

February 27th, 2017

THE NINTH-DAY

The Board of Supervisors of Howard County, Iowa met in regular session as required by law at the Office of the Howard County Board of Supervisors, Cresco, Iowa on February 27th, 2017.

Unless noted in the minutes, all motions were passed unanimously.

The meeting was called to order by Chairman Don Burnikel at 9:00 A.M.

Those present were: Chairman in the Chair Don Burnikel, Jan McGovern, and Pat Murray. Absent: None.

A motion by Jan McGovern and seconded by Pat Murray to approve the agenda as posted. Motion passed.

A motion by Pat Murray and seconded by Jan McGovern to approve the minutes of the last meeting. Motion passed.

Jan McGovern attended a Wapsi Watershed Authority Board meeting in Independence, Iowa, a CSS meeting in Mason City, and a Turkey River Watershed Authority meeting in Postville, Iowa.

Don Burnikel attended a Child Empowerment meeting in Ossian, Iowa.

Pat Murray attended a Regional Workforce Development meeting in Elkader, a CSS meeting in Mason City, and a NE Iowa Juvenile Detention meeting in Waterloo, Iowa.

Paul Berland with RC&D came before the Board to discuss the Upper Wapsi Watershed Authority Board.

A motion by Jan McGovern and seconded by Pat Murray to approve a Subrecipient Agreement for Community Development Block Grant Program National Disaster Resilience Contract Number 13-NDRI-005 between Howard County, Iowa and Buchanan Soil & Water Conservation District pending Howard County Attorney approval. Motion passed.

Claire Pecinovsky came before the Board to discuss a road concern. The concern was "why do the motorgraders grade the gravel roads when the surface are in good shape?" The Board will take this to the County Engineer.

A motion by Jan McGovern and seconded by Pat Murray to approve the resignation of Kayla Christianson effective 2/12/2017. Motion passed.

A motion by Jan McGovern and seconded by Pat Murray to approve Resolution No. 1016-2017 Amending Cafeteria Plan. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1016-2017 passed unanimously.

No. 1016-2017

HOWARD COUNTY

ADOPTING RESOLUTION

The undersigned Administrator of Howard County (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on January 1, 2017, and that such resolutions have not been modified or rescinded as of the date hereof;

RESOLVED, that this Amendment to the Cafeteria Plan effective January 1, 2017 presented is hereby approve and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

RESOLVED, that the duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of this Amendment to the Cafeteria Plan by delivering to each employee a copy of the summary description of the changes to the Plan in the form of the Summary Plan Description-Material Modification presented, which form is hereby approved.

The undersigned further certifies that attached hereto as Exhibit A, is a true copy of the Amendment to Howard County Cafeteria Plan and Summary Plan Description-Material Modification approved and adopted in the foregoing resolutions.

(signed) Don Burnikel

2-27-2017

Date

**HOWARD COUNTY
SUMMARY PLAN DESCRIPTION
MATERIAL MODIFICATION**

Howard County has amended the Howard County's Flexible Benefits Plan effective January 1, 2017. Accordingly, certain provisions in your Summary Plan Description should be modified to describe and explain the Plan, as amended.

The following changes have been added under the heading:

**IV
BENEFITS**

2. Health Flexible Spending Account

Four Paragraph

We will also provide you with a debit or credit card to pay for medical expenses.

Representatives from the North Iowa Juvenile Detention came before the Board to give an update on the Detention Services.

A motion by Jan McGovern and seconded by Pat Murray to approve Resolution No. 1018-2017 calling for a Special Election on a jail referendum. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1018-2017 passed unanimously.

No. 1018-2017

RESOLUTION CALLING A SPECIAL COUNTY ELECTION

WHEREAS, Howard County, State of Iowa, proposes to contract indebtedness and issue General Obligation Capital Loan Notes to provide funds to pay costs of a general county purpose project hereinafter described; and

WHEREAS, Sections 331.402 and 331.442 of the Code of Iowa, provides that before the Board may institute proceedings for the issuance of capital loan notes for a general county purpose, it shall call a special county election to vote upon the proposition if issuing capital loan notes in accordance with the provisions of such statute; and

WHEREAS, neither the proposal for the issuance of the capital loan notes hereinafter set forth, nor any other proposal incorporating any portion of it, has or will have been submitted to the registered voters of the County for a period of more than six months prior to the date of election hereinafter provided; and

WHEREAS, the "Times Plain Dealer" and "Monitor Recorder", are legal newspapers, printed wholly in the English language, as defined by Section 618.3 of the Code of Iowa, and are published in the County and of general circulation therein; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS FO THE COUNTY OF HOWARD, STATE OF IOWA:

Section 1. That there is hereby called a special County election on Tuesday, the 2nd day of May, 2017, at which election there shall be submitted to the registered voters of the County the following question, to-wit:

"SHALL THE COUNTY OF HOWARD, STATE OF IOWA, ISSUE ITS GENERAL OBLIGATION CAPITAL LOAN NOTES IN AN AMOUNT NOT EXCEEDING THE AMOUNT OF \$5,000,000 FOR THE PURPOSES OF DEMOLISHING EXISTING FACILITIES, PREPARING THE SITE, CONSTRUCTING, EQUIPPING AND FURNISHING A NEW FACILITY TO HOUSE THE SHERIFF'S DEPARTMENT, COUNTY JAIL AND E911 DISPATCH CENTER AND TO UPDATE SECURITY EQUIPMENT AT THE COURTHOUSE?"

