

MONTGOMERY COUNTY SUPERVISORS MINUTES

April 23, 2009

The Montgomery County Board of Supervisors met in quorum, Thursday, April 23, 2009, at 9:00 a.m. at the courthouse for their regular meeting. The meeting was called to order by Chairman Bryant Amos. There was a roll call of members with Supervisors Bryant Amos, Glen Benskin, Karen Blue, Donna Robinson and Steve Ratcliff present.

Motion to approve the agenda by Benskin, second by Ratcliff. Roll call: Yes: Ratcliff, Amos, Benskin, Blue, Robinson. No: None. Motion carried.

Minutes of the April 16, 2009, regular meeting were approved as read.

The Chairman called for public comments. None.

Supervisors committee updates, Supervisor Blue attended an Industrial Foundation meeting. Discussion of the rail spur in the industrial park and the request for funding from the county and city. Also discussed the merger of the Red Oak Industrial Foundation and the Red Oak Chamber. She also attended the Enterprise Zone meeting and developed 4 new areas to be submitted for approval. Supervisors Robinson, Blue and Ratcliff attended the Four-County meeting in Clarinda and toured the recycling center in Page County.

Engineers Report: Donnie Bond asked the board to approve two agreements with the NCRS for emergency water shed improvements. These are in partnership to help stabilize the banking where flooding has damaged the slopes. They are a 75% NCRS funding, 25% county and if it involves a Hungry Canyons project the county's portion is then 15% and Hungry Canyon is 10%. Motion by Ratcliff, second by Robinson to enter into agreements with NCRS, specifically Agreement numbers 69-6114-9-16 and 69-6114-9-17. Roll call: Yes: Benskin, Blue, Ratcliff, Robinson, Amos. No: None. Motion carried.

Motion by Blue, second by Robinson to Adopt Resolution 09-9, Destruction of Noxious Weeds, read as follows:

BE IT RESOLVED BY ACTION OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, IOWA, that pursuant to the provisions of 317.14 of the Code of Iowa, 1995, it is hereby ordered...

...that all noxious weeds shall be destroyed at the time and manner set forth below;

- a. Grower must make reasonable effort to control noxious weeds using appropriate combination of cultural, mechanical, or herbicidal practice resulting in the destruction of the plants.
- b. In a case where cultural and herbicidal methods have not destroyed the weeds, mechanical destruction of the plants to prevent reseeding must be done by the following dates...

Group 1: June 15

Buckthorn, Buckthorn Plantain, Canada Thistle, Horse Nettle, Leafy Spurge, Multiflora Rose, Poison Hemlock, Puncture Vine, Smooth Dock, Sour Dock, Wild Carrot, Wild Mustard, Quackgrass, Field Bindweed, Shattercane, exception MUSK THISTLE – MAY 15.

Group 2: August 15

Bull Thistle, Velvetleaf, Cocklebur, Perennial Peppergrass, Purple Loosestrife, Red Sorrel, Russian Knapweed, Tall Thistle, Common Sunflower, Teasel, Perennial Sowthistle.

...that this resolution shall pertain to all state and primary roads and railroad rights of way, as well as land held in private ownership.

...that if the owner or person in control of any real estate fails to exercise all reasonable efforts to comply with foregoing order, the Weed Commissioner may cause this to be done and the expense of said work including costs of serving notice and other costs, if any, to be taxed against the land of the owners thereof AND/OR levy a fine of \$10/day for a period of up to 10 days.

...that the Weed Commissioner be and is hereby directed to cause notice of the making and entering of the foregoing to be published in each of the Official Newspapers of the County.

Roll call: Yes: Blue, Ratcliff, Robinson, Amos, Benskin. No: None. Motion carried.

Old business: Discussion on the need and wording of an Ordinance for RAGBRAI. Supervisors Blue and Amos will develop a shorter and more defined version for the next meeting for possible adoption.

Motion by Blue, second by Robinson to approve 2nd reading of Ordinance 2009-1 Establishing a Local Sales and Services Tax within the incorporated areas of the City of Red Oak and in the unincorporated areas of Montgomery County. Roll call: Yes: Amos, Benskin, Blue, Ratcliff, Robinson. No: None. Motion carried.

Motion by Benskin, second by Robinson to waive the third reading. Roll call; Yes; Benskin, Blue, Ratcliff, Robinson, Amos. No: None. Motion carried.

Motion by Robinson, second by Ratcliff to adopt Ordinance 2009-1 as follows:
An ordinance establishing a Local Option Sales and Services Tax applicable to transactions within the incorporated areas of the City of Red Oak, Iowa, and in the unincorporated areas of Montgomery County, Iowa.

Pursuant to the authority granted by Chapter 423B of the Iowa Code, Be It Enacted by the Board of Supervisors of Montgomery County, Iowa:

Section 1. Local Option Sales and Services Tax. There is imposed a Local Option Sales and Services Tax applicable to transactions in the incorporated areas of the City of Red Oak and in the unincorporated areas of Montgomery County.

