

**May 4, 2009**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, May 4, 2009 with Mike Ferreter, Chairperson in the Chair, Ellen Gaffney, and Ralph Kremer. Absent, none.

The Pledge of Allegiance was recited.

Motion by Gaffney and second by Kremer to approve the minutes of the April 27<sup>th</sup> meeting. All in favor, motion carried.

Motion by Gaffney and second by Kremer to approve claims filed with the County Auditor for payment in the amount of \$789,585.08. All in favor, motion carried.

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

**RESOLUTION 09-24**

BE IT RESOLVED that the Buchanan County Board of Supervisors approve the hiring of Mike Weis as seasonal staff with the Conservation Dept., effective May 11, 2009 at an hourly rate of \$8.50.

Passed this 4<sup>th</sup> day of May, 2009.

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

**RESOLUTION 09-25**

BE IT RESOLVED that the Buchanan County Board of Supervisors approve the hiring of Julie Klammer as seasonal staff with the Roadside Management Dept., effective May 11, 2009 at an hourly rate of \$9.00.

At 9:00 a.m. the Board of Supervisors opened bids for the sale of sheriff's vehicles. Motion by Kremer and second by Gaffney to accept the high bids as follows: Tom Crawford \$475 for 1989 Ford Ranger; Nicholas Hogan \$1,200 for 1996 Ford Econoline Van and \$3,000 for 2004 Dodge Intrepid; Curt Fangman \$850 for 1997 Mercury Marquis; \$100 for 1999 Ford Crown Victoria (no engine), \$850 for 2000 Chevrolet Impala, and \$800 for 2001 Ford Crown Victoria; and Tom Crawford \$150 for 3 ½ ft. x 6 ft. yard trailer. All in favor, motion carried.

Passed this 4<sup>th</sup> day of May, 2009.

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

**RESOLUTION 09-26 and  
NOTICE OF PUBLIC HEARING**

WHEREAS, the Buchanan County Board of Supervisors will hold a public hearing for the first reading of the Chapter 2 – Parks, Natural Areas and River Access Areas Ordinance Amendment on Monday, May 18, 2009 at 9:00 a.m. in the Board of Supervisors' Chambers, Courthouse, Independence.

WHEREAS, the Board of Supervisors directs the County Auditor to publish a summary of the proposed ordinance as follows:

AN ORDINANCE AMENDING CHAPTER 2 (Parks, Natural Areas and River Access Areas), BUCHANAN COUNTY CODE OF ORDINANCES 2008

Section 1. Paragraph 2.01—**DEFINITIONS** is amended by adding the following new subparagraphs:

16. "Vehicle" shall be defined the same as set forth in Iowa Code 321.1(90) "Vehicle".

17. "Off-road vehicle" means any self-propelled device used for transportation of a person or property and designed for primary use on surfaces other than a roadway or highway, including but not limited to all-terrain vehicles as defined in Iowa Code section 321.1(4), snowmobiles as defined in Iowa Code section 321G.1(20), swamp buggies, air sleds, tote

bikes, and the like. The term does not include electric wheelchairs as defined in Iowa Code section 321.1(20B) "Electric Personal Assistive Mobility Device."

Section 2. Paragraph 2.10--**ATV'S & SNOWMOBILES RESTRICTED** is hereby repealed.

Section 3. Chapter 2, Buchanan County Code of Ordinances 2008, is amended by adding the following:

**2.10 MOTOR VEHICLES.** Operation of all vehicles in areas under the jurisdiction of the Board, except maintenance equipment of the Board and except as otherwise provided in this Chapter, shall be restricted to designated roadways and parking spaces. Operation of vehicles on designated roadways shall not exceed 15 miles per hour. All roadways and parking spaces in areas under the jurisdiction of the Board are public roads and operation on them is subject to all applicable statutes, including licensing requirements.

Operation of off-road vehicles in all areas under the jurisdiction of the Board, including designated roadways and parking spaces, is prohibited except as provided in this Chapter.

**2.10A OFF-ROAD OPERATION OF VEHICLES.** Operation of vehicles, including off-road vehicles, in any area under the jurisdiction of the Board other than a designated roadway or parking space, shall be lawful provided the operator of such vehicle shall have acquired a special use permit for such use. Issuance of a special use permit for purposes of this paragraph is subject to the following restrictions:

1. Applicants for permits under this paragraph shall produce either a non-ambulatory permit issued by the Iowa Department of Resources, or a statement from the applicant's physician confirming that use of an off-road vehicle is medically indicated.
2. Issuance of such permit shall be at the discretion of the Director, who shall have sole authority to issue such permit. A permit shall not be issued unless the Director determines that the proposed operation will not significantly damage the quality of the area where it is to occur, that such operation will not significantly impact other users of the area where it is to occur, and that such operation will not require significant staff time to provide off-road access.
3. Operation of vehicles shall be restricted to those routes the Director shall specify on the permit.
4. Operation of vehicles shall be restricted to the start and termination times, date, and area the Director shall specify on the permit.
5. The permit shall be firmly attached to the vehicle and be visible at all times.
6. Where appropriate, a duplicate of the permit shall be issued for any vehicle used to transport the vehicle to be operated off-road and shall be attached to the rearview mirror of the transport vehicle at all times.
7. Operation of vehicles shall be restricted to a maximum speed not exceeding 5 miles per hour.
8. The Director shall not issue a permit for the operation of any vehicle whose ignition or exhaust systems shall have been modified in any manner that results in additional noise.
9. The operator of a vehicle used for hunting purposes shall transport game legally taken by the operator only. The operator shall not transport in the vehicle game taken by other members of the operator's party.

Passed this 4<sup>th</sup> day of May 2009.

