ton less than last year), and depending on the amount of gravel left in the site, an additional 20,000 tons the following budget year. Carried.

The Board reviewed a request submitted by New Fashion Pork L.L.P., Jackson, MN, for an upgrade from class B to class A for portions of two roads (in Coon and Poland Townships). Motion by Burnside to set the public hearing date on the proposed road maintenance reclassification of portions of two roads from class B to A as September 10 at 9:00 a.m. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign an agreement for preliminary survey services from Kuehl & Payer for the C-49 concrete overlay upgrade project in the amount of \$14,500, to be done this fall so that design work on the project may begin during the winter months. Carried.

By consensus the Board approved the request of Hiway Truck, Fort Dodge, to borrow the county's new truck chassis with snow equipment to exhibit at the Expo in Ames.

Motion by Bruns to **promote** Terry Galvin from Equipment Operator I to Equipment Operator II effective 9/1/02. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the **utility construction permit** submitted by Walmart for a 12" waterline extension crossing of C-49 and then north 400' east into their new site. Carried.

Gustafson is concerned and has received phone calls about the trench dug by **Rembrandt Enterprises** to straighten out the path which the water follows to the ditch. He asked if there should have been a permit to dig the trench. Ites responded that he believes the natural course that the water takes is to go to the ditch, and that the law permits this construction. Ites will contact Engineer Ivan Droessler who did the design for the project and inquire about the situation.

Wellmark Account Manager Deanne Dentlinger introduced Ali Child who has recently been assigned as the account manager to Buena Vista County for the Wellmark administration of the county's self-funded **employee health insurance**.

BV Co. **HIPAA** Coordinator Julie Smith introduced herself to the Board and reported that the county has applied and been granted an extension of the October, 2002 compliance deadline. She discussed the work she has been doing to become knowledgeable on the law and what is necessary for achieving compliance. She will be attending an upcoming meeting with several of the committee members.

There being no further business, motion by Burnside to adjourn the meeting at 12:05 p.m. until Tuesday, August 20 at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-THIRD MEETING, 2002 SESSION (33)  
AUGUST 20, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 20, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting.

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

Community Services Director Dawn Mentzer discussed the **substance abuse commitment** process which is not working as well as it did previously, before state budget cuts eliminated the judicial hospitalization referee. Currently, these duties are assigned to an Associate Judge. Mentzer is working on a draft of the process with the hope of improving the process.

Mentzer discussed the **RIDES nite taxi** program for the current year. A substantial increase in rates, which was not included in the budget, has resulted in the need to review it. Mentzer discussed a number of options for managing the program. Motion by Gustafson to proceed beginning 9/1/02 to allocate a maximum of \$3,000 for the remaining 10 months of the fiscal year to be used for the subsidization of tickets at \$1 per ride for the RIDES nite taxi service which is to be reduced to every Thursday night, and every other Tuesday night (previously every Tuesday as well as Thursday), the subsidization to be available only to persons with legal settlement in Buena Vista County. Carried.

An order by Judge Vipond setting minimum pay and reimbursement of expenses rates for **mental health advocates** was discussed. Mentzer discussed the job of the advocate, noting that the county

currently pays and reimburses advocate expenses at higher rates. Motion by Crampton to continue to pay and reimburse mental health advocate expenses at the same rates as prior to the judge's order. Carried.

The City of Marathon has inquired about a bill to the city, and the status of **DD #168** which was assigned over to the City of Marathon in 1972 since 25% or more of the area of the district lies within the Marathon city limits. Recently a landowner did repairs on a tile line that dumps into DD#34 without the advance approval of the City Council members of Marathon who are the trustees of the district. The district outlets into three different districts. There is a dispute over who the responsible party is for the bill. The auditor was directed to refer the matter and several other questions to the drainage attorney.

Engineer Jon Ites proposed a new **driveway construction fee** schedule. Motion by Burnside to approve and to authorize the Chairman to sign, "Driveway/Field Entrance Construction Costs" to become effective 9/1/02. Carried.

**Driveway/Field Entrance Construction Costs**  
(Price for services by county)

Dirt Fill/Entrance Construction

<u>ROW Width</u>	<u>Base Price (24' Width)</u>	<u>Additional 4' Increments</u>	<u>Extensions 4' Increments</u>
4' or less	\$250	\$30	\$50
41' – 50'	\$325	\$45	\$60
More than 50'	\$450	\$60	\$75

- Cost for dirt fill base price will be adjusted 25% for construction of 6:1 or 8:1 foreslopes on paved roads.
- Minimum charges for extensions will be \$100

Culvert (Furnish and Place)

<u>Diameter</u>	<u>Cost Per Foot</u>
15"	\$12.00
18"	\$14.00
24"	\$20.00
30"	\$30.25
36"	\$41.25
42" +	\$cost + \$2.50/L.F.

- Culverts furnished in multiples of 4 feet length based on width of entrance top plus depth of ditch using appropriate crossslope.
  1. Local gravel 2:1
  2. FM Gravel 3:1
  3. FM Paved 6:1

Effective date: 9-1-02 /s/ Richard A. Vail, Chairman, Board of Supervisors  
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Motion by Crampton to accept and approve Engineer Ites' recommendation, based on his investigation of the **traffic control** needs for the intersection of C-65 and M-27, this being to make no changes in traffic signs due to low accident history and the existing traffic control, and, to direct the auditor to send a copy of the report along with the decision of the board to Max Taber who made the request. Carried.

Motion by Gustafson to accept and approve Engineer Ites' recommendation, based on his investigation of the posted **speed limit** on West Marina Road, this being to post a 45 mph speed limit for West Marina Road from its intersection with Hwy 110 on the west to its intersection with White Cap Road

on the east, and, to post additional signing in the east bound lane to precede the reduced speed limit of 20 mph on Scott, White Cap and Casino Beach Roads. Carried.

Ites informed the board of two new brick mailbox supports in S Cove that have been constructed on road right-of-way. This is a hazard for both people and vehicles/equipment, and is prohibited in Ordinance 4.1-Road Right-of-Way. The board directed him to the county attorney for a letter requesting that property owners remove the construction.

Regarding the channel constructed by Rembrandt Enterprises directing water straight to the ditch, Ites reported that Engineer Ivan Droessler had been consulted by Rembrandt Enterprises, and his reason for directing the water along that course is that the water naturally flows that way. Gustafson will propose at the next board meeting that Rembrandt Enterprises put in a settling basin 1/3 of the way up along the channel.

Ites discussed his June 22, 2002 accident investigation at the intersection of 580<sup>th</sup> St. and 30<sup>th</sup> Ave. A claim has been filed by the Subrogation Attorney for Great West Casualty against the county. Notice of the claim and the information collected during the investigation of the site will be provided to the county's carrier.

Motion by Crampton to approve the minutes of the 8/13 meeting as printed and the July budget reports. Carried.

Motion by Gustafson to set the date and time of public hearing on Ag Partners' request to zoning classification of the Turnquist property north of Alta in Section 14, Nokomis Township from ag to commercial as 9/10/02 at 8:30 a.m. Carried.

Environmental Health Director Kim Johnson informed the board that well contractors have requested that the county require bonds or permits to operate so that the county has some authority to regulate if the work is not being done properly. She will present the 1<sup>st</sup> draft of a proposal for well contractor bonding to the Board of Health for their consideration tonight.

Johnson also notified the board of the approved status of a multi-county grant in the amount of \$16,900 to be used to provide environmental health training to workers, boards of health and boards of supervisors.

Engineer Jon Ites announced that George Schaller has donated a concrete bunker (estimated new value of \$8,000) to the county which will be used to construct a salt bunker in Sioux Rapids. The Chairman signed a letter of thanks to Schaller.

There being no further business, motion by Crampton to adjourn the meeting at 11:30 a.m. until Tuesday, August 27 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-FOURTH MEETING, 2002 SESSION (34)  
AUGUST 27, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 27, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Burnside, Crampton, and Gustafson and with Auditor Strawn as clerk for the meeting. Absent: Bruns.

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



Motion by Burnside to approve and to authorize the Chairman to sign the utility construction permit application from Iowa Lakes Electric Cooperative of Estherville, Iowa, to install a single phase 7200v underground service drop for Mark Rosdail on 140<sup>th</sup> Ave between Sections 7 & 8 of Grant Township. Carried.

Engineer Jon Ites reported that IDOT Local Systems in Ames has given approval to move the N-14 project ahead into the current year to take advantage of an opportunity for better bids based on a larger amount of work to be done.

Ites will proceed on a proposal from Bargen Construction, Mountain Lake, MN, to do a double coat rubberized crack seal on the 2 miles of Lakeside blacktop at a price of \$4,125.

Supervisor Gustafson asked about Engineer Ites' conversation with Engineer Ivan Droessler regarding the channel dug by Rembrandt Enterprises. A silt fence has been added for erosion control. Gustafson believes we are setting a bad precedent by allowing the channel to dump into the ditch, with this not being the natural course of the water. Tilling into the right-of-way is against our ordinance. Ites believes that it is a poor design - there were other alternates, and that he would not have designed it that way. He would have tried to incorporate the new waterway into the existing driveway ditch. He also asked under what legal authority was the requirement to close the surface drain or install a suitable sediment structure posed? Gustafson would like to see a sediment pond part way up to collect the substantial amount of water with potential contamination. Motion by Gustafson, so that the county not set a precedent, to require Rembrandt Enterprises to close the surface drain or install a suitable sediment structure approved by the county Engineer and the Board of Supervisors. Carried.

Gustafson, an alternate member of the IDNR Master Matrix Technical Advisory Committee, reported on the meetings he had attended. The committee of 10 has not concluded its work, but is working with a comprehensive list of factors which can be considered in awarding points to the producer. The factors are not requirements, but are voluntary. The scale and weight for each factor is still being developed. The original deadline has passed, but the committee hopes to finish the first week of September.

Iowa Drainage District Association Executive Director Jon Torbert gave an overview of IDDA's past year and its growth. They have been reviewing the future of organized drainage activity in Iowa. He expects there may be more responsibility coming to the districts. The age of the drainage systems, plus pollution and pollution control will be major issues. Until now, the farmers have been the ones responsible for the management of pollution, but that may be changing. We may end up in the water treatment business. Science is not integrated into the process currently. Created wetlands will probably become a major part of the program, plus the management/maintenance of the wetlands, all while protecting the drainage rights of the landowners. There will be more state and federal legislation to work through. State funding for most conservation programs has been from Environment First funds, that source having been thrown up in the air now that the different tax rates between pari-mutual and casino type gambling are being reviewed. Conservation activities come in last for funding from this source. Until the state provides funds for a match, Iowa can't access the federal funding for conservation.

Community Services Director Dawn Mentzer and General Relief Director Paula Guerra discussed proposed changes to the general relief guidelines, adding income guidelines and considering repayment for additional assistance. Motion by Burnside, to approve and to authorize the Chairman to sign the 2002 General Relief Guidelines. Carried.

Bob Jorgensen, Newell, asked about the bridge over the Coon River between Sections 1 & 12, Grant Township. He would prefer that the bridge located a mile north be replaced, rather than this one which does not bear very much traffic.

Motion by Crampton to approve the minutes of the 8/20 meeting as printed. Carried.

There being no further business, motion by Crampton to adjourn the meeting at 11:35 a.m. until Tuesday, September 10 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-FIFTH MEETING, 2002 SESSION (35)  
SEPTEMBER 10, 2002**

*(The following narrative is a record of the discussions held following a determination that an official meeting could not be conducted due to lack of a quorum. These are not official minutes, they do not require approval, and will not be published in the official newspapers, but were prepared for the record of the meeting which could not be held due to the lack of a quorum.)*

The Buena Vista County Board of Supervisors met for a regular session on Tuesday, September 10, 2002, at 8:30 a.m. in the Boardroom of the Courthouse, with Vice-Chairman Crampton and Supervisor Bruns, present and with Auditor Strawn as clerk for the meeting. Strawn noted that there was not a quorum present, so the meeting could not proceed. Vice-Chair Crampton and Supervisor Bruns agreed that since there were people present for a meeting, they would stay to allow people to speak if they wanted to, with the understanding that the meeting would be continued until a quorum could be present (Chapter 331.213, 2001 Code of Iowa).

8:30 a.m.—A number of persons were present for the public hearing for the re-zoning request submitted by Ag Partners. Crampton announced that there was not a quorum present, that no action could be taken, and that the public hearing would need to be continued to another date and time. After consulting with representatives of Ag Partners, and objectors to the re-zoning request who were also present, the Crampton announced that the public hearing would be continued until 8:30 a.m., September 13, 2002, in the 2<sup>nd</sup> Floor Public Meeting Room of the Courthouse.

Deb Witt was present on behalf of Nathan Jensen for Fratzke-Jensen Funeral Homes. (Originally Witt stated Sliefert Funeral Home, but this was later corrected.) Jensen has made an offer of \$1,250 to purchase a property in Albert City which has in excess of \$13,000 in delinquent taxes and interest against it. His plan is to relocate Fratzke-Jensen Funeral Home from the residential area to the Main St. location. The property was an old gas station and has a problem with underground fuel storage tanks. Jensen has been working with the DNR to develop a plan for construction to contain any contamination by excavating the footings and filling them with concrete with very little dirt to be move. Using this method, DNR would give clearance to build. Treasurer Kathy Bach noted that James Fales, is the deed holder on the tax sale certificate. The county hasn't taken deed to avoid incurring liability for clean up. The taxes are uncollectible, so the county can compromise &/or abate taxes and interest. The city would receive the greatest share of anything collected. Jensen could ask for assignment of the tax sale certificate and proceed to deed with 90 day right of redemption. Or Jensen could go to Fales for a quit claim deed. During that time Fales could redeem the property for the full amount of the delinquent taxes, interest and penalty. Another alternative would be for Jensen to get a quit claim deed from Fales which could speed up the process of acquiring the property. Bruns wondered if the county would have any LUST liability if the board assigned the tax sale certificate. Witt can be present at 8:15 a.m. on September 13 to present Jensen's request to the Board.

A letter from the Drainage Attorney regarding DD#168 was discussed. Crampton and Bruns found that more information was needed from the attorney. Strawn will contact him regard issues raised by the Marathon City Attorney.

9:00 a.m.— Several people were present for the public hearing on New Fashion Pork's request to upgrade the maintenance level on portions of two roads. Crampton announced that there was not a quorum present, that no action could be taken, and that the public hearing would need to be continued to another date and time. Those interested parties that were present agreed that they could be in attendance if this hearing were continued to Friday at 9:30 a.m. in the 2<sup>nd</sup> Floor Public Meeting Room. Engineer Jon Ites discussed the petition from New Fashion Pork and stated that that the petition had an error in its location description, that the hearing noticed had been published with the incorrect location, but subsequently re-published with the correction. Ites explained that RESOLUTION 1997-7-8a, which allows for upgrade requests, had been approved to give the board some options when this type of

request was received. The resolution calls for an investigation of the expense that would be incurred in raising the road from level B to level A, and gives the board authority to assess not less than 50% of this cost to the landowner. Ites distributed a written report on his investigation. Tim Humes raised the issue about the landowner paying for the county's cost of snow removal in addition to the cost of bring the road back up to level A standards. Ites' explained that the cost of snow removal is the county's expense, not the landowner's. Humes thought that would be subsidizing the property owner. Paul Fullenworth and C.J. Bean believe that all of the road should be opened so that residents are not asked to pull people out when motorists get stuck in snow they thought they could get through. The owners of the hog buildings don't live there, so they don't receive the motorist requests. Humes thinks the petitioner should bear 100% of the cost. Ites stated that the board has that option. Some counties refuse requests for upgrades but he thinks the county incurs liability in not doing so. The father of the manager of the hog unit stated that Palo Alto County doesn't go through all of this - the decision to upgrade is considered at the time of establishment of the operation. One person asked if the county might consider opening a full mile to avoid the need to make a turn around in the middle of the mile which would also help avoid motorists getting stuck. Another question-if a farmer does his own road clearing, then whose liability is it when someone gets stuck? It was re-stated that these operations should not be located on level B's where the county has already declared reduced maintenance and then the owner requests an upgrade. Deb Witt noted that in many cases the decision to locate on class B is really a good neighbor effort to stay away from neighbors who may have objections to having a nearby facility.

Ites provided one copy of the Secondary Road Annual Report for the board and stated that funding changes that will be needed for project L-B-7-11 which will be included in the upcoming budget amendment.

Before leaving, Crampton and Bruns assisted in arranging the remainder of the agenda for September 13, which includes the canvass of the September 10<sup>th</sup> Regular School Election.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-FIFTH MEETING, 2002 SESSION (35)  
SEPTEMBER 13, 2002**

The Buena Vista County Board of Supervisors met in special session on Friday, September 13, 2002 at 8:15 a.m. in the Magistrate's Courtroom of the Courthouse, with Vice-Chairman Crampton presiding and with the following other members present: Bruns, Burnside, Gustafson and Vail, and with Deputy Auditor Madsen as clerk for the meeting. This meeting was originally scheduled for Tuesday, September 10, but was continued to this date due to lack of a quorum on the 10<sup>th</sup>. Vail asked Crampton to chair the meeting as Vail had a bad cough and cold.