The rate of the tax shall be one percent upon the sales price taxed under Chapter 423B – Local Option Taxes of the Iowa Code in the following: in the incorporated areas of the City of Red Oak and in the unincorporated areas of Montgomery County.

The local sales/services tax is imposed on transactions occurring on or after July 1st, 2009 within the incorporated areas of the City of Red Oak and in the unincorporated areas of Montgomery County. All persons required to collect state sales tax and any use tax to which the local option tax may be applicable shall collect the tax. However, the tax shall not be imposed on the sales or purchase price from transactions exempted from tax by section 423B.5 of the Iowa Code.

All applicable provisions of the appropriate sections of Chapter 423 of the Iowa Code are adopted by reference.

Section 2. Effective Date. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Board of Supervisors on this 23rd day of April, 2009.

Signed: Bryant Amos, Chairman; Karen Blue; Glen Benskin; Steve Ratcliff; Donna Robinson

ATTEST: Joni K Ernst, Auditor

First reading: April 16, 2009

Second reading: April 23, 2009

Third reading and passage: Third reading waived, passage April 23, 2009

Roll call: Yes: Blue, Ratcliff, Robinson, Amos, Benskin. No: None. Motion carried.

Montgomery County Development Corporation Director George Maher was present and asked the Board to approve the new designated areas as Enterprise Zones. There are several industries looking to relocate here and this would give our county a benefit that the other county does not have to offer.

Motion by Blue, second by Ratcliff to adopt Resolution 09-7, Appointment of Enterprise Zone Members, read as follows:

Resolution of Montgomery County, Iowa Board of Supervisors approving the members of the Montgomery County Enterprise Zone Commission.

WHEREAS, Montgomery County has previously established a Montgomery County Enterprise Zone Commission and certain positions have expired or become vacant, and WHEREAS, the Commission members are to represent the following:

- (1) One representative of the County Board of Supervisors,
- (2) One member with economic development expertise selected by IDED,
- (3) One representative of the County Zoning Board,
- (4) One member of the local community college board of directors,
- (5) One representative of the local workforce development center,
- (6) Four members at large, and

WHEREAS, the Montgomery County Enterprise Zone Commission did meet on April 17, 2009 to appoint members at a public meeting.

NOW THEREFORE BE IT RESOLVED BY THE MONTGOMERY COUNTY BOARD OF SUPERVISORS, that

1. The following will serve on the Montgomery County Enterprise Zone Commission for the terms given:
2.
 - Three-year term to expire January 1, 2010: Randy Orme
Karen Blue
George Maher
 - Three-year term to expire January 1, 2011: Lindy Peterson
Mickey Anderson
Jim Robinson
 - Three-year term to expire January 1, 2012: Jerry Shellberg
Ken Rech
Dennis Bloom
3. The Chairman of the Montgomery County Board of Supervisors is hereby directed to sign this resolution and forward it to the Iowa Department of Economic Development.

Roll call: Yes: Blue, Ratcliff, Robinson, Amos, Benskin. No: None. Motion carried.

Motion by Blue, second by Benskin to adopt Resolution 09-11, Approving the Application to the Iowa Department of Economic Development Requesting Certification of Enterprise Zones in Montgomery County, read as follows:

WHEREAS, Montgomery County (hereinafter referred to as the "County"), State of Iowa is a political subdivision organized and existing under the law and the Constitution of the State of Iowa (the "State"); and

WHEREAS, the purpose of 2001 Iowa Code Sections 15E.191 through 15E.196 and all subsequent amendments including 2002 Iowa Acts, House File 2378 (the "Act") is to encourage mutual development objectives between communities and private business and to promote development and investment in economically distressed areas within the State; and

WHEREAS, the Act and administrative rules adopted by the Iowa Department of Economic Development require the County to approve, by resolution, the establishment of an Enterprise Zone and the submission of a request for certification to the Iowa Department of Economic Development Board of Directors; and

WHEREAS, under the Act, one of the benefits provided to eligible businesses locating within a certified Enterprise Zone, as described in Iowa Code Section 15E.196, may at the election of the community be an exemption from taxation of all, or a portion, of the actual value added by improvements to real property that is: 1) directly related to new jobs created by the location or expansion of an eligible business in the zone, and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY AS FOLLOWS:

SECTION 1. The County certifies that it is an eligible participant under the Act and meets the following distress criteria required under section 15E.194 of the Act, as amended by 2002 Iowa Acts, House File 2378:

- a) Montgomery County has experienced a loss of population of 1.3% between 1995 and 2000 that ranks 20th highest among all counties in the state according to the 2000 Census.
- b) Montgomery County had 20.3% of its population aged 65 years or older which ranks it 25th highest among all counties in the state according to the 2000 Census.

SECTION 2. The County hereby requests Enterprise Zone certification from the Iowa Department of Economic Development Board of Directors as authorized in Section 15E.194 of the Act for the 291.89 acres described below and attached with maps designating the Enterprise Zones, which the County certifies, when added to previously certified zones, is less than 1% of the total area of the 272,235.9 acres in Montgomery County.