The Board met with Amy Marlow, Director of Public Health regarding Iowa Dept. of Public Health FY09 Local PH Services Contract Amendment #3. After discussion, motion by Kremer second by Gaffney to approve the quality assurance Contract Amendment #3 of \$600 regarding Iowa Dept. of Public Health FY09 Local PH Services and authorize the Chair to sign said amendment. All in favor, motion carried.

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

#### **RESOLUTION 09-27**

WHEREAS, Heartland Acres Agribition Center, Inc. requested a refund of taxes; and

WHEREAS, the Board of Supervisors has the power to refund said taxes pursuant to Iowa Senate File 43, signed into law on April 15, 2009 by Governor Chet Culver.

NOW THEREFORE BE IT RESOLVED, that the Buchanan County Board of Supervisors authorizes the County Treasurer to refund the property taxes owed, with all interest, fees and costs that were payable during the fiscal years beginning July 1, 2007 and July 1, 2008 in the amount of \$78,422.

Passed this 4<sup>th</sup> day of May 2009.

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

**RESOLUTION 09-28 and  
NOTICE OF PUBLIC HEARING**

BE IT RESOLVED that a hearing on the vacation and closure of a road in Buchanan County will be held at 10:00 a.m. on the 18<sup>th</sup> day of May 2009 at the Board of Supervisors Chambers of the Courthouse in Independence, Iowa and that the County Auditor cause notice of said time and place of hearing and location of said road to be published not less than four (4) nor more than twenty (20) days prior to the date of hearing.

The proposed road closing is described as: Beg at a point 3,050 ft S of the NW cor of the E1/2 of the NE qtr of Sec. 6 of Liberty Twp., S to the Iowa Dept of Transportation r-o-w, approx. 400 ft.

At the time state above, any interested person may appear and be heard.

Owners of property that abuts on the above-described road shall have the right to file in writing a claim for damages at any time during or before the time of hearing.

Passed this 4<sup>th</sup> day of May 2009.

County Engineer, Brian Keierleber was present to discuss the contracts for D-22 shouldering and P.C.C. from Independence to Jesup, the contracts for slurry leveling from Independence to Winthrop, and the Jesup box culvert project. After discussion, motion by Kremer second by Gaffney to accept low bid and have Chairperson sign bid award for the shouldering and P.C.C. contract for D-22 from Independence to Jesup to Flynn Co., Inc. in the amount of \$3,050,178.72. All in favor, motion carried.

Motion by Kremer second by Gaffney to accept low bid and have Chairperson sign bid award for the slurry leveling contract from Independence to Winthrop to Sta-Bilt Construction Co. in the amount of \$175,684.50. All in favor, motion carried.

Motion by Gaffney second by Kremer to pass the following resolution to place the Jesup Box Culvert project in the farm-to-market program. All in favor, motion carried.

**RESOLUTION 09-29**

**RESOLUTION TO ADD LOCALLY AND FM FUNDED PROJECTS TO THE ACCOMPLISHMENT YEAR OF  
THE 2009 FIVE YEAR ROAD PROGRAM BUCHANAN COUNTY.**

BE IT RESOLVED: That the Board of Supervisors of Buchanan County, Iowa, initiates and recommends that the addition of the following project(s) to the Accomplishment year (FY 2009) be approved by the Iowa Department of Transportation (Iowa DOT) for improvement with local and/or FM funds for the period covering the current secondary road construction program, project #FM-C010(68)--55-10 Jesup Box Culvert Extension Project TPMS ID:17238.

Passed this 4<sup>th</sup> day of May 2009.

At 10:30 a.m. motion by Kremer second by Gaffney to go into closed session to discuss the possible purchase of property whereas premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for this property. On roll call vote, ayes – Kremer, Gaffney and Ferreter, nays- none. Motion carried.

At 10:40 a.m. motion by Gaffney second by Kremer to go out of closed session. On roll call vote, ayes – Kremer, Gaffney and Ferreter, nays- none. Motion carried.

Motion by Gaffney second by Ferreter to render a motion to have Kremer proceed with an offer to purchase said property. All in favor, motion carried.

Motion by Gaffney second by Kremer to adjourn at 10:41 a.m. All in favor, motion carried.

Michael Ferreter, Chairperson

ATTEST: Karen Stephenson, Deputy Auditor

**May 11, 2009**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, May 11, 2009 with Mike Ferreter, Chairperson in the Chair, Ellen Gaffney, and Ralph Kremer. Absent, none.

The Pledge of Allegiance was recited.

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

Motion by Gaffney and second by Kremer to approve the following monthly county officer's reports: Jail \$9,431.50; Clerk of Court \$2,448.55 and Recorder \$12,418.75. All in favor, motion carried.

Motion by Gaffney and second by Kremer to approve the liquor license renewal for The Winthrop Golf Club d/b/a Buffalo Creek Golf Course and Country Club. All in favor, motion carried.

The Board met with County Engineer Brian Keierleber to discuss the rock cleanup at the Jesup shop. No action was taken until additional information can be obtained.

Discussion was held with Engineer Keierleber on the IDOT detour agreement for IA187. Motion by Kremer and second by Gaffney to approve the agreement for use of local agency roads as detours between Buchanan County and the Iowa Dept. of Transportation to reconstruct CC railroad grade crossing (FRA #307048D) on Iowa 187 approximately one mile north of U.S. 20 and authorize the chairman to sign said agreement. All in favor, motion carried.

The Board met with Community Services Director Julie Berner to discuss a new provider contract. After discussion, motion by Gaffney and second by Kremer to approve the provider contract with Behavioral Services, Inc., Hazleton and authorize the chairperson to sign. All in favor, motion carried.

