

The Mills County Board of Supervisors met this 6th day of January, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for January 6, 2009, and by the same motion the minutes, as corrected, for the December 30, 31, 2008, and January 2, 2009, board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

A utility permit was issued for a power line on 195th Street.

County Attorney Marci McClellan and Darrin Whatcott of JAS were present for the 1st reading of Ordinance #09-01 Building & Property Maintenance Ordinance. Clarifications regarding Ag buildings were reviewed by the Board of Supervisors, County Attorney and Darrin Whatcott.

Motion by Crouch, seconded by Kohn to approve the first reading of Ordinance #09-01.

Motion carried on vote: Ayes: 3; Nays: 0.

Lina Washburn and Mark For from Glenwood/Mills County Economic Development discussed funding and the Economic Development prospect analysis. Washburn explained the process the Chamber/Economic Development goes through when they receive business inquiries about Mills County, or one of the cities in Mills County. She explained many inquiries come through our regional group of Harrison, Mills, and Pottawattamie Counties, and City of Council Bluffs. They also subscribe to and network with a couple other agencies for leads.

Mills County officials met at 10:45 a.m. for a department head meeting.

Motion by Crouch, seconded by Kohn to reappoint Wayne Phipps to a five year term on the Mills County Conservation Board, which expires December 31, 2013.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to reappoint Rita Million and Jay Burdic to the Mills County Public Health Board, for three year terms which expire on December 31, 2011.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve a salary increase for custodian Steve Pole upon completion of six months introductory period effective January 5, 2009, at the recommendation of the Auditor, to \$12.50 per hour.

Motion carried on vote: Ayes: 3; Nays: 0.

Board members adjourned for lunch and reconvened at 1:00 p.m.

Deanna Fuller and Jim Hughes from Hughes Real Estate discussed Anderson Auto property and property exchange options. Marci McClellan County Attorney, Joe Foreman Opinion Tribune, Eugene Goos Sheriff and Mike Osler Jail Administrator were present for the presentation. Jim Hughes addressed the Board that Hughes Realty has the listing for the Anderson Auto property. Hughes attended the meeting where the jail committee made the recommendation of the jail being remodeled for admin offices and purchase of the Anderson property to build a jail. Hughes brought forth a purchase agreement for \$175,000 for the Anderson property and offering a swap of the current property owned by the County in the amount of \$50,000 to go towards the purchase price. Therefore, the cost to the County would be \$125,000. The County Attorney asked to research as to whether it is legal for the County to "swap" property. Hughes stated a March 2, 2009, date for closing. Supervisors explained they have not made a determination as to whether to hold a bond election in August yet. They have some concerns due to the status of the current economy and upcoming school instructional support election on February 3, 2009. Blankenship explained the Board would be discussing the jail bond issue as their next agenda item. No formal action will be taken.

County Attorney Marci McClellan, Lt. Mike Osler Jail Administrator, Sheriff Eugene Goos, and Joe Foreman Opinion Tribune were present for discussion regarding a proposed Jail Bond issue. After much discussion as to whether the County is contemplating going to bond election. The BOS requested the Auditor contact Pete Franks to set up a time on next weeks agenda to discuss the process of making a request for proposal.

There being no further business to come before the Board at this time, they adjourned to meet again on Monday, January 12, 2009, for a budget work session.

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 12th day of January, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for January 12, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Several names were discussed as appointments to the Magistrate Board. Board members will contact those individuals to see if they are interested. The Board needs to have three appointments for this 6 year term.

Treasurer Janette Blackburn reviewed the Treasurer's FY' 10 budget with the Board.

Recorder Vicki McClintic reviewed the Recorder's FY' 10 budget with the Board.

Conservation Director Jared Getter reviewed Conservation's FY' 10 budget with the Board.

Pete Franks, Franks Design Group discussed request for qualification distribution.

Motion by Kohn, seconded by Crouch to have Pete Franks continue the process of distributing a request for qualification and establish a public safety facility design committee.

Motion carried on vote: Ayes: 3; Nays: 0.

There being no further business to come before the Board of Supervisors at this time, they adjourned to meet again on Tuesday, January 13, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____

Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 13th day of January, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for January 13, 2009, and by the same motion the minutes as corrected for the January 6, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve payables as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

No formal action was taken regarding appointment of Jared Getter to Loess Hills Alliance Board because appointment not up until December of 2009.

Motion by Crouch, seconded by Kohn to appoint Wayne Phipps and Greg Pierce as alternates to the Loess Hills Alliance Board.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

No utility permits were reported this week.

Mayberry reported he is moving forward on the ordering of four trucks to be delivered in the next fiscal year.

Fountains Ballroom owners Marty & Erin Williams, County Attorney Marci McClellan, Mary Sneed, Don Brantz, Michael Reinsch, and Richard A. Henninger Smith Peterson Law Firm LLP, joined the Board session. Engineer Kevin Mayberry, Mills County Zoning Officer, gave a brief history of the Fountains Ballroom and explained that he had received financial information as to the replacement cost of the Fountains facility. The facility was built before zoning in the area now classified as the Loess Hills Conservation District and was considered to be a non-conforming use. The Fountains did not have more

than 60% loss based upon value of the facility and cost to rebuild. The Engineer met with the County Attorney and the Chair of the Board of Adjustment and it was determined Williams is eligible to rebuild. The Board of Adjustment will hold a public hearing and the Williams will be requesting a special use permit which would make their facility a conforming use.

Pete Franks, Darrin Whatcott & Rich Buchannon from JAS were present for the second reading of Ordinance #09-01, Building and Property Maintenance Ordinance.

Motion by Kohn, seconded by Crouch to approve the second reading of Ordinance #09-01

Motion carried on vote: Ayes: 3; Nays: 0.

Mary Lou Gaettsch Fiscal Manager for Golden Hills RC&D, Larry Winum, and Linda Washburn discussed value added ag prospect Mills County, and the fact that they may need a resolution of support from the County.

Courthouse lift replacement was discussed and a bid submitted by Access Elevator was reviewed.

Motion by Crouch, seconded by Kohn to have the Chair sign a contract with Access Elevator and Lifts to install a Gararenta Astira wheelchair lift for \$59,687.49.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheriff Eugene Goos discussed filling the vacant deputy position in the Sheriff's Department created when Sheriff Goos was elected..

Motion by Kohn, seconded by Crouch to authorize a new full time deputy to start the process to hire.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheriff Goos requested authorization for purchase of 9 tasers including extra battery, and four year extended warranty for a price of \$10,272.63 from Taser International Inc., using drug forfeiture funds and a cash donation.

Motion by Crouch, seconded by Kohn to authorize the purchase of 9 tasers, including extra battery, and four year extended warranty for a price of \$10,272.63 from Taser Interational, Inc.

Motion carried on vote: Ayes: 3; Nays: 0.

Certification of Cost Allocation Plan with CAS was discussed.

Motion by Kohn, seconded by Crouch to have the Chair sign the certification of Cost Allocation Plan with Cost Advisory Services Inc.

Motion carried on vote: Ayes: 3; Nays: 0.

Treasurer Janette Blackburn presented Resolution #09-01, Mills County bank depositories.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-01.

RESOLUTION 09-01

BE IT RESOLVED by the Board of Supervisors of Mills County, Iowa on this 13th day of January, 2009: that we do hereby designate the following named banks to be depositories for the state, county, and other public revenue funds that the treasurer is responsible for in amounts not to exceed the amount named opposite each said designated depositories and that the Mills County Treasurer is hereby authorized to deposit the state, county and all other public funds in amounts not to exceed in the aggregate that amount named for said bank as follows:

Name of Depository	Location	Maximum Deposit Under This Resolution
Glenwood State Bank	Glenwood, Iowa	18,000,000.00
First National Bank	Glenwood, Iowa	5,000,000.00
Malvern Trust and Savings	Malvern, Iowa	3,500,000.00
Houghton State Bank	Emerson, Iowa	1,000,000.00
First State Bank	Tabor, Iowa	2,000,000.00
Tierone Bank	Glenwood, Iowa	2,000,000.00
Iowa Public Agency Investment Trust	Des Moines, Iowa	1,000,000.00

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye;

Motion by Crouch, seconded by Kohn to approve the Mills County Investment Policy.

Motion carried on vote: Ayes: 3; Nays: 0.

Debbie Juarez, Engineer Kevin Mayberry, County Attorney Marci McClellan, and Don Brantz discussed Mills County Zoning. Mrs. Juarez had concerns about the Fountains rebuilding in this neighborhood focused on dust control, speed limit, and unsafe drivers in the area.

Tom Ling, Mills County Communications Center Director discussed the Communications Center FY'10 budget.

Patrick Binns, Mills/Montgomery IT discussed the FY '10 IT budget.

There being no further business to come before the Board at this time, they adjourned to meet again on Tuesday, January 13, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 14th day of January, with all members present. Larry Hurst, EMA Director was not be able to do his scheduled budget meeting, he has rescheduled; Marty Williams also cancelled his appointment for 11:30 a.m. Motion by Kohn, seconded by Crouch to approve the agenda as amended for January 14, 2009.

Jim Goos, Veterans Affairs/General Relief discussed the FY '10 budget.

Amy Chastain Boost 4 Family discussed the FY '10 budget.

Sara Kecham Mills/Montgomery CPC discussed the FY '10 case management budget.

There being no further business to come before the Board at this time, they adjourned to meet again on January 15, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 15th day of January, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for January 15, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Marci McClellan County Attorney, Eric Hansen Assistant County Attorney, and Tom Ling, Communications Center Director discussed City 28E Agreements. These contracts are between the Communications Center and all cities except Glenwood and contain minor language changes.

Motion by Kohn, seconded by Crouch to approve 28E Agreements

Motion carried on vote: Ayes: 3; Nays: 0.

Third reading of Ordinance #09-01 was conducted with County Attorney Marci McClellan, Darrin Whatcott & Ric Buchannon of JAS, and Engineer Kevin Mayberry present.

Motion by Kohn, seconded by Crouch to approve the third reading of Ordinance #09-01

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve final approval and adoption of Ordinance #09-01.

ORDINANCE NO. #09-01

AN ORDINANCE TO AMEND THE COUNTY CODE OF ORDINANCES OF MILLS COUNTY, IOWA, BY ENACTING A NEW CHAPTER 24 - BUILDING AND PROPERTY MAINTENANCE SETTING FORTH THE REGULATIONS AND PENALTIES ASSOCIATED WITH BUILDING AND PROPERTY MAINTENANCE IN MILLS COUNTY, IOWA. BE IT THEREFORE ORDAINED BY THE

BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

Section 1. ENACTMENT. A new Chapter 24 is enacted as follows:

CHAPTER 24 - BUILDING AND PROPERTY MAINTENANCE

SECTION 1

BUILDING AND CONSTRUCTION ADMINISTRATIVE PROVISIONS

24.1.1 Title

The provisions contained in this Chapter shall be known as the “Building and Construction Administrative Provisions” for the Building Department of Mills County, Iowa.

24.1.2 Statutory Authorization

In Iowa Code Section 331.304(3), as amended, the Iowa Legislature delegated to counties the power to adopt, administer and enforce the State Building Code. Said power shall be exercised in accordance with Iowa Code Chapter 103A. The power to adopt by ordinance, administer, and enforce a county building code, is subject to the following restrictions:

a. A county building code shall not apply within the incorporated area of a city except at the option of the city, and shall not apply within a city's two-mile limit referred to in Iowa Code Section 414.23, to the extent that the city has adopted a building code within the two-mile limit.

b. A county building code shall not apply to farm houses or other farm buildings which are primarily adapted for use for agricultural purposes, while so used or under construction for that use.

24.1.3 Jurisdiction

The provisions of this Ordinance shall apply to all of the unincorporated area of Mills County, Iowa.

24.1.4 Creation of Enforcement Agency

There is hereby created in Mills County, Iowa, the Building and Safety Department, with administrative authority as delegated by the Mills County Engineer through the Building Official.

24.1.5 Appointment

The Building Official shall be appointed by the Mills County Board of Supervisors.

24.1.6 Deputies

In accordance with the prescribed procedures of Mills County, Iowa and with the concurrence of the Mills County Engineer, the Building Official shall have the authority to appoint Deputy Building Officials, the related technical officers, inspectors, plan examiners and other designated employees. Such designated employees shall have powers as delegated by the Building Official and hereinafter these designees shall be implied to be included whenever Building Official is mentioned in this Chapter.

24.1.7 Scope and Intent

The purpose of the Building Department is to enforce the minimum requirements of the adopted Codes for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

The purpose of the Building and Safety Department is to enforce the minimum requirements of the adopted Codes and to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property for fire and other emergency responders during emergency operations.

24.1.8 Duties and Powers of the Building Official

The Building Official is hereby authorized and directed to enforce the provisions of the adopted Codes under Chapter 24 of the Mills County Code of Ordinances. The Building Official shall have the authority to render interpretations of the adopted Codes and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the adopted Codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the adopted Codes.

24.1.9 Applications and Permits

The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the adopted Codes.

24.1.10 Notices and Orders

The Building Official shall issue all necessary notices or orders to ensure compliance with the adopted Codes.

24.1.11 Inspections

The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

24.1.12 Identification

The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under the adopted Code.

24.1.13 Right Of Entry

Where it is necessary to make an inspection to enforce the provisions of the adopted Codes, or where the Building Official or designee has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the adopted Codes which makes the structure or premises unsafe, dangerous or hazardous, the Building Official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the adopted Codes, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official or designee shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official or designee shall have recourse to the remedies provided by law to secure entry.

24.1.14 Department Records

The Building Official or designee shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period of five (5) years as retention of public records.

24.1.15 Liability

The Building Official, members of the Appeal Board, or Building and Safety Department employees charged with the enforcement of the adopted Codes, while acting for Mills County, Iowa in good faith and without malice in the discharge of the duties required by the adopted Codes or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of the adopted Codes shall be defended by legal representative of Mills County, Iowa until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of the adopted Codes.

24.1.16 Approved Materials and Equipment

Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

24.1.17 Used Materials and Equipment

The use of used materials which meet the requirements of the adopted Codes for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

24.1.18 Modifications

Wherever there are practical difficulties involved in carrying out the provisions of the adopted Codes, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of the adopted Codes impractical and the modification is in compliance with the intent and purpose of the adopted Codes and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Division.

24.1.19 Alternative Materials, Design and Methods of Construction and Equipment

The provisions of the adopted Codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the adopted Codes, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of the adopted Codes, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the adopted Codes in quality, strength, effectiveness, fire resistance, durability and safety.

24.1.20 Research Reports

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the adopted Codes, shall consist of valid research reports from approved sources.

24.1.21 Tests

Whenever there is insufficient evidence of compliance with the provisions of the adopted Codes, or evidence that a material or method does not conform to the requirements of the adopted Codes, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to acquire tests as evidence of compliance to be made at no expense to Mills County, Iowa. Test methods shall be as specified in the adopted Codes or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required

for retention of public records.

24.1.22 Codes and Applicability

Where, in any specific case, different sections of the adopted Codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

24.1.23 Codes

The Building Department has been empowered to enforce the following Codes which shall be hereinafter referred to as “the adopted Codes”. A copy of the following adopted Codes are on file and are open for inspection of the public in the office of the Building Official are hereby referred to, adopted, and made apart hereof as if fully set out in this Ordinance.

a. Building Code

The provisions of the Building Code as found in Section 24.2 of this Chapter shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all commercial, industrial, and multi-family residences.

b. Residential Building Code

The provisions of the Residential Building Code as found in Section 24.3 of this Chapter shall regulate the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

c. Plumbing Code

The provisions of the Plumbing Code as found in Section 24.4 of this Chapter shall regulate the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a gas, water, sanitary sewage, storm water system and all aspects of a medical gas system.

d. Mechanical Code

The provisions of the Mechanical Code as found in Section 24.5 of this Chapter shall regulate the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, boilers, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

e. Electrical Code

The provisions of the Electrical Code as found in Section 24.6 of this Chapter shall regulate the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

f. Fuel Gas Code

The provisions of the Fuel Gas Code as found in Section 24.7 of this Chapter shall regulate the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and related accessories.

g. Energy Conservation Code

The provisions of the Energy Conservation Code as found in Section 24.8 of this Chapter shall regulate all matters governing the design and construction of buildings for energy efficiency.

h. Existing Building Code

The provisions of the Existing Building Code as found in Section 24.9 of this Chapter shall regulate the repair, alteration, change of occupancy, addition and relocation of existing buildings.

i. Historic Building Code

The provisions of the Historic Building Code as found in Section 24.10 of this Chapter shall regulate the rehabilitation, preservation, restoration, and relocation of historic buildings.

j. Property Maintenance Code

The provisions of the Property Maintenance Code as found in Section 24.11 of this Chapter shall regulate existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

k. Demolition of Buildings and Structures

The provisions of the Demolition of Building and Structures as found in Section 24.12 of this Chapter shall regulate the demolition of every building or structure or any appurtenances connected or attached to such building or structure. The purpose of this Chapter is to establish the minimum requirements to safeguard the public health, safety, general welfare of life and property from hazards attributed to the demolition environment.

l. Factory Built Structures

The provisions of the Factory Built Structures as found in Section 24.13 of this Chapter shall provide minimum regulations of factory-built structures to safeguard life, health, property, and public welfare.

24.1.24 Other Laws

The provisions of the local Codes as adopted by Mills County, Iowa shall not be deemed to nullify any provisions of the state or federal law.

24.1.25 Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

24.1.26 Application of References

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of the adopted Codes.

24.1.27 Referenced Codes and Standards

The Codes and standards referenced in each of the adopted Codes shall be considered part of the requirements of the adopted Codes to the prescribed extent of each such reference. Where differences occur between provisions of the adopted Codes and referenced Codes and standards, the provisions of the adopted Codes shall apply.

24.1.28 Partial Invalidity

In the event that any part or provision of the adopted Codes is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

24.1.29 Existing Structures

The legal occupancy of any structure existing on the date of adoption of the adopted Codes shall be permitted to continue without change, except as is specifically covered in the adopted Codes, the Property Maintenance Code or the State Fire Code, or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public with the exception that if a commercial or industrial structure is vacant and with either the water, electric and/or gas service turned-off for a period of more than two (2) calendar years, then the legal occupancy of the structure's Occupancy shall become "Utility".

24.1.30 Application for Permit

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Department for that purpose. Such application shall:

- a. Identify and describe the work to be covered by the permit for which application is made.
- b. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- c. Indicate the use and occupancy for which the proposed work is intended.
- d. Be accompanied by construction documents and other information as the Building Official may require.
- e. State the valuation of the proposed work.
- f. Be signed by the applicant, or the applicant's authorized agent.
- g. Give such other data and information as required by the Building Official.

24.1.31 Action on Application

The Building Official or designee shall examine all applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official or designee shall reject such application in writing, stating the reasons therefore. If the Building Official or designee is satisfied that the proposed work conforms to the requirements of the adopted Codes and laws and ordinances applicable thereto, the Building Official or designee shall issue a permit therefore as soon as practicable.

24.1.32 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned 180 calendar days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.

24.1.33 Permits Required

Any owner, contractor, master, or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure which is regulated by the adopted Codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

Any owner, contractor, master, or authorized agent who intends to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the adopted Codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

24.1.34 Work Exempt From Permit

Exemptions from permit requirements of the adopted Codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the adopted Codes or any other laws or Ordinances of Mills County, Iowa. Permits shall not be required for the following:

- a. **Building**

- (1) One-story detached accessory structures of one and two-family residences, used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 sq. ft. (11 m²).
 - (1) Fences.
Oil derricks.
Retaining walls that are not over four feet (4') (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
 - (2) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
 - (3) Sidewalks, driveways patios and decks not more than thirty inches (30") (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
 - (4) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
Temporary motion picture, television and theater stage sets and scenery (for no more than fifteen (15) calendar days).
 - (5) Prefabricated swimming pools accessory to one (1) and/or two (2) single family dwellings that are less than twenty-four inches (24") (610mm) deep, or do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
 - (6) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
Swings and other playground equipment.
 - (7) Awnings supported by an exterior wall that do not project more than fifty-four inches (54") (1372 mm) from the exterior wall and do not require additional support.
Non-fixed and movable fixtures, cases, racks and counters.
 - (8) Partitions that are not higher than five feet nine inches (5'-9").
 - (9) Roofing overlays (shingles and felt only), residing, door and window replacements (same size) on existing structures.

b. Electrical

(1) Repairs and Maintenance

Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

(2) Radio and Television Transmitting Stations

The provisions of the adopted Codes shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

(3) Temporary Testing Systems

A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

c. Gas

- (1) Portable heating appliance.
- (2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

d. Mechanical

- (1) Portable heating appliance.
- (2) Portable ventilation equipment.
- (3) Portable cooling unit.
- (4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by the adopted Codes.
- (5) Replacement of any part that does not alter its approval or make it unsafe.
- (6) Portable evaporative cooler.
- (7) Self-contained refrigeration system containing ten (10) pounds (5 kg) or less of refrigerant and actuated by motors of one (1) horsepower (746 W) or less.

e. Plumbing

- (1) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the adopted Codes.
- (2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

24.1.35 Emergency Repairs

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

24.1.36 Repairs

Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

24.1.37 Public Service Agencies

A permit shall not be required for re-installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

24.1.38 Homeowners, Permit Required

- a. The owner or owners of a single-family dwelling or mobile home, including the usual accessory buildings and quarters used exclusively for living purposes, may do building, electrical, plumbing, and mechanical work upon or within said single-family dwelling and accessory buildings without a license if the capability to do such work is demonstrated by such owner or owners to the satisfaction of the inspector; provided, however, that the dwelling or mobile home will be occupied by such owner or owners for at least two (2) more years and that a permit for such work has been issued as provided in this Chapter.
- b. In consideration of Mills County, Iowa granting said permit to the homeowner, the homeowner agrees to release, hold harmless, indemnify, and defend Mills County, Iowa, its agents, and employees from and against all liability, loss, damages, claims, and judgments asserted or rendered against said County or its agents or employees for damage to property or injury to person, including death, at any time resulting there from, wherein an allegation is made that the homeowner negligently or improperly designed or performed electrical work, or wherein it is alleged that Mills County, Iowa, or its agents, or employees negligently or improperly failed to discover patent or latent defects in the design or performance of work, or otherwise in any manner whatsoever failed to enforce any provision of the Codes then in effect.

24.1.39 Permit Transfer and Notification of Quitting Installation

There shall be administrative processes known as Permit Transfer and Notification of Quitting Installation.

A Notification of Quitting Installation may be required on a project. Should any person to whom a permit has been issued for an installation desire to quit such work, such person shall notify the Building Official and request an inspection. Acceptance of or violations against the work installed shall be recorded by the Building Official on the permit record according to the findings of the Building Official. No refund shall be granted to the permit grantee of the permit fee covering equipment installed and inspected.

If a permit grantee quits an installation after the equipment is installed and fails to notify the Building Official, the owner or his or her agent may notify the Building Official and request inspection. Upon inspection, the permit grantee shall be sent a notice of any violation. The owner shall be notified that he or she may secure another licensed contractor to proceed with the work.

In case the permit grantee gives written permission or appears in person with another contractor and grants permission, the permit shall be transferred to the latter State registered or licensed contractor, provided that the latter contractor pays the established transfer fee. If permission is not granted by the original permit holder, the contractor who completes the installation shall secure a permit covering the work he or she does, and the latter contractor shall be responsible in either case for all work done under his or her supervision.

An owner who secured a permit to make installations of equipment in his or her residence may transfer his or her permit to a State registered or licensed contractor, provided the owner notifies the Building Official of his or her intention, receives inspection of the work by him or her, and has his or her contractor pay the established transfer fee to the Building Official.

Before proceeding with any work which has been started by any other permit grantee, an owner shall request the Building Official to inspect the installation for which a permit was granted and also to inspect any work performed, and shall also obtain an owner's permit for the remaining part of the installation. The original permit grantee may, if he or she desires, transfer his or her permit to the owner upon the owner's payment to the Building Official of the required transfer fee. Before a permit can be renewed, the required fees as shown by this Ordinance shall be paid.

24.1.40 Permit Issued To

- a. A building permit shall only be issued to the State Registered General Contractor. At the discretion of the Building Official, the Owner may be allowed to be the General Contractor.
- b. An electrical permit shall only be issued to the State Licensed Electrical Contractor. At the discretion of the Electrical Inspector, the Homeowner may be allowed to do their own electrical work if that is where they reside.

- c. A plumbing permit shall only be issued to the State Licensed Plumbing Contractor. At the discretion of the Plumbing Inspector, the Homeowner may be allowed to do their own plumbing work if that is where they reside.
- d. A mechanical permit shall only be issued to the State Licensed Mechanical Contractor. At the discretion of the Mechanical Inspector, the Homeowner may be allowed to do their own mechanical work if that is where they reside.

24.1.41 Validity of Permit

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the adopted Codes or of any other Ordinance of Mills County, Iowa. Permits presuming to give authority to violate or cancel the provisions of the adopted Codes or other Ordinances of Mills County, Iowa shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of the adopted Codes or of any other Ordinances of Mills County, Iowa.

24.1.42 Expiration

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of eighty (80) days after the time the work is commenced. Every permit issued by the Building Official under the provisions of the adopted Codes shall expire by a time limitation and become null and void after the number of months as follows:

PERMIT	MONTHS	PERMIT	MONTHS	PERMIT	MONTHS
Footing	6	Sign	12	Electrical	18
Structural Frame	6	Siding	12	Plumbing	18
Manufactured Structures	6	Roofing	12	Mechanical	18
Swimming Pool	6			Utility	18
				Building	18

24.1.43 Suspension or Revocation

The Building Official is authorized to suspend or revoke a permit issued under the provisions of the adopted Codes wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of the adopted Codes.

24.1.44 Placement of Permit

The building permit or copy should be kept on the site of the work until the completion of the project. The “Permit Issued” poster should be visible from the street.

24.1.45 Submittal Documents

- a. Plans, engineering calculations, diagrams and other data shall be submitted with two (2) or more sets as required with each application for building permits. For commercial and industrial building permits, the Building Official will require applications applicable to the adopted Codes to have plans, computations and specifications prepared, designed, and sealed by an architect and/or professional engineer licensed by the State of Iowa. The professional engineer shall be classified for the branch of engineering he was examined in, granted a current certificate, and practice in that discipline. Submittals shall be in compliance with the Iowa Administrative Code and the Mills County Code of Ordinances.
- b. **Exception**
For commercial and industrial building permits, the Building Official may waive the requirement of sealed plans if he finds that the nature of the work applied for is such that there is a very minor amount of work (less than \$5,000.00 construction valuation) and does not impact the life-safety functions of the building.

24.1.46 Information on Construction Documents

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the adopted Codes and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

24.1.47 Fire Protection System Shop Drawings

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with the adopted Codes and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced State installation standards.

24.1.48 Means of Egress

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the adopted Codes. In occupancies other than residential and industrial, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

24.1.49 Exterior Envelope

Construction documents for all buildings shall describe the exterior envelope in sufficient detail to determine compliance with the adopted Codes. The construction documents shall provide details of the exterior envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

24.1.50 Site Plan

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

24.1.51 Examination of Documents

The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the adopted Codes and other pertinent laws or ordinances.

24.1.52 Approval of Construction Documents

When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One (1) set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

24.1.53 Previous Approvals

The adopted Codes shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of the adopted Codes and has not been abandoned.

24.1.54 Deferred Submittals

For the purposes of this Section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official.

24.1.55 Amended Construction Documents

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

24.1.56 Retention of Construction Documents

One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

24.1.57 Phased Construction

There are minimum requirements for a "Partial Permit" project to accommodate large or complex developments and allow the start of actual construction prior to the total completion of all plans and the issuance of all required building permits.

