

## January 4, 2010

The Buchanan County Board of Supervisors met in regular session on Monday, January 4, 2010 with Michael Ferreter, Ellen Gaffney, and Ralph Kremer present.

The Pledge of Allegiance was recited.

At 9:00 a.m. County Auditor, Cindy Gosse called the meeting to order.

Motion by Gaffney second by Ferreter to appoint Ralph Kremer Chairperson for 2010. All in favor, motion carried.

Motion by Ferreter second by Kremer to appoint Ellen Gaffney Chairperson Pro-tem for 2010. All in favor, motion carried.

Motion by Ferreter second by Gaffney to approve the following Supervisors' committee appointments for 2010. All in favor, motion carried.

Mike Ferreter – Independence Area Food Pantry; Operation Threshold (Ellen Gaffney, alternate); Buchanan County Sanitary Landfill Commission; Buchanan County Homeless Council; First Judicial District Department of Corrections (Ellen Gaffney, alternate); Local Emergency Planning Committee; Buchanan County Empowerment Board; MHI Advisory Board; Habitat for Humanity Board; Pathways, Independence & Waterloo; Resource Enhancement and Protection

Ellen Gaffney – Buchanan County Economic Development Commission; Regional Economic Development; INRCOG Solid Waste Advisory Committee; Iowa Workforce Development; Backbone Area Counseling Center; Buchanan County Sanitary Landfill Commission; Buchanan County Tourism; Buchanan County Volunteer Coop; Buchanan County Greater Foundation.

Ralph J. Kremer – Buchanan County Council on Aging; Hawkeye Valley Area Agency on Aging; INRCOG and INRCOG Regional Transit; Resource Conservation & Development; Buchanan County Sanitary Landfill Commission; North Iowa Juvenile Detention (Ellen Gaffney, alternate); Transportation Policy Board; Housing Foundation for People with Mental Disabilities; Heartland Acres Agribition Center; E911 Service Board (Ellen Gaffney, alternate); Joint Independence City, School and County Committee.

Motion Ferreter second by Gaffney to approve the minutes of the December 31<sup>st</sup> meeting. All in favor, motion carried.

Motion by Ferreter second by Gaffney to approve claims filed with the County Auditor for payment in the amount of \$822,785.85. All in favor, motion carried.

Motion by Ferreter second by Gaffney to approve the following holidays for 2010: President's Day, February 15<sup>th</sup>; Good Friday (1/2 day), April 2<sup>nd</sup>; Memorial Day, May 31<sup>st</sup>; Independence Day, July 5<sup>th</sup>; Labor Day, September 6<sup>th</sup>; Columbus Day, October 11<sup>th</sup>; Veteran's Day, November 11<sup>th</sup>; and Thanksgiving and the day after, November 25<sup>th</sup> & 26<sup>th</sup>; Christmas Eve (1/2 day) December 23<sup>rd</sup>; Christmas Day, December 24<sup>th</sup>; New Years Day, December 31<sup>st</sup>. All in favor, motion carried.

Motion by Gaffney second by Ferreter to approve the Independence Bulletin Journal; Citizen Herald, Jesup; and The Winthrop News as official newspapers for 2010. All in favor, motion carried.

Motion by Gaffney second by Ferreter to approve the quarterly reports of the Sheriff \$18,216.48 and the Auditor \$52,856.61; and monthly report of the jail – Oct. \$3,554.22. All in favor, motion carried.

Motion by Gaffney second by Ferreter to approve the following re-appointments: Alan Wulfekuhle, Board of Adjustment, five-year term; Dr. Herbert Jones and Dr. James Sloan, Board of Health, three-year terms; and Corinne Love, Kay Bisinger, and Marlene Brown, Certified Local Government Commission, three-year terms. All in favor, motion carried.

Motion by Gaffney second by Ferreter to accept the resignation of Judy K. Albert, Jefferson Township Clerk, effective June 30, 2010. All in favor, motion carried.

Motion by Gaffney second by Ferreter to approve the following resolution. On roll call all voted aye thereon. Motion carried.

### **RESOLUTION 10-01 CONSTRUCTION EVALUATION RESOLUTION**

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

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

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

WHEREAS, by adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2010 and January 31, 2011 and submit an adopted recommendation regarding that application to the DNR; and

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

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

Passed and adopted this 4<sup>th</sup> day of January 2010.

Motion by Gaffney second by Ferreter to approve the following resolution. On roll call all voted aye thereon. Motion carried.