Further discussion was held with Director Berner and Patti Meyer, Assistant to the Community Services Director to discuss assisting Benton County with processing Veteran's state claims. After discussion, motion by Gaffney and second by Kremer to authorize the Buchanan County Community Services department to assist Benton County with Veteran's state claims until July 1, 2009. All in favor, motion carried.

Motion by Gaffney and second by Kremer to approve the six-month contract renewal between Buchanan County and Goodwill Industries of Northeast Iowa, Inc. for courthouse cleaning services and authorize the chairman to sign. All in favor, motion carried.

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

The Board proceeded to canvass the votes cast at the May 5<sup>th</sup> Independence City special election. The results were as follows: Public Measure A – 296 Yes, 872 No with the public measure failing. Motion by Kremer and second by Gaffney to place the canvass on file with the County Auditor; forward an Abstract of Election to the City of Independence and payment of claims. All in favor, motion carried.

Supervisor Gaffney excused herself from the meeting at 9:45 a.m. to attend a funeral.

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

**RESOLUTION 09-30  
AND NOTICE OF PUBLIC HEARING**

**ZONING ORDINANCE AMENDMENT NO. 09-A-06  
BUCHANAN CO, IOWA**

The rezoning of property located in Hazleton Township, Section 21, two acres from "A-1" agricultural to "R-3" 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:

Com at the NW cor of the SE qtr, Sec. 21, T90N, R9W of the 5<sup>th</sup> P.M., Buchanan County, Iowa, th N88°14'E alg the N ln of the SE qtr, 1,947.83 ft, Th S00°09'W 400 ft, S88°14'W 300 ft, th N00°09'E 300 ft, th E300 ft to pob. To allow construction of a single-family dwelling and a storage building.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment at 9:30 a.m. May 26, 2009 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 11<sup>th</sup> day of May 2009.

**RESOLUTION 09-31  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 09-A-07  
BUCHANAN CO, IOWA**

The rezoning of property located in Fremont Township, Section 31, 8.66 acres from "A-1" agricultural to "R-3" 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:

A tract of land in the SW qtr of Sec. 31, T89N, R9W of the 5<sup>th</sup> P.M., Buchanan County, Iowa, described as follows: Com at the W qtr cor of Sec. 31, T89N, R7W of the 5<sup>th</sup> P.M., Buchanan County, Iowa; th S 00°19'31" E666.81 ft alg the W ln of the SW qtr of Sec. 31 to the pob; th N87°56'54" E1,521.45 ft to the E ln of the NW qtr of the SW qtr of Sec. 31; th S01°09'30" W249.39 ft alg said E ln; th S88°00'41" W1,177.15 ft; th SWrly 338.03 ft alg a 9,9590.45 ft radius curve, concave Srly, chord bearing S87°00'06" W, cord length 338.01 ft; to the W ln of the SW qtr of Sec. 31; th N00°19'31" W253.40 ft alg said W ln to the pob. To allow construction of a single-family dwelling.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment at 9:35 a.m. May 26, 2009 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 11<sup>th</sup> day of May 2009.

**RESOLUTION 09-32  
AND NOTICE OF PUBLIC HEARING  
ZONING ORDINANCE AMENDMENT NO. 09-A-08  
BUCHANAN CO, IOWA**

The rezoning of property located in Middlefield Township, Section 4, two acres from "A-1" agricultural to "R-3" 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:

Beg at the NW cor of the E half of the NW fractional qtr of Sec. 4, T88N, R7W th E 382 ft, S283 ft, W176 ft, N49 ft, W46 ft, N68 ft, W160 ft, N166 ft to the pob. To allow a newer farmstead to be split from the remainder of the farm.

The Buchanan County Board of Supervisors will hold a public hearing on the aforementioned amendment at 9:40 a.m. May 26, 2009 in the Supervisors' Chambers of the Buchanan County Courthouse, Independence, Iowa.

Passed this 11<sup>th</sup> day of May 2009.

The hearing was called to order at 10:00 a.m. on the proposed amendment to the current county budget. There were no objections to or arguments in favor of the proposed amendment. Motion by Kremer and second by Ferreter to close the hearing at 10:07 a.m.. All in favor, motion carried. Motion by Kremer and second by Ferreter to approve the following resolutions. On roll call all voted aye thereon. Motion carried.

#### **RESOLUTION 09-33**

BE IT RESOLVED that the Buchanan County Board of Supervisors approve the Buchanan County amendment of the current county budget for FY09 as proposed.

Passed this 11<sup>th</sup> day of May 2009.

#### **RESOLUTION 09-34**

WHEREAS, it is desired to make additional appropriations as follows: Other County Enterprises \$62,500; Capital Projects \$3,827,065; Law Enforcement \$9,800; Medical Examinations \$20,000; Juvenile Justice Administration \$1,000; Personal Family Health Services \$15,000; Services to the Poor \$400; Family Services \$1,000; Weed Eradication \$1,554; Conservation \$186,000; County Recorder \$2,060; General Services \$130,200; MH-DD Services Fund \$385,741.

Passed 11<sup>th</sup> day of May 2009.

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

Michael L. Ferreter, Chairman

ATTEST: Cindy Gosse, Auditor

#### **May 18, 2009**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Monday, May 18, 2009 with Mike Ferreter, Chairperson in the Chair, Ellen Gaffney, and Ralph Kremer. Absent, none.

The Pledge of Allegiance was recited.

At 9:05 a.m. the public hearing was called to order for the first reading of the Chapter 2 – Parks, Natural Areas and River Access Areas Ordinance Amendment with Conservation Director, Dan Cohen, Mike Hohenbrink, Terry Gaffney, Herb Kremer and Ben Lange present. After discussion, motion by Gaffney and second by Kremer to close the public hearing at 9:08 a.m. All in favor, motion carried. Motion by Kremer and second by Gaffney to approve the following resolution. On roll call all voted aye thereon. Motion carried.