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

Deb Witt was present to continue her discussion from Tuesday, September 10, 2002. She spoke on behalf of Nathan Jensen of Fratzke-Jensen Funeral home. Jensen has offered to purchase a property in Albert City, which has delinquent taxes (going back to 1988) and interest in excess of \$13,000. An opinion has been received from the county attorney, and he advised that Jensen could get a Quit Claim Deed from Fales. Treasurer Kathy Bach stated that once the Quit Claim Deed is filed, the Tax Sale Certificate would be canceled upon the payment from Jensen in the amount of \$1,250. Motion by Bruns to compromise the taxes for \$1,250, after a Quit Claim Deed from James and Deanna J. Fales has been filed for the following property: Lots 9, 10, 11, and 12 ex the E 1', Block 6, Albert City, aka 118 Main St., Albert City. Carried

8:30 a.m. - continued: Public Hearing – Ag Partners zoning re-classification request, Section 14 Nokomis Township. Several interested persons were present. Zoning Director Kim Johnson gave the

results of the Zoning Commission meeting on the request for re-classification which was that a motion to deny re-classification was passed. Steve Becraft, representing Ag Partners presented the request to move the anhydrous plant to Section 14 of Nokomis Township. He stated safety as a major concern. Bruce McGowan spoke on behalf of the City of Alta. The city council is in favor of recommending the re-classification of zoning for Ag Partners. Gary Molgaard, city of Alta Fire Chief spoke of safety issues. The tanks are too close to the road and railroad. A traffic study showed that approximately 4,960 cars/day pass the site located in town and approximately 1,070 vehicles/day at the proposed rural site. He also discussed evacuation of the city in case of a spill. County Sheriff Chuck Eddy spoke of the safety issues and security issues. Becraft stated that the plant would include many safety precautions. Ag Partners' reason for the request is for safety reasons. It is not being done for a cost savings. Security will include fences and locks on all tanks. He also read a letter of support from Turnquist Farms in support of the proposed project. Steve Roth, attorney, was present to represent Pat Stokes and Vern Stokes. Pat Stokes spoke on behalf of her father who lives near the site. She stated that they are opposed to an island of commercial zoning in an ag zoned area. She felt that it would set a precedent to make an island of commercial zoning. If it is zoned as commercial zoning, there could be any type of commercial business located at this site. She also spoke of safety concerns. Caroljean Pedersen lives across the road from the proposed site. She expressed her concerns of the need of large quantities of water in case of an accident. She is also concerned about the amount of security. In town the employees and the town police have more opportunity to watch the tanks. She also feels that it should be farther away from all people. Dave Mortensen who lives along M-31 also expressed his concerns. The proposed site does not have a scale. This means that all the nurse tanks must go to town to be weighed before they can go to the fields. Steve Roth summarized by asking the Board to deny the request to change zoning to commercial. The county's zoning ordinance does not allow spot zoning. The board had some questions for both sides of the issue. Gustafson wanted to know if expansion could be limited. Johnson stated no on the existing site. Bruns felt that there are safety issues to consider. He asked Ag Partners if there would be grain storage at this site. The answer is no. Bruns also asked if other sites had been considered? Ag Partners stated that they had two other sites that had been considered. One was already zoned commercial. They were unable to purchase that site. The county also requires all commercial uses to be on hard surface roads. Motion by Gustafson to uphold the zoning commission decision to deny the zoning re-classification request of Ag Partners. Gustafson aye, Burnside nay, Bruns aye, Vail nay, Crampton nay. Motion defeated. Motion by Burnside to reconsider the request on Tuesday, after the Board has had time to do research. Carried. The time set on Tuesday September 17<sup>th</sup> to make the final decision was 8:30 a.m.

9:30 a.m. continued: - Public Hearing - Road maintenance re-classification request from New Fashion Pork. NFP has requested the re-classification of two sections of road from Class "B" to Class "A" roads. Location 1 is in the NW¼ Section 4, Coon Township, from the intersection of M-54 & 540<sup>th</sup> Street, 1,785 ft. east on 540<sup>th</sup> Street. Location 2 is in the SW¼ of Section 34, Poland Township, from the intersection of 220<sup>th</sup> Ave. & 480<sup>th</sup> Street, 1,544 ft. east on 480<sup>th</sup> Street. Several interested persons were present. Engineer Jon Ites explained Resolution 1997-7-8a, which allows for upgrade requests. Paul Fullenworth spoke in favor of upgrading the road classification. Several Board members had received calls from C.J. Bean who was unable to attend this morning's meeting. He is also in favor of the upgrading of the road classifications. Both Fullenworth and Bean stated that they have had to pull several motorists out of the ditch on this stretch of road. Tim Humes spoke in opposition of re-classification of the road. He stated that he does not want his tax dollars to help the hog producer. He would rather have his tax dollars go to the fire department than to fix a road for NFP. Ites stated the reason for changing the roads to Level "B" roads is to reduce the county's liability. The board has the option to charge the party requesting the level change. Motion by Vail to close the public hearing. Carried. Motion by Gustafson to change the maintenance level from level B to level A, and to charge New Fashion Pork 100% of the expense incurred in making those changes, at the following locations: 1) the road north of the NW¼ Section 4, Coon Township, from the intersection of M-54 & 540<sup>th</sup> Street, 1,785 ft. east on 540<sup>th</sup> Street; 2) the road south of the SW¼ of Section 34, Poland Township, from the intersection of 220<sup>th</sup> Ave. & 480<sup>th</sup> Street, 1,544 ft. east on 480<sup>th</sup> Street. Carried.

Engineer Jon Ites has an old Caterpillar elevator scraper that an interested party wishes to purchase. The consensus of the Board is to sell this piece of equipment. Ites also has an old rubber tire

roller that he would like to sell. Motion by Burnside to declare these items **excess equipment**, and to advertise and take bids for the sale of the rubber tire roller. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign the contracts, and approve the contractor's bond and certificate of insurance for **Project #L-B-7-11**. Carried. Ites discussed the need for a resolution to advance the project in the 5-year plan.

Motion by Bruns to approve the **DOT budget amendment** for secondary roads which amends FY'03 by \$575,000 for roadway construction, this amount being for projects budgeted for completion in FY'02, but due to delayed starts, will be completed in FY'03. Carried.

Motion by Burnside, pursuant to Chapter 50.24 of the 2001 Code of Iowa to declare the results of the 2002 School Election as follows:

<b><u>Alta Community School District:</u></b> total voters - 330			
For School Board Director - elect 2			
	Richard Marshall	190	elected
	Genevieve G. Nelson	106	
	Chuck Ryherd	143	
	Valerie Rosenthal	190	elected
	Scattering	3	
For School Board Director – to fill vacancy – elect 1			
	Deb Hinkeldey	270	elected
	Scattering	7	
<b><u>Albert City-Truesdale School District:</u></b> total voters - 137			
For School Board Director - elect 1			
	Gary Hogrefe	72	elected
	Mark Nielsen (w-i)	63	
	Scattering	2	
<b><u>Newell-Fonda School District:</u></b> total voters - 32			
For School Board Director, District 1 - elect 1			
	Roger L. Sarchet	32	elected
<b><u>Sioux Central School District:</u></b> total voters - 54			
For School Board Director, District 5 - elect 1			
	William Johnson	51	elected
	Scattering	2	
<b><u>Storm Lake School District:</u></b> total voters - 86			
For School Board Director - elect 1			
	Kathy Croker	84	elected
	Scattering	2	
<b><u>Iowa Central Community College:</u></b>			
For Director, District 2 – elect 1			
	John E. Hodges	237	
	Scattering	3	
<b><u>Iowa Lakes Community College:</u></b>			
For Director, District #5 - elect 1			
	Howard Bud Kyle	11	

Carried.

Motion by Burnside to set the date and time of public hearing on the subdivision request of Gary Sundblad for 8:15 a.m. on Tuesday, September 17. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign the juvenile liaison agreement with Juvenile Court Services and Sioux Central CSD for FY'03. Carried.

Representative Ed Fallon, Des Moines, representing '1000 Friends of Iowa', visited with the Board on eminent domain issues as they relate to the city of Storm Lake's project to drill a new water well. The focus of the group is on controlling urban sprawl and promoting responsible land use.

There being no further business, motion by Burnside to adjourn the meeting at 11:45 a.m. until Tuesday, September 17 at 8:15 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-SIXTH MEETING, 2002 SESSION (36)  
SEPTEMBER 17, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, September 17, 2002 at 8:15 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

8:15 a.m.—the time having arrived for the public hearing on the subdivision request of Gary Sundblad, the Chairman opened the hearing with Environmental Health Director Kim Johnson present. Johnson reviewed the request which was for a location on Hwy 3. There being no objections, motion by Burnside to close the public hearing. Carried.

Motion by Burnside to accept the recommendation of the Zoning Commission to approve, and to approve Resolution 2002-09-17 allowing the subdivision. Carried.

**RESOLUTION 2002-09-17-A**

**WHEREAS**, Gary Sundblad has presented a preliminary and final plat on the following described property:

The South 300 feet of the West 300 feet of the following described parcel:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION 27, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M. BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Southwest Quarter (SW¼) of said Section 27; Thence on an assumed bearing of North 90°00'00" West along the South line of said Southwest Quarter, 488.51 feet to the Point of Beginning. Thence continuing along said South line, North 90°00'00" West, 450.00 feet; Thence North 00°00'00" East, 687.00 feet; Thence South 90°00'00" East, 450.00 feet; Thence South 00°00'00" West, 687.00 feet to the Point of Beginning.

Hereafter known as Lot A of Section 27, Township 92 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**WHEREAS**, the final plats meet 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 South 300 feet of the West 300 feet of the following described parcel:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION 27, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M. BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Southwest Quarter (SW¼) of said Section 27; Thence on an assumed bearing of North 90°00'00" West along the South line of said Southwest Quarter, 488.51 feet to the Point of Beginning. Thence continuing along said South line, North 90°00'00" West, 450.00 feet; Thence North 00°00'00" East, 687.00 feet; Thence South 90°00'00" East, 450.00 feet; Thence South 00°00'00" West, 687.00 feet to the Point of Beginning.

Hereafter known as Lot A of Section 27, Township 92 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; is hereby accepted subject to the following if any: none.

**BE IT FURTHER RESOLVED** that this Resolution shall be affixed to the final plat of: The South 300 feet of the West 300 feet of the following described parcel:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¼ SW¼) OF SECTION 27, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5<sup>TH</sup> P.M. BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Southwest Quarter (SW ¼) of said Section 27; Thence on an assumed bearing of North 90°00'00" West along the South line of said Southwest Quarter, 488.51 feet to the Point of Beginning. Thence continuing along said South line, North 90°00'00" West, 450.00 feet; Thence North 00°00'00" East, 687.00 feet; Thence South 90°00'00" East, 450.00 feet; Thence South 00°00'00" West, 687.00 feet to the Point of Beginning.

Hereafter known as Lot A of Section 27, Township 92 North, Range 35 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of September, 2002.  
/s/ Richard Vail, Chairman, Board of Supervisors/s/ Karen M. Strawn, Auditor

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Johnson discussed the air conditioners that have been installed outside the house under construction by Jim Bauer at Casino Beach. A neighbor has complained about their location. Johnson has suggested, and the board agreed, that the attorneys for both sides work out an agreement.

8:30 a.m.—The time having arrived for the continuation of the public hearing on the zoning re-classification request of Ag Partners, the Chairman announced that the board would now take additional comments from any of the 10 interested persons present. Pat Stokes stated that with this move, Ag Partners stands to increase their value while the homeowners in the area would see a decrease in their home values. Ag Partners has employed safety measures and equipment that has allowed them to reach a sufficient safety level at their current location. And, she asked if there was a solid waste issue - she had heard a rumor that they had burned and buried demolition material at the rural site? DNR has said that this is not legal. Will there be future burning and burying? Jeff Kholhede, Ag Partners, stated that there had been an old building from their site in town which was demolished and then burned at that location north of town. And, Ag Partners has also cleaned up the trash on that site. They are proactive and take safety seriously. Because they have had a good record for 27 years and want to keep it that way, they would like to move the plant out of town away from where there are so

many people living. They have had a tank sitting out at the proposed site for 2 years with no complaints. Attorney Steve Roth reminded the board that the issue is not a case of an ammonia tank, but it is an issue of zoning reclassification. He asked the board to follow the Zoning Commission's recommendation and deny the reclassification request. There being no further remarks, motion by Burnside to close the public hearing. Carried.

First, stating that she had considered what options were available in resolving this issue and in acting upon the request, motion by Burnside to deny the rezoning request with the recommendation that Ag Partners apply for a variance to allow for a five-acre parcel in the ag district, and, a special use permit to place ag sales and service within an ag district. She added the comment that "this allows Ag Partners to move to the site, does not take more ag ground out of production, and allows the Board of Adjustment to set additional requirements on the site to help protect adjoining property owners from some of their concerns, i.e. setbacks from the road, fencing and lighting." Gustafson stated that the proposed location is awfully close to the homes in the area, and that there must be a better location. He also thinks that the matter should be resolved by the Board of Supervisors – that it should not be passed on to Board of Adjustment. Vail stated that Burnside's motion only denies the request, it does not require that Ag Partners go to the Board of Adjustment. It is up to them to pursue the matter. Gustafson stated for the record that this should be the Board of Supervisors' decision. Bruns asked if the city's support of moving the plant out of town was a part of their hazmat mitigation plan? Bob Christensen said no, not specifically, but it certainly helps in their overall situation. Bruns commended Ag Partners in trying to make the city safer. Gustafson commented that law enforcement is not happy about having the plant out of town. The vote on the motion was ayes-Brunns, Burnside, Crampton, Vail; nays-Gustafson. The motion was carried.

Motion by Burnside to approve and to authorize the Chairman to sign the contract between the analyst-Prochaska & Associates, MidAmerican Energy and the county for the purpose of performing a technical engineering analysis of the jail and courthouse to identify and recommend certain improvements for energy management, and operating and maintenance procedures to improve energy efficiency. Carried.

The board discussed the motion passed last night by the BV Co. Zoning Commission requesting that the BV Co. Board of Supervisors pass the draft subdivision ordinance without legal review, or, consider obtaining outside counsel. The Zoning Commission requested the action since 15 meetings (for 26 hearings) would not have needed to be held out of a total 22 meetings during the 27 months that the county attorney has had the draft. It was the consensus of the board of supervisors that the county attorney be advised of the action of the Zoning Commission, and to ask that he proceed with his review with due speed.

Treasurer Kathy Bach presented several tax matters for the board's consideration. Motion by Bruns to tax suspensions on the following parcels pursuant to Chapter 427.8 of the 2001 Code of Iowa: #10-34-406-02 in Storm Lake Corp, and #08-14-153-005 in Albert City Corp. Carried.

Bach explained that the property located in Elk Township purchased for the county by the BV Co. Conservation Board on 2/23/02 has current taxes due on it. Conservation has requested abatement of the remainder of the current taxes since the county is tax exempt (a portion of these taxes were pre-paid). Motion by Crampton to abate current taxes on the following parcels: #05-14-400-009 in the amount of \$144.40, #05-14-400-005 in the amount of \$6.00, and #05-14-400-007 in the amount of \$70.00. Ayes Burnside, Crampton, Gustafson, Vail; nays-Brunns. The motion was carried. Bruns stated that he opposed the motion because the land was private property when the taxes were incurred, and its valuation was included in the total valuation on which the taxing jurisdictions were planning their tax revenue.

The treasurer discussed the 28E agreement between the county and the Iowa Dept. of Transportation for conducting driver's license issuance activities. She doesn't have any income projections because DOT hasn't provided any figures on the number of licenses issued in this county. IDOT will pay the county \$3.75/transaction. There will be a cost to the taxpayers of the county because she will not be able to absorb the entire cost of another clerk and a part-time examiner (3 days/wk) in her



current budget and she expects the fees collected to be short of that additional amount. The examiner is proposed to be shared with Cherokee & Pocahontas Counties. Those counties may be able to absorb the expense since they will be issuing a different number of licenses and they do not have the diversity issues. Bach does not believe the service will pay for itself in this county. BV County will be full service except for the issuance of CDL's. Drivers will have to go to counties with permanent sites for CDL's. Agreements will be needed with Cherokee and Pocahontas for the shared examiner who will be employed by BV County. Each of the other counties would reimburse us for their share of the wage, benefits, and insurance for 1 day/week, while BV County would have the examiner 3 days/wk. There would be no stand-in to cover illness or vacation, no mileage would be paid for travel between the counties, and there would be no uniform expense. Motion by Gustafson to approve and to authorize the Chairman to sign the 28E agreement with the Iowa Department of Transportation for drivers' license issuance activities, subject to the county attorney's approval. Carried.

Bach reported that Buena Vista County is online to accept internet property tax payments, however no transactions have been received to date.

Motion by Gustafson to set 10/8/02 at 8:30 a.m. in the boardroom as the time and date for the public hearing for the county's FY'03 budget amendment. Carried.

Motion by Crampton to accept certification by the engineer that the contractual work by Christian Bros. Excavating, L.C., Sioux Rapids, for the cleanout/repairs of DD #81 is complete, and to set 10/1/02 at 8:30 a.m. in the boardroom for the completion hearing, and further, to direct the auditor to publish notice of said hearing and provide notice of same by ordinary mail to owners of the property on which the work was done. Carried.

Motion by Crampton to approve the minutes of the 9/13 meeting as corrected, and the following reports: August budget reports, 6/27 NWIPDC Policy Council minutes, and 7/19 NW Aging Ass'n minutes. Carried.

Motion by Burnside to approve the minutes of the 8/27 minutes as amended. Carried.

The board discussed the proposed 28E agreement, drafted by City Attorney Paul Havens, for the formation of the Lake Improvements Commission. To avoid a conflict, County Attorney Phil Havens has suggested that the supervisors have another attorney review the agreement. It was the consensus of the board to have Gary Armstrong review the proposed Lake Improvements Commission agreement on behalf of the county.

There being no further business, motion by Burnside to adjourn the meeting until Tuesday, September 24 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-SEVENTH MEETING, 2002 SESSION (37)  
SEPTEMBER 24, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 24, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Burnside, due to surgery.

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

The manure management plan filed by Todd Kay on September 18, 2002, was reviewed by the board. The facility involved is a 2,048 head swine finishing unit located in Section 25, Poland Township.

Motion by Crampton to approve the minutes of the 9/17 meeting as printed, and the following reports: August Conservation Board minutes, Mangold Environmental test results of Spectra lagoon, Vista Counseling Center's "Reconstructing Families" report, and the FY'02 cash report. Carried.

The board reviewed the FY'02 financial report summary-cash basis.

Public Health Nurse Administrator Diane Anderson reported that a rural health center grant of \$8,900 was used to update computer technology in her department. They have 5 new PC's. She discussed how to dispose of the excess used, out of date computers and a fax machine. It was the consensus of the board to approve posting a list of the equipment on the bulletin board with notice of intent to accept sealed bids.

Buena Vista County Drainage Attorney Gary Armstrong discussed his research on DD #168. Recently, a landowner had submitted a bill for reimbursement to the city of Marathon for repair to a tile line which is connected to DD #168. The city attorney, Brad Howe, believes that the tile falls under DD #168's jurisdiction and that the bill for the repair should be paid by the district. After examining a copy of a 1908 agreement between the (1908) landowner (of the land where the tile was repaired) and the City of Marathon, Armstrong has concluded that the city, and not DD #168, is responsible for reimbursing the cost of the repair, since the repaired tile is not in DD #168, and in fact lies in Section 20, Poland Township, which is not in DD #168. The auditor was directed to send a letter to the city.