These requirements are the minimum to be provided by the general contractor or the developer before any building permits may be obtained and construction may begin. This procedure is for a

"Partial Permit" project and may require modification for a specific project. Normally a "Partial Permit" consists of a footing permit, a structural frame permit, and then the building permit.

24.1.58 Phased Construction Approval

The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the adopted Codes. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

24.1.59 Preliminary Meetings

The "Partial Permit" process is initiated by a meeting with the Owner, Developer, Engineer, Architect, Contractor, the Building Official, and other appropriate County Departments, Township representatives and involved agencies.

- a. At this meeting the Owner, Developer, Engineer, or Architect shall:
 - (1) Outline the overall scope of the work to be performed;
 - (2) Declare the intent to process the project by the "Partial Permit" procedure; and
 - (3) Provide a written schedule of:
 - (a) Construction milestone dates; and
 - (b) Plan element submittal dates.
- b. At this meeting, Mills County, Iowa shall identify the following requirements:
 - (1) Procedures for plan change submittals;
 - (2) Inspection procedures by County staff;
 - (3) Inspection and testing procedures by the Quality Assurance Agency;
 - (4) Limits placed on the project by using the "Partial Permit" process; and
 - (5) Fees and fee schedules.

NO ACTUAL CONSTRUCTION MAY BEGIN AT THIS POINT IN TIME.

24.1.60 Phased Construction Submittals

The second step in the "Partial Permit" procedure is the formal submittal of plans and obtaining a building permit. Several items are required to be submitted before any permits are issued. The submittal must consist of the following information:

- a. **Phased Plans, Calculations and Other Supportive Data**
 - (1) Complete plot plan showing all proposed structures with dimensions to all buildings, structures, property lines, easements, etc. Show sizes of all buildings and utility service locations to each; water, sewer, gas, electric, storm drains, telephone, and etc;
 - (2) Soils report;
 - (3) The front sheet of the Architectural plans shall provide the basic design information about the total project. This information should include:
 - (a) Type of construction
 - (b) Occupancy classification
 - (c) Occupant loads
 - (d) Area of structures
 - (e) Number of stories and height
 - (f) Number of rooms
 - (g) Sprinklered or Non-Sprinklered
 - (h) Reference codes under which it is designed
 - (i) Land use zone
 - (4) Typical floor plan of each floor showing all uses;
 - (5) Master exit plan must be provided for the completed project;
 - (6) Complete structural calculations for the entire project;
 - (7) Complete structural plans for the full major component requested for permit;
 - (8) High Rise Life Safety Package shall be submitted; and
 - (9) Complete plumbing, mechanical and electrical plans for the work that must be constructed within the foundation or structural proposal.
- b. **Phased Permits and Fees**

Due to the substantial amount of additional time in reviewing and issuing multiple permits for "Partial Permit" Projects, the footing permit fee charged will be fifty percent (50%) of the building permit fee. All building permits are cumulative. Permits for construction to proceed would only be issued after plans and appropriate information have been submitted, checked, and approved. There could possibly be several separate permits issued on a single project based on the number of phases for which plans are submitted. It will be at the discretion of the Building Official to determine the amount of plans and information to be submitted before a permit for the next phase of construction is issued. This process would be discussed at the initial plan review meeting and should be identified in the written description provided at the initial meeting. Close control will be maintained to assure that the latest approved plans are on the job and that construction has been approved. Construction will be stopped if it has progressed past the scope of work for which the permits were issued.

(1) **Foundation Permits**

Upon completion of all the requirements listed above, a foundation only permit may be obtained. This permit must be for the total foundation, i.e., tower, low rise, and separate buildings on the site. Partial foundation permits for the elements listed below will not be issued. No work may proceed beyond that point until additional permits are issued or work will be stopped.

"Foundation Only" is defined as concrete work for footings, piles and slabs on grade up to finish floor elevation.

Includes:

- (a) Rebar dowels above slab to tie in columns or walls.
- (b) Retaining walls (concrete or masonry) to support slabs-on-grade on uneven ground.
- (c) Retaining walls for basements.
- (d) Bolts or plates cast in slabs.

May Include:

- (a) Columns above finished grade.
- (b) Walls above finish grade.
- (c) Any elevated slabs, such as slabs over basements.
- (d) Any construction above surrounding ground level.

Prior to issuance of the "foundation only" permit, the agreement for all required special inspections must be signed by the owner or his representative, the Quality Assurance Agency identified and written verification of their scope of work provided to the Building Official.

(2) **Building Permits**

(a) **Structural Permits**

Structural Permits may be obtained for a total building, i.e., tower, low-rise, and separate building on the same site. The structural permit may be issued for a partial as follows:

(1) **Towers**

This must be issued in total. Only one structural permit will be issued for a high-rise tower.

(2) **Low-Rise**

Large area buildings may be broken down to a maximum of three areas and separate permits issued.

Prior to issuance of a structural only permit, the contract for all required special inspections must be signed by the owner or his representative, the Special Inspector identified and approved with written verification of their scope of work provided to Mills County, Iowa.

(b) **Architectural Permits**

Architectural permits may be obtained for the total building, i.e., tower, low-rise and separate buildings on the same site. Architectural permits may be issued for partial work only if it matches the areas that structural permits have been issued for.

(c) **Plumbing, Mechanical and Electrical Permits**

These permits may only be issued for the areas that a structural permit has been issued. These sub-permits cannot be issued for areas that are not permitted if partial structural permits are issued.

(d) **On-Site Plumbing and Electrical**

A permit for on-site plumbing or electrical underground may be obtained. These permits can only be issued after a foundation permit is issued.

c. **Phased Assistance**

Mills County, Iowa offers, at the option of the Owner, Developer, Engineer, Architect, or Contractor to assist with preliminary plan reviews prior to submission of application for areas of concerns or questions.

24.1.61 Design Professional in Responsible Charge

When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

24.1.62 Structural Observations

Where structural observation is required by the adopted Codes, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

24.1.63 Infrastructure

Prior to the issuance of a building permit, the applicant must establish to the satisfaction of the Building Official that the site is adequately serviced by infrastructure to accommodate the proposed structure and use. The primary elements that will be reviewed in making this determination will be: street and sidewalk, sanitary and storm sewer, and water.

24.1.64 Infrastructure – Sanitary

The applicant shall establish that the building site has direct access to sanitary sewer, or that the site will be adequately serviced by a properly permitted septic system.

24.1.65 Infrastructure – Water

The applicant shall establish that the building site has direct access to a public water supply, or that the site will be serviced by a well. In either case, the water supply shall be adequate to satisfy not only the needs of the structure, but also sufficient to provide fire protection, where required.

24.1.66 Temporary Structures and Uses

The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 calendar days. The Building Official is authorized to grant extensions for demonstrated cause.

24.1.67 Conformance

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of the adopted Codes as necessary to ensure public health, safety and general welfare.

24.1.68 Temporary Power

The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of occupancy has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the Electrical Code.

24.1.69 Termination of Permit Approval

The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

24.1.70 Payment of Fees

A permit shall not be valid until the fees prescribed by law have been paid to Mills County, Iowa, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

a. Schedule of Permit Fees

On building, electrical, mechanical, plumbing, and other related applications, a fee for each permit shall be paid as required, in accordance with the Schedule of Fees prior to the permit being issued. These fees shall be set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors.

b. Building Permit Fees

There shall be building permit fees as found in the Schedule of Fees adopted by resolution by the Board of Supervisors. There shall be a permit issuance fee for applications. There shall be a supplemental permit issuance fee that may be used only when additional work is needed on the project.

c. Plumbing Permit Fees

There shall be plumbing permit fees as found in the Schedule of Fees adopted by resolution by the Board of Supervisors. There shall be a permit issuance fee for applications. There shall be a supplemental permit issuance fee that may be used only when additional work is needed on the project.

d. Mechanical Permit Fees

There shall be mechanical permit fees as found in the Schedule of Fees adopted by resolution by the Board of Supervisors. There shall be a permit issuance fee for applications. There shall be a supplemental permit issuance fee that may be used only when additional work is needed on the project.

e. Electrical Permit Fees

There shall be electrical permit fees as found in the Schedule of Fees adopted by resolution by the Board of Supervisors. There shall be a permit issuance fee for applications. There shall be a supplemental permit issuance fee that may be used only when additional work is needed on the project.

24.1.71 Building Permit Valuations

The applicant for a permit shall provide an estimated construction value. Construction valuations shall include total value of work including materials and labor for which the permit is being issued such as electrical, gas, mechanical, plumbing equipment and permanent systems. The determination of value or valuation for new construction per square foot under any of the provisions of the adopted Codes shall be as currently published in the International Code

Council “Building Safety” Journal. For residential one and two-family, the square foot construction cost shall be seventy-six percent (76%) of the table valuation at the time of adoption of this Ordinance. If, in the opinion of the Building Official, the valuation is underestimated on the application for remodeling and/or renovation, the Building Official shall require the applicant to show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

24.1.72 Investigative Fees

Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing or utility system before obtaining the necessary permits shall be subject to an investigative fee established in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said fee shall be in addition to the required permit fees. A person also may be subject to a county infraction punishable by a civil penalty as provided in Chapter 5 – Violations and Penalties of the Mills County Code of Ordinances.

24.1.73 Related Fees

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

24.1.74 Refunds

The Building Official may authorize refunding of any fee paid which was erroneously paid or collected. The Building Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with the adopted Codes. The Building Official shall not authorize refunding of any fee paid except on written application filed by the person who paid for the permit not later than 180 calendar days after the date of the fee payment.

24.1.75 Plan Review Fee

When plan review is required a fee of sixty-five percent (65%) of the permit fee will be required based on the commercial and industrial permits fees as found in the Schedule of Fees adopted by resolution by the Board of Supervisors. Twenty-five percent (25%) of the permit fee will be required based on the Schedule of Fees adopted by resolution by the Board of Supervisors for all other permits. A standard plan review deposit fee will be required to be paid at the time of submittal of the permit application and shall be based on the applicants estimated construction valuation required to be listed on the permit application.

When additional plan review is required because of a permit holder’s requested changes, additions, or revisions to approved plans, there shall be a plan review fee paid in the amount set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors.

24.1.76 Inspections

Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the adopted Codes or of other Ordinances of Mills County, Iowa. Inspections presuming to give authority to violate or cancel the provisions of the adopted Codes or of other Ordinances of Mills County, Iowa shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor Mills County, Iowa shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. If the project requires or the contractor requests inspections outside of the normal working hours, there will be an additional fee assessed as outlined in the Schedule of Fees adopted by resolution by the Board of Supervisors with a minimum charge of two (2) hours.

If the project requires a field inspection and there is no permit fee specifically indicated for the inspection, then there will be an inspection fee as outlined in the Schedule of Fees adopted by resolution by the Board of Supervisors with a minimum charge of one (1) hour.

24.1.77 Preliminary Inspection

Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

24.1.78 Required Inspection

The Building Official, upon notification, shall make the inspections set forth in the following sections:

a. Footing and Foundation Inspection

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with American Standards Testing Materials (ASTM) Section C 94, the concrete need not be on the job.

b. Concrete Slab and Under-Floor Inspection

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub-floor.

c. Lowest Floor Elevation

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required by the Federal Emergency Management Agency shall be submitted to the Building Official.

d. Frame Inspections

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

e. Fire-Resistant Penetrations

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

f. Other Inspections

In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the adopted Codes and other laws that are enforced by the department of building safety.

g. Special Inspections

For special inspections, see Chapter 17 of the International Building Code.

h. Re-Inspections

A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This provision is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the approved plans are not readily available to the Building Official, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official. To obtain a re-inspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose, and pay the re-inspection fee in accordance with the Schedule of Fees adopted by resolution by the Board of Supervisors. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

i. Final Inspection

The final inspection shall be made after all work required by the building permit is completed.

24.1.79 Inspection Agencies

The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

24.1.80 Inspection Requests

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Division in reasonable advance notice of when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by the adopted Codes.

24.1.81 Approval Required

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his/her agent wherein the same fails to comply with the adopted Codes. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

24.1.82 Inspection Stickers

It shall be unlawful to move or remove an inspection sticker/tag from one property/piece of equipment to another property/piece of equipment for the purpose of showing inspection approval falsely.

24.1.83 Use and Occupancy

No new building or structure or portion thereof shall be used or occupied until the Building Official has issued a Certificate of Occupancy for the use therefore as provided herein.

No existing building or structure or portion thereof shall have a change in the occupancy classification use until the building or structure or portion thereof complies with the provisions for the new classification use as provided for in the Building Code.

Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of the adopted Codes or of other Ordinances of Mills County, Iowa.

24.1.84 Certificate Issued

After the Building Official inspects the building or structure and observes no violations of the provisions of the adopted Codes or other laws that are enforced by the Office of Building and Safety Department, the Building Official shall issue a Certificate of Occupancy that contains the following:

- a. The Building Permit number.
- b. The address of the structure.

- c. The name and address of the owner.
A description of that portion of the structure for which the certificate is issued.
- d. A statement that the described portion of the structure has been inspected for compliance with the requirements of the adopted Codes for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- e. The name of the Building Official.
- f. The edition of the adopted Codes under which the permit was issued.
- g. The use and occupancy.
- h. The type of construction.
- i. The design occupant load.
- j. If an automatic sprinkler system is provided, whether the sprinkler system is required.
- k. Any special stipulations and conditions of the building permit.

24.1.85 Temporary Occupancy

The Building Official is authorized to issue a temporary Certificate of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary Certificate of Occupancy is valid.

24.1.86 Revocation

The Building Official is authorized to, in writing, suspend or revoke a Certificate of Occupancy or completion issued under the provisions of the adopted Codes wherever the Certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of the adopted Codes.

24.1.87 Certificate Fee

If the need arises, the fee for inspection and a Certificate of Occupancy for a change in Group Occupancy/Use (if not a part of a current active building permit) shall be as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors.

24.1.88 Connection of Service Utilities

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the adopted Codes for which a permit is required, until released by the Building Official.

24.1.89 Temporary Connection

The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

24.1.90 Authority to Disconnect Service Utilities

The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the adopted Codes and other referenced codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

24.1.91 Appeal Board

In order to hear and decide appeals of orders, decisions or determinations made by the Building Official or designee relative to the application and interpretation of the adopted Codes, there shall be and is hereby created the Appeal Board.

The Building Official or designee shall be an ex-officio member of and shall act as Secretary to said Appeal Board but shall have no vote on any matter before the Appeal Board. The Board Secretary shall record the names and addresses of all persons examined and licensed by the Board, the results of the exam and the kinds of licenses issued to each applicant, if any, and the date of issuance.

The Appeal Board shall act in an advisory capacity to the Mills County Supervisors in regard to the adopted Codes, construction, development requirements and related matters of interest to Mills County, Iowa. The Building Official or his designee shall provide such assistance as requested by the Appeal Board.

24.1.92 Appeal Board Application

An a written notice of appeal shall be based on a claim that the true intent of the adopted Codes or the rules legally adopted there under have been incorrectly interpreted, the provisions of the adopted Codes do not fully apply or an equally good or better form of construction is proposed by the appellant.

24.1.93 Appeal Board Procedures

The Appeal Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. The Appeal Board shall meet at such times as the Board deems as necessary. The members of the Appeal Board shall each vote on a Chair and a Vice-Chair of the Board to be appointed for a term not to exceed two (2) years. For all business purposes, a quorum is required and is defined as any three (3) Appeal Board Members.

24.1.94 Appeal Board Authority

The Appeal Board shall have no authority relative to interpretation of the administrative provision of the adopted Codes. The Appeal Board shall have no authority to waive requirements of the adopted Codes.

24.1.95 Appeal Board Membership

The Appeal Board shall consist of members to be appointed by the Mills County Supervisors. The members of the Appeal Board shall be chosen from the residents of the State of Iowa at large with reference to their fitness for such office. The Appeal Board shall consist of members who are qualified by experience and training to pass on matters pertaining to construction and who are not employees of Mills County, Iowa. The Appeals Board shall consist of seven voting members as citizens at large; as follows:

- a. One member being registered with the State of Iowa as a General Contactor;
- b. One member being licensed with the State of Iowa as a Plumbing Contactor;
- c. One member being licensed with the State of Iowa as a Mechanical Contactor;
- d. One member being licensed with the State of Iowa as a Electrical Contractor;
- e. One member being licensed with the State of Iowa as a Professional Engineer;
- f. One member being licensed with the State of Iowa as a Registered Architect; and
- g. One member having ownership, operation, or involvement in the building, construction or development business within the State shall also qualify to serve as a citizen at large member on the Appeal Board.

24.1.96 Appeal Board Compensation

The Appeal Board shall serve without pay.

24.1.97 Appeal Board Term of Service

The term of service for the members of the Appeal Board shall be rotating with one (1) member's term expiring each year. The members of the Appeal Board shall serve until appointment of their successors.

24.1.98 Appeal Board Removal and Vacancies

Members may be removed for cause by the Mills County Supervisors. Vacancies shall be filled for an unexpired term in the same manner as appointments. A vacancy occurs when a member resigns, dies, moves from Mills County, Iowa, or has unexcused (as determined by the Appeal Board) absences from three (3) or more of the Appeal Board meetings within any twelve (12) month period.

24.1.99 Appeal Board Policies

Any individual or group aggrieved by a decision of the Building Official may appeal that decision within thirty (30) days by filing a written notice and an administrative filing fee with the Building Official.

- a. Within ten (10) days after the appeal is filed, the Appeal Board shall schedule a hearing on the appeal. The hearing shall be held with thirty (30) days after the filing of the appeal, unless the parties agree otherwise.
- b. Hearings shall be conducted in an informal manner. Formal rules of evidence shall not apply. At the hearing, all parties shall have the opportunity to present evidence and cross-examine witnesses.
- c. The Appeal Board may establish additional written rules of procedure for the conduct of hearings and its business.
- d. The Appeal Board may continue the hearing to a specified time and date if the Appeal Board determines that additional evidence is necessary to decide the issue.
- e. At the conclusion of the hearing, or within ten (10) days after the hearing, the Appeal Board shall make written findings and either sustain, modify, or reverse the order of the Building Official. The written findings and decision shall be mailed to the appellant at the appellant's last known address. The Board Secretary shall maintain the written findings and decision as a public record.

24.1.100 Appeals Boards Administrative Fee

There shall be an administrative fee for filing an appeal with the Appeal Board as found in the Schedule of Fees adopted by resolution by the Board of Supervisors.

24.1.101 Unlawful Acts

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the adopted Codes, or cause same to be done, in conflict with or in violation of any of the provisions of the adopted Codes.

24.1.102 Notice of Violation

The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the adopted Codes, or in violation of a permit or certificate issued under the provisions of the adopted Codes. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

24.1.103 Prosecution of Violation

If the notice of violation is not complied with promptly, the Building Official is authorized to request the Mills County Attorney institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the

unlawful occupancy of the building or structure in violation of the provisions of the adopted Codes or of the order or direction made pursuant thereto.

24.1.104 Violation Penalties

Any person who violates any provision of this Chapter shall be deemed guilty of committing a county infraction punishable by a civil penalty as provided in Chapter 5 – Violations and Penalties of the Mills County Code of Ordinances.

24.1.105 Stop Work Order Authority

Whenever the Building Official or designee finds any work regulated by the adopted Codes being performed in a manner either contrary to the provisions of the adopted Codes or dangerous or unsafe, the Building Official or designee is authorized to issue a stop work order.

24.1.106 Issuance of a Stop Work Order

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

24.1.107 Unlawful Continuance

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to county infraction punishable by a civil penalty as provided in Chapter 5 – Violations and Penalties of the Mills County Code of Ordinances.

24.1.108 Unsafe Structures and Equipment Conditions

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this Section. A vacant structure that is not secured against entry shall be deemed unsafe.

24.1.109 Record of Unsafe Conditions

The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

24.1.110 Notice of Unsafe Conditions

If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.

The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this Section, the Building Official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within such period of time as specified therein, to either commence the required repairs or improvements, or demolition and removal, of the building or structure, or portions thereof; and all such work shall be completed within the period of time designated therein, unless otherwise stipulated by the Building Official. If necessary, such notice shall also require the building, structure, or portions thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the Building Official.

24.1.111 Method of Service

Such notice shall be deemed properly served if a copy thereof is:

- a. Delivered to the record owner by personal service;
- b. Sent by United States certified or registered mail addressed to the record owner at the last known address with the return receipt requested;
 - (1) The period of time allowed for compliance with said notice served by United States certified or registered mail shall commence as of the date of receipt of said notice, as evidenced by said return receipt.
 - (2) If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
- c. In the event said record owner cannot be found, service may be accomplished by publication once each week, for three (3) consecutive weeks in a newspaper of general circulation within Mills County, Iowa. The period of time allowed for compliance with said notice shall commence as of the date of last publication of said notice; or
- d. Delivered in any other manner as prescribed by local law.

Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

24.1.112 Restoration

The structure or equipment determined to be unsafe by the Building Official may be permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of the adopted Codes.

24.1.113 Vacation

The Building Official shall, if necessary, also require the building, structure, or portions thereof, to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the Building Official.

24.1.114 Public Nuisances

The Building Official may declare all such unsafe buildings, structures or appendages to be public nuisances which shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures.

As an alternative, the Building Official, or other employee or official of Mills County, Iowa, as designated by the Mills County Board of Supervisors, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

24.1.115 Climatic and Geographic Design Criteria

This table shall be amended by adding the following information:

- a. Ground Snow Load: 30 pounds per square foot
- b. Wind Speed: 90 mph for a 3 second gust with Exposure C
- c. Seismic Design Category: B
- d. Weathering Probability for Concrete: Severe
- e. Frost Line Depth: 42 inches below finished grade
- f. Termites: Moderate to Heavy
- g. Decay: Slight to Moderate
- h. Winter Design Temperature: -5 degrees
- i. Flood Hazards: Map revised date of February 4, 2005

SECTION 2

BUILDING CODE

24.2.1 Adoption By Reference

State of Iowa Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.3(103A) “General Provisions” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.2.2 Title

This Ordinance shall be known and may be cited and referred to as “Building Code of Mills County, Iowa”.

24.2.3 Purpose

The Building Code shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all commercial, industrial, and multi-family residences.

24.2.4 Administrative Provisions

The administrative provisions for the Building Code shall be as provided for in Section 24.1 of this Chapter.

24.2.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.2.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 3

RESIDENTIAL BUILDING CODE

24.3.1 Adoption by Reference

State of Iowa Residential Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.8 (103A) “Residential Construction Requirements” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.3.2 Title

This Ordinance shall be known and may be cited and referred to as “Residential Building Code of Mills County, Iowa”.

24.3.3 Purpose

This Residential Code shall regulate the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with a separate means of egress and their accessory structures.

24.3.4 Administrative Provisions

The administrative provisions for the Residential Building Code shall be as provided for in Section 24.1 of this Chapter.

24.3.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.3.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 4

PLUMBING CODE

24.4.1 Adoption by Reference

State of Iowa Plumbing Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.6 (103A) “Plumbing Requirements” and in Iowa Administrative Code 641—25.1 (135) “Adoption” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.4.2 Title

This Ordinance shall be known and may be cited and referred to as “Plumbing Code of Mills County, Iowa”.

24.4.3 Purpose

This Plumbing Code shall regulate the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a gas, water, sanitary sewage, storm water system and all aspects of a medical gas system.

24.4.4 Administrative Provisions

The administrative provisions for the Plumbing Code shall be as provided for in Section 24.1 of this Chapter.

24.4.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.4.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 5

MECHANICAL CODE

24.5.1 Adoption by Reference

State of Iowa Mechanical Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.4 (103A) “Mechanical Requirements” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.5.2 Title

This Ordinance shall be known and may be cited and referred to as “Mechanical Code of Mills County, Iowa”.

24.5.3 Purpose

This Mechanical Code shall regulate the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, boilers, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

24.5.4 Administrative Provisions

The administrative provisions for the Mechanical Code shall be as provided for in Section 24.1 of this Chapter.

24.5.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.5.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 6

ELECTRICAL CODE

24.6.1 Adoption by Reference

State of Iowa Electrical Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.5 (103A) “Electrical Requirements” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.6.2 Title

This Ordinance shall be known and may be cited and referred to as “Electrical Code of Mills County, Iowa”.

24.6.3 Purpose

This Electrical Code shall regulate the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

24.6.4 Administrative Provisions

The administrative provisions for the Electrical Code shall be as provided for in Section 24.1 of this Chapter.

24.6.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.6.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 7

FUEL GAS CODE

24.7.1 Adoption by Reference

International Fuel Gas Code, 2006 edition, as adopted and amended, including Appendix Chapters:

- a. "A" - Sizing and capacities of gas piping (IFGS);
- b. "B" - Sizing of venting systems serving appliances equipped with draft hoods, Category I appliances and appliances listed for use and type B vents;
- c. "C" - Exit terminals of mechanical draft and direct vents venting systems;
- d. "D" - Recommended procedure for safety inspection of an existing appliance installation as approved and published by the International Code Council, including the recognized Chapter 8 "Referenced Standards", all as modified or amended in the International Fuel Gas Code referenced herein;

is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter. A copy of said Fuel Gas Code is on file in the office of the Building Department of Mills County, Iowa.

24.7.2 Title

This Ordinance shall be known and may be cited and referred to as "Fuel Gas Code of Mills County, Iowa".

24.7.3 Purpose

This Fuel Gas Code shall regulate and govern fuel gas systems as well as gas-fired appliances. Furthermore, the Fuel Gas Code shall regulate the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems and related accessories. The Fuel Gas Code also shall provide for the issuance of permits and collection of fees.

24.7.4 Administrative Provisions

The administrative provisions for the Fuel Gas Code shall be as provided for in Section 24.1 of this Chapter.

24.7.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.7.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 8

ENERGY CONSERVATION CODE

24.8.1 Adoption by Reference

State of Iowa Energy Conservation Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661— Chapter 303, "State Building Code—Requirements For Energy Conservation in Construction" is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.8.2 Title

This Ordinance shall be known and may be cited and referred to as "Energy Conservation Code of Mills County, Iowa".

24.8.3 Purpose and Scope

This Energy Conservation Code shall apply to the design and construction of buildings which provide facilities or shelter intended primarily for human occupancy or use. All residential construction is covered, as is all nonresidential construction of public buildings or of any building with more than 100,000 cubic feet of enclosed space.

The Energy Conservation Code scope shall establish thermal and lighting efficiency standards for the design of new buildings and structures or portions thereof and additions to existing buildings which provide facilities or shelter intended primarily for human occupancy or use by regulating their exterior envelopes and selection of their heating, ventilation, and air-conditioning systems, service water heating, electrical distribution and illuminating systems and equipment for the efficient use of energy.

24.8.4 Administrative Provisions

The administrative provisions for the Energy Conservation Code shall be as provided for in Section 24.1 of this Chapter.

24.8.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.8.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 9

EXISTING BUILDING CODE

24.9.1 Adoption by Reference

State of Iowa Existing Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—301.7 (103A) “Existing Buildings” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.9.2 Title

This Ordinance shall be known and may be cited and referred to as “Existing Building Code of Mills County, Iowa”.

24.9.3 Purpose

This Existing Building Code shall regulate the repair, alteration, change of occupancy, addition, and relocation of existing buildings, structures, and facilities.

24.9.4 Administrative Provisions

The administrative provisions for the Existing Building Code shall be as provided for in Section 24.1 of this Chapter.

24.9.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.9.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 10

HISTORIC BUILDING CODE

24.10.1 Adoption by Reference

State of Iowa Historic Building Code as adopted and amended by the State of Iowa Public Safety Department as described in Iowa Administrative Code 661—350.1 (103A) “Scope and Definition” is adopted by reference subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter.

24.10.2 Title

This Ordinance shall be known and may be cited and referred to as “Historic Building Code of Mills County, Iowa”.

24.10.3 Purpose

The Historic Building Code shall regulate the rehabilitation, preservation, restoration, and relocation of historic buildings.