#### **RESOLUTION 09-35**

WHEREAS, Kremer proposed the adoption and enactment of an amendment to Chapter 2 – Parks, Natural Areas and River Access Areas Ordinance on the 4<sup>th</sup> day of May 2009, which action is recorded in Book V Page 34 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 May 13, 2009; and

UPON motion by Kremer and second by Gaffney a vote was held to suspend the requirements 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 THE SUSPENSION OF THE REQUIREMENTS: Ferreter, Gaffney and Kremer.

THOSE VOTING AGAINST THE 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:

**ORDINANCE 09-01**

AN ORDINANCE AMENDING CHAPTER 2 (Parks, Natural Areas and River Access Areas), BUCHANAN COUNTY CODE OF ORDINANCES 2008

Section 1. Paragraph 2.01—**DEFINITIONS** is amended by adding the following new subparagraphs:

16. “Vehicle” shall be defined the same as set forth in Iowa Code 321.1(90) “Vehicle”.
18. “Off-road vehicle” means any self-propelled device used for transportation of a person or property and designed for primary use on surfaces other than a roadway or highway, including but not limited to all-terrain vehicles as defined in Iowa Code section 321.1(4), snowmobiles as defined in Iowa Code section 321G.1(20), swamp buggies, air sleds, tote bikes, and the like. The term does not include electric wheelchairs as defined in Iowa Code section 321.1(20B) “Electric Personal Assistive Mobility Device.”

Section 2. Paragraph 2.10--**ATV’S & SNOWMOBILES RESTRICTED** is hereby repealed.

Section 3. Chapter 2, Buchanan County Code of Ordinances 2008, is amended by adding the following:

**2.11 MOTOR VEHICLES.** Operation of all vehicles in areas under the jurisdiction of the Board, except maintenance equipment of the Board and except as otherwise provided in this Chapter, shall be restricted to designated roadways and parking spaces. Operation of vehicles on designated roadways shall not exceed 15 miles per hour. All roadways and parking spaces in areas under the jurisdiction of the Board are public roads and operation on them is subject to all applicable statutes, including licensing requirements.

Operation of off-road vehicles in all areas under the jurisdiction of the Board, including designated roadways and parking spaces, is prohibited except as provided in this Chapter.

**2.10A OFF-ROAD OPERATION OF VEHICLES.** Operation of vehicles, including off-road vehicles, in any area under the jurisdiction of the Board other than a designated roadway or parking space, shall be lawful provided the operator of such vehicle shall have acquired a special use permit for such use. Issuance of a special use permit for purposes of this paragraph is subject to the following restrictions:

1. Applicants for permits under this paragraph shall produce either a non-ambulatory permit issued by the Iowa Department of Resources, or a statement from the applicant’s physician confirming that use of an off-road vehicle is medically indicated.
3. Issuance of such permit shall be at the discretion of the Director, who shall have sole authority to issue such permit. A permit shall not be issued unless the Director determines that the proposed operation will not significantly damage the quality of the area where it is to occur, that such operation will not significantly impact other users of the area where it is to occur, and that such operation will not require significant staff time to provide off-road access.
3. Operation of vehicles shall be restricted to those routes the Director shall specify on the permit.
4. Operation of vehicles shall be restricted to the start and termination times, date, and area the Director shall specify on the permit.
5. The permit shall be firmly attached to the vehicle and be visible at all times.
6. Where appropriate, a duplicate of the permit shall be issued for any vehicle used to transport the vehicle to be operated off-road and shall be attached to the rearview mirror of the transport vehicle at all times.
7. Operation of vehicles shall be restricted to a maximum speed not exceeding 5 miles per hour.
8. The Director shall not issue a permit for the operation of any vehicle whose ignition or exhaust systems shall have been modified in any manner that results in additional noise.
9. The operator of a vehicle used for hunting purposes shall transport game legally taken by the operator only. The operator shall not transport in the vehicle game taken by other members of the operator’s party.

Passed and adopted this 18<sup>th</sup> day of May 2009.

Motion by Gaffney and second by Kremer to approve the minutes of the May 11<sup>th</sup> meeting. All in favor, motion carried.

Motion by Kremer and second by Gaffney to approve claims filed with the County Auditor for payment in the amount of \$198,839.68. All in favor, motion carried.

Motion by Gaffney and second by Kremer to approve the fireworks application for Kim Lockard, 1146 288<sup>th</sup> St., Jesup, 5/23/09. All in favor, motion carried.

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

#### **RESOLUTION 09-36**

BE IT RESOLVED that the Board of Supervisors approve the hiring of Nyle Vargason, part-time seasonal staff for the Secondary Road Department effective June 1, 2009 at an hourly rate of \$10.

Passed this 18<sup>th</sup> day of May 2009.

Motion by Kremer and second by Gaffney to approve the agreement between Buchanan County and the City of Jesup for the storage of two portable generators in the county shed in Jesup, and authorize the chairman to sign said agreement. All in favor, motion carried.

The Board reviewed the voluntary annexation application submitted by the City of Independence. After discussion, motion by Gaffney and second by Kremer to approve the application. All in favor, motion carried.

At 10:00 a.m. the public hearing for the road vacation in Sec. 6 of Liberty Township was called to order with Mike Hohenbrink, Rudy Kubik and Stan Steele present. After discussion and no objections, motion by Gaffney and second by Kremer to close the hearing at 10:12 a.m. All in favor, motion carried. Motion by Gaffney and second by Kremer to approve the following resolution. On roll call all vote aye thereon. Motion carried.

#### **RESOLUTION 09-37**

WHEREAS, a hearing on the vacation of the below described road was held this 18<sup>th</sup> day of May 2009; and

WHEREAS, the Board of Supervisors of Buchanan County are of the opinion that the vacation of said road has merit.