Armstrong also discussed the draft of the Lake Improvements Commission 28E agreement. The agreement currently is fairly 'loose' and does not bind the county very tightly. He pointed out several specific provisions for the board to consider including the frequency of the required meetings - monthly vs. quarterly, staggered terms for commission members. Included among other issues were who pays the cost of repairs to the dredge, the term of the agreement, the city's contribution if the land purchased by the city is unsuitable for a spoil site, interest earned on idle project funds. Armstrong will prepare some proposed changes to the agreement.

SLADC CEO Chris Nolte stopped in to invite and remind board members of the Newell Visioning meeting tonight. He is very pleased to see some positive action coming out of the smaller towns - Marathon is working with NRCS on a project for their Poland Township Park and Linn Grove is talking about trails.

Community Services Director Dawn Mentzer discussed the actual costs for providing case management for FY'02. Motion by Bruns to approve and to authorize the Chairman to sign the statistical and financial report for case management for FY'02 which established the reimbursement rate at \$172.32; since the estimated cost was \$148.90, the county will receive additional reimbursement for the difference. Carried.

Bruns asked if Mentzer had recently heard anything about the approximately \$70,000 due the county from the state in a Medicaid County Billing Outstanding Balance - he believes that the county should not let the issue be forgotten. Mentzer had not, but will send another inquiry.

Mentzer has been unable to reconcile the new cost figures for the RTA contract for the night taxi service. She discussed the problems and asked Supervisor Crampton for assistance since he is the supervisors' representative on that board. No action was taken on the FY'03 contract.

Motion by Crampton to approve and to authorize the Chairman to sign the agreement with Genesis Development for FY'03 services, including the provision covering the sale by Genesis of subsidized RIDES tickets. Carried.

Mentzer discussed the possibility of appointing a task force to work with the families of the 9 persons due to come into the MH/MR/DD system in FY'05. For several years the department has worked with AEA to transition persons out of the high school system and into the community so that appropriate and least restrictive services can be accessed by the clients.

Mentzer reported that MH commitment activity had been at a very high level recently. Because her cellular phone usage was exceeding the plan, she has upgraded to a higher plan with more minutes. Some of the recent usage has been night-time and weekends which was not included in the original plan, making that feature advantageous. Mentzer asked if the board would consider allowing personal use of the cell phone if the employee personally paid for the night and weekend feature. It was the consensus of the board to allow Mentzer (and Woltman, who also uses a county cell phone) to add the 'night and weekend' feature to the county's plan, and to use it for personal use, with the employees reimbursing the county for the feature at \$5/mo.

The Chairman signed the 8/1/02 US Dept. of Justice COPS Universal Hiring Award acceptance for the \$75,000 COPS grant awarded to the BV Co. Sheriff's Dept.

There being no further business, motion by Bruns to adjourn the meeting at 11:45 a.m. until Tuesday, October 1 at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-EIGHTH MEETING, 2002 SESSION (38)  
OCTOBER 1, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, October 1, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding and with the following other members present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

8:30 a.m. -- The time having arrived for the DD #81 completion hearing, the Chairman opened the public hearing with Engineer Ivan Droessler and 3 interested persons present. Droessler confirmed with the auditor that the notice of hearing had been published as required. He reviewed the history of recent activity in DD #81 including the April, 2000, petition by the city of Albert City, the preliminary investigation and engineer's recommendation which was stopped by remonstrance, and all leading to a scaled down project and contract for cleanout of the surface channel. Completion was delayed beyond the expected completion date due to the seeding being done when weather conditions were not appropriate for a satisfactory result. The re-seeding has now been completed. When asked if the re-seeding will be effective enough to make up for the head-start that the weeds got, Droessler answered yes. The purpose of the hearing is to accept the work as complete, hear/receive any claims for damages, determine whether those claims should be assessed to the contractor and deducted from the contractor's final payment, and to give approval to make the final payment to the contractor in 30 days. Only one claim, submitted in writing by Harold Bloom and Phil Sundblad, has been received. The claim was for equipment damage to the grass buffer strip near the outlet. Federal regulations require proper maintenance of the buffer strip, so they are asking for repair of the damages. Droessler indicated that the claim was not for damages that would be assessed against the contractor, but that if the Board allowed them, the claim could be paid by the district. The approximate area damaged was ½ acre, with a cost estimated to be in the neighborhood of \$150.00. Bloom and Sundblad are to make their own arrangements for the reseeded and then submit the bill to the board. There being no claims against the contractor, Droessler recommended acceptance and approval of the completed project, return of the bid reserve of \$5,000 to Christian Brothers, and payment of the retainage after 30 days. Motion by Burnside, to close the public hearing. Carried.

Motion by to accept Burnside and approve the DD #81 surface channel project, to direct that the bid reserve of \$5,000 be returned to Christian Brothers, and to make final payment of the retainage after 30 days. Carried.

A letter received from Sandra Miller regarding DD #81 assessments was reviewed. Her concern was over the high cost of the recent assessment, and for the method by which the decisions were made for the work done. Droessler will assemble the information she requested in her letter for the board to use in its response to her letter.

The board discussed a public notice from the Army Corps of Engineers regarding a proposal by Garry Olson to dig a pond, for a new housing project, in a location south of Emerald Park. Burnside is interested in hearing more about the project.

Burnside left the meeting.

9:30 – The time having arrived for the public hearing on the subdivision request of Greg Mattson, the Chairman opened the hearing with Zoning Director Kim Johnson present. Johnson discussed the request to divide a 40 acre parcel with one of the 3 parcels being under 3 acres. The Zoning Commission had recommended approval, with Johnson recommending approval but with the stipulation that the small lot not be considered a buildable lot. Motion by Crampton to close the public hearing. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign Resolution 2002-10-01A approving the subdivision request of Greg Mattson for a parcel in Section 17, Elk Township. Carried.

#### RESOLUTION 2002-10-01-A

**WHEREAS**, Greg Mattson has presented a preliminary and final plat on the following described property:

DESCRIPTION: LOT A

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼) OF SECTION 17, TOWNSHIP 92 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the northeast Quarter (NE¼) of said Section 17; Thence on an assumed bearing of South 00°25'00" West along the East line of said Northeast Quarter (NE¼), 1319.39 feet to the Southeast (SE) Corner the Northeast Quarter of said Northeast Quarter (NE¼ NE¼); Thence South 89°12'03" West, along the South line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 625.36 feet; Thence North 00°31'59" East, 1321.14 feet to the North line of said Northeast Quarter (NE¼); Thence North 89°21'21" East, along said North line, 622.67 feet to the Point of Beginning.

Hereafter known as Lot A of Section 17, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M.; Buena Vista County, Iowa.

Tract contains 18.91 Acres and is subject to all easements of record.

DESCRIPTION: LOT B

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼) OF SECTION 17, TOWNSHIP 92 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of said Section 17; Thence on an assumed bearing of South 89°12'03" West, along the South line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 625.36 feet to the Point of Beginning. Thence continuing along said South line, South 89°12'03" West, 453.67 feet; Thence North 00°03'46" East, 295.57 feet; Thence North 88°07'42" West, 122.33 feet; Thence North 31°59'47" West, 179.47 feet; Thence North 01°07'04" East, 727.34 feet; Thence North 50°17'37" East, 223.61 feet to the North line of said Northeast Quarter (NE¼); Thence North 89°21'21" East, along said North line, 496.76 feet; Thence South 00°31'59" West, 1321.14 feet to the Point of Beginning.

Hereafter known as Lot B of Section 17, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 18.43 Acres and is subject to all easements of record.

**DESCRIPTION: LOT C**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) OF SECTION 17, TOWNSHIP 92 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of said Section 17; Thence on an assumed bearing of South 89°12'03" West, along the South line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), 1079.03 feet to the Point of Beginning. Thence North 00°03'46" East, 295.57 feet; Thence North 88°07'42" West, 122.33 feet; Thence North 31°59'47" West, 179.47 feet; Thence North 01°07'04" East, 727.34 feet; Thence North 50°17'37" East, 223.61 feet to the North line of said Northeast Quarter (NE $\frac{1}{4}$ ); Thence South 89°21'21" West, along said North line, 199.91 feet to the Northwest (NW) Corner of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ); Thence South 00°23'06" West along the West line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), 1322.95 feet to the Southwest (SW) Corner of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ); Thence North 89°12'03" East, along the South line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), 239.62 feet to the Point of Beginning.

Hereafter known as Lot C of Section 17, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 2.65 Acres and is subject to all easements of record.

**WHEREAS**, the final plats meet 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: Lot C is not a buildable lot.

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

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) OF SECTION 17, TOWNSHIP 92 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the northeast Quarter (NE $\frac{1}{4}$ ) of said Section 17; Thence on an assumed bearing of South 00°25'00" West along the East line of said Northeast Quarter (NE $\frac{1}{4}$ ), 1319.39 feet to the Southeast (SE) Corner the Northeast Quarter of said Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ); Thence South 89°12'03" West, along the South line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), 625.36 feet; Thence North 00°31'59" East, 1321.14 feet to the North line of said Northeast Quarter (NE $\frac{1}{4}$ ); Thence North 89°21'21" East, along said North line, 622.67 feet to the Point of Beginning.

Hereafter known as Lot A of Section 17, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M.; Buena Vista County, Iowa.

**DESCRIPTION: LOT B**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$  NE  $\frac{1}{4}$ ) OF SECTION 17, TOWNSHIP 92 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of said Section 17; Thence on an assumed bearing of South 89°12'03" West, along the South line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 625.36 feet to the Point of Beginning. Thence continuing along said South line, South 89°12'03" West, 453.67 feet; Thence North 00°03'46" East, 295.57 feet; Thence North 88°07'42" West, 122.33 feet; Thence North 31°59'47" West, 179.47 feet; Thence North 01°07'04" East, 727.34 feet; Thence North 50°17'37" East, 223.61 feet to the North line of said Northeast Quarter (NE¼); Thence North 89°21'21" East, along said North line, 496.76 feet; Thence South 00°31'59" West, 1321.14 feet to the Point of Beginning.

Hereafter known as Lot B of Section 17, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION: LOT C**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼) OF SECTION 17, TOWNSHIP 92 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of said Section 17; Thence on an assumed bearing of South 89°12'03" West, along the South line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 1079.03 feet to the Point of Beginning. Thence North 00°03'46" East, 295.57 feet; Thence North 88°07'42" West, 122.33 feet; Thence North 31°59'47" West, 179.47 feet; Thence North 01°07'04" East, 727.34 feet; Thence North 50°17'37" East, 223.61 feet to the North line of said Northeast Quarter (NE¼); Thence South 89°21'21" West, along said North line, 199.91 feet to the Northwest (NW) Corner of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼); Thence South 00°23'06" West along the West line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 1322.95 feet to the Southwest (SW) Corner of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼); Thence North 89°12'03" East, along the South line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 239.62 feet to the Point of Beginning.

Hereafter known as Lot C of Section 17, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; is hereby accepted subject to the following if any, Lot C is not a buildable lot.

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

**DESCRIPTION: LOT A**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼) OF SECTION 17, TOWNSHIP 92 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) Corner of the northeast Quarter (NE¼) of said Section 17; Thence on an assumed bearing of South 00°25'00" West along the East line of said Northeast Quarter (NE¼), 1319.39 feet to the Southeast (SE) Corner the Northeast Quarter of said Northeast Quarter (NE¼ NE¼); Thence South 89°12'03" West, along the South line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 625.36 feet; Thence North 00°31'59" East, 1321.14 feet to the North line of said Northeast Quarter (NE¼); Thence North 89°21'21" East, along said North line, 622.67 feet to the Point of Beginning.

Hereafter known as Lot A of Section 17, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M.; Buena Vista County, Iowa.

**DESCRIPTION: LOT B**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE¼ NE¼) OF SECTION 17, TOWNSHIP 92 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of said Section 17; Thence on an assumed bearing of South 89°12'03" West, along the South line

of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 625.36 feet to the Point of Beginning. Thence continuing along said South line, South 89°12'03" West, 453.67 feet; Thence North 00°03'46" East, 295.57 feet; Thence North 88°07'42" West, 122.33 feet; Thence North 31°59'47" West, 179.47 feet; Thence North 01°07'04" East, 727.34 feet; Thence North 50°17'37" East, 223.61 feet to the North line of said Northeast Quarter (NE¼); Thence North 89°21'21" East, along said North line, 496.76 feet; Thence South 00°31'59" West, 1321.14 feet to the Point of Beginning.

Hereafter known as Lot B of Section 17, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION: LOT C**

**A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) OF SECTION 17, TOWNSHIP 92 NORTH, RANGE 38 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at the Southeast (SE) Corner of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼) of said Section 17; Thence on an assumed bearing of South 89°12'03" West, along the South line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 1079.03 feet to the Point of Beginning. Thence North 00°03'46" East, 295.57 feet; Thence North 88°07'42" West, 122.33 feet; Thence North 31°59'47" West, 179.47 feet; Thence North 01°07'04" East, 727.34 feet; Thence North 50°17'37" East, 223.61 feet to the North line of said Northeast Quarter (NE¼); Thence South 89°21'21" West, along said North line, 199.91 feet to the Northwest (NW) Corner of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼); Thence South 00°23'06" West along the West line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 1322.95 feet to the Southwest (SW) Corner of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼); Thence North 89°12'03" East, along the South line of said Northeast Quarter of the Northeast Quarter (NE¼ NE¼), 239.62 feet to the Point of Beginning.

Hereafter known as Lot C of Section 17, Township 92 North, Range 38 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 1<sup>st</sup> day of October, 2002.

/s/ Richard Vail, Chair Board of Supervisors                               /s/ Karen M. Strawn, Auditor  
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The city of **Truesdale** has reported that it has taken action to add a stop sign within its limits. Motion by Gustafson to acknowledge the city's notice for placement of a stop sign in Truesdale for northbound traffic at the intersection of Main St. and Railroad Ave. (115<sup>th</sup> Ave.) Carried.

Ites has also reviewed the Army Corps notice regarding Garry Olson's **housing project** proposal. Ites would like to see the location of the trees proposed for the mitigation area to be along the other side of the parcel. He will contact Bob Payer, Kuehl & Payer, the engineer for the project.

Ites' **road report**: the asphalt resurfacing on M-31 is finished, painted and opened. Comments have been favorable. The Lakeside blacktop has been sealed. Road pull-ups are complete for the season.

Ites submitted the request of a secondary road employee to use a portion of his **personal sick leave** to cover his absence for a family member's medical treatment as he and his wife have exhausted their paid leave time. In the past, the board has allowed fellow employees to donate on a one-time basis, up to 2 vacation days on a confidential basis. The employee handbook does not currently allow for use of personal sick time for family members. Due to the extreme circumstances of the situation, motion by Crampton to allow the employee to use up to 4 days of personal sick leave for absence due to the medical needs of a family member, that this be a one-time exception to the employee handbook, and that the employee pay the time back from the future earned 'family sick leave'. Carried. Ites asked if the board might consider allowing a second gifting of fellow employee vacation time, and the board indicated that they would consider it.

Motion by Gustafson to approve and to authorize the Chairman to sign the following underground utility permits:

- from Iowa Telecommunications Service Inc., Grinnell, to install a copper telephone cable to a hog facility along 560<sup>th</sup> St. at a location beginning 430' west of the intersection of M54 & 460<sup>th</sup> St;
- from Iowa Lakes Electric Cooperative, Estherville, to install an underground three-phase 7200/12470 volt power distribution line along 560<sup>th</sup> St. at a location beginning at the WN corner of Section 16, Washington Township.

Carried.

Motion by Crampton to approve and to authorize the Chairman to sign the letter to Dan Narber, IDED, regarding the county's grant application for the Clay Regional Water project. Carried.

The board discussed the recent DNR site inspection for the Spectra lagoon facility. They may consider hiring someone to trap the animals which are causing damage by burrowing into the berm.

Julie Smith, HIPAA Privacy Officer, reviewed a couple handouts from the recent 2-day session on HIPAA. There may be some consulting and legal expenditures in addition to new computer software that will be necessary to meet the requirements of the law. Some of these expenses may be incurred prior to the end of the current fiscal year, but have not been budgeted for. She also updated the board on her current activities and the progress of the committee to date.

Dave Horan, Exec. Director of NWIPDC, was present to discuss the "Iowa Work's" program which was recently in the news, and which proposed distributing funds for economic development through Iowa's community colleges. Horan believes this proposal is really only in the political arena at this time, and not far enough along to be concerned about, if the board is opposed to its current design.

Motion by Gustafson to approve the minutes of the 9/24 meeting as printed, and the following reports: September budget reports and departmental summary. Carried.

The manure management plan filed by Thorpe Turkey Farm on September 26, 2002, was reviewed by the board. The facility involved is a turkey confinement feeding operation unit located in Sac County, with locations in Buena Vista County (Section 32 and 33, Maple Valley Township) identified for distribution of manure. It was noted that hereafter, any references in the minutes to manure management plans filed with the board, shall be published in the official proceedings in the newspapers, as well as appearing on the posted agenda for a stated time.

There being no further business, motion by Gustafson to adjourn the meeting at 12:15 p.m. until Tuesday, October 8 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
THIRTY-NINTH MEETING, 2002 SESSION (39)  
OCTOBER 8, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 8, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding, and with the following other members present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.



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

8:30 a.m.—The time having arrived for the public hearing on an amendment to the FY'03 budget, the Chairman opened the hearing. The auditor reported that there was a publication problem with the notice of hearing, and therefore the public hearing could not be held. Motion by Burnside to set a new date for a public hearing on an amendment to the FY'03 budget as 8:30 a.m., October 29, 2002. Carried.

Burnside discussed a sample resolution regarding potential changes to the Iowa Court System. No action was taken at this time.

The board received and reviewed two manure management plans: Thorpe Turkey Farm (Sac Co. site, manure sites in Sections 31 & 32, Maple Valley Twp-55,500 head tom turkeys) filed 9/18/02; and, JANL Turkey Farm (Section 1, Maple Valley Twp.-34,500 head of tom turkeys) filed 9/26/02.

Motion by Gustafson to approve the minutes of the 10/1 meeting as corrected, and the following reports: September Conservation Board minutes, Mangold's Spectra lagoon report, Clerk's fines-forfeitures-surcharges, and 1<sup>st</sup> Qtr FY'03 Clerk's fines-forfeitures-surcharges. Carried.