Section 2. That the voting place or places for the election, and the hours the polls shall be opened and closed shall be as set out in the notice of election, such notice to be prepared and approved by the County Commissioner of Elections.

Section 3. That the form of ballot to be used at the election shall be of the type authorized by the Code of Iowa that will permit the use of electronic counters and will be in substantially the form set forth in the Notice of Election. That, if more than one public measure shall be submitted to the electors at the time of the election, all such measures shall be printed upon one ballot.

Section 4. That the Election Board for the voting precinct or precincts shall be appointed by the County Commissioner of Elections, not less than 15 day before the date of said election.

Section 5. That the Auditor of Howard County, Iowa, being the County Commissioner of Elections, is hereby directed to publish the notice of election once in the "Times Plain Dealer" and "Monitor Recorder", being legal newspapers, printed wholly in the English language, as defined by Section 618.3 of the Code of Iowa, published in said County and of general circulation therein, the publications to be not less than four clear days nor more than twenty days prior to the date of the election.

Section 6. That the County Commissioner of Elections shall cause to be prepared all such ballots and election registers and other supplies as may be necessary for the proper and legal conduct of said election.

Section 7. That the Auditor is hereby directed to file a certified copy of this Resolution in the office of the County Commissioner of Elections, which filing shall also constitute the "written notice" to the County Commissioner of Elections of the election date required to be given by the governing body under the provisions of Chapter 47 of the Code of Iowa.

PASSED AND APPROVED this 27th, day of February, 2017.

(signed) Don Burnikel
Chairperson, Board of Supervisors

ATTEST:

(signed) Julie Chapman
County Auditor

The Board discussed a letter from the City of Cresco, Iowa.

A motion by Pat Murray and seconded by Jan McGovern to have Chairman Don Burnikel sign an letter from the City of Cresco reflecting that the Board of Supervisors is not wishing to replace sidewalks at the Courthouse at this time.

The Board discussed with Sanitarian Marshall Rogne a possible resolution pertaining to CAFOs.

A motion by Pat Murray and seconded by Jan McGovern to approve Resolution No. 1017-2017 which pertains to CAFOs in Iowa. The vote thereon was as follows: Ayes: Burnikel, McGovern, and Murray. Nays: None. Resolution No. 1017-2017 passed unanimously.

RESOLUTION NO. 1017-2017

A RESOLUTION PETITIONING THE GOVERNOR OF IOWA AND THE STATE
LEGISLATURE TO ADDRESS THE FAILING OF THE MASTER MATRIX

WHEREAS, the Howard County Board of Supervisors, had been presented with several applications for permits to construct concentrated animal feeding operation (CAFO) in Howard County, Iowa: and,

WHEREAS, CAFOs in Iowa have proliferated at a rate and number likely unanticipated by authors of the 2002 Matrix; and,

WHEREAS, the current legislation and regulation applies to use of a Master Matrix that has failed to adequately differentiate between the geography, water sources and other critical considerations throughout different regions with the State; and,

WHEREAS, the inadequacies of the number of animal units (AU) needed to determine the use of the Master Matrix.

NOW, THEREFORE, BE IT RESOLVED BY THE HOWARD COUNTY BOARD OF SUPERVISORS:

1. The Howard County Board of Supervisors do hereby petition the Governor of Iowa and the State Legislature to address the failings of the Master Matrix to Protect the air, water, health, 'quality of life' and economic interests of the Citizens we were elected to represent.

BE IT FURTHER RESOLVED, that,

2. Any application permit for constructing a CAFO would consider the following:
 - a) Will the proposed site be an unreasonable hazard to the health and welfare of surrounding neighbors?
 - b) Will the proposed site be locally owned or novice producer?
 - c) Require written notification to residents within a three mile radius.

PASSED AND ADOPTED this 27 day of February 2017

(signed)

Don Burnikel Chairman of Board

Pat Murray

Jan McGovern

Attest: (signed) Julie Chapman Howard County Auditor

Howard County Engineer Nick Rissman came before the Board to discuss the following Secondary Roads business items:

1. Public Hearing-Riceville Shop.
2. Five Year program discussion.
3. FEMA update.
4. Other road issues.

A motion by Jan McGovern and seconded by Pat Murray to approve to open the Public Hearing on the Riceville Shop at 10:00 A.M. Motion passed.

Steve Eastman from Riceville was in attendance.

Nick Rissman spoke about to publish the bids for the Riceville Shop, he proceeded to read the Proposed Notice at the Public Hearing.

Steve Eastman asked about an easement with the ingress/egress and has the property been surveyed? Steve Eastman then asked if the current easement goes with the property. Nick Rissman explained to have someone's attorney look into it if they are interested in the property.

A motion by Pat Murray and seconded to Jan McGovern to approve to close the Public Hearing at 10:15 A.M. Motion passed.

A motion by Jan McGovern and seconded by Pat Murray to approve to publish for bids for the Riceville Shop to be due in by April 3, 2017 at 10:00 A.M. Motion passed.

Jason Passmore came before the Board to give a RAGBRAI update.

A motion by Jan McGovern and seconded by Pat Murray to have Pat Murray and Jan McGovern as Alternates to the Howard County Economic Development Board meeting. Motion passed.

Brent Bronner and Gerald George with Albion Township came before the Board to discuss gopher feet allocations.

Chairman Don Burnikel adjourned the meeting at 12:19 P.M.

ATTEST:

Julie Chapman, Howard County
Auditor

Don Burnikel, Chairman Howard County Board of
Supervisors