THEREFORE BE IT RESOLVED that the following described road be hereby vacated and closed subject existing utility easements:

Beginning at a point 3,050 ft S of the NW corner of the E ½ of the NE qtr of Sec. 6 of Liberty Twp., S to the Iowa Dept of Transportation r-o-w, approx. 250 ft.

Passed and adopted this 18<sup>th</sup> day of May 2009.

Motion by Kremer and second by Gaffney to adjourn at 10:15 a.m. All in favor, motion carried.

Michael L. Ferreter, Chairman

ATTEST: Cindy Gosse, Auditor

#### **May 26, 2009**

The Buchanan County Board of Supervisors met in regular session at 9:00 a.m. on Tuesday, May 26, 2009 with Mike Ferreter, Chairperson in the Chair, Ellen Gaffney, and Ralph Kremer. Absent, none.

The Pledge of Allegiance was recited.

Motion by Gaffney and second by Kremer to approve the minutes of the May 18<sup>th</sup> meeting. All in favor, motion carried.

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

#### **RESOLUTION 09-38**

BE IT RESOLVED that the Board of Supervisors approves the hiring of Ross Bartchek, seasonal part-time staff for the Roadside Management Department effective May 26, 2009 at an hourly rate of \$8.50.

Passed this 26<sup>th</sup> day of May 2009.

Motion by Gaffney and second by Kremer to approve the Law Enforcement Services Contract for FY10 at a per capita rate of \$28.00 with the City of Rowley. All in favor, motion carried

The Board met with Roadside Manager Sherlyn Hazen, Conservation Director Dan Cohen and Greg Schmitt to discuss the native prairie, which was inadvertently disked up. After discussion, motion by Gaffney and second by Kremer to refund \$300 rent to John Bogge, authorize Manager Hazen place signs at the prairie site for identification and continue to leave the property as a native prairie. All in favor, motion carried.

At 9:30 a.m. the public hearing regarding the Jim Keeley rezoning request was called to order with Lori Beierschmitt, Delbert Thompson and Zoning Administrator Ed Fitzgerald present. After discussion, motion by Gaffney and second by Kremer to approve the following resolution. On roll call all voted aye thereon. Motion carried.

#### **RESOLUTION 09-39**

WHEREAS, Kremer proposed the adoption and enactment of a Zoning Ordinance Amendment on the 11<sup>th</sup> day of May 2009, which action is recorded in Book V Page 37 of the Minutes of the Board of Supervisors; and

WHEREAS, the same was duly published in the Jesup Citizen Herald, an official newspaper of general circulation in the county and complying with Sections 618.3 and 618.14 of the Code of Iowa, on 20<sup>th</sup> day of May 2009; and

UPON MOTION made by Gaffney and second by Kremer 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 09-A-06 BUCHANAN COUNTY, IOWA**

The rezoning of property located in Hazleton Township, Section 21, two acres from "A-1" agricultural to "R-3" residential. The rezoning of property on the following described property is approved:

Com at the NW cor of the SE qtr, Sec. 21, T90N, R9W of the 5<sup>th</sup> P.M., Buchanan County, Iowa, th N88°14'E alg the N ln of the SE qtr, 1,947.83 ft, Th S00°09'W 400 ft, S88°14'W 300 ft, th N00°09'E 300 ft, th E300 ft to pob. To allow construction of a single-family dwelling and a storage building.

THOSE VOTING FOR THE PASSAGE: Ferreter, Gaffney and Kremer

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 26<sup>th</sup> day of May 2009.

At 9:35 a.m. the public hearing regarding the Delbert Thompson rezoning request was called to order with Delbert Thompson and Zoning Administrator Ed Fitzgerald present. After discussion, motion by Kremer and second by Gaffney to approve the following resolution. On roll call all voted aye thereon. Motion carried.

**RESOLUTION 09-40**

WHEREAS, Kremer proposed the adoption and enactment of a Zoning Ordinance Amendment on the 11<sup>th</sup> day of May 2009, which action is recorded in Book V Page 37 of the Minutes of the Board of Supervisors; and

WHEREAS, the same was duly published in the Jesup Citizen Herald, an official newspaper of general circulation in the county and complying with Sections 618.3 and 618.14 of the Code of Iowa, on 20<sup>th</sup> day of May 2009; and

UPON MOTION made by Gaffney and second by Kremer 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 09-A-07  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Fremont Township, Section 31, 8.66 acres from "A-1" agricultural to "R-3" residential. The rezoning of property on the following described property is approved:

A tract of land in the SW qtr of Sec. 31, T89N, R9W of the 5<sup>th</sup> P.M., Buchanan County, Iowa, described as follows: Com at the W qtr cor of Sec. 31, T89N, R7W of the 5<sup>th</sup> P.M., Buchanan County, Iowa; th S 00°19'31" E666.81 ft alg the W ln of the SW qtr of Sec. 31 to the pob; th N87°56'54" E1,521.45 ft to the E ln of the NW qtr of the SW qtr of Sec. 31; th S01°09'30" W249.39 ft alg said E ln; th S88°00'41" W1,177.15 ft; th SWrly 338.03 ft alg a 9,9590.45 ft radius curve, concave Srly, chord bearing S87°00'06" W, cord length 338.01 ft; to the W ln of the SW qtr of Sec. 31; th N00°19'31" W253.40 ft alg said W ln to the pob. With the condition that the number of dwellings be limited to one.

THOSE VOTING FOR THE PASSAGE: Ferreter, Gaffney and Kremer

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 26<sup>th</sup> day of May 2009.

At 9:45 a.m. the public hearing regarding the Alan Fuller rezoning request was called to order with Zoning Administrator Ed Fitzgerald present. After discussion, motion by Gaffney and second by Kremer to approve the following resolution. On roll call all voted aye thereon. Motion carried.