Willie Christensen asked when the county was going to clean out the culvert near his property, and why didn't the bridge contractor clean it out when he did the project? The Chairman had spoken to Engineer Ites who said that the work crew was working their way towards that project, but that the rain had caused a delay in their work schedule. The crew is getting close. Christensen also stated that the road has been bladed once, but no gravel was put on. Other level B roads are getting gravel, and he would like gravel on a portion of his road also. Christensen wants to do terracing, but after the rain he can't get to it because of the condition of the road. He also stated that the county could apply for 80% funding for restoration of the bridge which is on the historic register. However, he would prefer to have a tin whistle put in. The board will have Ites contact him.

Motion by Gustafson to approve and to authorize the Interim Board Member to sign a work order for DD #181, Big Open Ditch approving a repair in Cedar Twp, Sac County. Carried.

Motion by Crampton to approve and to authorize the Chairman and all board members to sign the application for partial payment #2 submitted by Christian Brothers for the DD #81 surface channel cleanout project. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign the amended 28E agreement for the juvenile liaison program at Sioux Central, the only change from the previous agreement being the elimination of De-Cat as a party to the agreement. Carried.

Burnside left the meeting.

Community Services Director Dawn Mentzer discussed a rough draft of a policy and procedures manual for substance abuse treatment services. The county's expenditures to-date are 200% of the total amount budgeted. Detoxification service needs have gone down substantially from a couple years ago, but service costs are increasing dramatically. Inpatient substance abuse treatment services are not mandated, only the sheriff and legal fees. Beds available at Mt. Pleasant are limited. She has been doing a lot of screening for substance abuse problems. The board approved Mentzer's decision to cut off the non-mandated substance abuse services for the remainder of FY'03 due to having already spent 200% of the year's budget. She asked the board to review the draft policy, for consideration of adoption at a later time.

Mentzer reported that there are 3 residents of Spectra who might qualify for placement at another facility with a more appropriate level of care. There have been no prior assessments on these individuals and therefore we are not aware of their needs but would like to determine whether they could be placed in

another facility at no cost to the county. She would like to assign a case manager to each in order to assess the situation more thoroughly.

Engineer Jon Ites discussed Willie Christensen's earlier suggestion to apply for TEA 21 funds (80% with 20% match). Ites believes there is very little likelihood of being awarded funds to restore the bridge facility -- these are enhancement funds, not preservation funds. The clean-out of the culvert is on the work schedule. Gustafson wants some gravel put on the road, and Crampton said he was not opposed to putting the gravel on.

There being no further business, motion by Gustafson to adjourn the meeting at 10:30 a.m. until Tuesday, October 22 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
FORTIETH MEETING, 2002 SESSION (40)  
OCTOBER 22, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, October 22, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding, and with the following other members present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Zoning Director Kim Johnson discussed a letter received from IDNR by certified mail regarding a draft construction permit for Schmitt Hog Site, L.L.C. The letter provides notice that the Board of Supervisors may contest the draft permit by filing a demand for hearing. The auditor advised the Board of a subsequent telephone notice received from INDR in which it was learned that a notice should have been published last May of the receipt of a copy of the construction permit application. Since this was not done, IDNR has specified remedial action which requires publication of the notice within 14 days. A public hearing may be held, but is not required. After a discussion of the application with Richard Fondroy, who resides approximately 1 mile from the proposed site, the board determined that they would hold a public hearing. Motion by Gustafson to direct the auditor to publish a notice of the receipt of a copy of the Schmitt Hog Site, L.L.C. construction application and to set a public hearing date and time on the application as 11/12/02 at 8:30 a.m. Carried.

The auditor also advised the board that there were 2 other applications that have been filed in this county since 1999, which also required publication of the notice. One, Rembrandt Enterprises, Inc., Glen Taylor, owner, was properly published in July, 2000. The other, for JWC Swine, Wade Nehring, owner, has yet to be researched. (It was subsequently found to have had a notice published in April, 2001. No remedial action is required for either of these applications.)

Community Services Director Dawn Mentzer presented a final draft of the Buena Vista County Policy and Procedures Manual for Substance Abuse Services. Eligibility for payment of services will be based on residency. Recipients of services will be asked to reimburse the county for the expenditures made for their care. Repayment will determine whether or not services will be provided a second time. The county budgeted \$3,000 for these services for the current fiscal year, however, \$6,000 has already been expended. Motion by Burnside to approve and to authorize the Chairman to sign the Buena Vista County Policy and Procedures Manual for Substance Abuse Services. Carried.

Engineer Jon Ites discussed a culvert west of Carl Molgaard in Brooke Township which requires repair/replacement. He wants to improve this structure because the access to the county's new gravel site uses it. Ites proposed having the county do the fencing, as the landowner believes that the county's

scheduled payment for fencing is insufficient to cover the cost of hiring the work done. It was the consensus of the board to approve. The total cost of the project is estimated at \$26,000. The other culvert on the same road but located around the corner must be constructed to permit cattle crossing. It will require an extra long pipe and is estimated at \$80,000.

Tom Smith, Section 29, Providence Township, has requested use of county right-of-way for drainage. Motion by Burnside to allow use a portion of the county right-of-way for a grass waterway with the engineer to monitor the depth, and Smith to establish vegetation in the waterway. Carried.

Ites noted that ISAC is reviewing county snow ordinances regarding snow maintenance on joint roads. A lawsuit in another county has pointed out the need for updating the language in the ordinance.

Motion by Gustafson to approve the minutes of the 10/8 meeting as printed, and the following reports: 1<sup>st</sup> Qtr FY'03 Farm to Market Road Fund, 10/1&9 Mangold Env Lab results on Spectra lagoon, 10/9 DNR site investigation reports. Carried.

Burnside left the meeting.

Attorney Gary Armstrong reported that all of the items that the board had requested changed in the draft of the "Lake Improvement Commission" agreement had been accepted by the Storm Lake City Council including: 1) adding ex-officio members, 2) changing the minimum meeting requirements to quarterly, 3) adding that the City of Storm Lake will provide at least equivalent funding to the county's funding if the farm purchased by the city for the dredge site turns out to be unsatisfactory for that purpose, 4) expenditures for repairs and maintenance of the county's dredge will be the responsibility of the commission and not the county, while the dredge is in use by the commission, 5) interest earned on commission funds will be credited to the commission. Armstrong said that the City was amenable to the changes.

Armstrong also reported on his communication with the City Attorney for Marathon – Brad Howe. Howe's letter indicated that he believed DD #168 should reimburse the landowner for repairs to a tile on his farm located in Section 20, Poland Township. Armstrong has responded to him and notified him that the farm is not in DD #168, and in fact, no land in Section 20 is in DD #168. Since the tile is not in the district, the district cannot make reimbursement to the landowner. Howe has indicated that the city would like a financial accounting of the drain. The auditor will forward those records to the city.

Motion by Crampton to approve and to authorize the Chairman to sign the Administrative Services Agreement and Stop Loss Policy for the Employee Heath insurance plan with Wellmark. Carried.

There being no further business, motion by Bruns to adjourn the meeting at 11:35 a.m. until Tuesday, November 5 at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
FORTY-FIRST MEETING, 2002 SESSION (41)  
NOVEMBER 5, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 5, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding, and with the following other members present: Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Bruns.

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

8:30 a.m.—The time having arrived for the **public hearing** on an amendment to the county's FY'03 budget, the Chairman opened the hearing with no interested persons present. The auditor confirmed that notice had been published as required, and that no written objections had been received. Strawn reviewed the revenues and expenditures to be amended. There being no objections and no further questions, motion by Burnside to close the public hearing. Carried. Motion by Gustafson to approve and to authorize the chairman to sign the FY'03 county **budget amendment** as published, and to approve the following **appropriations**:

<u>Action</u>	<u>Activity</u>	<u>Dept</u>	<u>Fund</u>	<u>Amount</u>	
increase	2120	31	General Basic	\$40,000.00	
increase	3040	23	General Basic	\$55,000.00	
increase	0010	26	General Basic	\$14,775.00	
increase	0220	05	Capital Projects	\$3,975.00	
increase	0200	20	Secondary Roads	\$575,000.00	Carried.

**Willie Christensen** was unable to be present for his appointment to discuss a historic bridge adjacent to his property in Brooke Township.

Motion by Gustafson to approve the **minutes** as corrected and the following **reports**: August and September BV Communications Commission minutes, 10/10-25/02 DNR animal feeding operation site visits, October Clerk's fine-forfeitures-surcharges. Carried.

Preston Jacobs, Engineering Technician, reviewed applications for utility permits which had been reviewed by the Engineer. Motion by Gustafson to approve the following **underground utility construction permits** applications:

- by Interstate Power & Light Co., Cedar Rapids, for a 2" plastic natural gas main to be bored under 235<sup>th</sup> St & Main in Albert City to provide service east to Colin Johnson;
- by Iowa Telecom, Grinnell, IA, to bury a copper telephone cable, from the SE corner of Section 32, Fairfield Township, bored under M-54, then buried in the south shoulder of 540<sup>th</sup> St. east 1500 feet to a hog facility;
- by Iowa Telecom, Grinnell, IA, to bury a copper telephone cable, from the SE corner of Section 33, Poland Twp. crossing 220<sup>th</sup> Ave. east and buried in the north shoulder to a hog facility;
- by Iowa Telecom, Grinnell, IA, to bury a copper telephone cable, from the NW corner of Section 25, Poland Twp., bored under Hwy 10 in the east shoulder of 240<sup>th</sup> Ave south to a hog facility.

Carried.

Motion by Burnside to approve and to authorize the Chairman to sign the 2002 annual **weed commissioner's report**. Carried.

Juvenile Court Services, Sioux City, has requested minor changes to the Supervision Agreement for a **School Liaison Officer**, between JCS, Sioux Central Schools and the county, which do not require a signature. Motion by Crampton to approve the following changes to 'Sioux Central' Supervision Agreement: 1) add a reference to the original agreement, 2) amend the responsibilities of JCS, 3) amend the status of the county. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign, and to enter into a 28E Supervision Agreement with Juvenile Court Services and Iowa Department of Human Services for a **Juvenile Court Services Officer** for a 3 year period commencing 7/1/02. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign a (MH/MR/DD) services agreement with **Ida Sheltered Industries** for FY'03. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign a work order for **DD #19-26** **Jt.** for a location in Section 2, Douglas Twp., Sac County. Carried.

Motion by Burnside to set the date and time of public hearing on a **CDBG application** for a rural water project as November 12, 2002, at 11:30 a.m. in the Boardroom of the Courthouse. Carried.

Attorney Gary Armstrong discussed the change in language (on the issue of the city's participation in the project if the purchased dredge site is not wholly suitable) made by the city of Storm Lake on the lake improvement agreement. He believes that changes are good and recommends acceptance of them. Motion by Gustafson to approve and to authorize the Chairman to sign the 28E agreement with the cities of Storm Lake and Lakeside, and with the Lake Preservation Association, for the formation of the **Lake Improvements Commission**. Carried.

At the invitation of Supervisor Gustafson, Pat Braesch, DHS, Sheriff Chuck Eddy, Storm Lake Public Safety Director Mark Prosser, Captain Todd Erskine, Senator Mary Lou Freeman, Juvenile Probation Officers Robert Fritz and Rich Detrick were present to discuss the **juvenile detention system** and costs. Gustafson is concerned about the high cost of juvenile detention for our county. He asked for an explanation of the process by which a juvenile is placed at the YES Center. JPO Fritz explained that when law enforcement requests consultation about a juvenile, he considers the options and decides whether or not to place the juvenile in detention. If this happens on a weekday, a hearing is held the next day. If other alternatives besides detention are possible, those placements are used. Gustafson asked if not so many could be placed there. Fritz believes that his agency does a good job managing by seeking diversion alternatives, and sending only the most violent or dangerous juveniles to Cherokee when there are no other options. Gustafson-why do we have so many in our community compared to all of the other member counties? Prosser answered that we have a unique community. Our transient and blue-collar workforce no doubt has an effect on the numbers, and our community continues to grow. Gustafson asked if there was a way law enforcement could assist in reducing the county's cost. Prosser stated that only the serious cases are being sent to detention. Without looking at the figures, he estimated that 95-97% of the juveniles they process aren't sent there. Those that go have committed serious, violent acts, etc.

Sheriff Eddy stated that his budget line items for housing prisoners out of the county when the jail is full, and for adult waived juveniles, have both been exceeded only 4 months into the fiscal year. Burnside asked if the juveniles sent to YES are cycling in the system again and again. Some first-time offenders go through only once, but the majority repeats. Prosser: though 2000-2001 crime statistics were down, 2002 figures are up substantially.

Gustafson commented that Jean Sievers, DHS, had recently stated that the state's cap on residential beds ends up costing the counties while the juveniles are on a waiting list. Braesch responded that there are currently no BV juveniles on the waiting list. Gustafson referred to the Code of Iowa which states that not less than 10% nor more than 50% of the cost for juvenile expense will be paid by the state. This year the YES Center received revenue from the state which amounted to 12% of the expense. Gustafson thinks there should be more funding from the state. This is a type of expenditure which should not be borne by property taxpayers. Senator Freeman suggested that BV County investigate and compare with other counties to see how their law enforcement operates - what are we doing differently?

The question was asked whether the county could apply for reimbursement from the federal government for juveniles who are illegal immigrants. The auditor will contact Maximus, the public sector consultant hired by the county to prepare a reimbursement claim for jail expenses for illegal adult aliens.

Supervisor Crampton asked if 'we', here in Storm Lake, are lacking anything that would help keep juveniles out of trouble. Prosser says that the after school programs have been tremendous in keeping the costs from being considerably higher, and the school resource officer and juvenile liaisons have helped as well. From 3:00-7:00 p.m. are critical times for 5<sup>th</sup> & 6<sup>th</sup> grade and middle school. Senator Freeman asked if poverty is responsible for youth and adult crime. Prosser responded that determining the cause is difficult. There are many factors such as crowded housing, so, poverty is surely a part of the problem. The quality of life is marketed here, so we have a need to keep crime down.

The question was asked whether parents can be assessed for the cost of detention. Sheriff Eddy responded that when the law was changed to allow billing prisoners for the cost of their jail stay, the Sheriff's and Deputy's Association looked at juveniles also, but the idea didn't go very far. Senator Freeman suggested that any change in the law needs 'teeth in it' i.e. tying repayment to getting a driver's license.

To complete the picture JPO Fritz pointed out that adult court is responsible for a substantial number of placements at the YES Center. Not all of the cost can be attributed to the juveniles sent by JPO's and juvenile court. The board thanked all those who had attended the meeting.

There being no further business, motion by Burnside to adjourn the meeting at 11:35 a.m. until Tuesday, November 12 at 8:30 a.m. for a special session and to canvass today's General Election. Carried.

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**BOARD OF SUPERVISORS MEETING  
FORTY-SECOND MEETING, 2002 SESSION (42)  
NOVEMBER 12, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, November 12, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding, and with the following other members present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

8:30 a.m. – The time having arrived for the public hearing on the **Construction Permit** for the Schmitt Hog Site, there were 4 interested persons present including Env Health/Zoning Director Kim Johnson, and neighbors Roland Heuton, Lynn Nehring and Richard Fondroy. The facility is proposed by Lenard Schmitt, Early, IA, but the application does not indicate who will own the hogs. Nehring spoke in opposition noting the close proximity of 6 established hog facilities. Fondroy said that nearly every day this week, the odor has been extremely strong – and worst on the days that manure was applied to crop ground. None of the facilities uses a lagoon – manure is stored under the buildings. Burnside wondered whether the high cost of fertilizer has made it more acceptable for neighbors to accept manure. Heuton suggested that it should be mandatory that a facility go up ½ mile from the house of the tenant or owner, rather than ½ mile from a neighbor. Gustafson moved that the Board draft a letter to Mr. Schmitt with a copy to DNR that the Board is opposed to granting the construction permit, and asking Mr. Schmitt to reconsider his decision because of manure on the roads, air and water quality, and the number of existing facilities in the immediate area. Carried.

Motion by Burnside to approve and to authorize the Chairman to sign 2 claims for joint drainage districts as follows: **Jt. DD #18-42** – Pocahontas Co. Auditor-assessment mailing expenses \$6.04; & **Jt. DD #183** Pocahontas Co. Auditor-assessment mailing expenses \$5.47. Carried.

Engineer Jon Ites discussed maintenance of **joint jurisdiction roads**. With the City of Storm Lake's annexation of additional territory, the joint roads have changed from previous years. Motion by Burnside to approve and to authorize the Chairman to sign a maintenance agreement with the City of Storm Lake for joint jurisdiction roads. Carried.

Motion by Bruns to concur with the City of Storm Lake that there is a need for **traffic signals** at the intersection of C-49 and N. Lake Ave. Carried.

Ites reported corn yield of 133 bu/acre on the crop ground at the **S. Hayes Pit**, for a total of 1997 bushels. The soybean yield was 45 bu/acre.

Motion by Burnside to approve and to authorize the Chairman to sign the snow maintenance agreement with the city of **Linn Grove** for the 2002-03 snow season. Carried.

Ites has received the semi-annual analysis of the **LUST** site on Hudson St. which reports no change in status.

Ites suggested that a reference to **drainage districts** be added to the proposed policy and procedures for handling DNR construction permit applications.