**RESOLUTION 10-02  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 10-A-01  
BUCHANAN CO, IOWA**

The rezoning of property located in Fairbank Township, Section 25, .66 of an acre from "A-1" agricultural to "R-1" residential.

BE IT ORDAINED:

That Section IV of the Buchanan County, Iowa, Zoning Ordinance be amended to reflect the zoning change on the official zoning maps as follows:

The W 250 ft of the S 180.58 ft to the SW qtr of the SW qtr of Sec. 25, T90N, R10W of the 5<sup>th</sup> P.M., Buchanan County, Iowa except road right-of-way, containing .66 of an acre more or less.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment at 9:30 a.m. January 18, 2010 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 4<sup>th</sup> day of January 2010.

At 10:00 a.m. the public hearing regarding the transfer of property to the State of Iowa was called to order. After discussion, motion by Ferreter second by Gaffney to close the hearing at 10:07 a.m. After further discussion, motion by Ferreter second by Gaffney to approve the following resolution. On roll call all voted aye thereon. Motion carried.

**RESOLUTION 10-03**

WHEREAS, Buchanan County acquired property for the purpose of drainage improvements; and

WHEREAS, it has been proposed to transfer said properties to the State of Iowa; and

WHEREAS, the Buchanan County Board of Supervisors advertised hearings and held hearings on January 4, 2010.

NOW THEREFORE BE IT RESOLVED, that the Buchanan County Board of Supervisors approve the transfer of the following described properties to the State of Iowa:

1. Com at the SE cor of said Sec. 15; th S88°54'10"W, 60.0 ft (recorded distance), on the south line of said SE1/4 SE1/4, to the pob; th cont S88°54'10"W, 20.95 ft, on said south line; th N0°49'16"E, 271.67 ft; th N0°42'49"E, 735.20 ft; th

S89°17'11"E, 20.00 ft, to a pt on the present westerly right of way line of Primary Road #187; th S0°41'21"W, 1006.21 ft, on said present westerly right of way line, to the pob; containing 0.47 acres, subject to easement of record.

2. Parcel "A" described as: Com at the NE cor of said Sec. 22; th S88°54'10"W, 60.00 ft (recorded distance), on the north line of said NE1/4 NE1/4, to the pob; th cont S88°54'10"W, 20.95 ft, on said north line; th S0°57'54"W, 91.88 ft, to a point on the present westerly right of way line of Primary Road #187; th S87°59'46"E, 20.20 ft, on said present westerly right of way line; th N1°27'17"E, 93.00 ft (recorded distance), on said present westerly right of way line, to the pob; containing 0.04 acre, subject to easements of record.
3. Parcel "B" described as: Com at the NE cor of said Sec. 22; th S1°25'17"W, 192.70 ft (recorded distance), on the east line of said NE1/4 NE1/4, to the pob; th cont S1°25'17"W, 104.78 ft, on said east line, to a point on the present northerly right of way line of Former Primary Road #284; th N71°12'43"W, 82.83 ft, on said present northerly right of way line; th N1°06'00"E, 104.96 ft, to a point on the present westerly right of way line of Primary Road #187; th S71°12'43"E, 83.45 ft, on said present westerly right of way line, to the pob; containing 0.19 acres, subject to easements of record.

Passed this 4<sup>th</sup> day of January 2010.

Motion by Gaffney second by Ferreter to adjourn at 10:25 a.m. All in favor, motion carried.

Ralph J. Kremer, Chairman

ATTEST: Cindy Gosse, Auditor

### **January 11, 2010**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, January 11, 2010 with Ralph Kremer, Chairperson in the Chair, Ellen Gaffney and Mike Ferreter present. Absent, none.

The Pledge of Allegiance was recited.

The Board met with County Engineer Brian Keierleber to discuss the speed limit on 205<sup>th</sup> St., Independence with Independence Mayor Carl Scharff and Tim Donnelly present. After discussion, motion by Ferreter second by Gaffney to approve the following resolution pending the removal of stop signs on the east west road of 14<sup>th</sup> St. On roll call all voted aye thereon. Motion carried.

#### **RESOLUTION 10-04**

BE IT RESOLVED that the Buchanan County Board of Supervisors approves the increase in the speed limit on 14<sup>th</sup> St. (205<sup>th</sup> St.) beginning 375 ft. east from the intersection of Union Ave. and 14<sup>th</sup> St. from 25 miles per hour to 35 miles per hour.