**RESOLUTION 09-41**

WHEREAS, Kremer proposed the adoption and enactment of a Zoning Ordinance Amendment on the 11<sup>th</sup> day of May 2009, which action is recorded in Book V Page 38 of the Minutes of the Board of Supervisors; and

WHEREAS, the same was duly published in the Jesup Citizen Herald, an official newspaper of general circulation in the county and complying with Sections 618.3 and 618.14 of the Code of Iowa, on 20<sup>th</sup> day of May 2009; and

UPON MOTION made by Gaffney and second by Kremer 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 09-A-08  
BUCHANAN COUNTY, IOWA**

The rezoning of property located in Middlefield Township, Section 4, two acres from "A-1" agricultural to "R-3" residential. The rezoning of property on the following described property is approved:

Beg at the NW cor of the E half of the NW fractional qtr of Sec. 4, T88N, R7W th E 382 ft, S283 ft, W176 ft, N49 ft, W46 ft, N68 ft, W160 ft, N166 ft to the pob. To allow a newer farmstead to be split from the remainder of the farm.

THOSE VOTING FOR THE PASSAGE: Ferreter, Gaffney and Kremer

THOSE VOTING AGAINST THE PASSAGE: None

Passed this 26<sup>th</sup> day of May 2009.

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

**RESOLUTION 08-42**

BE IT RESOLVED that the Buchanan County Board of Supervisors approve the suspension of property taxes, per Iowa Code 427.8, for Doyle J. and C. Joyce Kono, FAWVC 01.05.278.013.

BE IT FURTHER RESOLVED that the Buchanan County Board of Supervisors set the requirement of \$75.00 per month payment for all property taxes.

Passed this 26<sup>th</sup> day of May 2009.

The Board met with County Attorney Allan VanderHart and IT Director Ray McDonald to discuss the response to the Ombudsmen regarding data pricing. After discussion, motion by Ferreter and second by Gaffney to suspend the policy for GIS data sales until the county can obtain an opinion from the Attorney General. All in favor, motion carried.

The Board discussed the purchase of property with EMA Director Rick Wulfekuhle present. After discussion, motion by Ferreter and second by Gaffney to authorize Supervisor Kremer to offer \$5,000 for the proposed property purchase. All in favor, motion carried.

Motion by Kremer and second by Gaffney to adjourn at 12:05 p.m. All in favor, motion carried.

Michael L. Ferreter, Chairman

ATTEST: Cindy Gosse, Auditor

**Claims paid the month of May:**

A-1 Septic Pumping, Septics Pumped	350.00
Aable Pest Control, Pest Control	50.00
Abbe Center, Services	546.99
Abbott Law Office Pc, Services	108.00
Advance Auto Parts, Parts/Supplies	319.43
Advanced Microsystems Inc, Counter	175.00
Agvantage Fs Inc, Fuel	7,252.29

Albert, Patricia, PEO Expense	225.00
Allendan Seed Co, Grass Seed	478.80
Alliant Energy, Utilities	1,429.63
Alltel, Services	341.85
American Solutions, Supplies	242.85
Anderson Erickson Dairy, Inmate Provisions	219.99
Area Ambulance Service, Transport	1,027.50
Arp, Karen, PEO Expense	265.00
AT&T, Services	32.56
Avaya Inc, Services	379.21
B & B Farm Store Inc, Supplies	1,710.46
B & D Services Inc, Services	2,062.62
Backbone Area Counseling Ctr, Services	11,828.66
Bankers Trust, Go Note Int & Prin	442,180.00
BankIowa, Service Charge	15.50
Bearbower, Laurie, Uniform Allowance	14.00
Beiers Feed, Supplies	162.00
Berner, Julie, Mileage Reimb	51.68
Best Lawns, Services	200.00
Best Way Inc, Supplies	264.14
Beyer, Sharon, PEO Expense	220.00
Black Hawk Co CPC, Legal Services	170.00
Black Hawk Co Sheriff, Services	117.10
Black Hawk Grundy Mental Health, Services	1,332.00
Black Hills Energy, Utilities	226.88
Bowers, Dennis, Reimb for Salt	4.79
Brandon Water Works, Utilities	45.00
Brecke Inc, Repairs	9,044.37
Buchanan Co Auditor, Postage	1,217.24
Buchanan Co Recorder, Recording Fees	3.20
Buchanan Co Secondary Rd, Parking Lot Salt	480.00
Buchanan Co Sheriff, Services	454.25
Buds Electric Inc, Labor	65.00
Cabell, Sondra, Supplies Reimb	110.50
Cameron, Mildred, PEO Expense	160.00
Capital Sanitary Supply, Supplies	136.65
Carroll Cleaning Supply, Supplies	610.00
Caseys General Store Inc, Fuel	96.01
Cedar Rapids Treasurer, Services	104.12
Cedar River International Trucks, Supports	134.32
Cedar Valley Community Support, Services	615.79
Cedar Valley Ranch Inc, Services	2,126.24
Central IA Distributing, Supplies	436.46
Ciesielski, Beverly, PEO Expense	140.00
Citizen Herald, Publications	791.88
City Laundering Co, Service	392.23
Clark, Kathleen, PEO Expense	160.00
CNH Capital, Parts	254.53
Coleman Moore Co, Supplies	989.85
Compass Business Solutions, Supplies	511.20
Connell, Karen, PEO Expense	165.00
Connies Hallmark, Shipping	14.26
Conrad, Alberta, PEO Expense	225.00
Consolidated Energy Co, Fuel	14,538.91
Construction Materials, Supplies	985.43
Copy Systems Inc, Services	267.00
Coulter, Beverly, PEO Expense	160.00
Coulter, Kenneth, VA Mileage Reimb	193.30
Co Case Mngt Service, Services/Registration	1,180.00
Covenant Health System, Services	7,020.00
Crawford Engineering Inc, Services	1,551.00
Crop Production Services, Chemicals	285.00
Cy & Charleys Inc, Repairs	1,612.27
Darrell E Davis Adult Day Ctr, Services	676.00
Davis, Bonita, PEO Expense	14.25
Deke, Marjorie, PEO Expense	47.50
Dental Distributors Inc, Supplies	83.89
Des Moines Stamp Co, Stamps	130.95
Donnelly, Brian, Meal Reimb	46.36