24.10.4 Administrative Provisions

The administrative provisions for the Historic Building Code shall be as provided for in Section 24.1 of this Chapter.

24.10.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.10.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 11

PROPERTY MAINTENANCE CODE

24.11.1 Adoption by Reference

International Property Maintenance Code, 2006 edition, as approved and published by the International Code Council, including the recognized Chapter 8 “Referenced Standards” all as modified or amended therein, is adopted by reference with the additions, insertions, deletions, and changes stated in the following subsections of this Section, subject to additions and amendments hereinafter set forth in this Section after the effective date of the Ordinance codified in this Chapter. Said additions, insertions, deletions and changes are as follows:

a. Section 302.4 deleted--Weed.

This section is to be deleted in its entirety.

b. Section 302.8 deleted--Motor vehicles.

This section is to be deleted in its entirety.

c. Section 304.14 amended--Insect Screens.

(1) Section 304.14 shall be amended as follows:

During the period from April 1st to October 31st, every door, window and other outside opening required for ventilation of habitable room, food preparation area, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be

supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch (16 mesh per 22 mm) and every swinging door shall have a self-closing device in good working condition.

(2) Exceptions:

Screen doors shall not be required where other approved means, such as air curtains, air conditioning, or insect repellent fans, are employed.

d. Section 602.3 amended--Heat Supply.

(1) Section 602.3 shall be amended as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than sixty-five degrees Fahrenheit (65°F) in all habitable rooms, bathrooms and toilet rooms.

(2) Exceptions #1:

When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required providing that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the Mechanical Code as adopted in Section 24.5 of this Chapter.

(3) Exceptions #2:

In areas where the average monthly temperature is above thirty degrees Fahrenheit (30°F), every owner and operator shall maintain a minimum temperature of sixty-five degrees Fahrenheit (65°F).

e. Section 602.4 amended--Occupiable Work Spaces.

(1) Section 602.4 shall be amended as follows:

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than sixty-five degrees Fahrenheit (65°F) during the period the spaces are occupied by people.

(2) Exceptions #1:

Processing, storage and operation areas that require cooling or special temperature conditions.

(3) Exceptions #2:

Areas in which persons are primarily engaged in vigorous physical activities.

A copy of said Fuel Gas Code is on file in the office of the Building Department of Mills County, Iowa.

24.11.2 Title

This Ordinance shall be known and may be cited and referred to as “Property Maintenance Code of Mills County, Iowa”.

4.11.3 Purpose

The Property Maintenance Code shall regulate and govern the conditions and maintenance of all property, buildings, and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupancy and use as well as regulate the demolition of such existing structures in Mills County, Iowa. Furthermore, the Property Maintenance Code shall provide for the issuance of permits and collection of fees along with each and all of the regulations, provisions, penalties, conditions and terms of said Code.

24.11.4 Administrative Provisions

The administrative provisions for the Property Maintenance Code shall be as provided for in Section 24.1 of this Chapter.

24.11.5 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.11.6 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 12

DEMOLITION OF BUILDINGS AND STRUCTURES CODE

24.12.1 Title

This Ordinance shall be known and may be cited and referred to as “Demolition of Building and Structures Code of Mills County, Iowa”.

24.12.2 Purpose

The purpose of the Demolition of Building and Structures Code is to establish the minimum requirements to safeguard the public health, safety, general welfare of life and property from hazards attributed to the demolition environment. The provision of this Chapter shall regulate the demolition of every building or structure or any appurtenances connected or attached to such building or structure.

24.12.3 Administrative Provisions

The administrative provisions for the Demolition of Building and Structures Code shall be as provided for in Section 24.1 of this Chapter.

24.12.4 Permit Required

Any owner or authorized agent who intends to demolish any building or structure shall first make application to the Building Official and obtain the required demolition permit.

24.12.5 Time

The demolition permit is valid for six (6) months after issuance. The allowable time from commencement of the demolition to finishing filling and leveling the lot grade shall be accomplished within ten (10) calendar days, unless time is extended in writing by the Building Official.

24.12.6 Filling of Open Ground Cavities

Any open ground basement, or cellar, or similar cavities remaining after demolition of any building or structure or any portion thereof and removal of all debris from same shall be inspected first then filled to ground or grade level with clean fill. The requirement for removal of all of the footing/foundation may be waived in writing by the Building Official.

24.12.7 Fencing

The building or structure shall be entirely fenced, and surrounded, and protected by a strong and suitable barricade at least six feet (6') in height, and in a sound and proper condition that will maintain all rubbish and debris, from start to finish of the project for the health, safety, and protection of the public.

24.12.8 Utilities

All utilities shall be properly terminated at the property line. A required inspection shall be made of all utility terminations.

24.12.9 Rebuilding Upon Existing Condition

In the event a building or structure has been removed from the premises upon which same has been situated and there remains a foundation, basement, pit, depression, or excavation site of such removal and the construction of a new building or structure thereon is contemplated, the Building Division at the request of the owner thereof shall have the right, at the discretion of the Building Official to permit the owner to maintain the foundation, basement, pit, depression, or excavation for a period not to exceed one

(1) month from the date of such removal, provided same is maintained in safe and sanitary condition, is kept clean of all rubbish and debris, is surrounded and protected by a strong and suitable barricade at least six feet (6') in height, and in a sound and proper condition, and that the owner shall convene and agree, in writing, for their self and on behalf of his or her heir, executors, administrators, successors and assigns, to cause same to be properly filled at the conclusion of the one (1) month period in the event the construction of the building or structure has not been commenced by the end of the said period.

24.12.10 Fee Schedule

The fee schedule as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors is hereby established for matters pertaining to this Section.

24.12.11 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 13

FACTORY BUILT STRUCTURES CODE

24.13.1 Title

This Ordinance shall be known and may be cited and referred to as "Factory Built Structures Code of Mills County, Iowa".

24.13.2 Purpose

The purpose of the Factory Built Structures Code is to provide minimum regulations of factory-built structures to safeguard life, health, property, and public welfare.

24.13.3 Definitions

As used in this Chapter:

- a. **Factory-Built Structure:** Any habitable structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. Factory-built structure includes the terms "mobile home", "manufactured home" and "modular home".
- b. **Home:** A mobile home, a manufactured home or a modular home.
- c. **Manufactured Home:** A factory-built structure built under authority of United States Code Section 5403, required by federal law to display a seal from the United States Department of Housing and Urban Development (H.U.D.), and constructed on or after June 15, 1976. If a manufactured home is placed in a mobile home park, manufactured home park or land-leased community, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, manufactured home park or land-leased community, the home is to be assessed and taxed as real estate.
- d. **Mobile Home:** Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one (1) or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in the State of Iowa. A "mobile home" is

not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park, manufactured home park or land-leased community, the home is to be assessed and taxed as real estate.

- e. **Modular Home:** A factory-built home on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. If a modular home is placed in a mobile home park, manufactured home park or land-leased community, the home is subject to the annual tax as required by Iowa Code Section 435.22, as amended. If a modular home is placed outside a mobile home park, manufactured home park or land-leased community, the home is shall be considered real property and is to be assessed and taxed as real estate.
- f. **Federally Mandated Standards:** United States Department of Housing and Urban Development regulations for factory-built structures that were manufactured on or after June 15, 1976.
- g. **Type I Factory-Built Structures:** A unit that was manufactured in accordance with federally mandated standards that desires to move from one lawful location within the State of Iowa to any new location or park lot for permanent or temporary set-down.
- h. **Type II Factory-Built Structures:** A unit that was manufactured in accordance with federally mandated standards that desires to move from one lawful location outside of the State of Iowa to any new location or park lot for permanent or temporary set-down.
- i. **Type III Factory-Built Structures:** A unit that was not manufactured in compliance with federally mandated standards that desires to move from one lawful location within the State of Iowa to any new location or park lot for permanent or temporary set-down.
- j. **Type IV Factory-Built Structures:** A unit that was not manufactured in compliance with federally mandated standards that desires to move from one lawful location outside the State of Iowa to any new location or park lot for permanent or temporary set-down.
- k. **Authorized Representative:** The Building Official, Development Director, Public Health Official or their respective designee. The term "authorized representative" shall also include any peace officer in his/her official capacity.

24.13.4 Administrative Provisions

The administrative provisions for the Factory Built Structures Code shall be as provided for in Section 24.1 of this Chapter.

24.13.5 Application Required

- a. The owner or agent of Type I, II, or III factory-built structure that was manufactured in accordance with federally mandated standards may move a unit from one lawful location as required, for permanent or temporary set-down within the limits of Mills County, Iowa once an application is made and a sit-down permit is approved and acquired.
- b. The owner or agent of Type IV structure that was not constructed to be in compliance with federally mandated standards and is currently located in a location/park lot outside of the State of Iowa shall be denied an application for a set-down permit and shall not move that unit to any new location/park for permanent or temporary set-down within the limits of Mills County, Iowa.

24.13.6 Permits Issued

The Building Official will issue a set-down permit only to Type I, II, and/or III factory-built structures. This set-down permit shall be valid for one (1) year from date of issuance to install, construct the footing and foundation system, and anchor the permitted unit and notify the Building Official for the required inspections. Also required are permits for plumbing, mechanical, and electrical work. Permits will also be required for any decks, stairs, guardrails, utility and/or right-of-way work.

24.13.7 Installation, Support and Anchorage

All factory-built structures installed within the limits of Mills County, Iowa shall be placed upon a support system and anchored complying with the manufacturer's design specifications in accordance with the State of Iowa Administrative Code 661—Chapter 16, "State Building Code—Factory-Built Structures", as amended, and Iowa Code Section 335.30, as amended.

24.13.8 Plumbing

Factory-built structures shall have plumbing fixtures installed in accordance with the Plumbing Code as adopted in Section 24.4 of this Chapter. The connections to the water and sewer shall be tested by the owner or plumbing contractor and inspected for code compliance by a duly authorized representative of Mills County, Iowa before the unit is given authorized service. Any new plumbing work or alterations shall be in accordance with the Plumbing Code as adopted in Section 24.4 of this Chapter, and a plumbing permit will be required. The plumbing hookup work may be performed by a mobile home dealer or an employee or a mobile home dealer if within a mobile home park; otherwise, outside of a mobile home park, the plumbing work shall be performed by a plumbing contractor, or the plumbing work may be performed by the homeowner, if knowledgeable. The plumbing hookup permit fee shall be assessed in the amount as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said permit fee is hereby established for matters pertaining to this Ordinance.

24.13.9 Mechanical

Factory-built structures shall have mechanical equipment installed in accordance with the Mechanical Code as adopted in Section 24.5 of this Chapter. The gas lines shall be air tested by the owner, mobile home dealer or employee of a mobile dealer, or a plumbing contractor, and inspected for code compliance by a duly authorized representative of Mills County, Iowa before the unit is given authorized service by the gas company. No copper gas lines will be allowed or permitted. Any new mechanical work or alterations shall be in accordance with the Mechanical Code as adopted in Section 24.5 of this Chapter, and a mechanical permit will be required. The mechanical hookup work may be performed by a mobile home dealer or employee of a mobile dealer if within a mobile home park; otherwise, outside of a mobile home park, the mechanical work shall be performed by a mechanical contractor, or the mechanical work may be performed by the homeowner, if knowledgeable. The mechanical hookup permit fee shall be assessed in the amount as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said permit fee is hereby established for matters pertaining to this Ordinance.

24.13.10 Electrical

Factory-built structure's electrical service installation to the service pedestal shall be inspected for compliance with the adopted edition of the National Electrical Code Article 550 by a duly authorized representative of Mills County, Iowa before energized by the power company. Any new electrical work or alterations shall be in accordance with the National Electrical Code Article 550 as adopted in Section 24.6 of this Chapter, and an electrical permit will be required. The electrical hookup work may be performed by a mobile home dealer or employee of a mobile dealer if within a mobile home park; otherwise, outside of a mobile home park, the electrical work shall be performed by a electrical contractor, or the electrical work may be performed by the homeowner, if knowledgeable. The electrical hookup permit fee shall be assessed in the amount as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said permit fee is hereby established for matters pertaining to this Ordinance.

24.13.11 Utility

Factory-built structures shall have water service and sanitary sewer service lateral installed in accordance with the Plumbing Code as adopted in Section 24.4 of this Chapter. The water and sanitary sewer shall be inspected for code compliance by a duly authorized representative of Mills County, Iowa before the unit is given authorization for water or sanitary sewer service by the utility provider. Any new utility work or alterations shall be in accordance with the Plumbing Code as adopted in Section 24.4 of this Chapter, and a utility permit will be required. The utility hookup work may be performed by a mobile home dealer or an employee of a mobile home dealer if within a mobile home park; otherwise, outside of a mobile home park, the plumbing work shall be performed by a plumbing contractor, or the utility work may be performed by the homeowner, if knowledgeable. The utility hookup permit fee shall be assessed in the amount as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said permit fee is hereby established for matters pertaining to this Ordinance.

24.13.12 Noncompliance

If a factory-built structure that does not have a valid set-down permit is moved to any location or lot within the Mills County limits for permanent or temporary set-down upon private property, then the owner and/or mover shall be subject to a violation as per Section 24.13.17 of the Mills County Code of Ordinances and that non-conforming unit shall conform with the Mills County Code of Ordinances and/or be moved out of the limits of Mills County, Iowa, within five (5) calendar days after issuance of a notice and order and/or the first county infraction.

24.13.13 Additions

All door enclosure additions to factory-built structures shall be comparable or similar exterior construction, the plans of which shall be subject to the approval of the Building Official, or his/her designee, prior to such construction, and shall not exceed thirty-six square feet (36 sq. ft.) of floor area. Said enclosure shall not be attached to the main factory-built structure, but shall be abutted thereto. Any other attached accessories such as awnings, carports and patio covers, shall be standard accessory items, manufactured by a recognized factory-built structure manufacturer and shall comply with all other applicable provisions of this adopted Code.

24.13.14 Unsafe and Deemed Nuisance

Any factory-built structure deemed by a duly authorized representative of this County to be lacking in maintenance, dilapidated, damaged by storm, fire or otherwise, or in such a condition as to constitute a hazard to the health, safety or welfare of the inhabitants thereof or the surrounding neighbors shall constitute a nuisance.

24.13.15 Enforcement and Penalties

Any factory-built structure in violation of the provisions of this Chapter shall be deemed a nuisance. Any person violating the provisions of this Section shall be deemed to be keeping, allowing or maintaining a nuisance in violation of Mills County Code of Ordinances. The provisions as set forth by the Mills County Code of Ordinances regarding penalties, additional relief, abatement, emergency and liability shall apply to violations of the provisions of this Section.

24.13.16 Appeals

In order to determine the suitability of alternate materials and types of installations and to provide for reasonable interpretations of the provisions of this Section, the Building Official shall render decisions upon these pertinent matters. The Board of Appeals shall hear matters from those persons who disagree with the Building Official's interpretations of this Chapter. The Board of Appeals shall not be able to grant exceptions for set-down to those structures that are not Type I, II, or III factory-built structures. The Building Official shall act as Secretary to the Board, shall receive any appeals of this Chapter, and shall forward appeals on to the Board.

24.13.17 Fee Schedule

When a factory-built structure is set-down, there shall be a permit fee assessed in the amount as set forth in the Schedule of Fees adopted by resolution by the Board of Supervisors. Said permit fee is hereby established for matters pertaining to this Section. The fees shall be doubled if a factory-built structure or unit is moved, or relocated and set-down without a permit.

24.13.18 Payment of Fees

All fees mentioned above shall be made payable to the Mills County Treasurer, accompany the application and be deposited in the general services fund of Mills County, Iowa.

SECTION 2. REPEALER. All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

SECTION 3. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any provision thereof not adjudicated to be invalid or unconstitutional.

SECTION 4: EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Larry Hurst discussed EMA and safety FY '10 budgets.

County Attorney Marci McClellan discussed the FY '10 budget.

Matt Madsen DHS discussed the FY '10 budget.

Sheryl Bowen, Mills County Public Health and several staff members discussed Public Health's FY '10 budget.

Sheriff Eugene Goos, Chief Deputy Bruce Paulsen, and Mary Webel, Office Manager, discussed the Sheriff's Department FY '10 budget.

Ray Buell Juvenile Court Services will reschedule his budget review appointment.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, January 20, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 20th day of January, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for January 20, 2009, and by the same motion the minutes as corrected for the January 12, 13,14,15, 2009, Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

No utility permits were issued this week.

Engineer Kevin Mayberry, County Attorney Marci McClellan, Alan Hughes, Jim Hughes, Mark Hughes, Henry Clark, DeShawne Bird-Sell, Deanna Fuller, Steve Bomer, Chris Reeves, and Dan Reis joined the session to discuss the policy limiting placement of rock on level B roads for entrances to residential parcels. The County established this policy to control maintenance costs and limit liability. This was a change in the unwritten past practice to allow minimal rock to be added for entrances a short distance from a level A road. This issue will be studied further.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-02, Reappointment of Auditor's Deputies.

RESOLUTION #09-02

The Mills County Board of Supervisors met in session on this 20th day of January,2009 and do hereby approve the re-appointments on the following deputies in the Auditor's office; Pam Madison; Accounting Deputy, Kristine Schoening; Real Estate Deputy and Kathy Roenfeld; Election Deputy. These appointments become effective with the term of the Auditor beginning January 1, 2009 and expire on December 31, 2012.

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship: Aye.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-03 Appointment to Magistrate Commission.

RESOLUTION #09-03

BE IT HEREBY RESOLVED BY THE MILLS COUNTY BOARD OF SUPERVISORS this 20th day of January, 2009, that in accordance with the Code 602-6501 (1) (b) the following three electors will be appointed to the Mills County Judicial Magistrate Appointing Commission: Grant Dean, Peg Phelps, Berkeley Greenwood; such appointments being for six years with the term effective January 1, 2009.

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship: Aye.

Mills County Treasurer Janette Blackburn and Nelson Liedel discussed a request for suspension of property taxes.

Motion by Kohn, seconded by Crouch to approve the suspension of property taxes in the amount of \$4,322 due to the catastrophic circumstances with the Liedel property located at 55540 Forrester Lane.

Motion carried on vote: Ayes: 3; Nays: 0.

The board accepted the Treasurer's semi-annual report.

Semi-Annual Report Janette Blackburn Treasurer Mills County Glenwood, IA Certification Date January 20, 2009
For the period from July 1 2008 - December 31 2008, Inclusive

Fund	Statement of Account By Fund					
	Balance July 1 2008	Revenues	Total To be Accounted For	Disbursements	Fund Balance December 31 2008	Auditor's Warrants Outstanding
01 General Basic	2,877,405.11	2,099,418.60	4,976,823.71	1,928,646.44	3,048,177.27	21,629.39
02 General Supp	1,218,377.49	921,343.74	2,139,721.23	685,280.12	1,454,441.11	55,456.82
03 Rural Services Basic	209,142.70	954,760.49	1,163,903.19	741,730.88	422,172.31	3,904.73
05 Secondary Roads	2,001,961.90	2,185,753.47	4,187,715.37	2,878,273.16	1,309,442.21	47,260.93
06 Revenue Sharing	.00	.00	.00	.00	.00	.00
07 Flood & Erosion Control	.00	.00	.00	.00	.00	.00
10 Drivers License Pilot Project	.00	40,610.00	40,610.00	41,236.00	626.00	.00
11 County Mun Assisstance	.00	.00	.00	.00	.00	.00
12 Capital Projects	.00	.00	.00	.00	.00	.00
13 Debt Service	.00	.00	.00	.00	.00	.00
14 Drainage Control	1,147,799.18	185,005.54	1,332,804.72	187,776.06	1,145,028.66	19,891.97
16 Joint Disaster Serv	41,326.87	46,754.21	88,081.08	47,551.11	40,529.97	407.88
18 Property Tax Agency	348.04	234,419.72	234,767.76	102,162.06	132,605.70	.00
20 Township Control	2,347.66	124,507.74	126,855.40	122,773.45	4,081.95	.00
21 Corporation Control	48,005.84	1,330,376.33	1,378,382.17	1,347,903.39	30,478.78	.00
22 School Control	146,199.49	5,695,059.51	5,841,259.00	5,674,426.17	166,832.83	.00
23 Area School Control	7,223.09	275,660.95	282,884.04	274,648.23	8,235.81	.00
24 Decat	46,956.82	80,272.61	127,229.43	84,692.15	42,537.28	2,532.24
29 County Ag. Extension	1,586.56	68,980.63	70,567.19	68,506.25	2,060.94	.00
30 Cons. Land Aqu. Trust	129,013.23	2,432.43	131,445.66	.00	131,445.66	.00
31 County Assessor	225,388.84	296,738.71	522,127.55	282,441.80	239,685.75	3,845.74
32 Motor Vehicle Trust	170,489.87	1,030,461.35	1,200,951.22	963,834.94	237,116.28	.00
33 Use Tax Trust	127,311.75	765,339.33	892,651.08	763,633.47	129,017.61	.00
34 City Sp Assess Control	5,185.04	19,331.03	24,516.07	24,170.07	346.00	.00
35 Tax Redemption Trust	.00	209,059.36	209,059.36	209,059.36	.00	.00
36 Mh/Dd Services Fund	339,127.77	631,233.87	970,361.64	822,748.68	147,612.96	2,280.92
37 Data Processing	.00	.00	.00	.00	.00	.00

40	Recorders Record Mgmt	13,484.43	1,715.04	15,199.47	2,000.00	13,199.47	.00
41	Reap Trust	48,960.79	17,341.11	66,301.90	29.33	66,272.57	.00
42	Anatomical Gift Fund	.00	.00	.00	.00	.00	.00
43	Holding Account	.00	192,608.94	192,608.94	192,608.94	.00	.00
44	U R Tax rev fund	185,031.55	74,774.04	259,805.59	110,284.13	149,521.46	.00
45	Feed Energy UR TIF Rebate	.00	.00	.00	.00	.00	.00
46	MAM I-29/34 UR TIF Rebate	.00	.00	.00	.00	.00	.00
47	Recorders Elec Fund	645.26	3,654.57	4,299.83	3,758.69	541.14	.00
53	Dare	.00	.00	.00	.00	.00	.00
54	K9 Fund	2,742.32	.00	2,742.32	.00	2,742.32	.00
55	Drug Forfeiture	10,541.97	48.56	10,590.53	920.69	9,669.84	.00
56	Explorers	.00	.00	.00	.00	.00	.00
57	City Atty Drug Dollars	4,030.46	14.99	4,045.45	968.18	3,077.27	.00
59	MH Trust and Agency	55,872.27	320,182.72	376,054.99	359,480.64	16,574.35	5,724.10
77	E911 Surcharge	94,966.22	54,240.05	149,206.27	14,514.53	134,691.74	399.33
78	E911 Contributions	15,609.28	3,850.00	19,459.28	.00	19,459.28	.00
99	Woodlands Ben Water Dist	64,938.37	7,440.61	72,378.98	.00	72,378.98	.00
		9,242,020.17	17,873,390.25	27,115,410.42	17,936,058.92	9,179,351.50	163,334.05

There being no further business to come before the Board at this time they adjourned to meet again on January 27, 2009.

Mills County Board of Supervisors

Chairperson

Auditor

The Mills County Board of Supervisors met this 26th day of January, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for January 26, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

County Attorney Marci McClellan requested a closed session per Iowa Code Chapter 21.5(1)© regarding pending litigation.

Motion by Crouch, seconded by Kohn to enter into a closed session per Iowa Code Chapter 21.5(1)© at 8:25 a.m.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to return to regular session at 8:32 a.m.

Motion carried on vote: Ayes: 3; Nays: 0.

No formal action was taken.

Tom Ling, Mills County Communications Center Director will reschedule the hire of two full time dispatchers.

Bids for the Chantry Drainage Ditch cleanout project were presented and opened.

Lee Construction Inc. - \$16,000; Leick Landscaping \$23,950; Tab Construction \$17,880; Jay Christiansen Prosite \$13,900; Terry Smith T.E. Smith Construction: \$13,180.

Ray Buell Juvenile Services discussed the FY'10 budget.

Kevin Mayberry Engineer discussed the Secondary Roads FY'10 budget.

Carol Robertson Auditor discussed the Auditor's FY'10 budget.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-05.

RESOLUTION #09-05

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) (2003), passed by the Iowa legislature in 2002, 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 proposed confinement feeding operation structure received by the board of supervisors between February 1, 2009 and January 31, 2010 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 as provided in 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 MILLS COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

There being no further business to come before the Board at this time, they adjourned to meet again on Tuesday, January 27, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 27th day of January, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda as amended for January 27, 2009, and by the same motion the minutes as corrected for the January 20, 2009, board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve payables as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

No utility permits reported this week.

Several Mills County residents joined the session to discuss the rocking and maintenance of a portion of a Level B road. After much discussion, a motion by Crouch to have 245th Street from a Level B sign to 10' past the first driveway on 245th Street maintained with rock to the standards it has been done for the past 12 years. The County will continue to maintain this portion of 245th Street according to Level B maintenance standards. Motion was seconded by Kohn. done for the past 12 years and will continue to be maintained as a Level B maintenance. This will be put in writing and signed by the County Engineer, Board of Supervisors Chair and the landowners so the procedure is clear for all current and future affected parties.

Motion carried on vote: Ayes: 3; Nays: 0.

County bridge inspection program for 2009 is ready to go. Engineer received and accepted the proposal from HGM for inspection of approximately 141 bridges in Mills County by the end of March 2009 in the amount of \$23,700.

Motion by Crouch, seconded by Kohn to purchase a 2009 International tandem axle dump truck in the amount of \$86,316.68 with trade in of \$15,000 for 96 International tandem axle dump truck for a total purchase price of a \$71,316.68 from Cornhusker International Trucks Inc. of Omaha, NE.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve T.E. Smith Construction for the cleaning of Chantry Drainage Ditch as specified in the proposal in the amount of \$13,180.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheriff Eugene Goos discussed purchase of two vehicles and vehicle equipment packages for the Sheriff's department. The Sheriff received a bid in the amount of \$22,872 for a 2009 Crown Victoria from Tincher Auto. The cost of the car, a digital video camera, light bars installation and removal from old vehicle from Electronic Engineering results in a total cost of \$33,545.75. The second bid is for a 2009 Crown Victoria from Tincher Auto and includes, car, video cameras, new radar, light bars installation and removal, used K-9 cage for this vehicle at a total cost of \$35,059.69.

Motion by Kohn, seconded by Crouch to authorize the Sheriff to make these purchases.

Motion carried on vote: Ayes: 3; Nays: 0.

M.J. Broomfield Executive Director of SWIPCO was present to review services offered by their agency which includes transportation, housing, rehab grants, local and regional planning and technical assistance along with a copy of the annual report.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-04, Electronic Clearinghouse 28E Agreement amendment.

Resolution #09-04

To Amend the Electronic Transactions Clearinghouse 28E Agreement

WHEREAS, Section 10 of the Electronic Transactions Clearinghouse 28E Agreement provides for amendment of the 28E Agreement by resolution of the ISAC Board of Directors, if the amendment is then submitted to a vote of the individual members counties; and

WHEREAS, the 28E agreement should be amended to provide a more flexible and equitable funding formula for ETC that does not fall disproportionately on counties of any one population size.

NOW, THEREFORE, BE IT RESOLVED by the Mills County Board of Supervisors that the Section 7 of the Electronic Transactions Clearinghouse 28E Agreement should be amended to read as follows: "7. FUNDING. ETC shall provide the services referred to in this Agreement to each member county. The costs to counties for these services shall be determined as follows: each member county shall annually be assessed a fixed fee as determined by the ISAC Board of Directors on an annual basis. In order to cover ETC's expenses not covered by the fixed fee, each member county shall annually be

assessed its proportional share of a three-year average of the combined total of all member counties' actual GAAP general basic fund expenditures and mental health fund expenditures.”

Motion carried on roll call vote: Blankenship: Aye; Crouch: Aye; Kohn: Aye.