Passed this 11<sup>th</sup> day of January 2010.

The Board discussed the lease agreement for law center space with Mayor Scharff. After discussion, motion by Ferreter second by Gaffney to propose the renewal of the lease with the City of Independence for three years, with the 1<sup>st</sup> year rent totaling \$22,876. All in favor, motion carried.

Motion by Gaffney second by Ferreter to approve the minutes of the January 4<sup>th</sup> meeting. All in favor, motion carried.

Motion by Gaffney second by Ferreter to appoint Becky Karsten and Nate Clayberg to the Iowa Northland Regional Housing Council. All in favor, motion carried.

Motion by Gaffney second by Ferreter to approve the following re-appointments: John Slatter, James Grover Sr., and Marlene Brown, Zoning Commission, five year terms; William Reedy and Marlene Brown, Pioneer Cemetery Commission, three year terms. All in favor, motion carried.

Motion by Gaffney second by Ferreter to direct the County Auditor to advertise for a position on the Board of Health and the Pioneer Cemetery Commission. All in favor, motion carried. Interested individuals should submit an application and letter of interest to the County Auditor by February 1, 2010.

The Board proceeded to meet with County Auditor Cindy Gosse to review the proposed FY11 budget.

At 11:30 a.m. motion by Ferreter second by Gaffney to recess until 9:00 a.m. Tuesday, January 12, 2010. All in favor, motion carried.

Ralph J. Kremer, Chairman

ATTEST: Cindy Gosse, Auditor

**January 12, 2010**

The Buchanan County Board of Supervisors reconvened in regular session at 9:00 a.m. on Tuesday, January 12, 2010 with Ralph Kremer, Chairperson in the Chair, Ellen Gaffney and Mike Ferreter present. Absent, none.

The Board proceeded to meet with County Auditor Cindy Gosse and the following departments to review proposed FY11 budgets: Recorder Diane Curry; Sanitarian/Zoning Commissioner Ed Fitzgerald; County Engineer Brian Keierleber; and County Attorney Allan Vanderhart.

At 11:50 a.m. motion by Gaffney second by Ferreter to recess until 9:00 a.m., Wednesday, January 13, 2010. All in favor, motion carried.

Ralph J. Kremer, Chairman

ATTEST: Cindy Gosse, Auditor

**January 13, 2010**

The Buchanan County Board of Supervisors reconvened in regular session at 9:00 a.m. on Wednesday, January 13, 2010 with Ralph Kremer, Chairperson in the Chair, Ellen Gaffney and Mike Ferreter present. Absent, none.

The Board proceeded to meet with County Auditor Cindy Gosse and Conservation Director Dan Cohen to review the proposed FY11 budget.

At 9:30 a.m. the Board met with Roadside Manager Sherlyn Hazen and the Roadside Management Advisory Board to review the proposed FY11 budget and goals.

At 10:45 a.m. the Board proceeded to meet with County Auditor Cindy Gosse and Community Services Director Julie Berner to review the proposed FY11 General Relief, Veterans and MH-DD budgets.

At 12:30 p.m. motion by Gaffney second by Ferreter to recess until 10:30 a.m., Thursday, January 14, 2010. All in favor, motion carried.

Ralph J. Kremer, Chairman

ATTEST: Cindy Gosse, Auditor

**January 14, 2010**

The Buchanan County Board of Supervisors reconvened in regular session at 10:40 a.m. on Thursday, January 14, 2010 with Ralph Kremer, Chairperson in the Chair, Ellen Gaffney and Mike Ferreter present. Absent, none.

The Pledge of Allegiance was recited.

The Board proceeded to meet with County Auditor Cindy Gosse, Sheriff Bill Wolfgram, Captain Steve Hepke and Jail Administrator Russ West to review the proposed FY11 budget.

At 12:45 p.m. motion by Gaffney second by Ferreter to recess until 2:00 p.m. All in favor, motion carried.

The Buchanan County Board of Supervisors reconvened in regular session at 2:10 p.m. on Thursday, January 14, 2010 with Ralph Kremer, Chairperson in the Chair, Ellen Gaffney and Mike Ferreter present. Absent, none.

The Board met with Attorney Cynthia Sueppel and County Attorney Allan VanderHart regarding a lawsuit. Motion by Gaffney second by Ferreter to enter into closed session at 2:09 p.m. pursuant to Iowa Code Chapter 21 Subsection 21.05 (1) (c) to

discuss strategic matters presently in litigation or where litigation is imminent. On roll call vote: Ayes – Gaffney, Kremer and Ferreter, Nays- none. Motion carried.