Dons Pharmacy, Client Prescriptions	35.04
Dons Truck Sales Inc, Parts/Labor	1,752.71
Doyle, Tom, Tiling across road	320.00
Dubuque Co MHDD, Services	20.23
Dunlap Motors Inc, Service	299.61
East Buchanan Telephone, Telephone Exp	27.18
East Central IA REC, Utilities	607.80
Ellis Co Sheriffs Office, Services	75.00
Ellsworth Municipal Hospital, Services	1,226.00
Esch, Laura, Mileage Reimb	46.20
Esmoil, Darlene, PEO Expense	160.00
Fareway Foods, Inmate Provisions	857.82
Fareway Foods, Supplies	156.55
Farm & Home Publishers, Platbooks	133.00
Farm Plan, Parts	170.24
Farmers Mutual Telephone Co, Services	139.41
Fastenal Co, Parts	2,772.42
Fayette Co Sheriff, Services	126.60
Finn Corp, Parts	441.68
Forestry Supplies Inc, Gloves	107.59
Four Oaks Inc, Services	2,052.60
Freeman Technology Group Ltd, Alarm Monitoring	69.00
Fridley, Helen, PEO Expense	160.00
Fridley, Robert, PEO Expense	160.00
Full Circle Services Inc, Services	2,353.48
G & G Living Center Inc, Services	986.05
Gaffney Quarries, Rock	844.29
Gemplers Inc, Supplies	55.25
Gitsch, Ann, PEO Expense	160.00
Gitsch, Ron, PEO Expense	160.00
Goodwill Industries, Serv Contract	2,752.50
Goodwill Industries of SE IA, Services	223.05
Gosse, Cindy, Mileage/Meal Reimb	359.80
Graves, Sidonie, PEO Expense	160.00
Greenley Development Co, Showerhouse Project	7,125.00
Greenley Lumber Co, Supplies	2,084.14
Greenwood Drug Inc, Client Prescription	133.11
Grover, James L, Zoning Commission Exp	11.00
H & H Food Service, Inmate Provisions	1,402.93
Hansen, Shelly, Rent	100.00
Hardware Hank, Supplies	3.38
Harland, Judy, Meal Reimb	35.22
Harms, Brad, Mileage Reimb	121.74
Hartig Pharmacy, Film Processed	65.79
Hasler Financial Services, Postage Machine Lease	90.24
Hasler Inc, Postage Machine Rental	165.00
Hastings, Lorraine, Rent	100.00
Hazleton, City Of, Utilities	100.00
Heartland Inn, Lodging	56.00
Hewlett-Packard Co, Parts	1,830.00
Higgins, Daryl, Rent	100.00
Hillcrest Family Service, Services	702.02
Hobby Lobby Stores Inc, Supplies	95.93
Holiday Inn, Lodging	878.59
Hub City Imp Co Inc, Parts	405.00
IACCB, Dues	700.00
Ikon Office Solutions, Serv/Supplies	540.30
IMSA, Parts	400.00
Independence Community Schools, Dare Lunches	506.00
Independence Light & Power, Utilities	7,816.54
Independence Police Dept, Task Force Reimb	5,196.34
Independence Postmaster, Postage	88.00
Invision Architecture, Services	2,671.39
ICAP, Ins	2,170.00
IA Co Recorders Assn, Maint/Support	2,060.00
IA Dare Association, Registration	50.00
IDNR, Registration	35.00
IA Dept of Public Safety, Terminal Billing	1,204.00
IA Northland Regional Transit, Services	81.00