Mills County Soil & Water Conservation representatives Rich Maaske, Joni Sell, Brian Gross NRCS, Steve McGrew, Rod Seipold and Paul Hathaway members of the Soil & Water Conservation Board updated the Board on projects and the dollar amount of grants that have come into Mills County. They thanked the Board of Supervisors for their past support and requested they continue at the same level they had been.

Representatives from Glenwood Public Library, Emerson Public Library, Silver City and Tabor Public Libraries were present to give the Board of Supervisors statistics of their years usage and thanked the Board for their continued support of the libraries in the County.

Motion by Kohn, seconded by Crouch to approve the liquor license application renewal by Mineola Steak House.

Motion carried on vote: Ayes: 3; Nays: 0.

The Board of Supervisors conducted a budget work session.

There being no further business to come before the Board at this time they adjourned to meet again on Tuesday, February 3, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 3rd day of February, 2009, at the courthouse in Glenwood, with Blankenship and Kohn present. Crouch absent to meeting in Des Moines.

Motion by Kohn, Seconded by Blankenship to approve the agenda for February 3, 2009, and by the same motion the minutes as corrected for the January 26 & 27, 2009, Board meetings.

Motion carried on vote: Ayes: 2; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

No utility permits were reported this week.

Motion by Kohn, seconded by Blankenship to authorize Chair to sign final acceptance of 190th Street project with dedication of sewer and water lines to Glenwood, Municipal Utilities.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to approve and sign the contract for project FM-CO65(73)-55-65, 2009 Mills County Farm to Market Granular Surfacing for 25.73 miles with 10,292 ton of rock.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to accept an FMLA leave request.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to approve the hire of Jonelle Walter and Angela Liddell at a rate of \$12.67/hr. after 6 months \$14.60/hr, effective start date was Monday, February 2, 2009, and Angela's effective start date of Wednesday, February 4, 2009. Both have successfully passed the drug, psychological and physical as required for employment with Mills County.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to approve a pay increase for Melinda Lucy at 75% of Treasurer's salary effective February 5, 2009, to \$34,514.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to have Chair sign Veteran Affairs/General Relief lease with Glenwood Resource Center.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, Seconded by Blankenship to adopt Resolution #09-06 Fee Schedule

Motion carried on roll call vote: Blankenship: Aye; Kohn: Aye.

See resolution published separately.

There being no further business to come before the Board at this time, they adjourned to meet again on February 10, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 10th day of February, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for February 10, 2009, and by the same motion the minutes as corrected for the February 3, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to accept and pay the accounts payable as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

City Council member Craig Florian and Glenwood City Administrator Mary Smith, explained that they would like the County to assist with the funding of a 2.5 million dollar out door pool at the site of the current YMCA property. Florian stated he knew they were probably too late for consideration for the 09-10 fiscal budget year, but requested the County keep the option open to continue discussion. Florian felt that the county already sends Local Option Sales Tax money to YMCA and thought it may be possible to increase that amount.

Mills County Engineer Kevin Mayberry presented items for consideration.

No utility permits were reported for the week.

Motion by Kohn, seconded by Crouch to approve purchase of 3 2009 International single axle trucks from Cornhusker International Trucks of Omaha, NE. One sign truck 2009, Diamond Spec 7300 SBA 4X2 Chasis for \$61,866.42. There was no trade in and current vehicle will be sold outright. Two single axle 2009 Diamond Spec 7300 SFA Chasis for \$61,607.06 each. Final cost of the 2 trucks less trade is \$106,714.12. Total cost of the 3 vehicles is \$168,580.54.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to authorize the Chair to sign a letter to the three landowners around the Chantry Drainage ditch to make them aware of upcoming construction.

Motion carried on vote: Ayes: 3; Nays: 0.

Tom Fleming and Kelly Lester, Wellmark BC/BS presented FY' 10 insurance updates and rates that are up about 11%. They explained that July 1st more routine exams will be paid for 100% unless medical problems occur.

The budget amendment hearing was opened at 10:45 a.m. by Chairperson Joe Blankenship. No comment or input from the public.

Motion by Kohn , seconded by Crouch to adopt Resolution #09-07

RESOLUTION 09-07

BE IT REMEMBERED on the 10th day of February 2009, the Mills County Board of Supervisors met in session for the purpose of amending the current operational budget. There was present a quorum as required by law. Thereupon the Supervisors found that the notice of time and place of hearing has, according to law been published in the designated County newspapers, and that the affidavits of publication thereof were on file with the County Auditor. Thereafter, and on said date the amendment was taken up and considered and taxpayers heard for or against the amendment as follows:

EXPENDITURES:

Public Safety & Legal Services	from \$2,297,260 to \$2,304,654
Physical Health & Social Services	from \$1,768,598 to \$1,799,598
Mental Health, MR &DD	from \$1,660,692 to \$1,907,494
County Environment & Education	from \$ 755,200 to \$ 962,364
Roads & Transportation	from \$4,580,600 to \$4,840,600
Administration	from \$1,179,114 to \$1,354,718

Total Expenditures from \$14,626,945 to \$15,554,909

REVENUES:

Intergovernmental	from \$4,902,939 to \$5,766,905
Miscellaneous	from \$ 159,450 to \$ 191,450

Total Revenues from \$13,794,067 to \$14,690,033

The amendment does not increase the taxes to be collected in the fiscal year ending June 30, 2009. The Mills County Board of Supervisors does hereby approve the following changes of appropriations for the 2008-2009 fiscal year.

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship: Aye.

The Board of Supervisors met as a Board of Canvassers for the purpose of canvassing results from the February 3, 2009, Glenwood Community School District Instructional Support Levy election. Official results are: 434 Ayes Public Measure A (Instructional Support Levy) for Glenwood Community School District; 434 Nays for Public Measure A (Instructional Support Levy) for Glenwood Community School District. Because a majority of votes for the public measure were not received the public measure will not be levied. Board members concluded the canvass to return to regular session.

Pete Franks, Sheriff Goos, Kevin Mayberry, and Lt. Osler were present to discuss the request for Qualification Logistics.

Motion by Crouch, seconded by Kohn to approve the Disabled Veteran Homestead Tax Credits for Mills County residents.

Motion carried on vote: Ayes: 3 Nays: 0.

Motion by Kohn, seconded by Crouch to approve Impoundment applications from Mills County residents.

Motion carried on vote: Ayes: 3; Nays: 0.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on February 17, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 17th day of February, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the Agenda for February 17, 2009, and by the same motion the minutes as corrected for the February 10, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve a liquor license permit renewal for Glenwood Golf Corp.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.
No utility permits were reported for the week.

Engineer Mayberry will work with IT director to develop costs for computers to handle GIS operation in addition to normal operations.

Sheriff Eugene Goos has been working with County Attorney to develop contracts for each incorporated city on a per capita basis. Sheriff Goos will be meeting with Glenwood City /Council to discuss possible service contracts.

Mickie Perian and Randy Finholt from Pony Creek #1 and #2 Homeowners Associations were present to discuss current status of their water system and plans to upgrade the system.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-08.

RESOLUTION 09-08

A RESOLUTION OF SUPPORT FOR AN IOWA DEPARTMENT OF ECONOMIC DEVELOPMENT APPLICATION FOR FINANCIAL ASSISTANCE.

WHEREAS, representatives of the Glenwood/Mills County Economic Development Foundation have been working with Biovance Iowa LLC on opportunities for a Mills County plant; and

WHEREAS, the project would bring approximately Thirty-two (32) jobs to our community within two (2) years at better than average hourly wage rates for Mills County; and

WHEREAS, the project is contingent upon receiving financial assistance from the Iowa Department of Economic Development in order to satisfy the requirement of the lending institution who understands and expects the state assistance; and

NOW, THEREFORE BE IT RESOLVED that the Mills County Board of Supervisors endorses this Iowa Department of Economic Development Application for Financial Assistance, and encourages the Board to give quick approval to said project.

Motion carried on roll call vote: Blankenship: Aye; Kohn: Aye; Crouch: Aye.

Board of Supervisors met with CPC and clients to discuss possible state funding changes and affect upon services for Mills County clients.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, February 24, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 24th day of February 2009, at the courthouse in Glenwood with Blankenship and Crouch present, Kohn absent to attend NARC Conference.

Motion by Crouch, seconded by Blankenship to approve the agenda for February 24, 2009, and by the same motion the minutes as corrected for the February 17, 2009, Board meeting.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Crouch, seconded by Blankenship to approve payment of the payables as presented.

Motion carried on vote: Ayes: 2; Nays: 0.

Kevin Mayberry Mills County Engineer presented items for consideration.

Utility permit report there were none for the week

Steve Saal and Corey Leick were present to discuss road treatment options. It was discussed that Scott County allows bean oil and tree sap for dust control. The cost for bean oil is more expensive than calcium chloride but does not have an odor and it last longer and there would be a cost savings on replacement rock. Cost estimates are \$1.75 per foot compared to \$1.00 per foot for calcium chloride. This discussion will be continued at a later date.

Engineer Mayberry discussed purchase of computers for his office. Mayberry needs 2 computers to run the GIS on and one for the office staff. Total price of the 3 computer purchases was \$4,509.00. Motion by Crouch, seconded by Blankenship to approve these purchases up to an amount not to exceed \$4,600.00. Motion carried on vote: Ayes: 2; Nays: 0.

A joint meeting with Mills/Pottawattamie County Supervisors was discussed for March 18, 2009 at 10:00 a.m. at the Pottawattamie County Courthouse to discuss Applewood Avenue, the County line road to change from a Class B to Class C gated road by resolution.

General Discussion was held with the Engineer regarding the route Ragbrai will be taking through Mills County and the Engineer will confirm with the Des Moines Register that the route can be made public and if so will notify the Opinion Tribune of the proposed route. Mayberry also notified the board that they are currently going through the bidding process in the secondary roads to fill the recent vacancy.

Supervisors will make a decision as to whether to proceed with a chair lift and an elevator for the Courthouse or just an elevator at their next regularly scheduled meeting.

There being no further business to come before the Board at this time they adjourned to attend the Greater Council Bluffs Regional Economic Development meeting at Harrah's.

Mills County Board of Supervisors

Chairperson

Attest: _____

The Mills County Board of Supervisors met this 3rd day of March, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for March 3, 2009, and by the same motion the minutes as corrected for the February 24, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

Three utility permits were issued to Prairie Telephone Co.

Marci McClellan joined the session for discussion regarding billboard signs at MidAmerica Motorplex. Discussion was held but further discussion will be put on the agenda next week when the County Attorney has an opportunity to look at up to date case study regarding billboard signs.

Supervisor Kohn gave an update on meetings he has been attending with regards to potential of an intermodal development area in Mills County where rail meets the trucking industry.

Motion by Kohn, seconded by Crouch directing the Auditor to contact Access Elevator to continue with the construction and installation of the chair lift. Further discussion regarding an elevator will continue.

Motion carried on vote: Ayes: 3; Nays: 0.

There being no further business to come before the Board at this time, they adjourned, and will meet again in regular session on March 10, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 10th day of March, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for March 10, 2009, and by the same motion the minutes as corrected for the March 3, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve payables as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

No utility permits reported for the week.

Eric Hansen Assistant County Attorney, and MidAmerica Motorplex owner Mark Tincher were present to discuss the installation of billboard signs for the Motorplex. The Engineer/Zoning Administrator explained his interpretation of the billboard section in the County Ordinance and his decision to allow the installation of three billboards on the site. Mr. Tincher had received approval from the state for the signs and billboard permits from the Zoning Administrator in order to generate revenue from the billboards. The County Attorney's office has examined the issue and indicated the Ordinance language on off-site advertising on billboards is not prohibitive. The Board of Supervisors stated that the intent of the zoning ordinance was to limit additional off site advertising including billboards along all roadways within the County. Mr. Tincher will need to work with the Engineer to update his permits. The BOS will ask the Planning and Zoning Committee to protect the scenic nature of the County by limiting off-site billboards and signage through the Zoning Ordinance.

Steve Saal and Cory Leick came into the boardroom during general discussion and asked if the County had talked with other county officials at ISAC regarding the use of bean oil instead of calcium chloride to reduce road dust. The Board explained that since this was not an agenda item, it would be better if they would get on the agenda for future discussion.

Sheriff Eugene Goos, Eric Hansen Assistant County Attorney, and reporters from the World Herald and Nonpareil, were present for discussion regarding Contract Law and camera replacement for the jail. Sheriff Goos gave the Board information on the Mills County Sheriff's Office providing law enforcement services for the City of Glenwood. Goos will make a presentation to the Glenwood City Council at a later date explaining services to be offered and potential cost to the City.

Motion by Crouch, seconded by Kohn to authorize the Sheriff to present this information to the Glenwood City Council and enter into negotiations with regards to contract law services.

Motion carried on vote: Ayes: 3; Nays: 0.

Jail camera replacement for outside the jail was discussed.

Motion by Crouch, seconded by Kohn to purchase one outdoor color camera for outdoor enclosures, wire and connectors and professional installation from Electronic Engineering County in the amount of \$1500.

Motion carried on vote: Ayes: 3; Nays: 0.

The Mills County budget hearing was opened at 10:00 a.m. by Chairperson Blankenship. No oral or written comments received. The BOS thanked the department heads and elected officials present for doing a good job keeping their budgets down. The public hearing closed at 10:07 a.m.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-09

RESOLUTION #09-09

Whereas, the Mills County Board of Supervisors met on this 10th day of March 2009 to adopt the proposed FY 2009-2010 budget as published and direct the Mills County Auditor to spread the levy and submit the budget to the State of Iowa.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-10 – FY'10 salaries.

RESOLUTION #09-10

Whereas, the Mills County Board of Supervisors met in session this 10th day of March, 2009, to approve the proposed increases from the Compensation Board recommendation, and set FY2009-2010 salaries for Mills County elected officials as follows: County Attorney: \$74,086; 2% increase, County Auditor: \$47,169; 2.5% increase, County Recorder: \$46,938; 2% increase, County Treasurer: \$46,938; 2% increase, County Sheriff: \$60,578; 2% increase and County Supervisors: \$26,848; 2% increase.

Motion carried on vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Motion by Kohn, seconded by Crouch to approve renewal of a class B beer license for E-Stop of Emerson.

Motion carried on vote: Ayes: 3; Nays: 0,.

Motion by Crouch, seconded by Kohn to approve renewal of a class C liquor license for Fountains Ballroom.

Motion carried on vote: Ayes: 3; Nays: 0.

Communications Center Director Tom Ling presented a monthly update for the Mills County Communications Center and E-911.

Sheriff Goos, Eric Hansen Assistant County Attorney and Pete Franks were in attendance to discuss Public Safety Center Design Services RFQ, and presented an overview of the interviews conducted of the four firms represented. The selection committee unanimously selected Prochaska & Associates. Other firms that interviewed were Durant, PGAV/Architects and HMN Architects.

Motion by Kohn, seconded by Crouch to accept the recommendation of the selection committee of Prochaska & Associates and direct Franks to notify them and have Franks work with the County Attorney's office to enter into contract negotiations.

Motion carried on vote: Ayes: 3; Nays: 0.

BOS received the February month end accounting reports and the Recorder's February statement of fees report.

There being no further business to come before the Board at this time, they adjourned to meet in regular session on March 17, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 17th day of March, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for March 17, 2009, and by the same motion the minutes as corrected for the March 10, 2009 Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Duane Kahl and Clint Howard were present to discuss/review Mills County's RAGBRAI vendor/permits ordinance. The County does not have an ordinance in place with regards to permitting of RAGBRAI vendors. Auditor will contact the County Attorney for consideration of proposing a resolution or ordinance for vendors. Howard stated there will be an informational meeting on April 18th with regards to RAGBRAI requirements.

Engineer Kevin Mayberry presented items for consideration.
No utility permits were issued last week.

Henry Clark requested a Plan & Zoning District amendment to place a sawmill on his property in an AR Zone and the P&Z Commission voted not to make the amendment requested. Clark wanted to change the classification to either industrial or commercial. The Engineer recommended to the P&Z Commission deny the request because it would be spot zoning. The next step in the process was to bring it to the Board of Supervisors to either uphold the decision or send it back for reconsideration.

Motion by Crouch, seconded by Kohn to uphold the recommendation of the P&Z Commission, and the recommendation of the Engineer.

Motion carried on vote: Ayes: 3; Nays: 0.

Henry Clark shared several ideas of changes he would like to see made to the current zoning ordinance as well as some other business opportunities he would like the County to pursue.

Motion by Crouch, seconded by Kohn to sign the Secondary Roads Budget FY'09 amendment.
Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve the FY'10 3.5% salary increase as presented by the engineer for administrative personnel.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-11 bridge weight limit posting.

**RESOLUTION #09-11
BRIDGE EMBARGO**

WHEREAS: The Board of Supervisors is empowered under authority of Section 321.236 Sub. (8), 321.255, and 321.471 to 321.473 of the Code of Iowa to prohibit the operation of vehicles or impose limitations as to the weight thereof on designated highways or highway structures under their jurisdiction, and

WHEREAS: the Mills County Engineer has completed (or has caused to be completed) the Structural Inventory and Appraisal of certain bridges, in accordance with the National Bridge Inspection Standards and has determined (or it has been determined) that they are inadequate for two-lane legal loads at allowable operating stress.

NOW, THEREFORE, BE IT RESOLVED by the Mills County Board of Supervisors that vehicles and load limits be established and that signs be erected advising of permissible maximum weights thereof on the bridges listed, as follows:

FHWA #	County ID	Posting	Type of Vehicle	Fac. Carried	Feat. Crossed
245490	215673/L-120	15	All	LCL-RIST AVE	DRAINAGE
245450	217667 / L-108	4	All	LCL- QUACKENBUSH	DRAINAGE
245411	238660/L-80	10	All	LCL-QUANDT ROAD	WAUBONSIE CREEK
247090	244550/0-303	10	All	LCL-ELLINGTON	KEG CREEK
246171	244615/C-145	15	All	LCL-MASTERS RD	STREAM
246160	245614/C-140	10	All	LCL-245TH ST	DRAINAGE
245281	245650/R-108	30	All	LCL-PATHFIELD	WAUBONSIE CR
246180	259619/C-159	13	All	LCL-MONTAQUE RD	WAUBONSIE CR
246110	272577/C-39	22	All	LCL-272ND ST	OVER BNSF RR
246950	273500/I-21	10	All	LCL-APPLEWOOD	STREAM
245301	288665/R-161	15	All	LCL-QUIGG AVE	SPRING VALLEY CR
245870	303595/S-68	4	All	LCL-JAHNKE AVE	SILVER CREEK

245911	323605/S-76	17	All	LCL-KEYS AVE	RAINES BR
245040	330642/W-62	25	All	FA-330TH ST	NISHNABOTNA
245005	340648/W-58	15	All	LCL-340TH ST	SMALL STREAM
246000	345610/IC-193	18	All	FA-LAMBERT AVE	NISHNABOTNA
244921	345620/W-4	8	All	LCL-MARH AVE	NISHNA RIVER
246770	347525 / A-141	15	All	LCL-COMPASS AVE	STREAM
246820	348535/A-157	21	All	LCL-DONNER AVE	LOCAL CREEK
246910	353554/A-243	25	All	LCL-FRY AVE	MUD CREEK
244850	368660/D-181	10	All	LCL-QUEEN AVE	DEER CREEK
244730	373650/D-116	17	All	FA-PADDOCK AVE	DEER CREEK
244720	378640/D-94	21	All	LCL-OMAN AVE	DEER CREEK
244670	391630/D-56	18	All	LCL-NOYES AVE	DEER CREEK
245600	395580/IC-99	15	All	LCL-INGRAHAM AV	STREAM
244880	397670/D-224	3	All	LCL-RAINS AV	HUNTER BRANCH
245591	400575/IC-67	4	All	LCL-400TH ST	INDIAN CREEK
245730	400602/IC-162	21	All	LCL-400TH ST	INDIAN CREEK
244810	401662/D-155	10	All	LCL-400TH ST	HUNTERS BRANCH
245710	413604/IC-158	4	All	LCL-KROON ROAD	LOCAL STREAM
245681	418595/IC-153	8	All	LCL-JARRED AVE	CREEK

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship: Aye.

Nick Jameson and Bob Smiley joined the bid opening for Farm to Market rock Project #FM-CO65(73)—55-65. Bids received for 10,290 ton, bond included, were: Schildberg Construction at \$13.30/ton bid bond included in the amount of \$137,809.88; Crushed Aggregate Products LLC for \$13.22/ton in the amount of \$136,060.24. No bids will be awarded at this time. The Engineer will contact District 4 to make sure all rock is approved.

Steve Saal and Cory Leick discussed dust palliative policies in place for Mills County.

Motion by Kohn, seconded by Crouch to have the Engineer prepare a policy for guidelines for dust control on County roads and specify the various product options.

Motion carried on vote: Ayes: 3; Nays: 0.

Kristine Schoening Deputy Auditor, Matt Woods, Jim Olmstead, Larry Hurst and members of the Pony Creek Drainage District discussed Pony Creek Drainage District Improvements. Woods explained that the drainage district took bids for cleanup and disposal of silt caused by the 2008 floor and additional excavation work on existing ditches to improve drainage conditions as well as add two storm water pump stations and replacement of culverts. Kerns Excavating was awarded the low bid of \$755,391.50 with an additional cost of \$134,608.50 for engineering, legal fees, and other miscellaneous expenses and making the total cost of project \$890,000. Of this \$890,000 FEMA will contribute \$66,000 and a request of the County to assist with payment of \$182,907.50 and the balance to be paid out of the drainage districts fund. Mills County is not prepared to commit to that dollar figure at this time will need to get more information before making any commitment.

Patrick Binns IT Consultant, discussed software and equipment purchase.

Motion by Kohn, seconded by Crouch to approve the purchase of Solutions View program including 23 licenses and 1st year maintenance along with maintenance on a yearly basis for \$7,061.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn at Binns' recommendation to purchase a new tape drive for domain server including 10 media tapes, cleaning tapes, 3 year warranty which can be added to purchase of domain server from next year's budget. Total price is \$1,925.65.

Motion carried on vote: Ayes: 3; Nays: 0.

Jake Hansen and Grant Anderson MAPA and Larry Hurst were present for discussion with matching grant of local match for the Hazard Mitigation Grant program – Resolution #09-12.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-12 as part of the Hazard Mitigation Grant Application.

Resolution #09-12

Local Match Resolution #09-12 for the Hazard Mitigation Grant Program

Whereas, Mills County (hereinafter called "the Subgrantee"), County of Mills, has made application through the Iowa Homeland Security and Emergency Management Division (HSEMD) to the Federal Emergency Management Agency (FEMA) for funding from the Hazard Mitigation Grant Program, in the amount of \$25,000.00 for the total project cost, and

Whereas, the Subgrantee recognizes the fact that this grant is based on a cost share basis with the federal share not exceeding 75%, the state share not exceeding 10% and the local share being a minimum of 15% of the total project cost. The minimum 15% local share can be either cash or in-kind match. And

Therefore, the Subgrantee agrees to provide and make available up to \$4,500.00, four thousand five hundred dollars of local monies to be used to meet the minimum 15% match requirement for this mitigation grant application.

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship: Aye.

No action taken with regard to memorandum of understanding for Southwest Iowa Long Term Recovery Committee.

Motion by Kohn, seconded by Crouch to approve the FMLA request by a County employee.

Motion carried on vote: Ayes: 3; Nays: 0.

There being no further business to come before the Board at this time, they adjourned to meet again on March 24, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 24th day of March, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for March 24, 2009, and by the same motion the minutes as corrected, for the March 17, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve Mills County payables as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to authorize Supervisor Blankenship to sign the 28E Agreement for Juvenile Detention as a member of the Board of Juvenile Detention.

Motion carried on vote: Ayes: 3; Nays: 0.

Auditor Carol Robertson discussed the purchase of laptop computers.

Motion by Crouch, seconded by Kohn to purchase two Toshiba laptop computers at \$594 each and one HP laptop for \$1161.59.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

A utility permit for phone line was issued for HMM Boring at 240th Street.

Engineer Mayberry reviewed a draft policy for dust control on County roads found in the March 1, 2005, Board of Supervisor minutes along with proposed revisions. Mayberry asked Board to look over policy for discussion at next week's meeting.

Motion by Kohn, seconded by Crouch to approve the low bid and purchase of rock from Crushed Aggregate Products, LLC in the amount of \$136,060.24, vs the bid of \$137,809.88 by Schildberg Construction for project FM-CO65(73)—55-65.

Motion carried on roll vote: Kohn: Aye; Blankenship: Aye; Crouch: Nay.

Darrin Whatcott answered questions from the Board regarding Building and Safety Department codes and permitting process. Board asked several questions and raised some concerns they had received from contractors and residents of the County. Whatcott stated they have been answering all questions being referred to them explaining the permit structure.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-13 to approve closure of Applewood Rd/Applewood Avenue.

RESOLUTION #09-13

Pursuant to Pottawattamie County **Resolution 09-07** that was dated and signed jointly with Mills County Board of Supervisors on March 18, 2009 at Pottawattamie County Courthouse and as evidenced by the foregoing document that was approved and adopted as to form and content by the Mills County Board of Supervisors.

RESOLUTION NO. 09-07

WHEREAS, Pottawattamie County desires to classify certain roads on the area service system in the County to provide for a minimal level of maintenance and access by means of a gate or barrier; and **WHEREAS**, the County, after consultation with the County Engineer, has the authority to specify certain roads within the County as Area Service "C" roads pursuant to Iowa Code Section 309.57; and **WHEREAS**, the County has received a petition, attached to this resolution, signed by all landowners adjoining the road, requesting that the following road be classified as an Area Service "C" road: Applewood Road from 350th Street to 370th Street (the south line of Section 36-T74N-R41W [Silver Creek Township] and the south line of 31-T74N-R40W [Macedonia Township], Pottawattamie County) **WHEREAS**, maintenance levels are established as follows:

1. **Blading**. Blading or dragging will not be performed on a regular basis.
2. **Snow and Ice Removal**. Snow and ice removal will not be performed. Sanding and salting will not be performed.
3. **Bridges**. Bridges on Area Service "C" roads may not be maintained to carry legal loads but will be posted as appropriate to advise of any load limitations.
4. **Weeds, Brush, and Trees**. Mowing or spraying weeds, cutting brush and tree removal will not be performed on a regular basis. Adequate sight distance will not be maintained on a regular basis.
5. **Structures**. Bridges and culverts may not be maintained on a regular basis to carry legal loads. Upon failure or loss, the replacement structure, if any, may be adequate for traffic thereon.
6. **Road Surfacing**. There will be no surfacing materials applied to Area Service "C" roads by Pottawattamie County.
7. **Shoulders**. Shoulders will not be maintained.

8. Crown. A crown will not be maintained.
9. Repairs. There will be no road repairs on a regular basis.
10. Uniform Width. Uniform width for the traveled portion of the road will not be maintained.
11. Inspections. Regular inspections will not be conducted.
12. Gate. The gate shall be purchased and installed by the County, and maintained by the adjoining landowners. If not so maintained, the County may remove the gate.
13. Lock and keys. Locks will be purchased and installed by the owners, lessees or other persons in lawful possession of any adjoining land. Keys will be purchased and distributed by the owners, lessees or other persons in lawful possession of any adjoining land. Keys will be distributed to all persons or agencies having access rights to the road;

and
WHEREAS, the only persons who will have access rights to the road shall be:

- (1) the owner, lessee, or person in lawful possession of any adjoining land,
- (2) the agent or employee of the owner, lessee or person in lawful possession of any adjoining land,
- (3) any peace officer,
- (4) any magistrate,
- (5) any public employee whose duty it is to supervise the use or perform maintenance of the road,
- (6) any agent or employee of any utility located upon the road,
- (7) any fire/rescue personnel.