Pursuant to Chapter 50.24 of the 2001 Code of Iowa, and upon completion of the **Canvass** of the tally lists of the November 5, 2002 Buena Vista County General Election, motion 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:** 5,998 (\*elected, R=Republican, D=Democrat, G=Iowa Green, L=Libertarian)

For the office of <b>U.S.Senator</b>		For <b>U.S.Representative-5th Dist</b>	
Greg Ganske-R	2,779	Steve King-R	3,763
Tom Harkin-D	3,023	Paul Shomshor-D	2,032
Timothy A. Harthan-G	53	Scattering	2
Richard J. Moore-L	45		

Comment [KS1]:

For the office of <b>Governor &amp; Lt. Governor</b>		For the office of <b>Secretary of State</b>	
Doug Gross & Debi Durham-R	2,940	Mike Hartwig-R	2,941
Tom Vilsack & Sally Pederson-D	2,837	Chet Culver-D	2,434
Jay Robinson & Holly Hart-G	63	Don Arenz-G	73
Clyde Cleveland/RonCampagna-L	56	Sylvia Sanders Olson-L	96
Scattering	3		

Comment [KS2]:

For the office of <b>State Auditor</b>		For the office of <b>State Treasurer</b>	
David A. Vaudt-R	3,468	Matt Whitaker-R	2,801
Patrick J. Deluhery-D	1,693	Mike Fitzgerald-D	2,689
Christy Ann Welty	282	Tim Hird-L	76
		Scattering	1

For the office of <b>Secretary of Agriculture</b>		For the office of <b>Attorney General</b>	
John Askew-R	3,135	Dave Millage-R	2,336
Patty Judge-D	2,196	Tom Miller-D	3,223
Brian Russell Depew-G	121	Edward F. Noyes-L	68
Fritz Groszkruger-L	54	Scattering	1
Ronald Tigner	75		

For <b>State Representative—52<sup>nd</sup> Dist</b>	
Mary Lou Freeman-R	4,859
Scattering	6

For the office of <b>County Treasurer</b>	
*Kathy Bach-D	4,672
Scattering	7

For the office of <b>County Recorder</b>	
Debora K. Overgaard	2,294
*Shari O'Bannon-D	3,514
Scattering	2

For the office of <b>County Attorney</b>	
*Phil Havens-R	4,541

For <b>Co. Supervisor-1st Dist</b>	
*Bill Lanphere-R	4,169

Scattering	44	Doug Bruns (write-in)	381
		Scattering	35

For **Co. Supervisor-2<sup>nd</sup> Dist**

*Richard Vail-R	3,147
Robert Jorgensen-D	2,478
Scattering	5

For **Co. Supervisor-3<sup>rd</sup> Dist**

James Osegaro-R	2,633
*Jim Gustafson-D	3,147
Scattering	1

For the office of **Township Clerk**                      **Trustee**                      **Trustee-2yr. w=write-in**

<b>Barnes</b>	*Bernard Nelson-D	83	*Kevin R. Ehlers-R (w)	2	
			Tim Wittmack	1	
<b>Brooke</b>	*Douglas W Kracht-R	49	*Jess Fastenow-R	53	
<b>Coon</b>	*Carl R. Bellows-D	73	*Duane D. Hornor-R	78	
<b>Elk</b>	*Gordon R Andersen-R	80	*Ardyce Anderson-D	81	*Tom Cameron Scattering
					82 1
<b>Fairfield</b>	*James A. Roberts-R	101	*Lloyd Danielson-R	107	
<b>Grant</b>	*Leonard I. Peterson-D	75	*H. Keith Miller-D	70	
			Scattering	1	
<b>Hayes</b>	*Richard Rice	257	*John Massop	231	
			Scattering	3	
<b>Lee</b>	*Paul A. Madsen-D (w)	2	*Larry Sundblad-R (w)	1	
	Scattering	1			
<b>Lincoln</b>	*Richard Fondroy-R	54	*Tim Heuton-R	58	*Michael Rebhuhn-R
	Scattering	2			59
<b>Maple Valley</b>	*Martin Glienke-R	85	*James Watts-R	80	
<b>Newell</b>	*Stephen Kier-R	89	*Dale Bodholdt-R	95	*Richard Larsen-R *Randall Edwards-D
					64 72
<b>Nokomis</b>	*Chuck Ryherd (w) ##	1	*Paul Hill	3	## (tie vote broken by
	Dawn Hill (w)	1	Todd Friedrich (w)	1	Board of Supervisors)
			Darwin McConkey (w)	1	
			Dale Olson (w)	1	
<b>Poland</b>	*Norris G Olney Jr-R	62	*Dave Wesselink-R	70	
<b>Providence</b>	*Chris Willfong-R	91	*James R. Selleck	99	
<b>Scott</b>	*Charlotte Binder-R	86	*Thomas Struve-D	73	
<b>Washington</b>	*Terry Stull-R	163	*Dwayne Stille-R	167	
			Scattering	1	

For the office of **County Hospital Trustee**

*Kim Martin	3,558
*Edean M. Murray	3,353
Scattering	16

For **Soil & Water Conservation Comm'r:**

*Robert C. Donahoo	3,188
*James L. Hinkeldey	3,784



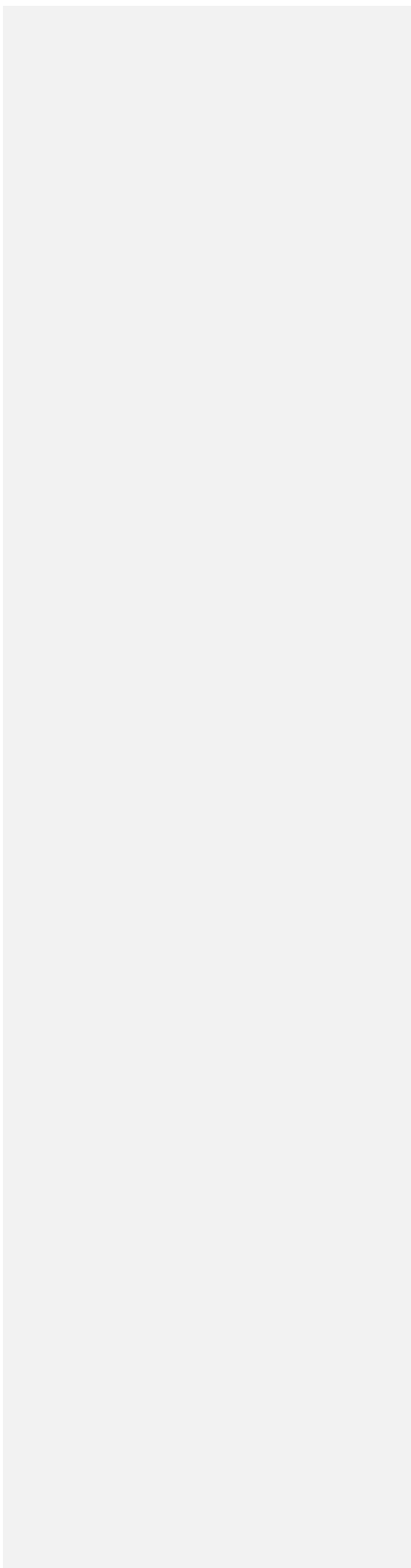
**Draft**

Scattering

6

For **Agricultural Extension Councilmembers**

*Shelley Hohnke	2,857
*Barry Kruse	2,775
*Sara Monroy-Huddleston	2,489
*Nancy Sargent	2,852
*Tim J. Smith	2,741
Justin Yarosevich	2,304



Draft

Shall the following **Supreme Court Judges** be retained in office:

Marsha Ternus	Yes-2,762	No-714
Michael J. Streit	Yes-2,757	No-707

Shall the following **Court of Appeals Judges** be retained in office:

Larry J. Eisenhauer	Yes-2,726	No-633
Terry L. Huitink	Yes-2,568	No-697
Rosemary Shaw Sackett	Yes-2,629	No-761

Shall the following **District Court Judges** be retained in office:

Patrick M. Carr	Yes-2,746	No-637
Don E. Courtney	Yes-2,629	No-663
John P. Duffy	Yes-3,515	No-559
Frank B. Nelson	Yes-2,703	No-751

Shall the following **District Associate Court Judges** be retained in office:

Donald J. Bormann	Yes-2,740	No-640
Donavon D. Schaeffer	Yes-2,714	No-654

Shall the following **District Associate Alternate Court Judges** be retained in office:

Donald H. Copotosto	Yes-2,671	No-686
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For the **7% Hotel/Motel Tax for Storm Lake** – Public Measure “A”: Yes-1,619 No-459

The vote on this motion carried.

Burnside left the meeting

Env Health/Zoning Director Kim Johnson reviewed a proposed policy and procedure for handling (DNR) **construction permit applications** which are required to be filed with the Board of Supervisors. The board will take action on the proposal at the next meeting.

11:30 a.m.—The time having arrived for the public hearing on the county's CDBG application, the Chairman opened the hearing with Darren Bumgarner, NWIPDC, and Dale Brigham, Clay Regional Water present. The auditor confirmed that notice of the hearing had been properly published. Bumgarner read the plan for the project:

**“Citizen Participation Plan  
Buena Vista County CDBG Application Public Hearing  
Tuesday, November 12, At 11:30 a.m.  
Buena Vista County Courthouse**

“The nature of this project entails two major activities to be completed by Clay Regional Water. One activity is the connection of Clay Regional Water's distribution System to the City of Rembrandt's water distribution system, which includes the prorated cost of buying into the system, repair and replacement of water meters and valves and the exterior recoating of the City's 35,000 gallon elevated tank. The second activity involves 308 miles of 10" to 2" pipe and the construction of a 400,000 gallon elevated tank for the connection of at least 439 scattered rural users throughout Buena Vista County. The overall nature of this project is to primarily benefit low-to-moderate income persons.

“The need for the project was identified by both Buena Vista County and City of Rembrandt to provide its residents with a higher quality source of potable water. The Buena Vista County Environmental Health Department through its Grant to Counties Program testing private well water throughout the County has found shallow bored wells that are high in nitrates and/or bacteria. The quality of private well water is

**Draft**

suspect as indicated in a rural countywide housing needs assessment survey that found 56% of the respondents would be interested in hooking up to rural water. The City identified this project as a long-term solution due to the City's quality of water and costly needed repairs and upgrading of its current water system.

"Total project costs are estimated to be \$6,342,000.00. The funding for the project will be comprised of \$828,000 in Community Development Block Grant (CDBG) assistance, \$5,400,000 in local funds contributed by USDA/rural development and \$114,000 loaned to the City of Rembrandt by Clay Regional Water for its share of local match. This funding breakdown includes the connection of at least 449 scattered rural users in Buena Vista County and the connection of the City of Rembrandt to Clay Regional Water along with the replacement and repair of water meters and valves in the City and repairs to the City's elevated tank. The portion of the funding that specifically relates to the County is \$600,000 CDBG and \$5,400,000 local-USDA/RD funding. The portion of funding that relates specifically to the City of Rembrandt is \$228,000 in CDBG and \$114,000 in local match loaned to the City by Clay Regional Water.

"Application for CDBG funding will be submitted to the Iowa Department of Economic Development by December 6, 2002. The amount of funding to be requested from the CDBG program is \$828,000 total for the project - \$600,000 for the County and \$228,000 for Rembrandt. This will be a joint application of Buena Vista County and the City of Rembrandt, with Buena Vista County being the lead applicant for this project.

"At least 52.92% of the CDBG funding will benefit persons of low-to-moderate income. That portion of the CDBG funding (based on the total project) that will benefit low to moderate income persons is \$438,177. It is anticipated that at least 52.92% or \$3,356,186 of the total funds spent (\$6,342,000) on this project will benefit persons of low-to-moderate income.

"The recommended project will be located within the City's Corporate Limits and in rural Buena Vista County.

"No persons or businesses shall be displaced as a result of the recommended project.

"In the event that any persons or businesses are displaced as a result of the recommended project, the entities involved in the project will adhere to the requirements of the Uniform Relocation and Assistance and Acquisition Act of 1974, as amended."

There being no questions or objections, motion by Bruns to close the public hearing. Ayes: Bruns, Crampton, Gustafson, and Vail. Nays: none. Abstentions: none. Carried.

Motion by Gustafson to approve and to authorize the Chairman to sign the Resolution for the application of CDBG funds. Ayes: Bruns, Crampton, Gustafson, and Vail. Nays: none. Abstentions: none. Carried.

#### **RESOLUTION NO. 2002-11-12**

#### **A RESOLUTION AUTHORIZING APPLICATION TO THE IOWA CDBG PROGRAM AND DESIGNATING THE CHAIRMAN AND BOARD OF SUPERVISORS OFFICIAL SIGNATORS OF THE APPLICATION AND ANY AND ALL OTHER RELATED DOCUMENTS**

**WHEREAS**, The County of Buena Vista wanting to improve the quality, provision and future delivery of potable water to its residents; and,

**WHEREAS**, The County of Buena Vista, in keeping with this commitment to an improved and quality water supply and services and has discussed various options and has decided that it would be in the

**Draft**

interests of the County to support Clay Regional Water's efforts in expanding its water distribution system within the County and to connect rural scattered users; and,

**WHEREAS**, The project will also entail the connection of the City of Rembrandt to Clay Regional Water's distribution system; and,

**WHEREAS**, The County does not possess the financial resources to conduct this project without financial assistance; and,

**WHEREAS**, The County wishes to submit an application to the Iowa Department of Economic Development under the auspices of the Iowa Community Development Block Grant Program for assistance in achieving the goal of improving the quality, the delivery and the future service of drinking water to the County's residents by connecting to Clay Regional Water; and,

**NOW, THEREFORE BE IT RESOLVED** by the County of Buena Vista, Iowa, that an application to the Iowa Community Development Block Grant Program is hereby authorized; and,

**BE IT FURTHER RESOLVED** that County Board of Supervisor's Chairperson Richard Vail and County Auditor Karen Strawn are hereby authorized to sign and execute said application and all related correspondence.

**PASSED AND APPROVED** this 12<sup>th</sup> day of November, 2002.

/s/ Richard Vail, Chairperson

ATTEST: /s/ Karen Strawn, Auditor

Motion by Crampton to approve and to authorize the Chairman to sign the Applicant/Recipient Disclosure/Update Report, to be filed with the **CDBG application**. Ayes: Bruns, Crampton, Gustafson, and Vail. Nays: none. Abstentions: none. Carried.

Motion by Bruns to approve and to authorize the Chairman and Auditor to sign the "Federal Assurances Signature Page" certifying that the county will comply with applicable federal and state requirements if **CDBG assistance** is approved. Ayes: Bruns, Crampton, Gustafson, and Vail. Nays: none. Abstentions: none. Carried.

Motion by Gustafson to approve the **minutes** of the 10/5 meeting as printed, and the following **reports**: May & July 911 Service Board minutes, October budget reports, Recorder's fees, BV Communications Commission minutes. Carried. Also reviewed were: Sept NW Aging Ass'n minutes, Oct Mangold Env of Spectra lagoon and 10/17 NWIPDC Policy Council minutes. Ayes: Bruns, Crampton, Gustafson, and Vail. Nays: none. Abstentions: none. Carried.

There being no further business, motion by Crampton to adjourn the meeting at 12:10 p.m. until Tuesday, November 19, at 8:30 a.m. for a regular session. Ayes: Bruns, Crampton, Gustafson, and Vail. Nays: none. Abstentions: none. Carried.

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**BOARD OF SUPERVISORS MEETING  
FORTY-THIRD MEETING, 2002 SESSION (43)  
NOVEMBER 19, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, November 19, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Vice-Chairman Crampton presiding, and with

**Draft**

the following other members present: Bruns, Burnside, and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail

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

**Communications Center** Supervisor Mark Van Hooser, and Commission Member Mark Prosser, were present to discuss the replacement of dispatch software and hardware. The past year has been spent researching vendors and what was available. The best package and the best price come from the same vendor. The county's cost would be \$223,000 for software, services, and hardware to be paid over 2 years. By doing their own research rather than hiring someone to develop the RFP, an estimated \$40-50,000 was saved. A portion of the cost could be paid by 911. Additional software for the city, including records management, would be paid by the city. Other cities and the fire department could be added later. The selected vendor does not have a jail management package. The purchase agreements are ready for review by the county attorney. The board will visit with the sheriff and then discuss the proposal.

Engineer Jon Ites reported that **Shop Foreman** Brad Raveling will be retiring at the end of the calendar year after 30 + years with the county. Discussion of hiring for the vacancy will be taken up at a later time.

Motion by Gustafson to approve and to authorize the Vice-Chairman to sign **snow maintenance agreements** for the 2002-03 snow season with the following cities: Truesdale, Lakeside and Rembrandt. Carried.

Ites has received a letter from the Lakeside City Council requesting **deer crossing signs** on the blacktop - 120<sup>th</sup> Avenue. Similar signs have been suggested for C-49 at the Raccoon River bridge. It was the consensus of the board to have DNR Officer Chris Lloyd investigate the need at both locations.

Motion by Bruns to approve and to authorize board members to sign plans for February, 2003, letting for the following hard coat **asphalt projects**: #FM-CO11(30)—55-11 [C-13 from Sioux Rapids to M-54 - 7 miles], #FM-CO11(46)—55-11 [M054 from Highway 10 to Clay County line-5 miles], #FM-CO11(52)—55-11 [M-54 from Highway 3 to Highway 10 - 7 miles], #FM-601—73-11 N-14 from Albert City to Highway 10 - 5 miles]. Carried. Ites estimates that these projects (totaling 69,000 ton of material) should get good bids due to size of the projects.

Motion by Burnside to approve and to authorize the Vice-Chair to sign the **utility construction permit** application from the city of Storm Lake to install 1,614' of 18" pipe through existing concrete sewer pipe at the following location: from ¼ mi north of Milwaukee Ave to ½ mile north of Milwaukee Ave. Carried.

The board discussed a letter from Bob Malloy, Attorney for **Rembrandt Enterprises**, regarding the board's request to close the surface drain or install a suitable sediment structure. Gustafson is concerned about the precedent being set if Rembrandt Enterprises is not required to make the requested change. He is caught in the middle between 2 groups of citizens with opposing interests: those wanting the county to do something, and those who don't. What happens with the next occurrence? How can we prevent others? Ites recommended, and the board agreed, to sending Malloy's letter to BV Co. Drainage Attorney Gary Armstrong for his review regarding Malloy's references to court cases, and to review County Ordinance 4.1 Public Road Right-of-Way. The county did not give R.E. approval prior to cutting into the ditch. Gustafson stated again that he believes that pursuing the matter is in the county's best interest.

Motion by Gustafson to approve the **minutes** of the 11/12 meeting as printed, and the following reports: annual **reports**-Conservation Board & Weed Commissioner, October Conservation Board minutes. Carried.

*Draft*

Dave Wiley, Chairman of the BV Landfill Commission reported that Landfill Attorney Gary Armstrong has submitted a letter regarding closure/post-closure funds for the Commission.

Weed Commissioner Norm Lund, and Assistant Weed Commissioner Dave Wiley, presented the 2002 weed commissioner's report. They also discussed the need for a new truck – repairs and maintenance on the current one are adding up. Bruns asked about doing an overhaul in order to get by for another year. Although there had been some discussion earlier this year about putting the weed department under the jurisdiction of the Conservation Board so that Conservation could qualify for additional REAP funding, no action has been taken. Gustafson suggested that Lund contact Conservation to get on their agenda to discuss the matter. However, there may not be any REAP funds to qualify for.