IA Prison Industries, Signs	1,851.40
IA State Assn Counties, Registration	175.00
IA Telecom, Services	874.39
IA Transit, Supplies	160.59
Iverson, Carol, PEO Expense	160.00
Iverson, David, PEO Expense	160.00
Johnson Co Medical Examiner, Medical Examiner Fees	245.56
Junk, Robert, VA Mileage Reimb	560.45
K Mart, Supplies	64.74
Kane, Mary Jane, PEO Expense	193.25
Keierleber, Brian, Postage Reimb	675.77
Keystone Laboratories, Water Analysis	34.00
Kirkendall, Elaine, PEO Expense	160.00
Kremer, Ralph J, Mileage Reimb	38.50
Kwik Trip Stores, Fuel	314.96
Lamont, City Of, Utilities	32.82
Larson Construction Co, Jail Payment	149,098.91
Lexisnexis, Services	91.00
Lighthouse Professional, Services	415.00
Linn Co MHDD Services, Services	332.95
Linn Co Sheriff, Services	109.15
Mail Services LLC, Renewal Notices	639.25
Manatts, Cement	303.15
Marriott, Lodging	94.00
Maynard, Steve, Mileage Reimb	49.50
McElroys Food Market, Meals Ribbon Cutting Jakway	174.44
McGraws Carpet, Flooring	2,315.88
McTaggart, Jacquelyn, PEO Expense	160.00
Mediapolis Care Facility, Services	4,520.40
Medical Associates, Pre-Employment Physical	80.00
Meyer, Patti, Mileage/Meal Reimb	381.79
Microtel Inn & Suites, Lodging	104.86
MidAmerican Energy Co, Utilities	2,203.93
Miller Quarry, Rock	502.47
Monkeytown Office Supply, Supplies	13.98
Moore, Richard, VA Travel Reimb	822.80
Mph Industries, Repairs	87.93
Mycoparks.Com, Advertising	500.00
Myers Polaris Inc, Repairs	65.37
Napa Auto Parts, Parts	1,316.48
National Wildlife Federation, Subscription Renewal	33.90
NCRAAO, Registration	470.00
NE District ISAA, Registration	175.00
NE IA Community Action, Services	83.60
Neighborhood Transportation, Services	125.00
Neuhaus, Betty, Rent	125.00
Norbys Farm Fleet, Parts/Supplies	645.84
N Central IA Mental Health, Services	168.00
NE IA Mental Health Ctr, Services	221.00
Northern IA Construction, Culverts	16,655.60
Oelwein Glass Inc, Parts	105.90
Oelwein Police Dept, Services	21.00
Oelwein Publishing Group, Publications	792.28
Oelwein Radiator & Electric, Repairs	65.00
Office Max Inc, Office Supplies	89.58
Office Towne Inc, Office Supplies	1,481.66
Olsens Auto Salvage, Parts	10.00
Operation Threshold, Rent	105.00
OReilly Automotive Inc, Parts	923.01
Orkin Exterminating Co, Pest Control	43.01
Ortner, Charlene, PEO Expense	225.00
Owens King Co, Storage	183.75
Paetec, Services	2,344.25
Paul Niemann Construction Co, Rock - Culverts	5,201.97
Pech, Charles, VA Travel Reimb	227.15
Pech, David, Zoning Commission Exp	19.25
Pete & Dots Pets, Supplies	224.40
Pheasants Forever, Cortright Plantings	8,502.00
Pinicon Ford, Parts/Labor	467.51

Power Plan, Parts	2,449.25
Prairie View Nursing Home, Services	5,968.55
Print Express, Printing Services	188.13
Public Safety Center Inc, Batteries	238.32
Quality Choices, Services	242.55
Quartermaster, Windbreaker	34.99
Quasqueton, City Of, Services	25.00
Quill Corp, Envelopes	35.99
Qwest, Services	764.17
Racom Corporation, Parts	137.25
Radio Communications Co Inc, Parts	645.32
Regal Plastic Supply Co, Parts	95.25
Richmond Center, Services	19.82
Rite Price Office Supply Inc, Supplies	55.28
Rothman, Sarah Dooley, Services	60.00
Rowley, City Of, Services	12.50
Ryherd, John, Zoning Commission Exp	16.50
Safety X-Treme, Parts	1,202.36
Schaefer, Cheryll, Reimb For Flowers	22.00
Schroeder, Melanie, Lodging/Regis/Mileage Reimb	227.15
Schumacher Elevator Co, Service Contract	159.40
Scott Pharmacy, Inmate Prescriptions	916.96
Security State Bank, Services	5.00
Security Storage, Rent	860.00
Shannon, Jeanne, PEO Expense	160.00
Sherrets, Larry, VA Commissioner Exp	25.00
Shield Technology Corp, Services	3,500.00
Shred Master, Shredding	37.50
Sidwell Co, Services	2,909.24
Simpson, Karen, PEO Expense	160.00
Slattery, John, Zoning Commission Exp	9.90
Small, Daniel, Tools	53.43
Smith, Dorothy, PEO Expense	160.00
Smock, Fred, Rent	125.00
Spahn & Rose Lumber Co, Supplies	1,152.44
SRC, Health Ins Premium	158.00
St Lukes Hospital, Services	9,064.48
Steege Pharmacy, Client Prescriptions	60.65
Steil Welding, Steel	89.08
Stephenson, Karen, Mileage Reimb	28.07
Stonewood Apartments, Rent	380.00
Super 8, Lodging	180.00
Superior Welding Supply, Rental/Parts	85.55
Tessco, Parts/Service	147.13
Test America Inc, Wetland Composite	51.45
Toms Auto Trim, Repairs	60.00
Tonn, Billie Jo, Services	572.60
Treasurer State Of Ia, Services	152,104.90
Treasurer State Of Ia, Registration	350.00
Triple T Enterprises, Compendiums	21.50
Ubben Building Supplies Inc, Supplies	205.00
Ultramax, Ammunition	1,110.00
Uniform Den Inc, Uniforms	231.98
Us Postal Service, Postage	2,000.00
Us Cellular, Services	1,008.18
Van Meter Industrial, Bulbs	92.97
Van Raden, Mike, Reg/Postage/Parts Reimb	17.22
Veridian Credit Union, Ach Fees	49.50
Verns True Value, Supplies	500.65
Visa, Lodging/Supplies	1,561.72
Wahltek Inc, Contract	1,516.00
WalMart, Supplies	14.28
WalMart Pharmacy, Client Prescriptions	123.54
Walthart, Steven, Mileage Reimb	7.70
Waste Management, Services	2,187.42
Weber Paper Co, Supplies	1,019.16
Weber, Willetta, PEO Expense	160.00
Webster, Jennifer, Supplies Reimb	59.36
Welch, William J, VA Commissioner Exp	37.10

White Funeral Home Inc, Services	1,220.24
Winthrop Building Supply, Supplies	142.22
Winthrop News, Publications	850.22
Winthrop Trailers/Welding Inc, Repairs/Labor	993.00
Winthrop, City Of, Utilities	18.78
Wulfekuhle, Ann, Mileage Reimb	35.20
Xerox Corp, Maintenance Contract	351.22
Zee Medical Service Co, Supplies	110.35
Zumbach, Arlene, Rent	125.00
Grand Total	992,968.65