At 3:40 p.m. there was a motion by Ferreter second by Gaffney to close the session and re-enter the open public meeting. On roll call vote: Ayes – Gaffney, Kremer and Ferreter, nays – none. Motion carried. No action was taken by the Board.

Motion by Gaffney second by Ferreter to adjourn at 3:45 p.m. All in favor, motion carried.

Ralph J. Kremer, Chairman

ATTEST: Cindy Gosse, Auditor

## **January 18, 2010**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, January 18, 2010 with Ralph Kremer, Chairperson in the Chair, Ellen Gaffney and Mike Ferreter present. Absent, none.

The Pledge of Allegiance was recited.

Motion Gaffney second by Ferreter to approve the minutes of the January 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> meetings. All in favor, motion carried.

Motion by Gaffney second by Ferreter to approve claims filed with the County Auditor for payment in the amount of \$111,579.78. All in favor, motion carried.

Motion by Ferreter second by Gaffney to approve the monthly reports of the County Recorder \$11,752.95 and Clerk of Court \$1,633.09. All in favor, motion carried.

Motion by Ferreter second by Gaffney to accept the resignation of Betty Odekirk, custodian for the conservation department effective January 22, 2010. All in favor, motion carried.

County Engineer Brian Keierleber presented the Board with plans for bridge replacements. After discussion, motion by Gaffney second by Ferreter to approve the following plans: Olympic Ave. in Byron Township Sec. 16 project # FHWA #82680 and 250<sup>th</sup> St., in Liberty Township Sec. 23 project #82050. All in favor, motion carried.

Motion by Gaffney second by Ferreter to approve the rock purchase contracts with Bruening Rock Products, Inc., Decorah and Paul Niemann Construction Co., Sumner, and authorize the chairman to sign said contracts. All in favor, motion carried.

Motion by Gaffney second by Ferreter to approve the right-of-way agreements for the Quinn Ave. bridge replacement project in Buffalo Township and authorize the chairman to sign said agreements. All in favor, motion carried.

At 9:30 a.m. the public hearing regarding the Freeman and Mattie Gingerich rezoning request with Mike Hohenbrink, Tari Robertson and Ed Fitzgerald, Zoning Administrator present. After discussion, motion by Ferreter second by Gaffney to approve the following resolution. On roll call all voted aye thereon. Motion carried.

### **RESOLUTION 10-05**

WHEREAS, Gaffney proposed the adoption and enactment of a Zoning Ordinance Amendment on the day 4<sup>th</sup> of January 2010, which action is recorded in Book V Page 97 of the Minutes of the Board of Supervisors; and

WHEREAS, the same was duly published in the Independence Bulletin Journal, an official newspaper of general circulation in the county and complying with Sections 618.3 and 618.14 of the Code of Iowa, on 13<sup>th</sup> day of January 2010; and

UPON MOTION made by Ferreter and second by Gaffney a vote was held to suspend the requirement for three successive readings and votes, which motion passed by a vote of a majority of the Board of Supervisors, as follows:

THOSE VOTING FOR SUSPENSION OF THE REQUIREMENT: Ferreter, Gaffney and Kremer

THOSE VOTING AGAINST SUSPENSION OF THE REQUIREMENT: None

NOW THEREFORE the following was read and voted upon by the Board of Supervisors, and it passed by a vote of a majority of the Board of Supervisors:

AND IT IS NOW THEREFORE ENACTED AND ORDAINED:

**ZONING ORDINANCE AMENDMENT 10-A-01  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fairbank Township, Section 25, .66 of an acre from "A-1" agricultural to "R-1" residential.

The rezoning of the following described property is approved:

The W 250 ft of the S 180.58 ft to the SW qtr of the SW qtr of Sec. 25, T90N, R10W of the 5<sup>th</sup> P.M., Buchanan County, Iowa except road right-of-way, containing .66 of an acre more or less. To allow construction of new rural school.

THOSE VOTING FOR THE PASSAGE: Ferreter, Gaffney and Kremer

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 18<sup>th</sup> day of January 2010.

The Board met with Engineer Brian Keierleber, Roads Superintendent Steve Bantz and Sheriff Bill Wolfgram to discuss the towing of vehicles in storms and law enforcement calling the secondary road department out when vehicles are stranded. No action was taken by the Board.