Env Health/Zoning Director Kim Johnson was present to discuss the final version of the policy and procedure regarding the CAFO (Confined Animal Feeding Operation) DNR construction permits. There being no further changes, motion by Gustafson to adopt the "Buena Vista County Animal Feeding Operation Construction Permit Application Policy and Procedure". Carried. Johnson will be sending the board's letter to DNR along with comments from the public regarding approval of the construction permit application for the Schmitt Hog Site.

Sheriff's Deputy Don McClure answered board's questions about the software needs of the Sheriff. The proposal by the Communication Commission does not include the Sheriff or jail.

Motion by Gustafson that Burnside be the board's voting delegate at meetings of the membership of the IDDA corporation. Carried.

Motion by Burnside to approve the transfer of \$1,850 from the General Fund to the Conservation Land Acquisition Trust fund, this amount being the proceeds of the property damage settlement from the insurance company for a tree that was hit and broken off. Carried. The Conservation Board plans to replace the tree.

Motion by Gustafson to declare the following items to be excess equipment for disposal by sale: Hedman EDP2000 check signer, an Epson FX-1050 impact printer, and a utility 'black box'. Carried.

Due to the absence of the Chairman, appointment of members to the Lake Improvements Commission was delayed until November 26.

There being no further business, motion by Burnside to adjourn the meeting at 12:15 p.m. until Tuesday, November 26, at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
FORTY-FOURTH MEETING, 2002 SESSION (44)  
NOVEMBER 26, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, November 26, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding, and with the following other members present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

**Draft**

Head Custodian Dewyne Stucynski discussed the condition of the furnaces at the **DHS Annex**. One is leaking carbon monoxide, and a second also needs to be replaced. The heat exchangers are no longer functioning. He is investigating replacement units. He is also investigating a sound system for the Boardroom.

Treasurer Kathy Bach and Deputy Auditor Sue Kennedy reviewed cash flow, and 'expenditure and revenue by fund' reports. The Board discussed a number of upcoming significant projects including purchase of the dredge, all to come from the **General Fund**.

Sheriff Chuck Eddy was present to discuss the cost of housing prisoners and juveniles outside of the county. The amounts budgeted in the **jail budget** for the current year have already been exceeded. Gustafson discussed how this expense could be managed differently. If the engineer's office were moved to another location, with that space used for Sheriff's offices, the current Sheriff's office could have cells built in it to make beds available for holding juveniles until hearing, and adult overcapacity. The county needs to do something different to reduce this expense. Eddy noted that the existing jail kitchen (which was originally built as cell space) could be relocated, and several more beds could be added. Gustafson asked if the county could receive some revenue by adding cell space and then keeping the INS holds here. Eddy noted that any new construction would have to meet the new standards, however the standards have changed. Modular or pre-cast cells could be set in the current office space. Eddy stated that the state Jail Inspector will be here December 4<sup>th</sup>, and he will discuss the subject with him.

Gustafson left the meeting to look at a dredge on McCook Lake, South Dakota.

Sheriff Eddy discussed that although the CLUES **law enforcement software** as originally planned tied all of the reporting, jail, and civil systems, etc. together with CAD, the interface was never completed. Because the Sheriff's Department uses the free Iowa Tracks system which is not used by the Storm Lake Police Department, he is investigating a separate, less costly jail management system. With additional programming, the system proposed by the Communications Commission could allow for the exchange of information between the systems. Eddy reported that funds contributed by the community in memory of the baby found at the Recycle Center, have been used to purchase a bench at the cemetery.

Community Services Director Dawn Mentzer requested approval for a **wage increase** for one employee. Upon completion of the probationary period and a satisfactory evaluation, motion by Burnside to approve a 3% increase (to \$8.76/hr.) effective 12/1 for Linda White. Carried. It was noted that the funds had been included in the budget.

Motion by Crampton to accept the Chairman's recommendations for appointments to the **Lake Improvements Commission** as follows: Supervisor Gustafson and Supervisor-Elect Bill Lanphere. Bruns wondered about having only members of Lake Preservation Association on the Lake Improvements Commission. Lanphere, who was present, affirmed that he is a member, as are Burnside and Crampton. It was noted that the board still has fiscal control over any contribution from the county. The vote on the motion was: ayes—Burnside, Crampton, Vail; nays—Bruns. Carried. Two names were mentioned for the Ex-Officio farmer member—Chet Brecher and Don Diehl. Motion by Bruns to appoint Don Diehl as the 'farmer in the watershed' ex-officio member of the Lake Improvements Commission. Carried.

Motion by Burnside to approve the **minutes** of the 11/19 minutes as corrected. Carried.

Motion by Crampton to **close the courthouse** at 12:00 noon on December 24, due to Christmas being on Wednesday. Carried.

The board acknowledged receipt of the **manure management plan** for Pedersen Turkey Farm, a 34,500 tom turkey finishing operation located in Section 2, Delaware Twp, Sac County; easements for manure application from this operation include locations in Sections 19, 26, 27-Newell Twp-BV County.

**Draft**

With the discussion of several proposed large projects including the dredge purchase, software for the Communications Commission, jail expansion and engineer's office relocation, the Board authorized the auditor to contact a financial consultant.

A bill for the disposal of 23 computer monitors has been received from Iowa Lake RC&D. This represents RC&D's cost to properly dispose of the monitors and to avoid placing contaminants in the landfill.

There being no further business, motion by Burnside to adjourn the meeting at 11:15 a.m. until Tuesday, December 3, at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
FORTY-FIFTH MEETING, 2002 SESSION (45)  
DECEMBER 3, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 3, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding, and with the following other members present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Regional Transit Authority Exec. Director Rose Lee presented the FY'02 annual report, and made the capital replacement budget request of \$9,186, which is the same as the previous 2 years. She also made requests of \$9,650 for the nite taxi program, \$2,000 for the senior citizens service, and a new request to subsidize the ADA responsive services for persons with medical transportation and employment transportation needs in the amount of \$5,000. The total increase in requests is \$7,450.

Deputy Auditors Sue Kennedy and Leigh Madsen discussed changes in accounting requirements for budget planning to reduce the time requirements and opportunities for error when processing payroll. The board approved using a single account number for each employee. Overpayment to IPERs due to a 7/1/02 decrease in the rate for Sheriff's employees needs to be corrected. Motion by Crampton to authorize the return of the amount of IPERs over-deduction to the Sheriff's employees. Carried.

It was the consensus of the Board to reject the current proposal of the Communications Center for the CAD software due to the cost.

Employee response to the survey on the "Employee Assistance Program" was 24 opposed to 7 in favor. Motion by Burnside to reject the opportunity to participate in the EAP through ISAC due to a lack of interest. Carried.

Engineer Jon Ites reported that two persons had requested a clean-out on DD #1Main east of Newell for about a 1½ mile stretch. The consensus of the board was to have Ites contact Kuehl & Payer Engineer Ivan Droessler to walk the area and determine what is needed and how much could be done without a hearing. His investigation should be limited to 8 hours or less.

Project #L-B-7-11 (a bridge south of Hwy 3) was completed after the contract deadline. Ites requested that the Board determine what if any penalty at \$500/day should be applied. If the count of working days had started when the work began, which was after most of the beans were out of the fields,



**Draft**

the project was completed in the required number of days. However, it was actually completed 8½ days after the contract deadline. Ites recommended forgiving any penalty. Motion by Bruns to assess a 1-day penalty. Gustafson felt that the penalty should be 3 days. The vote on the motion was ayes—Bruns, Burnside, Crampton, Vail; nay--Gustafson. Carried. Motion by Crampton to approve and to authorize the Chairman to sign the project estimate on Project #L-B-7-11. Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the estimate on **project #L-FM-401** (M-31 resurfacing north of Alta) (contract estimate \$448,573.64, final \$459,645.39 or 2.4% over estimate). Carried.

Motion by Burnside to approve and to authorize the Chairman to sign the estimate on **project #L-R-306** (Bel Air resurfacing) (contract estimate \$39,088.37, final \$36,288 or 7.2% under the estimate). Carried.

Motion by Bruns to approve and to authorize the Chairman to sign the estimate on **project #BROS-CO11-(42)** (Mellowdent bridge) (contract estimate \$238,337.46, final \$224,046.52, or 6% under the estimate, and 1½ days under the contract days). Carried.

Ites reported that the electric bill for the lights that were installed on Hwy 71 was \$966 for one year. The public has expressed their opinion of the **lighted intersection** – they like it.

The bridge inspection report has been filed by Calhoun-Burns with 5 bridges to be posted.

Motion by Bruns to approve the **utility construction permit application** of Interstate Power & Light Co., Cedar Rapids, Iowa, to install a ½" natural gas line for residential service to 134 Pheasant Ave. for Patrick Lenhart. Carried.

Ites requested approval to begin advertising for a **Mechanic 1**. Ites proposes to use this entry level employee as a back-up equipment operator. He suggested establishing the Mechanic 1 pay schedule at the same rate as an Equipment Operator 1. A new employee would start at \$2 below that level with 50 cents/hr increases each 6 months with successful evaluations.

Ites requested information from the board for preparation of his **FY'04 budget**. Local effort is now at 77.5% in the rural fund and 100% in the general fund. Will the board maintain that level of funding or change it, what numbers should he use in preparing his budget? Gustafson wants a legal opinion on how the LOST in the Secondary Road fund can be used. Ites would like some type of feedback by Dec. 17 to begin his estimations.

County Attorney Phil Havens was present to answer the board's questions regarding the legal procedures required for the **dredge purchase**. The county is not required to let bids in the purchase of equipment, only public improvement construction projects, however, it is probably good public policy to do so. The board can negotiate the price and then make the purchase. The Lake Improvements Commission agreement refers only to the county providing the dredge. Since the potential purchase may include additional equipment, the board may want a lease document which might also address liability, etc.

Jim Ganske, Consultant, and John Call, Storm Lake City Administrator, were present to discuss the **dredge** owned by the Izaak Walton League, located at McCook Lake, South Dakota. A new dredge of the necessary capacity will cost much more than originally discussed. The dredge at McCook Lake is larger than originally considered, but as a used dredge would be a very suitable piece of equipment at a considerably smaller price. Also, the larger dredge will cost less in fuel, wages, etc. because of the larger capacity and therefore, the speed of moving the water. Also needed are a pickup, more pipe, a fusing machine, pipe connectors, plus painting and moving the dredge and equipment to Storm Lake. Asked if the price is negotiable, Ganske thought maybe yes. What is the timeframe? Ganske suggested the next step might be to have the county attorney draw up an option to purchase, and with a little money down,

**Draft**

perhaps \$1,000, that should hold the dredge and equipment. There needs to be some discussion on a timeframe for beginning dredging. Also, Ganske would like to go over some additional records and books, maybe next week. Also present for this discussion were Lannie Miller-DNR and Phil Redenbaugh-Lake Preservation Association.

Zoning Director Kim Johnson explained a proposed subdivision for a parcel of 4 splits, parts of which are up for public auction on 12/6. Motion by Burnside to set the public hearing on the subdivision request of Robert Driver for 8:30 a.m. on 12/17. Carried.

Motion by Burnside to approve the minutes of the 11/26 meeting as corrected, and the following reports: Nov. budget reports. Carried. Also reviewed was the FY'02 RTA annual report.

It was the consensus of the board to allow Mike Morrow to trap muskrats at the Spectra lagoon site.

There being no further business, motion by Burnside to adjourn the meeting at 11:50 a.m. until Tuesday, December 10, at 8:30 a.m. for a special session. Carried.

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**BOARD OF SUPERVISORS MEETING  
FORTY-SIXTH MEETING, 2002 SESSION (46)  
DECEMBER 10, 2002**

The Buena Vista County Board of Supervisors met in special session on Tuesday, December 10, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding, and with the following other members present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

Willie Christensen was present to discuss a Brooke Township bridge which provides access to his property. He has spoken to Lowell Soike, Historian, and Bureau of Historic Preservation, who had suggested that Christensen continue to encourage the Board to pursue the T-21 Enhancement federal funding for repair of the bridge.

Crampton and Auditor Strawn discussed the payment of unemployment compensation to a previous employee under the juvenile liaison program. Since the county pays unemployment compensation on a reimbursement basis rather than contributory, a \$3,100 payment for the former employee under a terminated contract cannot be reimbursed under the old contract. Future contracts may need to be worded differently. Juvenile Court Services is pursuing additional information and ideas for handling current and future employees of the liaison program.

The Auditor reviewed budget data for the current fiscal year including estimates for several unbudgeted expenses, and reductions in budgeted revenues.

John Geist, Ruan Securities, was present to discuss the services that his company can provide to the Board regarding several potential upcoming projects including the dredge purchase and several recently identified including jail and/or detention cells, relocation of sheriff's and engineer's office space, and a new ADA ramp entrance to the courthouse. The board asked Geist to investigate the time frame and procedures for funding purchase of a lake dredge. He will consult bond counsel and provide the

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information for the next meeting. A sub-committee including the Chair and Vice-Chair was formed to work on the details.

Gustafson reported on the first meeting of the Lake Improvements Commission. Tim Pierce was present to discuss the insurance needs for the dredge project including inland marine, liability, umbrella, worker's comp, and D&O. The inland marine coverage will be the responsibility of the county to be paid for within the \$600,000 commitment. He also indicated that Consultant Jim Ganske's expenses for research on the lake dredging project including locating and evaluating the dredge and other equipment, should be covered by the commission.

The board reviewed a proposed schedule for the FY'04 budget process and other budget issues. Early deadlines for departmental budgets will be slightly delayed to allow for conversion of the county's accounting system to the new chart of accounts. Supervisors Burnside and Crampton will serve on the sub-committee to meet with secondary road employees on salary and benefit requests. Along with W-2's this year, Bruns requested that the benefit statements and W-2 explanations be provided to employees.

Wellmark Representative Ally Child answered the board's questions about the trends in healthcare costs and how that will affect premiums for the coming year. Provider, facility and prescription costs are continuing to rise - at least 15%. Buena Vista County's renewal recommendations will be available in March. Generally, employers are considering premium controls through benefit changes in the areas of deductibles, co-pays and greater options in prescription coverage.

UDMO Director Larry Rohret and Storm Lake Site Director Joan Spooner were present to discuss their FY'02 annual report and submit their FY'04 funding request in the amount of \$19,715 which has been the same since at least 1992. Spooner discussed the activity and reviewed statistics for the Storm Lake site.

SLADC CEO Chris Nolte invited the Board to another Visioning meeting at 7:00 p.m. tonight at the AEA building. This meeting is about encouraging entrepreneurship and making the county more attractive to those who want to follow their dreams. The facilitator will be Frank Spillers. Nolte also commented that SLADC will be scheduling an appointment for a FY'04 funding request which will be at the same level as the current year. He noted that the visioning series has had positive results in the communities except Truesdale and Rembrandt. Also, the tourism group is doing well. Groups are working together, realizing that we are a community of 20,000 people.

Zoning Director Kim Johnson presented a subdivision request. Motion by Burnside to set the public hearing for the Verlynn Johnson subdivision request for 8:35 a.m. on December 17 in the Boardroom. Carried.

Motion by Burnside to appoint Loreen Carpenter (D) and Bill Lanphere (R) to the DHS Service Area Advisory Board. Carried. Iowa Code requires that the board be balanced by gender and political party.

The board acknowledged receipt of a manure management plan for Stein Nursery for a 4800 head swine nursery addition located in Section 17, Providence Twp. owned by Jim Stein. Manure disposal is planned for Sections 16 and 19, Providence Township.

Burnside left the meeting.

Motion by Crampton to acknowledge that the County Auditor has been and is hereby authorized to sign deferred compensation documents on behalf of Buena Vista County. Carried

Motion by Crampton to approve the minutes of the 12/3 meeting as printed. Carried.

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There being no further business, motion by Gustafson to adjourn the meeting at 1:15 p.m. until Tuesday, December 17, at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
FORTY-SEVENTH MEETING, 2002 SESSION (47)  
DECEMBER 17, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 17, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Chairman Vail presiding, and with the following other members present: Bruns, Burnside, Crampton and Gustafson, and with Auditor Strawn as clerk for the meeting.

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

8:30 a.m.—The time having arrived for the public hearing on the subdivision request of Bob Driver, the Chair opened the hearing with 1 person from the media present. Zoning Director Kim Johnson reviewed the request and reported that the Zoning Commission had recommended approval. There being no objections, motion by Burnside to close the public hearing. Carried. Motion by Gustafson to accept the recommendation of the Zoning Commission, and to approve and to authorize the Chairman to sign Resolution 2002-12-17A approving the subdivision request of Bob Driver for a site located in Barnes Township. Carried.

**RESOLUTION 2002-12-17-A**

**WHEREAS**, Bob Driver has presented a preliminary and final plat on the following described property:

DESCRIPTION: LOT D

ALL THAT PART OF THE NORTHWEST FRACTIONAL QUARTER (NW FRAC. ¼) OF SECTION 7, TOWNSHIP 93 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA LYING NORTH OF THE CENTERLINE OF THE LITTLE SIOUX RIVER.

Tract contains 10.34 Acres, more or less, and is subject to all easements of record.