SECTION 3. The County shall provide a copy of this resolution to the Iowa Department of Economic Development and shall file this resolution with the Montgomery County Assessor.

SECTION 4. The following officers of the County are hereby authorized to take such further actions as deemed necessary in order to carry into effect the provisions of this resolution:

Bryant Amos, Chairman of Montgomery County Supervisors

SECTION 5. All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. The provisions of this resolution are hereby declared to be severable and if any section, phrase, or provision shall be for any reason be declared to be invalid, such declaration shall not effect the validity of the remainder of the sections, phrases, and provisions hereof.

SECTION 7. This resolution shall become effective immediately upon its passage and approval.

Roll call; Yes: Ratcliff, Robinson, Amos, Benskin, Blue. No: None. Motion carried.

Supervisor Robinson stated that she attended a jail committee meeting last week and has another one scheduled on the 28th of April at 6:30 pm. The purpose will be to determine what we need to ask the jail consultants.

Motion by Blue, second by Ratcliff to adopt Resolution 09-8, Naming Depositories, read as follows:

BE IT RESOLVED, that the Board of Supervisors of Montgomery County in Montgomery County, Iowa, approves the following list of financial institutions to be depositories of the Montgomery County funds in conformance with all applicable

provisions of Iowa Code Chapters 452 and 453 (2003), as amended by Iowa Acts, S.F. 2220. The County Treasurer is hereby authorized to deposit the Montgomery County funds in the amounts not to exceed the maximum approved for each respective financial institution as set out below.

Depository Name	Location of Home Office	Maximum Balance in Effect under prior Resolution	Maximum Balance in Effect under this Resolution
TREASURER:			
Houghton State Bank	Red Oak	\$5,000,000	\$5,000,000
US Bank of Red Oak, N.A.	Red Oak	\$5,000,000	\$100,000
Bank Iowa	Villisca	\$300,000	\$300,000
Great Western Bank	Stanton	\$1,000,000	\$1,000,000
Bank Iowa	Red Oak	\$1,000,000	\$5,000,000
AUDITOR:			
Great Western Bank	Red Oak	\$10,000	\$10,000
SHERIFF:			
Houghton State Bank	Red Oak	\$250,000	\$250,000
RECORDER:			
Houghton State Bank	Red Oak	\$50,000	\$50,000

CERTIFICATION: I hereby certify that the forgoing is a true and correct copy of a resolution of the Montgomery County Board of Supervisors adopted at a meeting of said public body, duly called and held on the 23rd day of April, 2009, a quorum being present, as said resolution remains of record in the minutes of said meeting, and it is now in full force and effect. Dated this 23rd day of April, 2009.

Roll call: Yes: Benskin, Blue, Ratcliff, Robinson, Amos. No: None. Motion carried.

Motion by Blue, second by Benskin to adopt Resolution 09-10, Health Care Coverage for Non-Dependent Children, read as follows:

House File 2539, which passed in 2008, requires Montgomery County to allow employees' children, who no longer qualify as "dependents", to remain on the County's health insurance policy. Coverage for the child will continue until the annual renewal date of the coverage on or after the date the child reaches age 25 or marries, whichever occurs sooner.

Effective immediately, employees will have the option to continue the health insurance coverage for children who no longer qualify for the "dependent" coverage offered under the family plan. Employees will be allowed to continue coverage for "Non-dependent" children on the County's health insurance policy by purchasing a single plan for each non-dependent child. The cost of the single premium, which is set by our health insurance provider, will be due to the Montgomery County Auditor by the 15th day of each month preceding the month of coverage, or the coverage will be canceled.

If a child reaches the "Non-dependent" status and the employee chooses not to continue coverage, the child will be removed from the policy and will not be allowed to be added back on at a later date, except in instances that qualify for COBRA coverage. Resolution 09-10 is adopted and effective this 23rd day of April, 2009, by the Montgomery County Board of Supervisors.

Roll call: Yes: Blue, Ratcliff, Robinson, Amos, Benskin. No: None. Motion carried.

Motion by Benskin, second by Blue to hire Heather Deitering as a Motor Vehicle Clerk at \$10.00 per hour. Roll call: Yes: Ratcliff, Robinson, Amos, Benskin, Blue. No: None. Motion carried.

Motion by Ratcliff to approve claims payable April 24, 2009 in the amount of \$215,112.99 to include hand written warrants. Roll call: Yes: Benskin, Blue, Ratcliff, Robinson, Amos. No: None. Motion carried.

Motion by Blue, second by Benskin to approve payroll payable April 24, 2009 in the gross amount \$113,194.31 and net amount \$81,080.91. Roll call: Yes: Blue, Ratcliff, Robinson, Amos, Benskin. No: None. Motion carried.

Agenda items discussed for next meeting include RAGBRAI Ordinance and jail committee update.

Motion by Benskin, second by Ratcliff to adjourn. All in favor. Meeting adjourned at 10:31 a.m.

BRYANT AMOS, CHAIRMAN

BY: TED A. SCHOONOVER

ATTEST: JONI K. ERNST, AUDITOR