THEREFORE BE IT RESOLVED by the Board of Supervisors of Pottawattamie County in session this 18th day of March, 2009, that this County does hereby establish the road described as an Area Service "C" road, with restricted access and a minimal level of maintenance.

THEREFORE BE IT RESOLVED by the Board of Supervisors of Mills County in session this 18th day of March, 2009, that this County does hereby establish the road described as an Area Service "C" road, with restricted access and a minimal level of maintenance.

THEREFORE BE IT RESOLVED by the Board of Supervisors of Mills County in Session this 24th day of March, 2009, to adopt the preceded Pottawattamie County Resolution 09-07 and signed jointly by both Pottawattamie County and Mills County Boards of Supervisors on March 18, 2009.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Engineer Mayberry shared concerns over comments made by a county resident to the Engineer in regards to one of our motor grader operators. Supervisors suggested the Engineer take this copy of the tape containing these comments to the County Attorney.

Motion by Crouch, seconded by Kohn to approve beer permit renewal #BB0028579 for MidAmerica Motorplex.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheriff Eugene Goos, and Assistant County Attorney Eric Hansen were present to discuss the Cops Grant process. After discussion regarding the rules and regulations set forth in the Cops Grant, it was decided that unless the City of Glenwood signs a 28E with the County it probably would not be feasible to apply for this.

Joan Sacha and Patrick Ross President 1st National Bank, joined the Board session to share benefits presentation with regards to their first at work direct deposit checking account available to those banking at 1st National. The Board told them they can bring in flyers for distribution with payroll checks to offer the program to interested employees. They were also told employees are available to attend meetings before and after work hours.

Rodriquez family members were present to discuss land they had purchased to relocate their rodeo from its present location. They also hope to put in soccer fields as well. They have purchased 15 acres. Board asked about whether they would have a building available for restroom facilities. They said these were in their plan.

Sara Ketcham CPC joined the Board for the Mills County Strategic Action and Mental Health Services Plan public hearing. The public hearing was opened at 11:19 a.m., no public or written comments were presented, Ketcham laid out the strategic action and mental health services plan, and the public hearing closed at 11:45 a.m.

Motion by Kohn, seconded by Crouch to approve the Mills County Strategic Action and Mental Health Services Plan to be sent to the State effective July 1, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Larry Winum Economic Development, and Randy McCunn, Shawn McCready, Don Athen, & Jeremy Ostrander A&M Green Power, discussed plans for the new John Deere facility to be constructed in Plattville Township. A request was made that the County fix the approach to the railroad crossing on 190th Street, as they would not be able to transport their trailers with machinery over it. This concern is due to the DOT changing the HWY 34/I-29 interchange in 2010 and the need for access to their business. The Board thought this project was in the Road Departments plans, but would make sure it's done. Don

Athen explained that without the infrastructure of sewer, water and paved road this site would not have been purchased.

A&M Green Power representatives also mentioned a proposal by Montgomery County to obtain a building there to locate their corporate office/training center instead of at their proposed facility in Mills County. Supervisors stated they could make no formal action on financial incentives at this time. A&M Green Power representatives will meet again on April 7th when the County Engineer can be present and formal action can be taken.

There being no further business to come before the Board at this time, they adjourned and will meet again in regular session on Tuesday, March 31, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 31st day of March, 2009, at the courthouse in Glenwood, with Blankenship and Crouch present, Kohn absent to Western Iowa Tourism meeting.

Motion by Crouch, seconded by Blankenship to approve the agenda as amended for March 31, 2009, by moving Sheri Bowen to 10:00 a.m. and reschedule the 10:00 a.m. & 11:00 a.m. appointments, and by the same motion the minutes as corrected for the March 24, 2009, Board meeting.

Motion carried on vote: Ayes: 2; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

No utility permit applications this week.

Motion by Crouch, seconded by Blankenship to approve the contract FM rock project #FM-CO65(73)—55-65 for 10,290 ton for \$136,060.24

Motion carried on vote: Ayes: 2; Nays: 0.

The DOT will be responsible for acquiring all right-of-way for State and County roads and when the project is done, right-of-way will be deeded back to the County.

Motion by Crouch, seconded by Blankenship to have chair sign the agreement.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Crouch, seconded by Blankenship to approve the Standard Operating Procedure for Mills County dust control provided by the Engineer.

Motion carried on vote: Ayes: 2; Nays: 0.

Several items were brought up for discussion regarding road concerns by the City of Henderson for RAGBRAI traffic. Engineer discussed an abatement notice. Supervisor Blankenship brought up questions to make some zoning changes. Engineer will have Planning and Zoning meeting in April.

Motion by Crouch, seconded by Blankenship to approve a fireworks permit application for Brandt Hopp on April 4, 2009, at 33181 Gaston Avenue, Malvern, IA providing a burn ban is not in place.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Crouch, seconded by Blankenship to approve a fireworks permit application for MidAmerica Motorplex at 19340 Jesup Avenue, Pacific Junction, IA, for Friday's, Saturday's, and Sunday's through April 3, 2009, and continue until April 21, 2009, when certificate of insurance is updated and will have to reapply for continued consideration.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Crouch, seconded by Blankenship to approve the liquor license application for Lienzo Charro Rodriquez for outdoor sales & service.

Motion carried on vote: Ayes: 2; Nays: 0.

Pete Franks will reschedule.

Denise Crawford will reschedule discussion of a Glenwood Public Library project.

Sheryl Bowen and Julie Lynes MCPH presented a Substance Abuse Prevention Grant Application in the amount of \$10,000.

Motion by Crouch, seconded by Blankenship to authorize the Chair to sign the substance abuse prevention grant application.

Motion carried on vote: Ayes: 2; Nays: 0.

Discussion regarding a vision/eye glass plan was held.

Motion by Crouch, seconded by Blankenship to allow Vision Care Direct to provide flyers for County employees to offer an employee paid opportunity for vision insurance and were told they could meet with employees before and after work hours.

Motion carried on vote: Ayes: 2; Nays: 0.

Julie Lynes updated the Board on their Family Matters program.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, April 7, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 7th day of April 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to and approve the agenda for April 7, 2009, and also amend to add authorization for the Chairman to sign the Secondary Roads budget and submit to the state, and by the same motion the minutes as corrected for the March 31, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Jared Getter Mills County Conservation Director, presented an agreement between the DOT for a Federal Hwy Stimulus program project ESL-6065(074)7S-65 and Mills County for funding of a Wabash Trace paving project. Motion by Kohn, seconded by Crouch to authorize the Chairman to sign the agreement as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Engineer Kevin Mayberry was attending the GIS user classes and sent Bill Horton, Engineer Tech to present items for consideration.

Utility permit for HMM Boring for a phone line on 230th Street.

Horton provided the Supervisors with a copy of the Secondary Roads 5 year construction and maintenance plan to be submitted to the State. After discussion of the various projects, motion was made by Crouch and seconded by Kohn to approve and authorize the Chairman to sign the plan as well as authorizing the Chairman to sign the Secondary Roads budget to be submitted to the IDOT for 2010.

Motion by Kohn and seconded by Crouch to approve the following purchases of 4 boxes and equipment for previously purchased new trucks from Aspen Equipment in the total amount of \$123,611.39 to be paid from the 2010 Secondary Roads budget. Two (2) boxes, sanders and hydraulics for the single axle trucks at \$32,213.62 each, One (1) box, sander and hydraulics for the tandem truck in the amount of \$35,878.15 and one (1) new bed for the sign truck in the amount of \$23,306.00.

Motion carried on vote: Ayes: 3; Nays: 0.

Horton shared with the Board that the Engineer had been approached by a resident on 221st Street S with regards to discuss the adoption of that road for cleanup. The Engineer will visit with the County Attorney regarding the liability and also see what other expenses may be associated with this project.

Motion by Crouch and seconded by Kohn, to amend the total project amount to \$30,000 which would reflect the match contribution in the amount of \$4,500 by the County for the local match of the Hazard Mitigation Grant Program previously approved on March 17, 2009, and authorize the Chairman to sign the amended copy of Resolution #09-12 .

Motion carried on vote: Ayes: 3; Nays: 0.

Jeremy Ostrander and Randy McCunn of A&M Green Power and Larry Winum Glenwood/Mills County Economic Development were present to discuss financial incentives. Engineer, Kevin Mayberry joined the session briefly at this time to let A&M Green Power know that repairing the Kane Ave. /190th Street intersection and railroad crossing approach is something that his department will begin this spring. The Supervisors also explained that they would like to see A&M locate their Corporate Office at this site and are willing to offer a 5 year sliding scale tax abatement, which is comparable to what they have offered other proposed commercial properties to locate in Mills County. The Supervisors also stated they would be willing to pay the sewer and water hook up fees for the business which would be approximately \$12,000. The representatives from A&M also discussed they had contacted the gas and electric utilities trying to establish the fee costs there as well. A&M representatives stated they will have to make a decision soon on their building plans and they will meet with other members of their agency and return to the Board with an answer on April 14th to determine if they will build their corporate office at this location.

Ted Mintle was in to present the Board with another option of real estate that he had available they may want to consider if it is not too late in the process for the proposed Mills County Jail. Mintle said he just wanted to give the purchase option to consider as well as he also offered the possibility, if the bond should fail, to consider a lease purchase of the facility with details to be worked out if this was a consideration. The Board thanked him for the information and will pass it on to the Jail committee for consideration.

Clarence Hoffman, Greg and Aaron Aistrope were in to give the Board ICAP updates and to let them know that ICAP is in good sound financial position and they will try to continue to return dividends on the premiums and also noted they have never raised their rates with the entities that are invested in them in their years of existence.

Sheriff Eugene Goos, Mike Malone and Pete Franks were in to discuss the jail committee membership and what direction they are headed in the next phase. A design services agreement was not ready for formal action at this time, as it is still being reviewed by the County Attorney. The Board shared the proposal that was presented to them by Ted Mintle and asked that they have the Jail Committee take a look at it this proposal. Supervisor Kohn also showed them a drawing that Cherokee County is planning to take to a bond election with similar square footage design to ours and asked that the committee look at it as well. The Jail Committee was still trying to set up a time to tour the Crawford County Jail facility.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, April 14, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 13th day of April, 2009, at the courthouse in Glenwood, with Crouch and Blankenship present, Kohn present via telecommunications.

Motion by Crouch, seconded by Kohn to approve agenda and minutes as corrected.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve payables as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Communications Center Director Tom Ling presented the E-911 monthly update.

Motion by Crouch, seconded by Kohn, to adopt Resolution #09-15, E911 Education Month.

RESOLUTION #09-15

Whereas **9-1-1** is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, EMS or other appropriate emergency response entities;

Whereas in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a "single number should be established" nationwide for reporting emergency situations and other Federal Government Agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (P.L. 106-81);

Whereas the ENHANCE 911 Act of 2004 (P.L. 108-494) established enhanced 9-1-1 as "a high national priority" as part of our Nation's homeland security and public safety;

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the system works today and steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the eyes and ears of the public and the emergency response system in the U.S. and is often the first to know of emergencies of all magnitudes making 9-1-1 a significant homeland security asset;

Whereas there are over 6,000 9-1-1 public safety answering points (PSAPs) serving more than 3,000 counties and parishes throughout the United States;

Whereas PSAPs answer more than two hundred million 9-1-1 calls each year in the United States and a growing number of 9-1-1 calls are made using wireless and IP-based communications services;

Whereas a growing segment of the population, including the deaf and hard of hearing and individuals with speech disabilities, are increasingly communicating with non-traditional text, video and instant messaging communications services and expect these services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communications, including mobile and IP-based systems, impose challenges for accessing 9-1-1 and implementing enhanced 9-1-1 and require increased education and awareness about their capabilities;

Whereas numerous other N-1-1 and 800 number services exist for non-emergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers and mental health hotlines, and the public needs to be educated on when to use these services in addition to or instead of 9-1-1;

Whereas people of all ages use 9-1-1 and it is critical to educate the public of all ages on the proper use of 9-1-1;

Whereas senior citizens are at high risk for needing access to 9-1-1 and a large segment of this population is learning to use new technology;

Whereas thousands of 9-1-1 calls are made every year by children properly trained on the use of 9-1-1 resulting in lives saved which underscores the critical importance of training children early in life about 9-1-1;

Whereas there is widespread misuse of the 9-1-1 system, including prank and non-emergency calls, which can result in costly and inefficient use of 9-1-1 and emergency response resources and a need to reduce this practice;

Whereas parents, teachers, and all other care givers need to play an active role in 9-1-1 education for children, but will do so only after being first educated themselves;

Whereas there are many avenues for 9-1-1 public educations such as safety fairs, school presentations, libraries, churches, businesses, PSAP tours or open houses, civic organizations and senior citizen centers;

Whereas children, parents, PTA and teachers are important groups to educate about the importance of 9-1-1 through targeted outreach efforts to public and private school systems;

Whereas we as a nation should strive to annually host at least one educational event in every school in the country every year regarding the proper use of 9-1-1;

Whereas an established National 9-1-1 Education Month could include public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, other care givers and businesses; educational events in schools and other appropriate venues; and production and distribution of educational content on 9-1-1 designed to educate people of all ages on the importance and proper use of 9-1-1;

Whereas Americans deserve the finest education we can offer regarding 9-1-1 education: Now, therefore be it *Resolved*, That the Mills County Board of Supervisors recognizes April as “National 9-1-1 Education Month” And be it *Further resolved*, That the Mills County Board of Supervisors urges the U.S. Congress and the governors of all states and territories to recognize April as “National 9-1-1 Education Month”

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, April 14, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, Iowa

The Mills County Board of Supervisors met this 14th day of April, 2009, at the courthouse in Glenwood, with all members present.

Kristopher Madsen ICAP attorney and County Attorney Marci McClellan requested a closed session per Iowa Code Chapter 21.5(1) regarding pending litigation.

Motion by Kohn, seconded by Crouch to enter into a closed session per Iowa Code at 7:45 a.m.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to return to regular session at 8:05 a.m.

Motion carried on vote; Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve the agenda for April 14, 2009, and by the same motion the minutes as corrected for the April 7, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Randy McCunn, Jeremy Ostrander A&M Green Power, and Larry Winum Economic Development discussed financial incentives.

Motion by Crouch, seconded by Kohn to offer the following financial incentives providing they build the corporate office in Mills County as well as their other facility. 1) a five year sliding scale tax abatement beginning in 2011; 2) repairs of the county road at the north approach to the railroad tracks on 190th and Kane Ave 3) County will pay the sewer and water hookup fees for A&M Green Power.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

A utility permit was issued for a culvert to be placed under 195th Street.

Motion by Kohn, seconded by Crouch to accept the recommendation made by the P&Z Board as far as changing the minimum lot size for commercial lots and possible stipulations. Discussion will continue with the Engineer and Boards to determine what will be in the best interests of the County for minimum lot size.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Mayberry will contact the County Attorney for procedures for zoning map changes.

Supervisor Blankenship will accompany Engineer Mayberry to view road/drainage concerns from Sherrill Dashner on Raleigh Road.

Marti Cheyney and Denise Crawford, Glenwood Public Library, discussed the library network server project, and requested the County’s assistance with funding to replace their network server that crashed recently. Total cost of the project was \$10,021.50.

Motion by Crouch, seconded by Kohn to contribute \$6,000 to this on behalf of the rural residents who use the library in hopes the City would make a contribution towards this project as well.

Motion carried on vote: Ayes: 3; Nays: 0.

Kristine Schoening Deputy Auditor joined the Chantry Drainage District public hearing. The public hearing was opened at 10:40 a.m. No written or oral comments were received. Kristine stated one letter had been returned because of an address. The public hearing was closed at 10:43 a.m.

The Chantry Drainage District levy for FY 2009 was discussed.

Motion by Crouch, seconded by Kohn to set the levy at \$14,000.76 for the cleaning of Chantry Drainage Ditch with an interest rate of 7% for those parcel holders that wish to put it on their taxes to be collected over 10 years.

Motion carried on vote: Ayes: 3; Nays: 0.

Matt Woods attorney for Dan Sieck joined the South Pointe Subdivision Final Plan public hearing. The public hearing was opened at 11:15 a.m. No written or oral comments were received, and the hearing was closed at 11:20 a.m.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-14.

RESOLUTION #09-14

WHEREAS, on the 14th day of April, 2009, the Mills County Board of Supervisors met in session for the purpose of a public hearing in accordance with the Mills County, Iowa Subdivision Ordinance effective May 23, 2007, regarding a Final Plat of South Pointe Subdivision submitted by Daniel D. Sieck in Plattville Township which consists of the platting of land located in part of the NE1/4 NE1/4 and in part of the SE1/4 NE1/4 of Section 17, Township 72 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa.

THEREFORE, the Supervisors found that the notice of the public hearing has, according to law, been published in the official county newspapers.

THEREFORE, on this date, the Final Plat of South Pointe Subdivision was presented and considered by County taxpayers.

Public comments were as follows: none.

WHEREAS, on the 14th day of April, 2009, the Final Plat of the proposed South Pointe Subdivision has been presented for acceptance and approval by

Mills County and,

WHEREAS, the Final Plat conforms with the requirements of the Mills County, Iowa Subdivision Ordinance and,

WHEREAS, the developer has submitted documents that fulfill the requirements of the Mills County, Iowa Subdivision Ordinance.

NOW THEREFORE, BE IT RESOLVED THAT

1. The Mills County Board of Supervisors hereby accept and approve the Final Plat of South Pointe Subdivision as an official subdivision of Mills County, Iowa.
2. The developer, Daniel D. Sieck, is directed to record the Final Plat and supporting documents with the Mills County Recorder, and may commence the sale of lots to the general public thereafter.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Board of Supervisors met with Congressman Steve King at the Glenwood State Bank.

Motion by Kohn, seconded by Crouch to authorize the Board Chair to sign the Wellmark Renewal Binder for Wellmark health insurance.

Motion carried on vote: Ayes: 3; Nays: 0.

Board members discussed the Pony Creek Trustees request for funding assistance for Pony Creek Drainage District clean out. Supervisors felt this clean up and pumps would help with the rural drainage. A definite amount has not been determined until further discussion with the Trustees is scheduled.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on April 21, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____

Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 21st day of April, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to amend and approve the agenda due to the cancellation of the Sheriff's appointment at 9:45 a.m. and moving the 10:30 a.m. appointment to 10:15 a.m., on the agenda for April 21, 2009, and by the same motion the minutes as corrected for the April 13 & 14, 2009, Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

An electrical permit for the Glenwood Golf Course was issued.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-16.

RESOLUTION #09-16

A RESOLUTION OF ENDORSEMENT FOR THE BIOVANCE PROJECT AND RISE GRANT FOR ROAD IMPROVEMENT ALONG INGRAHAM AVENUE IN MILLS COUNTY, IOWA

WHEREAS, the Mills County Board of Supervisors has stated their support for the Iowa Department of Economic Development Application for Financial Assistance for Biovance Iowa LLC, and WHEREAS, an immediate, nonspeculative opportunity exists for permanent job creation in Mills County with the Biovance project if a RISE grant is approved for road surface improvement for Ingraham Avenue, and

WHEREAS, through discussions with Biovance Iowa LLC representatives a paved road surface is necessary for the advancement, development, and operation of the Biovance facility, and

WHEREAS, a RISE grant is essential for the road improvement required for the facility which will not be possible without a grant of funds for Mills County to proceed with the necessary road surface improvement, and

WHEREAS, Ingraham Avenue is under Mills County Secondary Roads jurisdiction and will remain a public access road maintained by the secondary roads department, and

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

That the Mills County Board of Supervisors endorses the Biovance Iowa LLC project and respectfully encourages the Iowa Department of Transportation to approve a RISE grant for road improvements along Ingraham Avenue in Mills County, Iowa.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

John McCurdy SWIPCO discussed City of Hastings Rural Water.

Motion by Crouch, seconded by Kohn to authorize the board Chair to sign the Administrative Assistance Contract for Hastings Rural Water.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve a beer permit renewal application for Bluff View Café

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve the expenditure for 32 portable voting booths at a cost of \$4,320.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheriff Eugene Goos and Don Brantz were present for the budget amendment public hearing. The public hearing opened at 10:00 a.m. and was closed at 10:05 a.m.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-17.

RESOLUTION #09-17

BE IT REMEMBERED on the 21st day of April 2009, the Mills County Board of Supervisors met in session for the purpose of amending the current operation budget. There was present a quorum as required by law. Thereupon the Supervisors found that the notice of time and place of hearing has, according to law been published in County papers, and that the affidavits of publication thereof were on

file with the County Auditor. Thereafter, and on said date the amendment was taken up and considered and taxpayers heard for or against the amendment as follows:

EXPENDITURES:

County Environment & Educ. from \$ 962,364 to \$1,052,887

Government Svcs. to Residents from \$ 475,481 to \$ 480,481

Total Expenditures from \$15,554,909 to \$15,700,509

REVENUES:

License & Permits from \$13,290,033 to \$13,390,033

Total Revenues from \$14,690,033 to \$14,790,033

The amendment does not increase the taxes to be collected in the fiscal year ending June 30, 2009. The Mills County Board of Supervisors does hereby approve the following changes of appropriations for the 2008-2009 fiscal year:

Treasurer – Unemployment Compensation line item from \$0 to \$5,000

Zoning Comm/Bldg & Safety 75% Reimbursement fees line item from \$0 to \$90,523 for Bldg. permits

General County Management – Planning & Management Consulting services line item from \$0 to \$50,077

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship: Aye.

Sheriff Eugene Goos, County Attorney Marci McClellan, and Pete Franks were present to discuss the proposed Law Enforcement Center design services agreement with Prochaska & Associates.

Motion by Kohn, seconded by Crouch to authorize the Board Chair to sign the service agreement as amended with Prochaska and associates up to time of passage of bond issue not to exceed \$15,000.

Motion carried on vote: Ayes: 3; Nays: 0.

There being no further business to come before the Board at this time, they adjourned to attend a 4 County meeting in Clarinda, IA, and will meet in regular session on April 28, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____

Auditor

The Mills County Board of Supervisors met this 28th day of April, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for April 28, 2009, and by the same motion the minutes for the April 21, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheriff Eugene Goos discussed purchase of digital video camera for cruiser.

Motion by Kohn, seconded by Crouch to approve purchase of a digital video camera for Deputy Clark's cruiser from L3 Communications in the amount of \$4,948.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve the payables as presented

Motion carried on vote: Ayes: 3; Nays: 0.

Marci McClellan County Attorney, and Tom Kennedy joined the session to discuss County Zoning. Kennedy noted the differences in the State and federal definitions of a manufactured home and also shared concerns regarding the minimum of 18' wide requirements. County Attorney pointed out that the Iowa Code can't restrict or mandate width standards greater than 24'. Engineer explained there will be some considerations for zoning changes and Kennedy could bring these concerns to the Planning and Zoning Board.

Engineer Kevin Mayberry presented items for consideration.

One pending utility permit was reported.

The Engineer presented information regarding the Special Use Permit meeting with the Board of Adjustment requested by the Fountains Ballroom owners. This request was tabled for six months by the Board of Adjustment to allow the neighbors and the Fountains owners to resolve current issues.

Henry Clark discussed various requests for property purchase and zoning concerns, and asked for public auction on county owned land. The BOS is not interested in selling this parcel of land at this time.

The Board does not feel it would be in the best interests of the County to give exclusive rights for a planned utility district to one individual. Clark told the Board they should consider hiring someone to offer a plan to the County with the changes that are going to be made at the I-29/34 interchange to get good development in these areas.

Clark asked the Board to consider changing commercial/industrial lot sizes and Zoning Map for area south of Pacific Junction. The Engineer explained that the P&Z Board is looking at possible changes of the zoning ordinance from 5 acres minimum to a 2 acre minimum for commercial/industrial sites. There is a chance this property could be considered as industrial through these changes.

Clark asked the County to share in the cost in modifying a driveway to his property because he feels the entry to the property is inadequate due to the road design by either the County or the state and it would cost him more for a longer more heavy duty culvert. The Engineer stated he felt if the County would do this it would set a precedent for future cost sharing. The Board agreed with the recommendation of the Engineer.

Motion by Kohn, seconded by Crouch to approve a Class C Beer Permit renewal application for Lake Ohana Market #BC0029223.

Motion carried on vote: Ayes: 3; Nays: 0.

Jake Hansen MAPA, presented Resolution #09-18 for Board consideration.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-18 to authorize representation for planning grant to be able to close out the Hastings grant.

STATE OF IOWA DESIGNATION OF APPLICANT'S AUTHORIZED REPRESENTATIVE
RESOLUTION #09-18

Be it resolved by Mills County that Jake Hansen
(Subgrantee) (Name of Representative)

MAPA, is hereby authorized to execute on behalf of
(Official Position)

Mills County, this mitigation project and to file it with Iowa Homeland
(Subgrantee)

Security and Emergency Management (HSEMD) for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended) and the Code of Iowa, Chapter 29c.

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship: Aye.

Grant Anderson MAPA, presented a Memorandum of Understanding for Board signature with the Southwest Iowa Regional Long Term Recovery Committee. The benefits are to review actual requests by County residents for unmet needs after disasters. In order for these people to receive any funding the County must sign a Memorandum of Understanding and appoint a member to this Board. Most likely the representative is the Emergency Management Director.

Motion by Kohn, seconded by Crouch to have Mills County sign the Memorandum of Understanding and appoint Larry Hurst as Mills County's representative.

Motion carried on vote: Ayes: 3; Nays: 0.

Discussion was held with regards to recycling for the County. Blankenship reported he has received some costs for trailers and is looking for grant funding to assist with the costs incurred in purchasing and or rehabilitating present trailers.

The Board will begin meeting on Thursdays beginning May 7th, 2009, as well as Tuesdays.

There being no further business to come before the Board at this time, they adjourned to meet again on Tuesday, May 5, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 12th day of May, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for May 12, 2009, and by the same motion the minutes as corrected for the May 5 & 7, 2009, Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve the payables as corrected.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to authorize the Board Chair to sign the Wellness Program contract with ISAC..

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to donate \$200 each to Mineola, Emerson, and Henderson for RAGBRAI .

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

One permit for tile line from Pierce Pumping was issued.

Sarah Ketcham CPC, presented the 2008 Mills County Case Management annual report to Board members.

Briar Patch Farm Antiques license #WBN000323 was presented for renewal.

Motion by Crouch, seconded by Kohn to approve renewal of license #WNB000323 for Briar Patch Farm Antiques.

Motion carried on vote: Ayes: 3; Nays: 0.

Mike Malone and Pete Franks presented the proposed Jail project update, and discussed objectives for the Phase II Committee Charter.

The Board received the County financial month end reports for April.

Darin Whattcott, County Building Official, Kevin Mayberry Engineer, and County Attorney Marci McClellan, discussed possible changes to the zoning ordinance.

There being no further business to come before the Board at this time they adjourn and will meet again in regular session on May 19, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 5th day of May, 2009, at the courthouse in Glenwood, with all members present.

The supervisors and County Engineer Kevin Mayberry visited a site on Elrod Road where the property owner is requesting a driveway variance.

Motion by Crouch, seconded by Kohn, to approve the agenda and by the same motion the minutes, as corrected, of the April 28, 2009 Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Dennis Newman was present for discussion on his request of a driveway variance on his property next to 54012 Elrod Rd. He had requested a variance because the lot created by the property split has 1000' of frontage, the distance between the existing driveways is about 1000' and the minimum separation of driveways should be 600'. The Engineer recommended a variance be granted because the driveway separation distances would be approximately 500' in each direction and there are no problems meeting the required sight distance for the driveway.

Motion by Kohn, seconded by Crouch to approve the driveway variance.

Motion carried on vote: Ayes: 3; Nays: 0.

Discussion was held pertaining to proposed zoning map amendment. No action taken.