The Board met with the following members of the Buchanan County Library Association: Elaine Rosberg, Aurora; Karen Teidt, Fairbank; Laura Blaker, Independence; Cindy Lellig, Jesup; Jane Seedorff, Lamont and Missy Mayfield-Cook, Winthrop. Ms. Mayfield-Cook presented information regarding future agreements with cities that do not have library services for their residents. The Board will forward the proposed agreement to the County Attorney for review. Librarians updated the Board on the services provided the past year. The Library Association members requested additional funds for FY11. No action was taken by the Board.

The Board met with Director of Public Health Amy Marlow to discuss the amendment to the Local Public Health Agreement. The amendment will decrease the Home Care Aide allocation by \$4,482 and the Public Health Nursing allocation by \$1,773. After discussion, motion by Ferreter second by Gaffney to approve amendment #2 to the Local Public Health Agreement with the State of Iowa and authorize the chairman to sign said agreement. All in favor, motion carried.

Director Marlow reviewed the final agreement for Public Health Services for FY10 as drafted by County Attorney Allan Vanderhart and Attorney Lans Flickinger. After discussion, motion by Gaffney second by Ferreter to approve the Public Health Services agreement for FY10 and authorize the chairman to sign. All in favor, motion carried.

Director Marlow reviewed the proposed FY11 budget with the Board.

Motion by Ferreter second by Gaffney to approve the following resolutions. On roll call all voted aye thereon. Motion carried.

**RESOLUTION 10-06**

WHEREAS, it is desired to authorize the Auditor to periodically transfer sums from general basic fund and rural services basic fund to the secondary road fund during the 2009-2010 budget year; and

WHEREAS, said transfers must be in accordance with Section 331.432, Code of Iowa,

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

Section 1. The total maximum transfer from the rural services basic fund to the secondary road fund for the fiscal year beginning July 1, 2009 shall not exceed the sum of \$1,397,477 from the rural basic fund; which includes \$450,000 of local option tax dollars and \$75,000 from the general basic fund.

Section 2. The amount of the transfer required by Section 2 shall be equal to the apportionment made under Section 2 to the rural services basic fund, respectively, multiplied by the ratio of said fund total maximum transfer to the secondary road fund, to the sum of said fund current property tax levy, total mobile home taxes and total military service tax credit replacements.

Section 3. Notwithstanding the provisions of Section 2, of this resolution, total transfers to the secondary road fund shall not exceed the amount specified in Section 1.

Section 4. Notwithstanding the provisions of Section 2, the amount of any transfer shall not exceed available fund balances in the transferring fund.

Section 5. The Auditor is directed to correct her books when said operating transfers are made and to notify the Treasurer and County Engineer of the amounts of said transfers.

Passed this 18<sup>th</sup> day of January 2010.

#### **RESOLUTION 10-07**

BE IT RESOLVED that the Buchanan County Board of Supervisors approves the transfer from the General Fund to the Supplemental Fund for operating expenses in the amount of \$300,000.

Passed this 18<sup>th</sup> day of January 2010.

Auditor Cindy Gosse presented the December financial report to the Board. After discussion, motion by Gaffney second by Ferreter to approve the report. All in favor, motion carried.

At 11:40 a.m. motion by Gaffney second by Ferreter to recess until 9:00 a.m., Tuesday, January 19, 2010. All in favor, motion carried.

Ralph J. Kremer, Chairman

ATTEST: Cindy Gosse, Auditor

#### **January 19, 2010**

The Buchanan County Board of Supervisors reconvened in regular session at 9:00 a.m. on Tuesday, January 19, 2010 with Ralph Kremer, Chairperson in the Chair, Ellen Gaffney and Mike Ferreter present. Absent, none.

The Pledge of Allegiance was recited.

The Board proceeded to meet with County Auditor Cindy Gosse, Treasurer Judy Harland and IT Director Ray McDonald to review the proposed FY11 budgets.

At 11:30 a.m. motion by Ferreter second by Gaffney to recess until 12:30 p.m. All in favor, motion carried.

The Board reconvened at 12:30 p.m. and proceeded to meet with County Auditor Cindy Gosse to review the proposed FY11 budgets.

Motion by Ferreter second by Gaffney to adjourn at 4:15 p.m. All in favor, motion carried.

Ralph J. Kremer, Chairman

ATTEST: Cindy Gosse, Auditor