Hereafter known as Lot D of Section 7, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

DESCRIPTION: LOT E

A TRACT OF LAND LOCATED IN WEST FRACTIONAL HALF (W FRAC ½) OF SECTION 7, TOWNSHIP 93 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Northwest Fractional Quarter (NW Frac. ¼) of said Section 7; Thence on an assumed bearing of North 02°14'29" East, along the West line of said Northwest Fractional Quarter (NW Frac. ¼), 1486.63 feet to the Point of Beginning. Thence continuing North 02°14'29" East, along said West line, 137.92 feet to the North line of the former Railroad Right-of-Way. Thence North 71°25'36" East, along said North line, 513.75 feet; Thence North 07°15'58" West, 590.32 feet to the centerline of the Little Sioux River; Thence along said centerline the following courses, North 84°43'30" East, 118.43 feet; Thence South 74°22'56" East, 150.13 feet; Thence South 78°34'54" East,

**Draft**

161.16 feet; Thence South 87°04'08" East, 177.19 feet; Thence North 84°53'33" East, 192.93 feet; Thence North 76°55'34" East, 200.19 feet; Thence North 71°08'13" East, 194.54 feet; Thence North 80°31'80" East, 292.40 feet; Thence North 75°54'51" East, 225.07 feet; Thence North 73°28'45" East, 23.09 feet to the North line of said Northwest Fractional Quarter (NW Frac. ¼); Thence South 87°17'45" East, along said North line, 999.29 feet to the Northeast (NE) Corner of said Northwest Fractional Quarter (NW Frac. ¼); Thence South 03° 32' 19" West, along the East line of the West Fractional Half (W Frac. ½) of said Section 7, 3358.30 feet; Thence North 32°35'48" West, 260.44 feet; Thence North 88°08'13" West, 791.44 feet; Thence North 08°48'57" East, 309.42 feet; Thence North 19°01'51" East, 686.29 feet; Thence North 43°08'22" East, 309.96 feet; Thence North 45°49'50" East, 105.39 feet; Thence North 63°21'03" East, 125.91 feet; Thence North 36°08'52" East, 192.53 feet; Thence North 49°30'28" East, 257.74 feet; Thence North 37°36'21" East, 70.25 feet; Thence North 03°37'51" West, 116.08 feet; Thence North 00°49'21" East, 111.55 feet; Thence North 08°53'51" East, 280.77 feet; Thence North 01°10'53" East, 286.03 feet; Thence North 17°48'22" West, 94.24 feet; Thence North 83°16'57" West, 255.59 feet; Thence North 87°32'05" West, 616.33 feet; Thence North 89°32'27" West, 411.80 feet; Thence South 83°36'32" West, 213.86 feet; Thence South 76°37'05" West, 76.26 feet; Thence South 72°28'13" West, 154.25 feet; Thence South 71°08'53" West, 535.24 feet; Thence South 70°56'06" West, 243.99 feet; Thence South 71°38'19" West, 591.10 feet to the Point of Beginning.

Tract contains 59.09 Acres, more or less, and is subject to all easements of record.

Hereafter known as Lot E of Section 7, Township 93 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

**WHEREAS**, the final plats meet with the approval of the Zoning Commission subject to the following if any: Lot D is not a buildable lot.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: Lot D is not a buildable lot.

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

**DESCRIPTION: LOT D**

ALL THAT PART OF THE NORTHWEST FRACTIONAL QUARTER (NW FRAC. ¼) OF SECTION 7, TOWNSHIP 93 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA LYING NORTH OF THE CENTERLINE OF THE LITTLE SIOUX RIVER.

Tract contains 10.34 Acres, more or less, and is subject to all easements of record.

Hereafter known as Lot D of Section 7, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION: LOT E**

A TRACT OF LAND LOCATED IN WEST FRACTIONAL HALF (W FRAC. ½) OF SECTION 7, TOWNSHIP 93 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Northwest Fractional Quarter (NW Frac. ¼) of said Section 7; Thence on an assumed bearing of North 02°14'29" East, along the West line of said Northwest Fractional Quarter (NW Frac ¼), 1486.63 feet to the Point of Beginning. Thence continuing North 02°14'29" East, along said West line, 137.92 feet to the North line of the former Railroad Right-of-Way. Thence North 71°25'36" East, along said North line, 513.75 feet; Thence North 07°15'58" West, 590.32 feet to the centerline of the Little Sioux River; Thence along said centerline the following courses, North 84°43'30" East, 118.43 feet; Thence South 74°22'56" East, 150.13 feet; Thence South 78°34'54" East, 161.16 feet; Thence South 87°04'08" East, 177.19 feet; Thence North 84°53'33" East, 192.93 feet; Thence North 76°55'34" East, 200.19 feet; Thence North 71°08'13" East, 194.54 feet; Thence North 80°31'30" East, 292.40 feet; Thence North 75°54'51" East, 225.07 feet; Thence North 73°28'45" East,

**Draft**

23.09 feet to the North line of said Northwest Fractional Quarter (NW Frac.  $\frac{1}{4}$ ); Thence South  $87^{\circ}17'45''$  East, along said North line, 999.29 feet to the Northeast (NE) Corner of said Northwest Fractional Quarter (NW Frac.  $\frac{1}{4}$ ); Thence South  $03^{\circ}32'19''$  West, along the East line of the West Fractional Half (W Frac.  $\frac{1}{2}$ ) of said Section 7, 3358.30 feet; Thence North  $32^{\circ}35'48''$  West, 260.44 feet; Thence North  $88^{\circ}08'13''$  West, 791.44 feet; Thence North  $08^{\circ}48'57''$  East, 309.42 feet; Thence North  $19^{\circ}01'51''$  East, 686.29 feet; Thence North  $43^{\circ}08'22''$  East, 309.96 feet; Thence North  $45^{\circ}49'50''$  East, 105.39 feet; Thence North  $63^{\circ}21'03''$  East, 125.91 feet; Thence North  $36^{\circ}08'52''$  East, 192.53 feet; Thence North  $49^{\circ}30'28''$  East, 257.74 feet; Thence North  $37^{\circ}36'21''$  East, 70.25 feet; Thence North  $03^{\circ}37'51''$  West, 116.08 feet; Thence North  $00^{\circ}49'21''$  East, 111.55 feet; Thence North  $08^{\circ}53'51''$  East, 280.77 feet; Thence North  $01^{\circ}10'53''$  East, 286.03 feet; Thence North  $17^{\circ}48'22''$  West, 94.24 feet; Thence North  $83^{\circ}16'57''$  West, 255.59 feet; Thence North  $87^{\circ}32'05''$  West, 616.33 feet; Thence North  $89^{\circ}32'27''$  West, 411.80 feet; Thence South  $83^{\circ}36'32''$  West, 213.86 feet; Thence South  $76^{\circ}37'05''$  West, 76.26 feet; Thence South  $72^{\circ}28'13''$  West, 154.25 feet; Thence South  $71^{\circ}08'53''$  West, 535.24 feet; Thence South  $70^{\circ}56'06''$  West, 243.99 feet; Thence South  $71^{\circ}38'19''$  West, 591.10 feet to the Point of Beginning.

Tract contains 59.09 Acres, more or less, and is subject to all easements of record.

Hereafter known as Lot E of Section 7, Township 93 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa; is hereby accepted subject to the following if any, Lot D is not a buildable lot.

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

**DESCRIPTION: LOT D**

ALL THAT PART OF THE NORTHWEST FRACTIONAL QUARTER (NW FRAC.  $\frac{1}{4}$ ) OF SECTION 7, TOWNSHIP 93 NORTH, RANGE 37 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA LYING NORTH OF THE CENTERLINE OF THE LITTLE SIOUX RIVER.

Tract contains 10.34 Acres, more or less, and is subject to all easements of record.

Hereafter known as Lot D of Section 7, Township 93 North, Range 37 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

**DESCRIPTION: LOT E**

A TRACT OF LAND LOCATED IN WEST FRACTIONAL HALF (W FRAC.  $\frac{1}{2}$ ) OF SECTION 7, TOWNSHIP 93 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) Corner of the Northwest Fractional Quarter (NW Frac.  $\frac{1}{4}$ ) of said Section 7; Thence on an assumed bearing of North  $02^{\circ}14'29''$  East, along the West line of said Northwest Fractional Quarter (NW Frac.  $\frac{1}{4}$ ), 1486.63 feet to the Point of Beginning. Thence continuing North  $02^{\circ}14'29''$  East, along said West line, 137.92 feet to the North line of the former Railroad Right-of-Way. Thence North  $71^{\circ}25'36''$  East, along said North line, 513.75 feet; Thence North  $07^{\circ}15'58''$  West, 590.32 feet to the centerline of the Little Sioux River; Thence along said centerline the following courses, North  $84^{\circ}43'30''$  East, 118.43 feet; Thence South  $74^{\circ}22'56''$  East, 150.13 feet; Thence South  $78^{\circ}34'54''$  East, 161.16 feet; Thence South  $87^{\circ}04'08''$  East, 177.19 feet; Thence North  $84^{\circ}53'33''$  East, 192.93 feet; Thence North  $76^{\circ}55'34''$  East, 200.19 feet; Thence North  $71^{\circ}08'13''$  East, 194.54 feet; Thence North  $80^{\circ}31'30''$  East, 292.40 feet; Thence North  $75^{\circ}54'51''$  East, 225.07 feet; Thence North  $73^{\circ}28'45''$  East, 23.09 feet to the North line of said Northwest Fractional Quarter (NW Frac.  $\frac{1}{4}$ ); Thence South  $87^{\circ}17'45''$  East, along said North line, 999.29 feet to the Northeast (NE) Corner of said Northwest Fractional Quarter (NW Frac.  $\frac{1}{4}$ ); Thence South  $03^{\circ}32'19''$  West, along the East line of the West Fractional Half (W Frac.  $\frac{1}{2}$ ) of said Section 7, 3358.30 feet; Thence North  $32^{\circ}35'48''$  West, 260.44 feet; Thence North  $88^{\circ}08'13''$  West, 791.44 feet; Thence North  $08^{\circ}48'57''$  East, 309.42 feet; Thence North  $19^{\circ}01'51''$  East, 686.29 feet; Thence North  $43^{\circ}08'22''$  East, 309.96 feet; Thence North  $45^{\circ}49'50''$  East, 105.39 feet; Thence North  $63^{\circ}21'03''$  East, 125.91 feet; Thence North  $36^{\circ}08'52''$  East, 192.53 feet; Thence North  $49^{\circ}30'28''$  East, 257.74 feet; Thence North  $37^{\circ}36'21''$  East, 70.25 feet; Thence North  $03^{\circ}37'51''$  West, 116.08 feet; Thence North  $00^{\circ}49'21''$  East, 111.55 feet; Thence North  $08^{\circ}53'51''$  East, 280.77 feet; Thence North

**Draft**

01°10'53" East, 286.03 feet; Thence North 17°48'22" West, 94.24 feet; Thence North 83°16'57" West, 255.59 feet; Thence North 87°32'05" West, 616.33 feet; Thence North 89°32'27" West, 411.80 feet; Thence South 83°36'32" West, 213.86 feet; Thence South 76°37'05" West, 76.26 feet; Thence South 72°28'13" West, 154.25 feet; Thence South 71°08'53" West, 535.24 feet; Thence South 70°56'06" West, 243.99 feet; Thence South 71°38'19" West, 591.10 feet to the Point of Beginning.

Tract contains 59.09 Acres, more or less, and is subject to all easements of record.

Hereafter known as Lot E of Section 7, Township 93 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of December, 2002.

/s/ Richard Vail, Chair, Board of Supervisors                      /s/ Karen M. Strawn, Auditor  
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8:35 a.m.—The time having arrived for the public hearing on the **subdivision request** of Verlynn Johnson, the Chair opened the hearing with 1 person from the media present. Zoning Director Kim Johnson reviewed the request and reported that the Zoning Commission had recommended approval. There being no objections, motion by Gustafson to close the public hearing. Carried. Motion by Crampton to accept the recommendation of the Zoning Commission and to approve and to authorize the Chairman to sign Resolution 2002-12-17B approving the subdivision request of Verlynn Johnson for a site located in Providence Township. Carried.

**RESOLUTION 2002-12-17-B**

**WHEREAS**, Verlynn J. Johnson has presented a preliminary and final plat on the following described property:

DESCRIPTION: LOT B

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER (N½ SW ¼) OF SECTION 2, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southwest Quarter (SW¼) of said Section 2; Thence on a previously recorded bearing of South 00°25'31" East, along the East line of said Southwest Quarter (SW¼), 449.15 feet to the Point of Beginning; Thence South 88°41'55" West, 341.39 feet; Thence South 00°25'31" East, 102.80 feet; Thence North 87°12'32" West, 320.93 feet; Thence North 40°23'08" West, 102.91 feet; Thence South 88°41'55" West, 589.93 feet; Thence South 00°01'44" East, 132.00 feet; Thence North 88°41'55" East, 594.00 feet; Thence South 84°36'02" East, 728.46 feet to the East line of said Southwest Quarter (SW¼); Thence North 00°25'31" West, along said East line, 217.00 feet to the Point of Beginning.

Hereafter known as Lot B of Section 2, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa.

Tract contains 3.97 Acres and is subject to all easements of record.

**WHEREAS**, the final plats meet with the approval of the Zoning Commission subject to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own.

**WHEREAS**, the final plat meets with the approval of the Board subject only to the following if any: Lot B becomes part of Lot A and is not a buildable lot on its own.

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

**Draft**

**DESCRIPTION: LOT B**

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER (N½ SW¼) OF SECTION 2, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southwest Quarter (SW¼) of said Section 2; Thence on a previously recorded bearing of South 00°25'31" East, along the East line of said Southwest Quarter (SW¼), 449.15 feet to the Point of Beginning; Thence South 88°41'55" West, 341.39 feet; Thence South 00°25'31" East, 102.80 feet; Thence North 87°12'32" West, 320.93 feet; Thence North 40°23'08" West, 102.91 feet; Thence South 88°41'55" West, 589.93 feet; Thence South 00°01'44" East, 132.00 feet; Thence North 88°41'55" East, 594.00 feet; Thence South 84°36'02" East, 728.46 feet to the East line of said Southwest Quarter (SW¼); Thence North 00°25'31" West, along said East line, 217.00 feet to the Point of Beginning.

Hereafter known as Lot B of Section 2, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; is hereby accepted subject to the following if any, Lot B becomes part of Lot A and is not a buildable lot on its own.

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

**DESCRIPTION: LOT B**

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER (N½ SW¼) OF SECTION 2, TOWNSHIP 90 NORTH, RANGE 36 WEST OF THE 5<sup>TH</sup> P.M., BUENA VISTA COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northeast (NE) Corner of the Southwest Quarter (SW¼) of said Section 2; Thence on a previously recorded bearing of South 00°25'31" East, along the East line of said Southwest Quarter (SW¼), 449.15 feet to the Point of Beginning; Thence South 88°41'55" West, 341.39 feet; Thence South 00°25'31" East, 102.80 feet; Thence North 87°12'32" West, 320.93 feet; Thence North 40°23'08" West, 102.91 feet; Thence South 88°41'55" West, 589.93 feet; Thence South 00°01'44" East, 132.00 feet; Thence North 88°41'55" East, 594.00 feet; Thence South 84°36'02" East, 728.46 feet to the East line of said Southwest Quarter (SW¼); Thence North 00°25'31" West, along said East line, 217.00 feet to the Point of Beginning.

Hereafter known as Lot B of Section 2, Township 90 North, Range 36 West of the 5<sup>th</sup> P.M., Buena Vista County, Iowa; and copies of said final plat shall be of record in the appropriate County offices.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of December, 2002.

/s/ Richard Vail, Chair, Board of Supervisors                                  /s/ Karen M. Strawn, Auditor  
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County Attorney Phil Havens was present to review a proposed purchase agreement for the dredge at McCook Lake, South Dakota. The owner of the dredge has not yet seen the agreement, and, the owner's list of equipment has not been received for review to be certain all items are included. The agreement sets an upfront payment in the amount of \$25,000. Supervisor-elect Bill Lanphere suggested that some members of the Board hand deliver the purchase agreement and \$25,000, and that they be given authority to combine categories of equipment, if the owner wants the terms written differently. Gary Lalone encouraged the Board to proceed with all due speed since other activities are proceeding. Gustafson does not want to jeopardize the potential purchase by any delay. Motion by Gustafson that Buena Vista County commits to the payment of \$25,000 in earnest money to McCook Lake Chapter of the Isaac Walton League of America, subject to the approval of a purchase agreement by both parties. Discussion was held to make clear that the warrant will not be written today, and not until the purchase



**Draft**

agreement is approved by both parties. The vote on this motion was carried. Crampton requested that Havens present the purchase agreement to the dredge owners for review.

**Genesis Development** Director Terry Johnson, with Storm Lake Site Administrator Cindy Wiemold, presented their FY'01 annual report and updated the Board on their activities. They serve 69 Buena Vista County residents. The ARO program has saved Buena Vista County \$13,848 in the 1<sup>st</sup> quarter of FY'03. They also reported some measure of progress in working with Regional Transit.

Engineer Jon Ites discussed a proposal for outside design-work for the re-hab of 2 bridges on county road C-65. The cost of re-hab will be about \$12-\$15,000 for each bridge, with the work scheduled for next fiscal year. Motion by Burnside to approve and to authorize the Engineer to enter into an agreement with Calhoun-Burns for the re-hab design work, plans and specifications, on **bridge projects** on C-65 at a cost of \$3,400. Carried.

Motion by Bruns to accept and to authorize the Engineer to enter into an agreement with Kuehl & Payer, Ltd., for \$1,500 to do the fieldwork on the **bridge replacement project** for a structure located on the north side of Section 28, Lincoln Township, the project to be completed next fiscal year. Ayes—Bruns, Burnside, Crampton, Vail; Nay—Gustafson. The motion was carried. Gustafson stated that his nay vote reflects his opinion that this is a small project, so it should be done in-house.

Motion by Crampton to declare 2 used computers in the Engineer's office as **excess equipment** approving the engineer to post a 'for sale' notice 'by sealed bid'. Carried.

Ites reported on efforts for a **highway research grant** for needed work on Radio Road. He would like to get bar material donated to be used in a proposal that combines 4 different techniques which have independently been tested successfully, but which haven't been used altogether previously. A quick fix (milling down the rough areas) would cost about \$55,000 and would need to be repeated in 5 years. Retro-fitting the road with bars using donated materials would cost the county the same \$55,000, but the life expectancy would be more like 15-20 years.

Ites reported on the status of two **liability claims** resulting from alleged road conditions, with one being set for trial in February (Isom), and the other likely to go to trial since it has been denied by the insurance company (Groth).

Motion by Crampton to approve and to authorize the Chairman to sign the **utility permit** application of Interstate Power & Light Co., Cedar Rapids, IA, to install 1/0 ACSR overhead lines for 120/240 volt single phase electricity over 450<sup>th</sup> St. between Sections 16 & 21, Lee Township, and, to amend the City of Storm Lake's utility permit for the Perimeter Sewer Rehabilitation project by permitting construction of the new pipe by open cut procedures in the east road ditch. Carried.