Engineer presented concerns of RAGBRAI route from Henderson to Hwy 59 via Cary Avenue. Because a portion of Cary Avenue is rock surfaced, dust, loose rock and road surface issues present safety concerns for bicycle usage for the large number of riders that would be using this route. Engineer will visit with County Attorney about these safety concerns.

Engineer presented a request for payment from Crushed Aggregate Products for Farm to Market rock as per contract. Mayberry stated that the quality of rock meet standards and was delivered in a timely manner.

Motion by Crouch, seconded by Kohn to approve payment as per voucher for project FM-CO65(73)—55-65 in the amount of \$\$136,632.93.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve a fireworks permit application by Night Vision Fireworks for fireworks displays at MidAmerica Motorplex on Fri.-Sat.-Sun evenings from April 20 through Nov. 8, 2009, providing a burn ban is not in effect at the time of display.

Motion carried on vote: Ayes: 3; Nays: 0.

Duane Kahl and Clint Howard were present to address concerns about “out-of-county” vendors setting up in Mineola during RAGBRAI and issues of trash and sanitation. Supervisors indicated that they did not plan on putting an ordinance in place to allow vendors to set up on County and/or private property. They will discuss/act on any potential county role in trash and sanitation issues at the May 12th Board meeting.

Tom Kennedy was present to discuss his concerns about the regulation of mobile/modular/manufactured homes as described in the County Zoning Ordinance.

Board will put this issue on the May 12th Board agenda and have various county agencies present for this discussion.

There being no further business to come before the Board at this time, they adjourned and will meet again in regular session on Thursday, May 7, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____

Auditor

The Mills County Board of Supervisors met this 7th day of May, 2009, at the courthouse in Glenwood, with members present.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-19, set speed limit on 230th Street north of Barrus Rd.

RESOLUTION #09-19

RE: ESTABLISHMENT OF SPEED LIMIT ZONE

WHEREAS, Mills County has examined traffic conditions on 230th Street North of the intersection of Barrus Road and 230th Street in Oak Township, and

WHEREAS, the Mills County Board of Supervisors may determine and declare reasonable and proper speed limits on county roads,

NOW THEREFORE BE IT RESOLVED by the Mills County Board of Supervisors in session this 7th day of May, 2009, that speed limits be established and appropriate signs be erected at the locations described below be posted at a speed of 35MPH.

230th Street North from the intersection of Barrus Road along a portion of the East Half of Section 11-73-43 and a portion of the West half of Section 12-73-43 for an approximate distance of 3,000 feet.

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship.

No formal action was taken with regard to the zoning map amendment and zoning ordinance changes. The item was tabled at this time until further information is available. The Board of Adjustment & Planning & Zoning will meet and discuss several proposals.

The Bunge Rebate Agreement was discussed. It was suggested a letter be written to the Board of Review requesting that the exemption codes be removed for the 2008 assessment so that the minimum assessment agreed upon may go into effect for the 2008 assessment for taxes payable September 2009 and March 2010.

Assistant County Attorney Eric Hansen and Sheri Bowen & Mike Sukup were present to discuss a Nuisance Ordinance. Public Health will work with the Mills county Attorney and Supervisor Kohn for revisions on the proposed Nuisance Ordinance.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, May 12, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 19th day of May, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for May 19, 2009, and by the same motion the minutes as corrected for the May 12, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

No utility permits issued this week.

Motion by Kohn, seconded by Crouch at Engineer Mayberry's recommendation to offer the truck driver position contingent upon passing of pre-employment physical and drug screening to Joe Linkenhoker at \$13.66 /hr. His effective start date will be after passage of the physical and drug screen.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to authorize Chair to sign the temporary construction easement for a borrow pit located at the section of Pease Rd & Quandt Rd.

Motion carried on vote: Ayes: 3; Nays: 0.

Planning and Zoning Commission voted 4-1 to change the zoning classification from Commercial to Industrial for a parcel of land at the intersection of 195th Street and South 221st Street.

Motion by Crouch, seconded by Kohn to accept the action and recommendation of the Planning and Zoning Commission.

Motion carried on vote: Ayes: 3; Nays: 0.

The Board discussed several items for the Engineer to look into.

Motion by Crouch, seconded by Kohn to approve the following Phase II Jail Committee Charter to:

- 1) Following the recommendations of the first Citizen's Jail Committee, work with the Frank's Group and Consultant to optimize the jail design, assure that the design conforms to all applicable State and Federal regulations, employs best jail construction and security practices and minimizes related construction costs.
- 2) Because of the urgent need for a jail solution the Board has requested the Committee to work towards having a bond issue election March 2010.

Motion carried on vote: Ayes: 3; Nays: 0.

The Board continued discussion with regards to looking into county-wide recycling, and ordinances they are looking at implementing.

There being no further business to come before the Board at this time, they adjourned to meet again on Thursday, May 21, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 21st day of May, 2009, at the courthouse in Glenwood, with Blankenship and Kohn present, Crouch absent.

Motion by Kohn, seconded by Blankenship to approve the agenda for May 21, 2009.
Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to approve license renewal #LE0001468 for Lake Ohana Market.
Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to appoint Barb Mass to the Boost4Families Board to fill a three (3) year term.
Motion carried on vote: Ayes: 2; Nays: 0.

Supervisor Blankenship presented information he had put together for a grant for recycling. This discussion was tabled until more information can be gathered.

The County Attorney joined the session at this time and looked over some of the proposed ordinances.

There being no further business to come before the Board at this time, they adjourned to meet again on Tuesday, May 26, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 26th day of May, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for May 26, 2009, and by the same motion the minutes as corrected for the May 19, & 21, 2009, Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

A utility permit for sewer service on 221st Street was issued.

The Board addressed several road and citizen concerns with the Engineer. The Engineer updated the Board on several projects the Secondary Roads crews are working on. He also discussed his recommendation to the RAGBRAI committee to use M21 to enter and exit Henderson as opposed to the route passing through Henderson and using county rock roads to Hwy 59 as originally planned. The Engineer also told the Board that he would be gone for the June 2, 2009, meeting and unless something comes up that needs immediate action, he will not be present. The Engineer informed the Board of changes of the Planning & Zoning and Board of Adjustment meeting schedule for June.

Jared Getter Conservation Director and Kenneth Seipold from the public were present. The Public Hearing for the adoption of a budget amendment was opened at 10:02 a.m., by Chairman Blankenship. No public comment. The public hearing was closed at 10:06 a.m.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-20.

RESOLUTION 09-#20

BE IT REMEMBERED on the 26th day of May, 2009, the Mills County Board of Supervisors met in session for the purpose of amending the current operation budget. There was present a quorum as required by law. Thereupon the Supervisors found that the notice of time and place of hearing has, according to law been published in County papers, and that the affidavits of publication thereof were on file with the County Auditor. Thereafter, and on said date the amendment was taken up and considered and taxpayers heard for or against the amendment as follows:

EXPENDITURES:

Physical Health & Social Svcs.	from \$1,799,598 to \$1,802,500
Mental Health,MR &DD	from \$1,907,494 to \$2,174,906
County Environment & Educ.	from \$1,052,887 to \$1,068,456
Roads & Transportation	from \$4,840,600 to \$4,870,600
Government Svcs. to Residents	from \$ 480,481 to \$ 482,981
Administration	from \$1,404,795 to \$1,407,295

Total Expenditures from \$15,700,509 to \$16,021,392

REVENUES:

Intergovernmental	from \$5,766,905 to \$6,068,454
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Total Revenues from \$14,790,033 to \$15,091,582

The amendment does not increase the taxes to be collected in the fiscal year ending June 30, 2009. The Mills County Board of Supervisors does hereby approve the following changes of appropriations for the 2008-2009 fiscal year:

Treasurer – Motor Vehicle Postage & Mailing line item from \$5,000 to \$7,500 – Treas. Mgt. Postage & Mailing line item from \$3,000 to \$5,500

County Conservation – Wabash Trace Park expense line item from \$154,422 to \$169,791 from FEMA monies

Secondary Roads – Roads – line item from \$508,500 to \$538,500 for granular

Boost4families – Decat – line item from \$51,000 to \$53,902 grant proceeds

Mental Health – CMI State Mntl. Health – line item from \$120,802 to \$224,814- Clarinda MH Line item from \$654,000 to \$817,400 – MR State Hosp. Schools

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship: Aye.

Matt Woods City Attorney for Hastings, Troy Hatcher and Joe Poorker representing Mayor and Council member for the City of Hastings, Robert Carpenter, rural Hastings resident, Tom Ling E-911/ Communications Director, Larry Hurst Emergency Management Coordinator, Kenneth Seipold representing the Mills County Protection Association and County Attorney Marci McClellan were present.

Matt Woods explained that he came to the Board on behalf of the City of Hastings and Hastings Fire hoping the Board of Supervisors could work with them to help find a resolution to working with Indian Creek Township Trustees to request a dual page with Malvern Fire for mutual aid for emergency medical calls and structure fires within a five (5) mile radius of the City of Hastings. Hastings has recently been able to upgrade their ISO rating from a 9-10 to a 6-9 rating within five (5) miles of Hastings and is comparable with other small cities in the County. Recently there was a structure fire within two (2) miles of Hastings that Malvern responded to and Hastings was put on standby. Hastings felt they could

have arrived there and got things started prior to the 13 minutes it took Malvern to arrive simply because of the distance. Mr. Carpenter spoke because the structure fire was at his residence and he didn't understand why Hastings wasn't called out at the same time as Malvern when he lives closer to Hastings than Malvern. He explained it was fortunate that it wasn't his house and he felt that whatever the reasons or differenced there were that there wasn't a dual page didn't really matter, people just want the closest fire department to respond and don't care who it is. It was explained that there have been some issues between the Indian Creek Township Trustees and Hastings Fire Department and these issues need to be resolved for the good of the residents of the County. Indian Creek Township Trustees did tell Joe Poorker, Hastings fire chief that they wouldn't object if Hastings could get a mutual aid agreement with Malvern Fire Department for a dual page. Mr. Poorker talked with Malvern Fire Chief Roger Poort who explained that the Mills County Protection Association wrote the 28E Mutual Aid Agreements and he would need to get their permission. Mr. Seipold spoke on behalf of the Protection Association and gave some background on how some of the fire districts had been divided over the years and he stated that he would try and work with the Indian Creek Township Trustees to discuss this option with them and Richard Crouch Mills County Supervisor would attend the meeting on behalf of the County. Larry Hurst stated that several years ago an organizational attempt of all the fire departments within the County had been made and didn't really go very far. Unity is needed within the departments throughout the County as they are all volunteers and have limited people available during the day hours. Tom Ling stated that he would be in favor of a dual page throughout the County for all structure fires. The Board after hearing the situation felt that they should not step on the toes of other elected officials like the Township Trustees to override any decisions they may make. They felt that if representatives from Malvern and Hastings Fire Departments, the Mills County Protection Association and the Indian Creek Township Trustees could all meet and resolve this issue it would be in the best interest of County residents. Mr. Woods thanked the Board for listening and requested that no formal action be taken by them and hopes that something can be resolved and stated he would be glad to assist any way he can.

The Board received the April monthly jail report and bank reconciliation report from the Sheriff.

Since Supervisor Kohn and the Engineer would be absent from next week's meeting and there wasn't anything on the agenda that couldn't wait, they decided they would not meet June 2, 2009. Supervisor Blankenship did state that if there was an immediate need that he and Supervisor Crouch could meet.

There being no further business to come before the Board at this time, they adjourned to meet again on June 9, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 9th day of June, 2009, at the courthouse in Glenwood, with Crouch and Blankenship present, Kohn absent for the beginning of the session.

Motion by Crouch, seconded by Blankenship to approve the agenda for June 9, 2009, and by the same motion the minutes as corrected for the May 26, 2009, Board meeting.

Motion carried on vote: Ayes: 2; Nays: 0.

Supervisor Kohn joined the session.

Motion by Crouch, seconded by Kohn to approve the accounts payable and disallow a portion of claim #4282 in the amount of \$58.85.

Motion carried on vote: Ayes: 3; Nays: 0.

County Attorney Marci McClellan joined the session. Tony and Todd Justice cancelled their scheduled appointment with the Board & Engineer and notified the Engineer by phone they had sold the trailer which alleviates the zoning problem.

Motion by Kohn, seconded by Crouch to cancel outstanding warrants over one year.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to set the date for June 23rd at 10:00a.m., for special valuation of wind energy conversion property.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve fireworks permit applications for Mitch Nightser on July 4, 2009, at 25616 Irish Avenue, Glenwood, IA., and a second permit at 29185 Rains Avenue, Glenwood, IA for Jeff Estabrook, providing there is not a burn ban in place.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Engineer Kevin Mayberry presented items for consideration.

No utility permits reported this week.

Motion by Kohn, seconded by Crouch to authorize the Board Chair to sign amended Secondary Roads budget.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to authorize the chair to sign amended secondary road construction program (5 year plan) which moved up the date of some county projects due to the stimulus monies being available for other regional projects.

Motion carried on vote: Ayes: 3; Nays: 0.

The Board had the Treasurer come in to discuss information the Engineer received regarding delinquent road assessments in the Park Place and Hawley Rd districts. Treasurer will verify if these taxes are delinquent or not.

Patrick Binns, Mills/Montgomery IT director discussed purchase of a desk top computer with Windows Vista in order to determine its compatibility with future programs.

Motion by Kohn, seconded by Crouch to approve the purchase of a desktop computer with Windows Vista for \$1,436.38.

Motion carried on vote: Ayes: 3; Nays: 0.

In the event of a disaster Agility can furnish a mobile unit, hardware, satellite, generator, and phone for up to 60 days to get the County up and functional until a more temporary or permanent place may be used.

Motion by Crouch, seconded by Kohn to approve a 6 month Class B Beer Permit Application #BBV20783 for Rancho El Bajio, 60301 Karns Rd.

Motion carried on vote: Ayes: 3; Nays: 0.

Board of Supervisors, Auditor, & Staff proceeded to the Engineer Facility for E-Poll training which was presented by Ken Kline, Cerro Gordo Auditor. Auditor's and Staff from Page, Fremont, and Montgomery counties were present.

Sheriff Eugene Goos discussed hire of two full time jailers.

Motion by Crouch, seconded by Kohn to authorize the Sheriff to advertise for the recently vacated jailer positions.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to authorize Sheriff Goos to hire temporary jailers to cover necessary shifts until jailers can be hired at a rate of \$11.36 per hour.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve the hire of Joshua England as a Deputy, at a salary of \$39,013, effective June 25, 2009, with England's salary increasing to \$40,379, effective July 1, 2009. The second deputy hired is Kyle Petersen at a salary of \$40,379 with start date of July 1, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheriff Goos discussed purchase of dishwasher and cabinets for jail.

Sheriff Goos presented a bid of \$999.99 from Menards for a Kitchen Aide dishwasher that would meet specs required by state for installation at jail, and a bid for \$1,046 for replacement cabinets, \$196.06 to replace counter top, \$330 to replace sink traps and faucets and \$625 from Steve Houser for installation, for a total cost of \$3,197.05.

Motion by Crouch, seconded by Kohn to approve purchases list at a cost of \$3,197.05.

Motion carried on vote: Ayes: 3; Nays: 0.

Board members received the May Month End Reports and the Recorder's May Report of Fees.

There being no further business to come before the Board at this time, they adjourned to meet again on June 11, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 11th day of June, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for June 11, 2009.

Motion carried on vote: Ayes: 3; Nays:0.

Jill McAleer and Rhonda Blasi, discussed match funding for Mills County Child Abuse Prevention Council. McAleer as spokesperson for the Mills County Child Abuse Prevention Council, gave an overview of what the council has been doing. Mills County was one of 5 Child Abuse Prevention councils in the State of Iowa to receive a one year grant for the hire of a person to work on Child Abuse issues, such as applicable school and community programs, recruitment of members and related issues on awareness.. This grant would provide funds for the employee in the amount of \$12,800, health benefits, childcare assistance and educational award. The local council needs \$1800 in matching funds in order to receive the grant.

Motion by Crouch, seconded by Kohn to approve a contribution of \$1800 from LOST money.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheriff Goos presented grant documents for review, discussed the grant process, and has determined that the BOS does not need to sign any documents. The Sheriff will send a word documentation of the approval of the grant by the Board.

Sheriff Goos discussed purchase of a cruiser and safety equipment for the vehicle purchased.

Motion by Kohn, seconded by Crouch to approve purchase of 2009 Crown Victoria from Tincher at a cost of \$23,432, with equipment from Electronic Engineering; digital camera, light bar, radio and installation at a cost of \$14,852.45, to be paid from the 2009-2010 budget at a total cost of \$38,248.45 to purchased and paid after July 1, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve renewal of license #BW0092485 for Fairview Country Club.

Motion carried on vote: Ayes: 3; Nays: 0.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, June 16, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 16th day of June, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for June 16, 2009, and by the same motion the minutes as corrected for the June 9, & 11, 2009, Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

Two utility permits for residential phone lines were issued on Hawley Rd and Epperson Ave.

Assistant County Attorney Eric Hansen, Engineer Kevin Mayberry, EMA Director Larry Hurst, Ray Sorenson and his attorney Matt Woods, Brad Rasmussen Conservation Board were present to discuss Pony Creek Watershed Site #21. Sorenson has 180 acres south and west of Site #21 and is looking into dividing part of this property into two residential parcels. The only access to these parcels would be to use the top of the dam. The Supervisors, as one of the sponsors of Site #21 have safety concerns for emergency vehicles being able to get there as well as other possible seasonal safety concerns. The emergency spillway is another of their concerns as well as the care and maintenance of the dam site. Even though DNR representatives and Pony Creek Drainage Trustees have agreed to an easement, the Board of Supervisors would like to put this on the agenda for a formal action and also invite the other two sponsors for discussion.

Tom Ling, 911/Communications Center Director presented updates of calls for service through the month of May. A major upgrade was done on the CAD System that will make things a lot more efficient for notification.

SWIPCO representative, John McCurdy presented a letter for Board signature.

Motion by Kohn, seconded by Crouch to authorize the Chair to sign the letter of IDED with regards to Mineola Sewer Project.

Motion carried on vote: Ayes: 3; Nays: 0.

McCurdy also updated the Board on the status of the project. There will be a meeting in Mineola for residents at 6:30 p.m. on June 17th. The plans are to begin construction next week.

No fireworks permits were presented for approval.

Agility Recovery Solutions disaster recovery program was reviewed.

Motion by Crouch, seconded by Kohn to authorize Patrick Binns IT Director, to enter into an agreement with Agility Recovery Solutions for a disaster recovery plan for Mills County. This agreement to be reviewed on a yearly basis.

Motion carried on vote: Ayes: 3; Nays: 0.

Board members received correspondence from IMWCA requesting the County to implement a strong seat belt policy.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Thursday, June 18, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 18th day of June, 2009, at the courthouse in Glenwood, with Kohn and Blankenship present. Crouch Absent.

Motion by Kohn, seconded by Blankenship to approve the agenda for June 18, 2009.

Motion carried on vote: Ayes: 2; Nays: 0.

Sheriff Eugene Goos discussed Resolution #09-21.

Motion by Kohn, seconded by Blankenship to adopt Resolution #09-21.

RESOLUTION #09-21

A RESOLUTION TO ESTABLISH A FEE FOR CANCELLATION OF A SHERIFF'S SALE

WHEREAS, the Mills County Sheriff's Office expends a substantial amount of time and money preparing for a Sheriff's Sale; and

WHEREAS, it is not unusual for a party to cancel a Sheriff's Sale less than twenty-four (24) hours prior to said sale; and

WHEREAS, it is in the best interest of Mills County, Iowa, for the Mills County Sheriff's Office to charge an additional fee for the cancellation of a Sheriff's sale; and

WHEREAS, the cancellation fee will reimburse the Mills County Sheriff's Office for paperwork and research completed prior to the Sheriff's Sale; and

WHEREAS, the Mills County Board of Supervisors met on June 18, 2009 to consider and approve said fee for the cancellation of a Sheriff's sale.

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

That the Mills County Board of Supervisors hereby authorizes the Mills County Sheriff's Office to charge a fee, in the amount of fifty dollars (\$50) for the cancellation of a Sheriff's sale.

Said Resolution becomes effective upon passage, approval and publication as provided by law.

Motion carried on roll call vote: Crouch: Absent; Kohn: Aye; Blankenship: Aye.

Motion by Kohn, seconded by Blankenship to approve Outdoor Service privilege for E-Stop #BC0029208, Emerson, IA.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to approve a fireworks permit application for July 3, 2009, at 53998 Elrod Rd., Glenwood, IA, providing a burn ban is not in place.

Motion carried on vote: Ayes: 2; Nays: 0.

Supervisor Blankenship reported on the meeting that was held in Mineola regarding the sewer project. There is still one easement to be signed. Residents had received proper notification and Supervisor Blankenship will contact the County Attorney's office to find out what procedures we need to follow to get this taken care of.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on June 23, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 23rd day of June, 2009, at the courthouse in Glenwood, with all members, and Laura Hartman from Representative Steve King's office in Creston present.

Motion by Crouch, seconded by Kohn to approve the agenda for June 23, 2009, and by the same motion the minutes as corrected for the June 16, & 18, 2009, Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheriff Eugene Goos presented law enforcement contract agreements for Board signature.

Motion by Kohn, seconded by Crouch to authorize Chair to sign the contract law agreements between Mills County and all cities except the City of Glenwood.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to authorize the Sheriff to place a Mills County deputy on the Southwest Iowa Drug Task Force.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

A utility permit was issued to HMM Boring for a phone line on Levi Rd. A sewer line permit was issued for 221st Street.

Motion by Kohn, seconded by Crouch to authorize purchase of a laptop computer in the amount of \$1,482 for GIS programs and on-site for construction inspections and a projector costing \$867.90 for use at the Engineer's training facility.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-22.

RESOLUTION #09-22

RE: ESTABLISHMENT OF SPEED LIMIT ZONE

WHEREAS, Mills County has examined traffic conditions on 245th Street East of the Glenwood City Limits in Section 7, Township 72 North, Range 42 West in Glenwood Township

WHEREAS, the Mills County Board of Supervisors may determine and declare reasonable and proper speed limits on county roads,

NOW THEREFORE BE IT RESOLVED by the Mills County Board of Supervisors in session this 23rd day of June, 2009, that speed limits be established and appropriate signs be erected at the locations described below be posted at a speed of 45MPH @ 25MPH for reduction of speed through a school zone just inside of the Glenwood City Limit.

245th Street East of the Glenwood City Limits along a portion of the South line of the NW ¼ of Section 7-72-42 and a portion of the North line of the SW ¼ of Section 7-72-42 for an approximate distance of 1,210 feet as shown on the attached drawing.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Public hearing opened at 10:00 a.m. for the amendment to Mills County Ordinance for valuation of wind energy conversion property. Wayne Phipps was present for the public hearing. No questions from the public or written comments, and the public hearing closed at 10:05 a.m.

First reading of Ordinance #09-02 was conducted.

Motion by Kohn, seconded by Crouch to approve 1st reading.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve Cigarette permit renewals presented from KLK Enterprises DBA Ohana Market, E-Stop, Bluff View Motel, Café & BP, and Beer Barn Corp.

Motion carried on vote: Ayes: 3; Nays: 0.

No formal action was taken on license #BBV21466 at this time.

Motion by Kohn, seconded by Crouch to approve a fireworks permit for Lincoln Riverview Acres on Highway 34 for July 4th providing a burn ban is not in place.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to authorize Chair to sign the Rural Transit System Joint Partnership Agreement for 2010.

Motion carried on vote: Ayes: 3; Nays: 0.

Supervisor Crouch reported on the Board of Adjustment meeting he attended.

There being no further business to come before the Board at this time, they adjourned to meet again on June 24, 2009, for a CodeRed Emergency Alert System presentation at 3:00 p.m., and again in regular session on Friday, June 26, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 26th day of June, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for June 26, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve the payables for June 26, 2009, as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

County Attorney Marci McClellan requested a closed session per Iowa Code Chapter 21.5(1)(j) to discuss the purchase of particular real estate.

Motion by Kohn, seconded by Crouch to enter into a closed session at 9:45 a.m. per Iowa Code Chapter 21.5(1)(j).

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to return to open session at 10:15 a.m.

Motion carried on vote: Ayes: 3; Nays: 0.

Supervisors authorized the Auditor to contact the property owners and request them to come in during board open session to discuss the real estate.

Motion by Kohn, seconded by Crouch to authorize a contribution of \$10,000 to the MAPA Economic Development revolving loan fund to come out of the FY '09 budget.

Motion carried on vote: Ayes: 3; Nays: 0.

No fireworks permit applications received.

Sheriff Eugene discussed the purchase of rifles for his deputies.

Motion by Kohn, seconded by Crouch to approve the purchase of 11 Smith & Wesson M&P15A rifles AR15-M4 Carbine with 16" barrel at \$795 each from Sioux Sales Co. of Sioux City, IA at a total price of \$8,845 to be taken from this '09 budget year.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve second reading of Ordinance #09-02.

Motion carried on vote: Ayes: 3; Nays: 0.

The Board received the May jail report from the Sheriff and the May bank reconciliation report.

There being no further business to come before the Board at this time, they adjourned to meet again on June 30, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 30th day of June, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for June 30, 2009, and by the same motion the minutes as corrected for the June 23, & 26, 2009, Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to sign the annual "Solutions" Inc., software contract in the amount of \$29,280.

Motion carried on vote: Ayes: 3; Nays: 0.

No fireworks permits were presented.

Engineer Kevin Mayberry presented items for consideration.

No utility permits were issued this week.

Kevin Mayberry, Assistant County Attorney Eric Hansen, Sherrill Dashner, and attorney Norm Springer, discussed drainage problems. After considerable discussion regarding the drainage issues the Board decided to view the property to determine action the County will take. The Board will view the property Thursday morning with the Engineer.

Third reading of Ordinance #09-02 was conducted.

Motion by Kohn, seconded by Crouch to approve the third reading and adopt Ordinance #09-02.

ORDINANCE NO. #09-02

AN ORDINANCE TO AMEND THE COUNTY CODE OF ORDINANCES OF MILLS COUNTY, IOWA, BY ENACTING A NEW CHAPTER 10 SPECIAL VALUATION OF WIND ENERGY CONVERSION PROPERTY ADOPTING IOWA CODE SECTION 427B.26 SETTING FORTH THE SPECIAL VALUATION OF WIND ENERGY CONVERSION PROPERTY.

BE IT THEREFORE ORDAINED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

Section 1. ENACTMENT. Pursuant to Iowa Code Section 331.302(4A), the Mills County Board of Supervisors hereby adopts by reference Iowa Code Section 427B.26 "Special Valuation Of Wind Energy Conversion Property" as amended, in its entirety as a part of this Ordinance.

Section 2. REPEALER. All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

Section 3. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any provision thereof not adjudicated to be invalid or unconstitutional.

Section 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship: Aye.

Jane Susgin and Holly Chafin presented the Loess Hills Humane Society quarterly update.

Motion by Crouch, seconded by Kohn to adopt the Seat Belt Restraint Policy as presented, to be included in the Mills County Personnel Policy.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to adopt the Designated Physician Policy as presented, to be included in the Mills County Personnel Policy.

Motion carried on vote: Ayes: 3; Nays: 0.

June 30, 2009 Cash County for all departments: The following as reported by the close of business on June 30, 2009.

Auditor	Petty Cash	\$100
	Total	\$100
Sheriff Investigative cash		\$3,060.25
	Petty Cash	\$50
	Total	\$3,110.25
Recorder	Cash	\$115.50
	Checks Received	\$1,521.80
	Total	\$1,637.30
Treasurer	Tax Drawer	Vault
Hundreds	-0-	\$1,800
Fifties	-0-	\$100

Twenties	\$420	\$100
Tens	\$80	\$100
Fives	\$45	\$100
Ones	\$3	\$25
Halves	-0-	\$10
Quarters	\$8	\$10
Dimes	\$1.80	\$5
Nickels	.20	\$2
Pennies	-0-	.50
Total	\$558	\$2,252.50

Tax Drawer Checks Received \$38,510.95; C.D.\$3,159,347.77; Cash Received Auto; \$2,537.55
Auto Checks; \$18,566.10 Drivers License Cash; \$147 Checks \$325 Total \$472

There being no further business to come before the Board at this time they adjourned and will count cash in county offices at 4:00 p.m. today. Will meet again in regular session on July 2, 2009.