Ites reported that currently the levy in the General Fund for Secondary Road purposes is 100% of the maximum permitted, and the Rural Fund is at 80%. He requested staying at those levels for the FY'04 **budget**. Gustafson asked why the 70% of the local option sales tax (LOST) receipts that are transferred to the road fund are not used for the percentage of local effort. Gustafson said that he has checked with the DOT on B.V. County's local effort. It is contrary to what the Ites has told him over the last 3 years. Gustafson told the engineer that he did not appreciate being misled on not only this; but also on C-13 and truck plow equipment, etc. Ites answered that the LOST funds are shown on the county's DOT report and credited in the county's local effort, bringing the local effort for the rural fund to 103% on the last report. The ballot language on the LOST question stated that the 70% of LOST receipts which were to be used in the Secondary Road fund were to go for "Capital Expenditures in the Secondary Road Dept. (i.e. bridges, roads, buildings, etc.)." (Note: capital expenditures are normally the acquisition of, or additions to, fixed assets.) No action was taken on Ites' request for what figures should be used for the budget.

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Mental Health Director Dawn Mentzer reviewed the annual report on the **MH Managed Care Plan** including how the goals and priorities have been met. She reported a favorable evaluation on Tami Mills –Thomas. Motion by Gustafson to approve a **wage increase** to \$12.26/hr. effective 12/15/02 for Tami Mills-Thomas who has completed 6 months and has received a favorable evaluation, the funds having been included in the budget. Carried.

Mentzer also discussed a DHS Council proposed rule change which would move some of the administration of **targeted case management services** to Magellan Behavioral Health. The Board agreed to send messages objecting to this rule change to members of the Administrative Rules Review Committee.

Storm Lake Chamber of Commerce Managing Director Marilyn Monson was present to request that the Board continue to split the annual **Western Iowa Tourism** dues with the Chamber of Commerce. The Board agreed, with the county's portion being \$250/yr. Monson also discussed the current project of the **Storm Lake, and the Buena Vista County Convention and Visitor's Bureaus**. They are preparing a brochure highlighting all of the attractions in the County including recreation. The request was \$2,400 (with cities to match) to develop and print the brochure.

**Communications Center** Supervisor Mark Van Hooser, with Emergency Management Director Bob Christensen, and from the S.L. Police Dept.-Chief Mark Prosser, Fire Chief Mike Jones, Captain Todd Erskine, Captain Bob Swanson, and Lee Martin, met with the Board to discuss the CAD software replacement. Chief Prosser stated that the Commission was devastated with the Supervisor's decision not to accept the project as proposed. But, they have since been in contact with the company they've been working with, to pare back the proposal to its absolute bottom line of \$147,205. Cost reductions have been achieved by eliminating/delaying several parts of the original proposal, with the idea being to purchase only what is absolutely essential. Gustafson commented that since the communications center budget is funded by the general fund, the cost outlay for this software is unfair to the rural residents due to the city of Storm Lake being responsible for about 80% of the radio traffic. He recalled having made the request to the city of Storm Lake a couple years ago that it contribute to the comm. center funding. Gustafson feels that expansion of the jail has the greater priority. Prosser said that he can't speak for the city on the funding the center, so comments and questions need to be addressed to the mayor and council. At the time the Commission proposed a year ago to start the project, they got the general go ahead to research with the concept of purchasing a system over a 2 year period. What direction should the Commission take to replace the existing "Clues" software which will not be supported after 12/31/2003? The consensus was to proceed with the \$147,000 proposal by setting a start date that works with the \$66,025 available in the current year, with the remainder to be paid next year.

Motion by Crampton to approve the **minutes** of the 12/10 meeting as printed, and the following **reports**: DNR site visits – Lee and Poland Twps. FY'02 annual report - BVRMC, Nov minutes – Conservation Board, Clerk's fees, Mangold inspection of Spectra lagoon. Carried.

The time having arrived for consideration of a resolution to set a **public hearing**: Supervisor Gustafson introduced a resolution hereinafter next set out and moved its adoption, seconded by Supervisor Crampton; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of the said resolution and the roll being called, the following named Supervisors voted: Ayes: Bruns, Burnside, Crampton, Gustafson, Vail. Nays: None. Whereupon, the Chairperson declared the resolution duly adopted as follows:

**RESOLUTION NO. 2002-12-17C**

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

**WHEREAS**, the Board of Supervisors of Buena Vista County (the "County"), proposes to enter into a loan agreement (the "Loan Agreement") in the principal amount of \$600,000 pursuant to the provisions of Section 331.402 of the Code of Iowa for the purpose of paying the cost, to that extent, of the acquisition of a dredge and related equipment, to be used in removing silt from Storm Lake, pursuant to an

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agreement among the County, the Cities of Storm Lake and Lakeside and the Lake Preservation Association For Storm Lake; 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 31<sup>st</sup> day of December, 2002, at the Boardroom of the Courthouse, Storm Lake, Iowa, at Eleven 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  
THE PRINCIPAL AMOUNT OF \$600,000

The Board of Supervisors of Buena Vista County, Iowa, will meet on the 31st day of December, 2002, at the Boardroom of the Courthouse, Storm Lake, Iowa, at Eleven o'clock a.m., for the purpose of instituting proceedings and taking action to enter into a loan agreement (the "Loan Agreement") and borrow money in the principal amount of \$600,000 for the purpose of paying the cost, to that extent, of the acquisition of a dredge and related equipment, to be used in removing silt from Storm Lake, pursuant to an agreement among the County, the Cities of Storm Lake and Lakeside and the Lake Preservation Association For Storm Lake.

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 and will be payable from the County's General Fund, and no debt service property taxes will be levied.

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.

Karen Strawn  
County Auditor

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

**Passed and approved** December 17, 2002.

/s/ Richard Vail, Chairperson, Board of Supervisors      Attest: /s/ Karen M. Strawn, County Auditor  
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Conservation Director Gary Christiansen, with Secretary Diane Christiansen and Weed Commissioner Norm Lund, were present to discuss moving the weed department from the governance of the Board of Supervisors to the Conservation Board. The Conservation Board has taken action to accept the weed department on the condition that they start out with a new truck since the current one is beginning to show some problems. Making the change, along with a good roadside vegetation management program, would increase the tax dollars spent for conservation and would qualify the county for additional REAP funds. For the upcoming fiscal year, the estimated amount is \$4,500, depending upon the legislature's appropriation to that fund. The supervisors are also in favor of this change and will prepare a resolution to effect the transfer.

Zoning Director Kim Johnson discussed subdivisions. Members of the public are not following the proper procedure since the county doesn't have the subdivision ordinance in place. Many corrections are having to be made after a transfer of property has already been accomplished which would have been avoided if the proper procedure had been followed. Property is being surveyed, split and sold without having gone through the subdivision process. She requested direction on how the board wants these matters handled in the future – either getting the subdivision ordinance adopted, or abandoning the process. The board will look into the matter.

The Board received the notice of the pending construction permit approval for the Schmitt Hog site. Environmental Health Director Kim Johnson will send copies of the notice to those property owners whose written comments were filed with the DNR.

There being no further business, motion by Gustafson to adjourn the meeting at 2:20 p.m. until Tuesday, December 31, at 8:30 a.m. for a regular session. Carried.

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**BOARD OF SUPERVISORS MEETING  
FORTY-EIGHTH MEETING, 2002 SESSION (48)  
DECEMBER 31, 2002**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, December 31, 2002 at 8:30 a.m. in the Boardroom of the Courthouse, with Vice Chairman Crampton presiding, and with the following other members present: Bruns, Burnside, and Gustafson, and with Auditor Strawn as clerk for the meeting. Absent: Vail due to illness.

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

Rashel Nixon and Sherry McGill, of the Boys and Girls Home, Cherokee, discussed the services their agency provides to at-risk kids ages 12-17 during after school hours. They also work with through the school and with the families of the children. When the kids are court-ordered to the facility, IDHS pays the bill. The services provided in Storm Lake keep the kids in the home. Their Cherokee facility has a residential program, but Storm Lake does not. The B&G Home is in the process of starting a new 'shelter services' program. A portion of that cost will be paid by IDHS. They would like to work with the counties for the remaining cost of the program. Currently, Buena Vista County pays shelter services for kids placed at Forest Ridge.

Paula Guerra, General Relief Director, was present with a client requesting assistance with medical bills for emergency services.

EnvHealth/Zoning Director Kim Johnson discussed staffing and funding for her office, and requested direction for next year's budget.

**Draft**

Engineer Jon Ites recommended promoting Ron Reckamp to Shop Superintendent replacing Brad Raveling who retires today. Motion by Bruns to promote Ron Reckamp to Shop Superintendent effective January 1, 2003. Carried.

Ites proposed a job description for entry level Mechanic I. Motion by Burnside to approve the Mechanic I job description at the same payrate as the Equipment Operator I, and to authorize the Engineer to advertise the position. Carried.

Motion by Burnside to approve and to authorize the Vice-Chairman to sign a BROS bridge funding agreement for project #BROS-CO11(51)—8J-11 (south of C-49 in Grant Twp.). Carried.

Ites has received a request for a 5-week engineering internship for a Newell-Fonda high school student. The Board was not opposed. Ites will discuss the program further with the counselor who made the request.

Motion by Gustafson to approve and to authorize the Chairman to sign an underground utility permit submitted by Interstate Power & Light Inc., Cedar Rapids, to install plastic pipe for natural gas service for a new home at Bel Air Beach at the intersection of Mallard & Perch. Carried.

Ites reported on his investigation of funding for the Brooke Township bridge which Willie Christensen had discussed previously with the Board. Funding is currently non-existent, and the bridge would be unlikely to qualify if there was funding. Ites will provide a copy of his information to Christensen.

Proposed changes to the Road Use Tax distribution formula would have a negative impact on Buena Vista County. Ites reviewed a Farm Bureau presentation about the impact of the proposed changes on rural Iowa.

Ites again requested the Board's direction on the level of property tax funding for the secondary road program for the FY'04 budget from the General Basic and Rural Basic funds. Since the full board was not present, the decision was delayed until another meeting.

NW Aging Executive Director Cynthia Beauman, with Boardmembers Floyd Courtright, Marvin Molitor, and Lucille Cochran, and Case Manager Shelly Peters, presented the 2002 annual report. Due to state funding cuts, the county contributions to NW Aging enabled the agency to continue to draw down the maximum amount of federal funds by providing the balance of the required matching dollars. The agency has started a foundation to accept tax-deductible charitable contributions. Their request for FY'04 funding was \$10,679, the same as the current year. Beauman explained that federal funds placed in the state's senior living trust have been borrowed by the state for Medicaid shortfalls, but repayment has been promised.

Due to approximately 40 interested persons being present, the Board moved to the larger public meeting room. 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.

Vice Chairperson Crampton called upon Supervisor Gustafson to briefly review the activities of Consultant Jim Ganske in locating a suitable dredge and equipment available for sale by the McCook Lake Isaac Walton League of South Dakota. He stated that the proposed price of \$450,000 is a good deal, and the dredge is a good find since a new dredge would be approximately \$600,000. This dredge was used to successfully deepen McCook Lake from 4' to 11' over the last few years. Lots of small and heavy equipment, spare parts, pipe, a generator, pumps, hand tools, and a tugboat are included in the price. Ken Davis asked if the dredge was fairly new. Gustafson answered that it was originally purchased by the State of South Dakota in about 1989. Ganske's evaluation of it is that there is approximately 85% of its life left.

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The Vice-chair then invited the public to ask questions or make comments. Storm Lake Mayor Jon Kruse thanked the Board of Supervisors for its role in the project, and stated that if from a financing point of view it is in the county's best interest to borrow the funds, now is the time to borrow when interest rates are so low.

SLADC CEO Chris Nolte also thanked the Board and stated that the Visioning process that has been conducted around the county in recent months and has resulted in citizens realizing we are not the separate communities of Linn Grove, Marathon, etc., but rather a single community of Buena Vista County. The lake dredging project will benefit the entire community and the foresight of the leaders of this project will take us into the future.

Martin Glienke, resident of Maple Valley Township, is opposed to funding the dredge through the General Fund because he believes that the rural residents of the County do not use the lake. The project should be funded by those who use it. There is no end to what rural property owners have to pay for. Those who play golf pay to do it. Those who live on the lake or fish there should pay for it.

Chris Nolte stated that if having an improved lake in any way draws people to the county, it draws wealth to the county, which benefits the entire county.

Margaret Redenbaugh reported that the Lake Preservation Association has been fundraising and has in private donations and pledges about \$400,000. Donors include a number of people living on the lake pledging \$10,000. LPA will continue to do fundraising.

LPA President Gary Lalone thanked the cities, county and citizens for their participation in the lake-dredging project. The dredging program has state and soon, federal participation. This is a plus for everyone, and would not be possible without the cities' and county involvement. As the project develops and people come to the lake, this will also bring people to Linn Grove and to Marathon, particularly if a destination park develops. There is now much more potential due to the cities and county involvement.

Martin Glienke asked what happened with this past summer's dredging when it was reported that there wasn't the material (silt) that they thought they were going to find. Has a survey been done? Julie Sievers, DNR, answered that the particular dredge that was on the lake this past summer was larger than planned. It didn't work as well as it might have due to the conditions of the lake. Also, the dredger's contract was for a specific area. Storm Lake has plenty of silt to be removed. The remarks about 'no silt' were made by the dredger in an attempt to get additional funding.

Supervisor Bruns stated that he is not so concerned about buying the dredge, but he is concerned about the future operation of it. Given the state's current financial condition, he doesn't see how it will be able to come up with funding in the future. Will they decide to cut this part of the state off at some point? Will the operation of the dredge then come back to the county in favor of cleaning up the Raccoon River, which is a water source for the Des Moines area? Bruns is concerned over who pays taxes. There is none on stocks and bonds. It is the farm and the self-employed who pay the greatest share. The governor has wanted to look at the tax system of Iowa – there may be a more fair way to raise tax revenue, but we don't have that way currently. Since May we have talked about buying the dredge but we have not discussed how to pay for it. It is not a bad thing to have something other than a unanimous vote on an issue – where someone represents the other side. The county will get the dredge, and it will be a good project, but someone needs to represent the other side.

The Vice-Chair called for any further questions or discussion. There being none, motion by Burnside to close the public hearing. Ayes—Bruns, Burnside, Gustafson, Crampton. Carried.

After the due consideration and discussion, Supervisor Burnside 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:

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Burnside, Gustafson, Crampton. Nays: Bruns. Whereupon, the Chairperson declared the resolution duly adopted, as follows:

**RESOLUTION NO. 2002-12-31**

Taking additional action to enter into a Loan Agreement

**WHEREAS**, pursuant to the provisions of Section 331.402 of the Code of Iowa, the Board of Supervisors of 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 the principal amount of \$600,000, for the purpose of paying the cost, to that extent, of the acquisition of a dredge and related equipment to be used in removing silt from Storm Lake, pursuant to an agreement among the County, the Cities of Storm Lake and Lakeside and the Lake Preservation Association For Storm Lake 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 in the future, 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 December 31, 2002.

/s/ Herb Crampton, Vice-Chairperson, Board of Supervisors Attest: /s/ Karen M. Strawn, County Auditor

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County Attorney Phil Havens discussed the proposed **dredge purchase agreement**, and the letter from the attorney for the McCook Lake Izaak Walton League. The inventory of equipment to be purchased needs to be confirmed, and some additional terms. The agreement proposes an initial payment of \$45,000. Havens will finalize terms of the agreement for the Board's approval on January 7.

Harry P. Schaller, Citizen's Bank, suggested that the county consider a **lease agreement** for the dredge – the county could save the underwriting cost, and bonding expense. It was noted that the county would pay no sales tax in a direct purchase, but if a bank or a leasing company purchased it, there would be. Leasing could be a less expensive way to own and operate the dredge. County Attorney Phil Havens stated that today's public hearing and subsequent board action allows for a loan, another hearing would be required for a lease agreement.

Communications Supervisor Mark Van Hooser, with SL Police Chief Mark Prosser, Fire Chief Mike Jones, Captain Todd Erskine, Office Manager Lea Martin, and Communications Commission Chairman Bob Christensen, were present for the Board's discussion of the **proposed CAD (Computer Aided Dispatch) software** for the Communications Center. Prosser stated that what was understood from the last meeting was that the Commission was to proceed with getting a schedule put together for payment of \$66,025 in the current fiscal year, and the remainder in FY'04. Gustafson asked if 911 Surcharge funds are designated for future use – yes, part of them are designated for a potential project. Could they be used for this project – yes, but they can't be used for vehicles, salaries, or buildings. How much is currently in the fund - over \$200,000. Gustafson stated that if there are other sources besides the general fund, they should be used. He stated that had there been a full board present for consideration of the motion, he was ready, to offer a motion to pull the county out of the 28E Communications Commission. Burnside stated she received information from Carroll County – they

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made a purchase for \$80,000 for a complete system, and then asked – is this the same type of thing being proposed here? Prosser answered that he thought there project was different. Prosser asked if he was to report to the City Mayor and Council that the county is thinking about pulling out of the commission? Burnside stated that there isn't a full board present to determine if that is the will of the board. Crampton stated that he is not in favor of that step yet. Burns stated that he understands where Gustafson is coming from. The county is the payor of the Commission expenses, but that the County is not the major user of it. The Sheriff has dropped his participation in the project, and his needs for jail management software are not addressed in the proposal. Prosser responded that the Sheriff was the person who made the motion to take the CAD software proposal to the Supervisors. Gustafson stated that he will move to pull the county out of the Commission if there isn't other funding besides the county general fund used. Crampton volunteered to attend the January 15<sup>th</sup> 911 Service Board meeting when the subject of using 911 funding will be considered. A report on that meeting could then be provided at the January 21<sup>st</sup> meeting.

Engineer Jon Ites asked about the effect on the secondary road budget of the **95% appropriation** of funds to the departments, approved by the Board at their 1<sup>st</sup> meeting in July, 2002. A 95% appropriation is not workable on contracted work. If the 95% applies in total to that department, the 5% reduction would have to be made up entirely within the operations budget. No conclusions were reached, however this subject will be discussed at the January 2, 2003 meeting.

The Board placed a conference call to Bond Attorney Bob Josten. His opinion is that there is no advantage to the county to lease the **dredge** instead of purchasing it. Today's resolution authorizes the county to borrow, including interim financing for cash, and the county can now negotiate with anyone we choose for those funds. The board needs to decide over what number of years it wishes to borrow the funds?

Motion by Gustafson to approve the **minutes** of the 12/17 meeting as printed. Carried.

There being no further business, motion by Bruns to adjourn the meeting at 2:45 p.m. until Thursday, January 2, at 8:30 a.m. for the 2003 organizational session. Carried.



**Draft**