Mills County Board of Supervisors

Joe Blankenship, Chairperson

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

Board members joined the Engineer for a road tour.

The Mills County Board of Supervisors met this 2nd day of July, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for July 2, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve a fireworks permit application at the Southwest Iowa Sportsmans Club , 22869 Jamett Road, on July 4, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve license #BBV21466 for Walker Harley Davidson for a function to be held on September 12, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-24 FY' 10 salaries.

RESOLUTION #09-24

Salaries effective July 1, 2009 are as follows:

Deputies: Kristine Schoening, Pam Madison, Kathy Roenfeld; \$40,094.00; Marilee Gayer, Rebecca Killpack, LuAnne Christiansen, Tammy Gammon; \$39,897.00; **Clerks:** Lisa Tallman; \$36,612.00, Melinda Lucy; \$37,081.00; **Pt Time Clerks:** Lori Ingoldsby-\$13.50/hr; **Secretary:** Janice Johansen; \$38,971.00; **Office Manager:** Mary King; \$37,559.00; **Civil Process Clerk:** Sandy Wyszenski; \$33,318.00; **Record's Clerk:** Christina Shere; \$33,318.00; **Lieutenant:** Mike Osler; \$50,886.00; **Chief Deputy:** Bruce Paulsen; \$51,491.00; **County Attorney Assistant:** Eric Hanson; \$62,974.00; **Victim Witness Coor/Sec Asst:** Jill McAleer; \$37,464.00; **Emergency Management:** Larry Hurst; \$43,410.00; **Safety Director:** Larry Hurst; \$4,678.00; **Custodian:** Michael Roenfeld-\$13.80/hr; Stephen Poole-\$12.80/hr; **Veterans Affairs/General Relief Director:** Jim Goos; \$32,096.00; **CPC/Director of Case Management:** Sara Ketcham; \$61,200.00; **Case Managers:** Monica Carlson, Danelle Bruce, Reba Richie; \$43,410.00; Denise Shull; \$40,394.00; **Administrative Assistant:** Chris Falk-\$14.03/hr; **Communications Director:** Tom Ling; \$56,500.00.

Salaries for Secondary Roads personnel are as follows:

County Engineer: Kevin Mayberry; \$86,361.00; **Administrative:** Nancy Lincoln-\$19.69/hr; Richard Parks-\$22.21/hr; Charlene Johnson-\$16.09/hr; **Management & Technical:** Bill Horton-\$21.82/hr; Junior Hughes-\$19.69/hr; Hugh Hansen, Roger Sell-\$23.14/hr; David Yezek-\$27.45/hr.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-25 Engineer Fund Transfer

Resolution #09-25

The Mills County Board of Supervisors met on this 2nd day of July, 2009, to authorize the County Auditor to periodically transfer funds from the General Basic, Rural Services Basic fund and Other Special Revenue Fund (LOST Property Tax Relief) funds to Secondary Roads fund during the 2009-2010 budget year in accordance with Sections 331.432 and 331.429, Code of Iowa. The total maximum transfer from General Basic for fiscal year 2009-2010 shall not exceed **\$89,220**. The total maximum transfer from Rural Services Basic fund shall not exceed the sum of **\$1,275,000**. The total maximum transfer from Other Special Revenue fund shall not exceed the sum of **\$135,780**. The Auditor shall order periodic transfers from said fund to the Secondary Road fund and notify the Treasurer and County Engineer the amounts of said transfers. Transfers shall not exceed the sums stated above.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-23 Budget Appropriations

RESOLUTION #09-23

BE IT RESOLVED, this 2nd day of July, 2009, that the Mills County Board of Supervisors, Mills County, Iowa, appropriate funds to the various county offices and departments for the fiscal year 2009-2010:

DEPARTMENT	AMOUNT
01 Board of Supervisors	144,539
02 Auditor	343,729
03 Treasurer	299,392
04 County Attorney	347,107

05 Sheriff	1,493,116
06 Clerk of Court	6,200
07 Recorder	201,360
10 Communications	455,377
18 LOST	203,670
20 County Engineer	5,014,992
21 Veterans Affairs	29,025
22 Conservation	215,116
23 Health Board	1,389,487
24 DECAT	127,200
25 Human Services	57,000
26 Reap/Co.Conservation	7,900
27 General Relief	81,884
28 Medical Examiner	31,500
33 Libraries	48,240
51 Courthouse	310,450
53 Custodian	87,920
54 Zoning Comm/Building & Safety	84,500
55 IT	77,767
58 Safety Management	9,203
60 Mental Health	1,750,649
61 Juvenile Probation	61,528
62 CD Treatment Services	12,700
63 Juvenile Foster Shelter Care	15,000
99 Nondepartmental	2,371,499
TOTAL EXPENDITURES	15,278,050

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Motion by Kohn, seconded by Crouch to authorize the Board Chair to sign a Memorandum of Understanding Iowa Department of Health Substance Abuse Prevention Services.

Motion carried on vote: Ayes: 3; Nays: 0.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, July 8, 2009.

Mills County Board of Supervisors

Joe Blankenship, Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 7th day of July, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for July 7, 2009, and by the same motion the minutes as corrected, for the June 23, & 26, 2009, Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Sheriff Eugene Goos discussed personnel policy agreement for reimbursement of training expenses by un certified Deputy Sheriff hires and the cost of specialized personal equipment. The Sheriff is authorized to have uncertified deputies sign the agreement which will be placed in their personnel file.

Motion by Kohn , seconded by Crouch to approve this policy change.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

No utility permits reported this week.

The Board had several items for discussion with the Engineer. The Engineer has a P&Z meeting tonight.

Motion by Kohn, seconded by Crouch to approve license #WBNV22211 for McCormick Station.

Motion carried on vote: Ayes; 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve the contract with Inukshuck Tech for services.

Motion carried on vote: Ayes: 3; Nays: 0.

Board discussed with Pete Franks his billings for jail committee work. Franks explained the tier of charges used in the billings.

Mills County Economic Development contribution was discussed.

Motion by Kohn, seconded by Crouch to approve a contribution for the 2009-2010 fiscal year to the Glenwood/Mills County Economic Development Foundation in the amount of \$19,471 to assist in promoting economic development for Mills County.

Motion carried on vote: Ayes: 3; Nays: 0.

The Board received the Recorder's June statement of fees. The Board received the June month end reports.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, July 14, 2009.

Mills County Board of Supervisors

Joe Blankenship, Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 14th day of July 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for July 14, 2009, and by the same motion the minutes as corrected, for the July 7, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

No utility permits reported this week.

The Engineer had a rough estimate of \$10,000 for the purchase of two snowplows and three hitches. When there are firm bids the Engineer will put this item on the agenda for formal action.

Motion by Kohn, seconded by Crouch to accept the action approved by the Planning and Zoning Commission to change the maximum height requirement in the Ag Zone for non-agricultural in the Ag Zone to thirty five feet.

Motion carried on vote: Ayes: 3; Nays: 0.

The Engineer discussed several road projects that are being done throughout the County. A discussion regarding towers and wind generation potential height requirements and regulations was also held. The Engineer also discussed the Rise Grant criteria and it may not fit a local project being considered. The board addressed some road concerns for the Engineer to check on

Jim Bentley, Jim Burns and Rod Frink were present seeking application for a beer permit on behalf of Macedonia American Legion Post 56 during Ragbrai at a location on H12 & 395th Street. Bentley stated they would be serving food at their site. Supervisors informed them to make sure they stayed out of the County road right of way of their operation would be shut down.

Motion by Crouch, seconded by Kohn to approve license #BBV22610 five day permit.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheriff Eugene Goos, County Attorney Marci McClellan, Assistant County Attorney Eric Hansen joined the session at this time with Kyle Anderson, owner of the Anderson property that has been proposed by the jail committee as a viable sight for building the new jail. The Supervisors visited with Anderson to determine if he had an interest in the County's property South of Glenwood. Anderson stated he had not heard back from an offer made to the board a few months ago so he did not know they were still interested in the property. He has concerns about the property South of town because of the zoning regulations. The Supervisors shared concerns of doing soil sampling and other testing to make sure his property is a viable site before making an option to purchase. The board will meet with the County Attorney on Thursday regarding possible purchase of the real estate. Anderson will return on July 21st after meeting with the other titleholder of the property to discuss possible options.

No formal action was taken today with regards to License #BB V22414 (DK Designs DBA Tin Cup) for a Ragbrai event as there were Board concerns with the board regarding their location. This will return for possible formal action on Thursday, July 16, 2009 providing a new location has been determined.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Thursday, July 16, 2009.

Mills County Board of Supervisors

Joe Blankenship, Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 16th day of July, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for July 16, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

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Motion by Crouch, seconded by Kohn to approve the July 16, 2009 accounts payable as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

County Attorney Marci McClellan requested a closed session per Iowa Code Chapter 21.5 (1) (j) to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property.

Motion by Crouch, seconded by Kohn to enter into a closed session at 9:30 a.m. per Iowa Code Chapter 21.5 (1) (j).

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to return to open session at 9:51 a.m.

Motion carried on vote: Ayes: 3; Nays: 0.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, July 21, 2009.

Mills County Board of Supervisors

Joe Blankenship, Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 21st day of July, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for July 21, 2009, and by the same motion the minutes as corrected for the July 14, & 16, 2009, Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

The Board discussed the need to prepare a purchase option for a jail site.

Motion by Crouch, seconded by Kohn to authorize the Chairperson to work with the County Attorney to prepare a purchase option on a proposed jail site.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Engineer Kevin Mayberry presented items for consideration.

One utility permit was issued the week for phone line installation by Extreme Trenching.

Engineer Mayberry shared a map that identifies the 2009-2010 seal coat, over seal, and patching projects throughout the County. There are 24.9 miles of FM over seal projects scheduled for 2010 and 18.7 miles of over seal patching for 2009.

The EWP project along Farm Creek was discussed. The estimated installation cost for area along Farm Creek is \$180,136 and County sponsorship cost of this EWP project would be \$45,034 where Engineer would capture design and administrative time fees back for this project.

Motion by Kohn, seconded by Crouch to sign documentation as presented by Engineer Mayberry.

Motion carried on vote: Ayes: 3; Nays: 0.

Jerad Getter Conservation Director requested permission from the Board to apply for designation of a site at Pony Creek Park as a National Historic Landmark.

Motion by Crouch, seconded by Kohn to approve the application.

Motion carried on vote: Ayes: 3; Nays: 0.

Board members accepted the Treasurer's annual report for June 30, 2009.

Semi-Annual Report
Janette Blackburn Treasurer Mills County Glenwood, IA Certification Date July 21 2009
For the period from July 1 2008 - June 30 2009, Inclusive
Statement of Account By Fund

Fund	Balance July 1, 2008	Revenues	Total To be Accounted for	Disbursements	Fund Balance June 30, 2009	Auditor's Outstanding Warrants
01 General Basic	2,877,405.11	4,126,370.86	7,003,775.97	3,804,944.62	3,198,831.35	219,875.71
02 General Suppl	1,218,377.49	1,712,785.93	2,931,163.42	1,249,155.78	1,682,007.64	78,075.76
03 Rural Services Basic	209,142.70	1,755,133.90	1,964,276.60	1,700,806.48	263,470.12	12,536.73
05 Secondary Roads	2,001,961.90	4,350,079.40	6,352,041.30	4,477,142.54	1,874,898.76	190,390.25
06 Revenue Sharing	.00	.00	.00	.00	.00	.00
07 Flood & Erosion Control	.00	.00	.00	.00	.00	.00
10 Drivers License Pilot Project	.00	85,084.00	85,084.00	85,084.00	.00	.00
11 County Municipal Assist	.00	.00	.00	.00	.00	.00
12 Capital Projects	.00	.00	.00	.00	.00	.00
13 Debt Service	.00	.00	.00	.00	.00	.00
14 Drainage Control	1,147,799.18	541,978.53	1,689,777.71	580,438.78	1,109,338.93	103,902.35
16 Joint Disaster Service	41,326.87	103,355.14	144,682.01	87,852.54	56,829.47	4,864.76
18 Property Tax Agency	348.04	447,362.56	447,710.60	284,549.81	163,160.79	1,800.00
20 Township Control	2,347.66	232,472.09	234,819.75	231,234.65	3,585.10	.00
21 Corporation Control	48,005.84	2,581,861.52	2,629,867.36	2,560,047.21	69,820.15	.00
22 School Control	146,199.49	10,758,512.48	10,904,711.97	10,682,510.82	222,201.15	.00
23 Area School Control	7,223.09	519,969.85	527,192.94	516,814.25	10,378.69	.00
24 Decat	46,956.82	97,819.61	144,776.43	112,062.59	32,713.84	2,368.77
29 County Ag. Extension	1,586.56	130,115.63	131,702.19	129,104.95	2,597.24	.00
30 Co. Cons. Land Aqu. Trust	129,013.23	4,492.43	133,505.66	1,600.00	131,905.66	.00
31 County Assessor	225,388.84	506,739.35	732,128.19	512,479.24	219,648.95	5,095.22
32 Motor Vehicle Trust	170,489.87	2,112,359.70	2,282,849.57	2,078,246.87	204,602.70	.00
33 Use Tax Trust	127,311.75	1,381,048.55	1,508,360.30	1,383,862.72	124,497.58	.00
34 City Sp Assess Control	5,185.04	30,547.52	35,732.56	33,101.19	2,631.37	.00
35 Tax Redemption Trust	.00	303,100.02	303,100.02	303,100.02	.00	.00
36 Mh/Dd Servi Fund	339,127.77	1,849,476.20	2,188,603.97	1,454,472.15	734,131.82	55,735.81
37 Data Processing	.00	.00	.00	.00	.00	.00
40 Recorders Rec Mgmt	13,484.43	3,457.34	16,941.77	4,123.00	12,818.77	.00
41 Reap Trust	48,960.79	17,894.40	66,855.19	4,137.05	62,718.14	594.94
42 Anatomical Gift Fund	.00	.00	.00	.00	.00	.00
43 Holding Account	.00	198,623.78	198,623.78	195,108.94	3,514.84	.00
44 Urb Ren Tax rev fund	185,031.55	209,865.25	394,896.80	191,113.58	203,783.22	.00
45 Feed Energy UR TIF Rebate	.00	.00	.00	.00	.00	.00
46 MAM I-29/34 UR TIF Rebate	.00	.00	.00	.00	.00	.00

47	Recorders Electronic Fund	645.26	7,429.26	8,074.52	7,450.35	624.17	.00
53	Dare	.00	.00	.00	.00	.00	.00
54	K9 Fund	2,742.32	70.00	2,812.32	100.00	2,712.32	.00
55	Drug Forfeiture	10,541.97	62.56	10,604.53	10,000.00	604.53	.00
56	Explorers	.00	.00	.00	.00	.00	.00
57	Co Attorney Drug Dollars	4,030.46	23.49	4,053.95	968.18	3,085.77	.00
59	MH Trust and Agency	55,872.27	673,117.48	728,989.75	703,291.74	25,698.01	7,179.93
77	E911 Surcharge	94,966.22	156,340.36	251,306.58	102,545.70	148,760.88	11,834.08
78	E911 Contributions	15,609.28	6,820.00	22,429.28	.00	22,429.28	.00
99	Woodlands Bene Water Dist	64,938.37	8,967.18	73,905.55	1,153.96	72,751.59	.00
		9,242,020.17	34,913,336.37	44,155,356.54	33,488,603.71	10,666,752.83	694,254.31

Treasurer Janette Blackburn explained she had contacted the County Attorney's office for help with a problem with a tax sale redemption. Assistant County Attorney Eric Hansen was unable to attend the meeting because he had District Court. The Board made some suggestions to remedy the situation but asked that she get approval from the Attorney's office. No formal action was taken at this time.

Motion by Crouch, seconded by Kohn to purchase Zebra printers at \$625 each and supplies for a total cost of \$1,391.10 from Solutions for the Recorder's office.

Motion carried on vote: Ayes: 3; Nays: 0.

Sheryl Bowen MCPH and Ann Pavkov Director of Nursing were present to explain to the Board of the problems they are having trying to hire a full time nurse for their agency. The Board of Health approved a benefit package specific to part time nurses only and Bowen gave the Board a copy for the personnel manual. Since the Board of Health makes policy for Public Health they are only required to notify the Board of Supervisors of changes they make.

Several items were discussed during general discussion.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, July 28, 2009.

Mills County Board of Supervisors

Joe Blankenship, Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 28th day of July, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn, to approve the agenda for July 28, 2009, and by the same motion the minutes as corrected for the July 21, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays 0.

Motion by Kohn, seconded by Crouch, to approve the payables for July 28, 2009, as presented.

Motion carried on vote: Ayes: 3; Nays 0.

Jake Hansen, from MAPA, presented the Board with a HMPG (Hazardous Mitigation Grant Program) agreement, a multijurisdictional agreement which would replace current local hazardous mitigation plans. The total contract cost is \$30,000 with \$22,500 funded by FEMA, \$3,000 from the State and \$4,500 local funding (in-kind/services) and completed by June 1, 2012.

Motion by Crouch, seconded by Kohn, to authorize the Chairperson to sign the HMPG contract.

Motion carried on vote: Ayes: 3; Nays 0.

Engineer Kevin Mayberry presented items for discussion.

Darin Whatcott and Shawna Hedegaard from JAS Consultants and residents Steven Saul, Edward Bogard, and Roger Stacy joined the Board during the Engineers report.

The Board and Engineer agreed that RISE grant funds would not pay enough of the road improvement cost and will not request grant funding at this time.

Discussion about zoning on South 221st Street focused on current and potential uses of property in this area. Currently zoned AR, the present businesses meet zoning requirements or would meet the conditions of a special use permit. Changing the classification to C-2 would eliminate the need for special use permits and not change the current environment of the area.

Because of the considerable time required by the Engineer for zoning issues, the Board had requested Whatcott attend the session to discuss zoning administrative services. Whatcott stated that he would prepare information about the potential cost of full/or part time services through JAS to present to the Board.

Stacy was present to discuss frustrations with the building permits and zoning issues that arose during construction of a commercial building and the need for the agencies to clarify the processes. Both agencies and the supervisors agreed on the need to resolve problems identified and make the process more efficient.

The Board had received a request for funding from the Mills County Museum staff for their 50th Anniversary celebration on Saturday evening, August 23rd during Keg Creek Days. After discussion the Board decided not to set a precedent of using County funds for celebrations by community organizations.

Larry Hurst, EMS Director, joined the session for discussion about a 28E Agreement with the Council Bluffs Fire Department for Hazmat services. Since no contract was available for examination, the issue was tabled.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, August 4, 2009.

Mills County Board of Supervisors

Joe Blankenship, Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 4th day of August, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for August 4, 2009, and by the same motion the minutes as corrected for the September 28, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve City of Hastings CDBG Grant #09WS-036.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve the Class C Liquor License #0034855 renewal for Castle Unicorn.

Motion carried on vote: Ayes: 3; Nays: 0.

Tim Crowder, Steve Bersheid, and Engineer Kevin Mayberry discussed traffic on 390th Street. Mr. Crowder and Mr. Bersheid shared concerns of speeding vehicles on this road and asked the County to lower the speed limit from 55 mph to 35 mph. Board asked the Engineer and Sheriff to look at the 390th Street speed limit and return to the Board with their recommendation.

Assistant County Attorney Eric Hansen joined the Session.

Motion by Kohn, seconded by Crouch to enter into a closed session per Iowa Code Chapter 21.5(1)(j) at 10:30 a.m.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to return to regular session at 11:03 a.m.

Motion carried on vote: Ayes: 3; Nays: 0.

There were several residents present for discussion on the property located at 17 N. Vine owned by Kyle Anderson. James Gapinski and Ralph AhSam have offered to purchase this property. Their business, Spiral Solutions and Technologies Inc., is based on Government Defense Contracts. They are looking to relocate their business, which has 10-15 employees, and this location meets their space requirements. They were concerned that the County would use eminent domain to obtain this property for a County Jail should a bond issue pass. The Board acknowledged the importance of supporting business on the Glenwood Square and there are other options for a jail site. The Board made the following motion with regards to eminent domain proceedings.

Motion by Kohn, seconded by Crouch stating the Board does not intend to go forth with eminent domain proceedings with regards to the purchase of the Anderson property for a proposed jail site.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to authorize Chair to sign NRCS EWP Project request for assistance.

Motion carried on vote: Ayes: 3; Nays: 0.

Board members received the June Jail Report and the June Bank Reconciliation Statement.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Friday, August 7, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 7th day of August, 2009, with Board members Kohn and Blankenship present, Crouch absent to Executive Board of Supervisors meeting..

Motion by Kohn, seconded by Blankenship to approve the agenda for August 7, 2009.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to approve the payable for August 7, 2009, as presented.

Motion carried on vote: Ayes: 2; Nays: 0.

Assistant County Attorney Eric Hansen, and Engineer Kevin Mayberry joined Karen Rockwell to discuss dust control on Iowa Road. Mrs. Rockwell was requesting the county to pay for an application of Calcium Chloride for dust control past her residence on Iowa Rd. The trucks which are regularly hauling dirt from Dave Strand's borrow area are creating large amounts of dust. Mayberry has visited with Strand about the residents concerns about the amount of dust this truck traffic creates. Strand offered to pay one half of the cost of calcium chloride, which he is not obligated to do, because he said he did not want to create any problems. Rockwell explained that the dust is affecting her health and her riding lesson business was suffering due to the dust. She felt the County should pay as she is financially unable to cover this cost. The Board explained that there are over 600miles of rock roads in Mills County and because of cost, the County has a policy wherein they do not pay for calcium chloride on rock roads within the County.

The Board received the July 2009 month end reports.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, August 18, 2009.

Mills County Board of Supervisors

Chairperson

Attest: _____
Auditor

Supervisors joined Engineer Kevin Mayberry for the purpose of viewing a driveway site with regard to a driveway variance request at 7:45 a.m.

The Mills County Board of Supervisors met this 18th day of August, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for August 18, 2009, and by the same motion the minutes as corrected for the August 4th and 7th Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

IT Coordinator Patrick Binns discussed purchase of licenses and software renewals. We currently have 9 licenses and would like to purchase 5 additional licenses for the on demand and imaging.

Motion by Crouch, seconded by Kohn to approve the renewal of the 9 licenses and the purchase of the 5 new licenses at a cost of \$2,885.75.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

No utility permit applications approved.

Motion by Crouch, seconded by Kohn at the request of the Engineer, to table action on the driveway variance request until Engineer has a opportunity to talk with landowners regarding a shared driveway.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to authorize Chair to sign the permanent easements from 190th St. grading project for the purchase of .48 acres from Kingery Land Co. at a price of \$2,160 and .45 acres from John and Deanne Lincoln at a price of \$2,025.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to authorize Engineer to negotiate with JAS for the Zoning Officer position.

Motion carried on vote: Ayes: 3 Nays: 0.

Motion by Crouch, seconded by Kohn at the recommendation of the Engineer to reappoint Lynn Christensen and Bob Burgoin to five year terms on the Zoning Board and reappoint Patrick Collins for a five year term on the Board of Adjustment.

Motion carried on vote: Ayes: 3; Nays: 0.

The Engineer discussed several zoning ordinance amendments being proposed that he will give to the County Attorney for consideration.

Road concerns were addressed by the Board with the Engineer.

Steve Lincoln was present to discuss rental options for County owned property located on 221st Street S. for planting wheat. The Auditor will contact the County Attorney to determine the process to follow on this property and will notify Lincoln of the steps the County will be taking.

Motion by Kohn, seconded by Crouch to reappoint Dr. Robert Fryzek as the Medical Examiner for Mills County and Dr. Thomas Baer as the Assistant Medical Examiner retroactive to January 1, 2009 as this appointment was inadvertently omitted from the appointment process that was done January 1, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Recorder Vicki McClintic presented Resolution #09-26 for adoption.

Motion by Kohn, seconded by Crouch to adopt Groundwater Hazard Reporting System Resolution #09-26.

GROUNDWATER HAZARD REPORTING SYSTEM RESOLUTION #09-26

WHEREAS, Mills County (County) and the Iowa County Recorders Association (Association) have created a county land record information systems in order to provide public access to real estate documents; and

WHEREAS, all Iowa counties are required to process Groundwater Hazard Statements as provided in Iowa Code section 558.69; and

WHEREAS, Iowa Code section 558.69 requires the submission of the Groundwater Hazard Statements to the Iowa Department of Natural Resources (Department); and

WHEREAS, the Department has adopted Iowa Administrative Code chapter 561 IAC 9, which allows the

electronic submission of the Groundwater Hazard Statements; and

WHEREAS, the County and the Department desire to utilize the county land record information system as a means to provide for more efficient and timely filing of the Groundwater Hazard Statements;

THEREFORE, BE IT RESOLVED that the County acknowledges that the County is responsible for the processing and filing of Groundwater Hazard Statements as provided in Section 558.69 of the Iowa Code and the chapter 561 IAC 9 of the Iowa Administrative Code. The County requests that in lieu of forwarding a printed version of any affirmative Groundwater Hazard Statement to the Department of Natural Resources, a facsimile or image of the printed version of the Groundwater Hazard Statement shall be stored the local county land record indexing and imaging system.

BE IT FURTHER RESOLVED that the County agrees to the following terms and conditions:

- a. A facsimile or image of a printed version of all forms required to be submitted to the Department pursuant to 561 IAC 9 shall be stored within the local county land record indexing and imaging system.
- b. The facsimile or image of the form shall be permanently stored in the local county land record indexing and imaging system.
- c. The image shall be legible and shall comply with the document formatting and imaging standards adopted by the Association.
- d. The county and county recorder shall be members of the Electronic Services System.
- e. The county and county recorder shall maintain compliance with the operating policies, procedures, and standards adopted by Electronic Services System including but not limited to policies concerning the timely uploading of information to the statewide county land record information system, a.k.a. Iowa Land Records.
- f. The county recorder shall index the associated document information and the parties (grantors and grantees) for each Groundwater Hazard Statement. The county recorder is not required to index property or legal description information for Groundwater Hazard Statements.
- g. The county and county recorder shall provide 180 days notice prior to reverting to the practice of forwarding a printed version of any affirmative Groundwater Hazard Statement to the Department.

An affirmative response on a Groundwater Hazard Statement means that the Groundwater Hazard Statement indicates a well, underground storage tank, disposal site, or hazardous waste site exists on the property. Pursuant to Iowa administrative rule 561 IAC 9.2(3), Groundwater Hazard Statements on which a private burial site is the sole matter disclosed and which do not reveal the existence of a well, disposal site, underground storage tank, or hazardous waste on the property shall not be submitted to the Department.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Motion by Crouch, seconded by Kohn to authorize the Recorder to increase Lisa Tallman to 79% of the Recorder's salary effective August 18, 2009, to \$37,081/yr.

Motion carried on vote: Ayes: 3; Nays: 0.

Jail Committee members, and Peter Franks Franks Design, discussed the Mills County Jail project. The Committee shared concerns with the Board for failure to have purchased, or an agreement of first refusal for the Anderson property before it could be sold to someone else. The Supervisors explained they had some reservations regarding purchase of the property. The Committee felt they had completed their task and the property was not secured. The Board was presented a three page question and comment page and asked to answer the questions at the Jail Committee meeting on August 20th at 8:00 p.m. at the Engineer's facility.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Thursday, August 20, 2009.

Mills County Board of Supervisors

Chairperson Joe Blankenship

Attest: _____
Auditor

The Mills County Board of Supervisors met this 20th day of August, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the Agenda for August 20, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to have EMC Larry Hurst work with emergency management commission members to develop funding for implementation of the CodeRED Emergency Notification System and the CodeRED Weather Warning system for Mills County.

Motion carried on vote: Ayes: 3; Nays: 0.

The Board of Supervisors met as Trustees of the Chantry Drainage District. Kristine Schoening, Deputy Auditor, presented a bill from T.E. Smith Construction in the amount of \$7,855 for the cleaning of a ditch in the Chantry Drainage District. The Supervisors, acting as Trustee, denied \$1,265 of the bill as it was in excess of the contracted amount.

Motion by Crouch, seconded by Kohn to approve the payment, as per contract, in the amount of \$6,590.

There being no further business to come before the Board at this time, they adjourned to attend a 28E meeting in Montgomery County, and will meet again in regular session on Tuesday, August 25, 2009.

Mills County Board of Supervisors

Joseph Blankenship, Chairperson

Attest: _____

The Mills County Board of Supervisors met this 25th day of August, 2009, with board members Kohn and Blankenship present, Crouch absent to ISAC Steering Committee meeting in Des Moines.

Motion by Kohn, seconded by Blankenship to approve the agenda and minutes as corrected for the August 18th and August 20th meetings.

Motion carried on vote: Ayes: 2; Nay: 0.

Motion by Kohn, seconded by Blankenship to approve accounts payable as presented.

Motion carried on vote: Ayes: 2; Nay: 0.

Engineer Kevin Mayberry and Darrin Whatcott of JAS joined the Board meeting for discussion pertaining to obtaining zoning administrative services from JAS. The discussion focused on the need for a full or part time staff person for zoning issues as well as the cost to the County. This item will be placed on the September 1, 2009, agenda for formal action.

Tim James joined the session to discuss the vacation of an alley that passes though his property in Mineola. Mayberry presented information about vacation of property and the need for approval by adjacent property owners. James will need to prepare a formal request for vacation of this alley.

Cathy Aspedon joined the session to request use of Courthouse grounds and driveway for Squarecrow Days activities on Saturday, October 24th, 2009.

Motion by Kohn, seconded by Blankenship to approve the use of Courthouse grounds and driveway for the Squarecrow Day activities on October 24, 2009.

Motion carried on vote: Ayes: 2; Nay: 0.

Sheriff Eugene Goos was present to request formal action on the hiring of two full time jailers.

Motion by Kohn, seconded by Blankenship to approve the hiring of Darrel Case and Jodi Stephen for the position of full time jailers to start tentatively on September 8, 2009, contingent upon their successful completion of the physical, psychological and drug screen testing and at salaries of \$23,418 which would increase to \$26,016 after six months.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, September 1, 2009.

Mills County Board of Supervisors

Joseph Blankenship, Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 1st day of September, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for September 1, 2009, and by the same motion the minutes for the August 25, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Engineer presented items for consideration.

No utility permit applications reported this week.

Darrin Whatcott presented information regarding the Mills County Zoning Technician position.

Motion by Crouch, seconded by Kohn to enter into an agreement to furnish a full time zoning technician and provide zoning administrative services at a rate of \$30 per hour including benefits paid by J.A.S. Darrin Whatcott will provide a job description and copy of a contract for the Mills County Attorney and Engineer's review.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Mayberry, Kristine Schoening Real Estate Deputy joined the Board and Raymond Deck to discuss property line dispute at Cambridge Estates Division 2. Supervisor Crouch offered to abstain from this discussion because of conflict. It was determined in order to remedy this situation it would be necessary to correct the subdivision plan and put on file. Once this was taken care of the correction could be updated. Land Surveying will need to re-draw this and file.

Doug Mayo was present to discuss real estate taxes on a lot he purchased last fall. Before he purchased the lot, a house was on it as of the Jan 1, 2008, valuation which is the taxes presently being collected. The problem is the house burned down July of 2008. Mr. Mayo stated that per the IA Code 445.62 the Board has the authority to abate or refund in whole or part property destroyed by fire, tornado, or other unavoidable casualty. The loss for which abatement shall be allowed shall be only the amount not covered by insurance. Supervisors felt Mr. Mayo has a legitimate request and will notify Mr. Mayo of the abatement amount after it is determined.

Mike Malone, Bob Burgoin, Dr. Campbell and Mr. & Mrs. John Butler were present. After much discussion, the Board will propose a charter for the jail committee to continue to work toward a bond election in 2010.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-27 for 100% abatement of real estate taxes for disabled veterans.

Resolution 09-27

The Mills County Board of Supervisors sitting in session on this 1st day of September, 2009 upon recommendation from the Treasurer and as per IA Code 425.15 shall abate the taxes levied upon the properties described below as these homestead credits are classified as a Disabled Veteran Tax Credit and this credit funded shall be the entire amount of the tax levied on the homestead. Due to cuts from the State of Iowa through the legislative session, this credit was only funded 73%, therefore it is necessary for the County to abate the following 27% as set aside per IA Code.

The properties are as follows: Steven King parcel #094820010000000, S. 180' N 205' W 309' NW ¼ SW ¼ in 15-72-40 in the amount of \$966.00.

Darwin Larson parcel #030190063400000 Lot 34 Woodfield Sub 1st Add (Secs 26 & 27) in 27-73-43 in the amount \$768.00. Randolph Squier parcel # 027210180000000 Lot 18 Van Pelt Addition in 13-73-43 in the amount of \$1,184.00. Bryce Johnson parcel #119570000000000 Tr. NW COR NW ¼ NW ¼ in 8-71-42 in the amount of \$432.00. John Weinburgh parcel #030190063600000 Lot 36 Woodfield Sub 1st Add (Sec 26 & 27) in 27-73-43 in the amount of \$404.00.

The total abatement for these parcels is in the amount \$3,754.00.

Motion carried on roll call vote: Kohn: Aye; Crouch: Aye; Blankenship: Aye.

Motion by Kohn, seconded by to Crouch adopt Resolution #09-28 for abatement of taxes on Bunge property, due to an existing revenue sharing agreement between Pottawattamie County and Mills County on December 30, 1998, during the term of a previous Board..

Resolution 09-28

A Minimum Assessment Agreement as stated in IA Code 403.6(19) was created on December 29, 1998 by and among the Bunge Corporation, Pottawattamie County Board of Supervisors and Mills County Board of Supervisors and the Mills County Assessor and the Pottawattamie County Assessor for the purpose of creating an exemption of real estate taxation for a period of ten (10) years to construct a soybean crusher/refinery complex that said real estate is situated in both Mills and Pottawattamie Counties. The taxation of any said improvements thereafter be phased in over the next ten (10) years. Commencing with the January 1, 1998 assessment and continuing through January 1, 2007 assessment of said taxation

would be based on the value of the unimproved site. Beginning with the January 1, 2008 assessment would generate a tax of \$100,000 representing year 11 and \$103,500 for year 12, \$107,100 for year 13, \$110,000 for year 14, \$114,800 for year 15, \$118,800 for year 16, \$122,900 for year 17, \$127,200 for year 18 \$131,700 for year 19 and \$136,300 for year 20. Along with the Minimum Assessment Agreement a Revenue Sharing Agreement between Pottawattamie County and Mills County was signed on December 30, 1998 which stated that the taxes collected by Mills County, Iowa on the improvements to the property covered by the Minimum Assessment Agreement will be split with Pottawattamie County fifty-fifty for years eleven through twenty. Mills County agrees to pay out of their general fund, fifty percent of the taxes to Pottawattamie County.

The Board of Supervisors of Mills County setting in session on this 1st day of September, 2009 pursuant to the Minimum Assessment Agreement at IA Code 403. 6 (19) shall direct the treasurer of Mills County to send a tax statement for fiscal year 2008 taxes due and payable on September 1, 2009 and March 1, 2010 to Bunge Corporation for \$100,000.00 and abate the total taxes generated on these parcels in the amount of \$1,578,912.00 and direct the treasurer to make payment of \$50,000 to Pottawattamie County reflecting the Revenue Sharing Agreement and Mills County will then be allowed to apportion their share of the \$50,000 in taxes to the appropriate entities.

Motion carried on roll call vote: Ayes: Crouch: Aye: Kohn: Aye; Blankenship: Aye.

Discussion regarding rental of County owned property was tabled because the Board has been contacted with regards to a potential purchase of this property.

Engineer Mayberry has discussed with IDOT the punch list with regards to the 221st Street interchange going into Pacific Junction he had with DOT. Discussion was also held with regards to the Mineola Sewer project and patches of the trenches and who would be responsible.

Supervisor Crouch updated the Board on the Public Health Meeting he attended with regards to sewer hook up at time of transfer.

There being no further business to come before the Board at this time they adjourned to meet again in regular session on September 8, 2009.

Mills County Board of Supervisors

Chairperson Joseph Blankenship

Attest: _____
Auditor

The Mills County Board of Supervisors met this 8th day of September, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for September 8, 2009, and by the same motion the minutes as corrected for the September 25, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve accounts payable as agreed.

Motion carried on vote: Ayes: 3; Nays: 0.

County Attorney Marci McClellan was present to discuss the process for selling County owned property. After an offer is made, the County will set forth the offer in a Resolution, hold a public hearing and then determine if they will proceed with the offer.

Board members and Engineer Mayberry viewed a driveway variance site on Ellington Avenue.

Engineer Kevin Mayberry presented items for consideration.

No utility permits issued this week. A phone utility had been reported but no permit applied for. The Engineer will try to contact Qwest.

Motion by Kohn, seconded by Blankenship, at the Engineer's recommendation, to approve a driveway variance on Ellington Ave. Crouch abstained from voting.

Motion carried on vote: Ayes: 2; Nays: 0; Abstained: 1.

Engineer Mayberry discussed the zoning designation changes in the area of 221st St. Engineer has talked with the County Attorney to make the changes and hold a public hearing and approval of the changes. Supervisors asked the Engineer about the status of 190th St. He is working on the permitting process with the Burlington Northern at this time.

Motion by Crouch, seconded by Kohn to approve a fireworks permit application by William Bracker for Castle Unicorn, 57034 Deacon Rd., Pacific Junction, IA, on September 26, 2009, providing a burn ban is not in place.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to authorize the Chair to sign the MAPA/Mills County FY '10 Hazardous Mitigation Plan Agreement.

Motion carried on vote: Ayes: 3; Nays: 0.

Kathy Kahue, Golden Hills RC&D presented information pertaining to an Archaeological Interpretive Center Grant Application and an Archaeological survey of the Glenwood Resource Center Grounds.

Motion by Crouch, seconded by Kohn to adopt Resolution #09-29.

Resolution No. 09-29

A RESOLUTION OF SUPPORT FOR A MILLS COUNTY GRANT APPLICATION FOR A TRANSPORTATION ENHANCEMENT PROJECT

WHEREAS, the Mills County Board of Supervisors is the legally recognized governing body for Mills County, Iowa, and

WHEREAS, the Mills County Board of Supervisors agrees to serve as the Sponsor/Applicants as outlined in the grant application and supporting materials; and

WHEREAS, the Mills County Board of Supervisors has found the Mills County Archaeological/Interpretive Center Project to be beneficial for the preservation and protection of the cultural history and the archaeological resources of the Nebraska Phase Glenwood Culture and will provide educational opportunities for visitors.

NOW, THEREFORE, BE IT RESOLVED BY THE MILLS COUNTY BOARD OF SUPERVISORS THAT;

Section 1. Mills County wholly endorses this project and agrees to serve as sponsor/applicant.

Section 2. The required matching funds as noted in the application have been collected and will be expended as a part of the project cost.

BE IT FURTHER RESOLVED that the Mills County Board of Supervisors authorizes the application for State Enhancement Funds to fund a Feasibility Study for the Project.

Passed and adopted by the Mills County Board of Supervisors at a regular meeting duly held on the 8th day of September, 2009.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

Motion by Kohn, seconded by Crouch to adopt Resolution #09-30.

Resolution No. 09-30

A RESOLUTION OF SUPPORT FOR A MILLS COUNTY GRANT APPLICATION FOR A TRANSPORTATION ENHANCEMENT PROJECT

WHEREAS, the Mills County Board of Supervisors is the legally recognized governing body for Mills County, Iowa, and

WHEREAS, the Mills County Board of Supervisors agrees to serve as the Sponsor/Applicants as outlined in the grant application and supporting materials; and

WHEREAS, the Mills County Board of Supervisors has found an Archaeological Survey of the Glenwood Resource Center to be beneficial for the preservation and protection of the cultural history and the archaeological resources of the Nebraska Phase Glenwood Culture.

NOW, THEREFORE, BE IT RESOLVED BY THE MILLS COUNTY BOARD OF SUPERVISORS THAT;

Section 1. Mills County wholly endorses this project and agrees to serve as sponsor/applicant.

Section 2. The required matching funds as noted in the application have been collected and will be expended as a part of the project cost.

BE IT FURTHER RESOLVED that the Mills County Board of Supervisors authorizes the application for State Enhancement Funds to fund an Archaeological Survey of the Glenwood Resource Center.

Passed and adopted by the Mills County Board of Supervisors at a regular meeting duly held on the 8th day of September, 2009.

Motion carried on roll call vote: Crouch: Aye; Kohn: Aye; Blankenship: Aye.

The Auditor presented a letter she had received from Josiah Wearin, Emerson City attorney, with regards to polling place changes for the City of Emerson. The Auditor will work with the County Attorney and respond to their letter.

The Board received the July Jail Report.

There being no further business to come before this time, they adjourned to meet again as a board of canvassers on Friday, September 11, 2009, and in regular session on Tuesday, September 15, 2009.

Mills County Board of Supervisors

Chairperson Joseph Blankenship

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors; Kohn and Crouch met on this 11th day of September, 2009, for the purpose of canvassing election results from the September 8, 2009, School Board Election.

Supervisor Blankenship was attending a Hungry Canyons meeting in Lawton; Results are as follows: Glenwood School District: Three elected: Dave Warren, Henry Clark, and Dave Blum.

Malvern School District: Two elected: Brenda Koger and Susan F. Stogdill.

One elected to fill vacancy: Jeff Poort.

Nishna Valley School District: Two elected: Peter Franks and Tracey Anderson.

Official results are available at the Mills County Auditor's office.

There being no further business to come before the Board at this time, they adjourned as a board of canvassers.

Mills County Board of Supervisors

Chairperson Joseph Blankenship

Attest: _____
Auditor

The Mills County Board of Supervisors met this 15th day of September, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for September 15, 2009, and by the same motion the minutes as corrected for the September 8, 2009, board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Engineer Kevin Mayberry presented items for consideration.

No utility permits were reported for this week.

Don Stevens IDOT, brought drawings for the proposed Highway 34 extension and Missouri River bridge. There will be farm access roads and the two intersections they will be working on are 180th and 190th Streets. Board asked if there was some consideration of moving frontage road south for better access to the gas station and motel. Stevens suggested we send a formal letter of request to John Selmer at IDOT for consideration. Engineer will write the letter.

Proposed Zoning Map changes were discussed and reviewed.

Motion by Kohn, seconded by Crouch to approve the proposed zoning map changes and to authorize the Engineer to set the boundaries on the east by Keg Creek, south at the intersection of 221st St. south and BNSF Railroad, 220th Street west and along Hilman on the north side and designate the area as a commercial zone. Engineer will continue to work with public hearing and map changes.

Motion carried on vote: Ayes: 3; Nays: 0.

Don Brantz joined the session at this time.

Engineer Mayberry presented a plat of survey map showing Parcel "C" owned by Mills County of 2.25 ac. The extra ROW is .48 acres. The Board authorized the Engineer to proceed with the process to sell the ROW. The Engineer will contact the realtor to explain process the County must follow in selling the excess ROW.

Cory Leick joined the session and presented concerns regarding bridge load limits and grade on Ellington Ave., which limits access during harvest. Mayberry will work with Leick to address the problem.

John McCurdy SWIPCO, was unable to attend due to a conflict. Supervisor Kohn attended a meeting in Hastings on Monday, and updated board members with regards to the Hastings Rural Water project.

Kenton Roenfeldt expressed concerns regarding the cells not being lined on the Mineola Sewer project and his concerns about his water supply down the road. Board will contact McCurdy or Wilcoxon and return with an answer to Mr. Roenfeldt.

CDBG Grant extension for Mineola Sewer project was discussed.

Motion by Crouch, seconded by Kohn to authorize Chair to sign the extension of CDBG Grant for Mineola Sewer project to April 1, 2010 to allow enough time to have the system completed and close out items taken care of.

Motion carried on vote: Ayes: 3; Nays: 0.

Jim Goos General Relief/Veterans Affairs Director joined the session for review of General Relief policies. Board members discussed safeguards to prevent duplication of rent payments. The suggestion was made by the County Attorney that we should get a copy of a lease agreement to go with the application for assistance. Other modifications need to be done to the policy and presented for Board action.

The Board discussed the requests made by the Jail Committee. The Board reviewed their requests and have made revisions to the Jail Committee requests and sent tot Chairman Mike Malone. The Board wants to work with the Jail Committee to develop a Jail/Sheriff's Office proposal for a bond election in 2010.

The Board received the August month end reports.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, September 22, 2009.

Mills County Board of Supervisors

Chairperson Joseph Blankenship

Attest: _____
Auditor

The Mills County Board of Supervisors met this 15th day of September, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for September 15, 2009, and by the same motion the minutes as corrected for the September 8, 2009, board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Engineer Kevin Mayberry presented items for consideration.

No utility permits were reported for this week.

Don Stevens IDOT, brought drawings for the proposed Highway 34 extension and Missouri River bridge. There will be farm access roads and the two intersections they will be working on are 180th and 190th Streets. Board asked if there was some consideration of moving frontage road south for better access to the gas station and motel. Stevens suggested we send a formal letter of request to John Selmer at IDOT for consideration. Engineer will write the letter.

Proposed Zoning Map changes were discussed and reviewed.

Motion by Kohn, seconded by Crouch to approve the proposed zoning map changes and to authorize the Engineer to set the boundaries on the east by Keg Creek, south at the intersection of 221st St. south and BNSF Railroad, 220th Street west and along Hilman on the north side and designate the area as a commercial zone. Engineer will continue to work with public hearing and map changes.

Motion carried on vote: Ayes: 3; Nays: 0.

Don Brantz joined the session at this time.

Engineer Mayberry presented a plat of survey map showing Parcel "C" owned by Mills County of 2.25 ac. The extra ROW is .48 acres. The Board authorized the Engineer to proceed with the process to sell the ROW. The Engineer will contact the realtor to explain process the County must follow in selling the excess ROW.

Cory Leick joined the session and presented concerns regarding bridge load limits and grade on Ellington Ave., which limits access during harvest. Mayberry will work with Leick to address the problem.

John McCurdy SWIPCO, was unable to attend due to a conflict. Supervisor Kohn attended a meeting in Hastings on Monday, and updated board members with regards to the Hastings Rural Water project.

Kenton Roenfeldt expressed concerns regarding the cells not being lined on the Mineola Sewer project and his concerns about his water supply down the road. Board will contact McCurdy or Wilcoxon and return with an answer to Mr. Roenfeldt.

CDBG Grant extension for Mineola Sewer project was discussed.

Motion by Crouch, seconded by Kohn to authorize Chair to sign the extension of CDBG Grant for Mineola Sewer project to April 1, 2010 to allow enough time to have the system completed and close out items taken care of.

Motion carried on vote: Ayes: 3; Nays: 0.

Jim Goos General Relief/Veterans Affairs Director joined the session for review of General Relief policies. Board members discussed safeguards to prevent duplication of rent payments. The suggestion was made by the County Attorney that we should get a copy of a lease agreement to go with the application for assistance. Other modifications need to be done to the policy and presented for Board action.

The Board discussed the requests made by the Jail Committee. The Board reviewed their requests and have made revisions to the Jail Committee requests and sent tot Chairman Mike Malone. The Board wants to work with the Jail Committee to develop a Jail/Sheriff's Office proposal for a bond election in 2010.

The Board received the August month end reports.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on Tuesday, September 22, 2009.

Mills County Board of Supervisors

Chairperson Joseph Blankenship

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 22nd day of September, 2009, at the courthouse in Glenwood, with Crouch and Kohn present, Blankenship absent to attend Site Development meeting in Council Bluffs.

Motion by Crouch, seconded by Kohn to approve the agenda for September 22, 2009, and by the same motion the minutes as corrected for the September 15, 2009, Board meeting.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Crouch, seconded by Kohn to pay accounts payable as presented.

Motion carried on vote: Ayes: 2; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

Mayberry reported one utility permit for a gas line boring on 221st St. this week.

Engineer Mayberry received the contract from JAS to provide for a zoning officer. A schedule of fees was included at \$5,200/mo to be paid by County.

Motion by Crouch, seconded by Kohn to sign contract with JAS.

Motion carried on vote: Ayes: 2; Nays: 0.

Engineer discussed with Board a complaint he had from resident in Loess Hills area with regards to a neighbor having a number of cars on their property. Resident claims he is a car collector, however the number of cars and the quality of some of them does not meet the criteria of the zoning ordinance. The Engineer has contacted the County Attorney for the potential of a violation. Engineer discussed with Rob Washburn the potential of boat ramp near Washburn Bridge area. Engineer will contact Conservation Board to further explore this.

Discussion was held with regards to Ellington Avenue bridge. Engineer found the file and determined the bridge had been rated 9 ton since 1979. The Engineer viewed the site, and will need the cooperation of the neighbors and property owners to change the grade of the road in order for trucks to get to and from the field. No change is possible in time for harvest this year. Some consideration will be given to different options for taking crops out.

Supervisor Blankenship joined the session at this time.

Motion by Kohn, seconded by Crouch to approve a liquor license renewal application for the Knights of Columbus.

Motion carried on vote: Ayes: 3; Nays: 0.

Patrick Binns, IT Director discussed purchase of GIS software license.

Motion by Crouch, seconded by Kohn to approve the purchase of GIS software license in the amount of \$1500 to be shared between Montgomery and Mills Counties to be purchased 100% by Mills County if Montgomery County does not approve one half the purchase.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to authorize the Chair to sign 28E Agreements between the cities and Mills County excluding Glenwood.

Motion carried on vote: Ayes: 3; Nays: 0.

Jade Willcoxon and John McCurdy of SWIPCO gave a brief update on Hastings water project. The size of the water mains is the big issue as the City of Hastings would like to have a 6" main and Page Rural Water is looking at putting in a 3" or 4" main. There is a meeting scheduled at 1:30 p.m. today with

Hastings, their City Attorney, McCurdy, USDA, DNR, and Page 1 Rural Water for further discussion of this issue.

Willcoxon updated the Board on Mineola Sewer project. He explained the project is on schedule and they are waiting on the control panels being delivered. The lagoon lift station and pumps are done. Willcoxon was asked why a liner is not needed for the lagoon. He stated a liner is needed if soils are not suitable and the soils did pass the soil compaction and perk tests. Willcoxon was also asked about the repair of streets and roadways. Willcoxon explained streets and alleys will be repaired to their previous condition and will not be upgraded. If all goes according to plan the sewer system should be up and running by the end of November.

There being no further business to come before the Board at this time, they adjourned to meet again on Tuesday, September 29, 2009.

Mills County Board of Supervisors

Joseph Blankenship, Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 29th day of September, 2009, at the courthouse in Glenwood, with Kohn and Blankenship present, Crouch absent to attend a funeral.

Motion by Kohn, seconded by Blankenship to approve the agenda for September 29, 2009, and by the same motion the minutes as corrected for the September 22, 2009, Board meeting.

Motion carried on vote: Ayes: 2; Nays; 0.

Engineer Kevin Mayberry presented items for consideration.

Mayberry reported one permit for a sewer tap on 221st Street.

The Engineer informed the Board the JAS had hired a Zoning Technician.

Jared Getter Mills County Conservation Director, was present and stated he had talked with the Heritage Foundation and they have raised the needed \$55,000 to apply for the extra stimulus monies for further pavement of the Wabash Trace. No action to be taken.

Motion by Kohn, seconded by Blankenship to adopt Resolution #09-31 for abatement of property taxes.

RESOLUTION #09-31

The Mills County Board of Supervisors sitting in session on this 29th day of September, 2009 upon recommendation from the Treasurer and as per IA Code 445.16 shall abate the taxes, interest and penalties on the following described property and direct the County Treasurer to strike the amount due from the County system:

The Mills County Treasurer recommends that the remaining 2009/2010 taxes on property owned by the City of Silver City, Iowa, a tax exempt entity of the County and State. Parcel #**02015000000000** and described as Lot 6 Huffaker's 1st Addition to the City of Silver City in the amount of **\$88.00**. First half of these taxes were paid on September 24, 2009. Total abatement for the above described properties is in the amount of **\$44.00**.

Motion carried on roll call vote: Kohn: Aye; Blankenship: Aye; Crouch: Absent.

The Board of Supervisors, Engineer, and Conservation Director discussed potential boat ramps along the Nishna Botna River.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on October 6, 2009.

Mills County Board of Supervisors

Joseph Blankenship, Chairperson

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 6th day of October 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for October 6, 2009, and by the same motion the minutes as corrected for the September 29, 2009 board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to pay accounts payable as presented with the removal of claim #1184 to the State Medical Examiner, this was a Pottawattamie County claim.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Mayberry preceded with the bid opening for Project#EWP-7309-04 weir modification on Farm Creek along Applewood Avenue. The bids were as follows: Lee Construction of Glenwood, Iowa \$66,403.10; K & L Landscape & Construction of Sargent Bluff, NE \$99,066.00; Nelson & Rock Construction of Onawa, Iowa \$142,792.00; Empire Construction of Red Oak, Iowa \$118,824.60; Peterson Construction of Reinbeck, Iowa \$140,982.80. The Engineer recommended no formal action be taken at this time to award the contract until he has an opportunity to review bids before acceptance. The Engineer explained to the board that this would not be the total cost of the project as Class D rip rap banks need to be rebuilt commerce revetment. The Engineer received two proposals from Schildberg Construction for \$38,405.50 rock only, or \$41,507.20, delivered to site; Crushed Aggregate gave a proposal of \$44,760.00 delivered to the site. Schildberg's second proposal for \$41,507.20 was the bid the Engineer decided upon.

The Engineer did not have a utility report this week.

JAS has assigned Nicole Wagner, former Atlantic P&Z Officer, to be the Mills County Planning and Zoning Technician.

There being no further business to come before the Board at this time, they adjourned to meet again on October 13, 2009.

Mills County Board of Supervisors

Chairperson, Joseph Blankenship

Attest: _____
Auditor

The Mills County Board of Supervisors met this 13th day of October, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for October 13, 2009, and by the same motion the minutes as corrected, for the October 6, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Assistant Rich Parks presented items for consideration.

Lee Construction withdrew their bid on the weir project #EWP-7309-04.

Motion by Crouch, seconded by Kohn at the Engineer's recommendation, to award Project #EWP-7309-04 contract to the second lowest bid of K & L Landscape at \$99,066, to be completed in the spring 2010.

Motion carried on vote: Ayes: 3; Nays: 0.

No utility permits reported for the past week.

There were some questions from the Board to Assistant Engineer Parks with regards to some road projects being completed in this year, and Parks explained they were on the calendar for next year. Board members discussed concerns they have received from County residents with regards to the building permit department. It was decided that they will invite Darin Whatcott to come to the Board at their next meeting to discuss their concerns.

Sheryl Bowen, Mills County Public Health Agency Administrator, and Glenna Plath Regional Consultant for the Iowa Department of Health presented the Board with an update regarding H1N1. Bowen updated the Board on the grant she will receive for the HINI Influenza Preparedness and Response and the protocol of the highest priority groups.

Jane Susgin, Valerie Ware & Kathy Nutter, Loess Hills Humane Society presented an agency financial update for Board review. Ware presented the Board with a copy of the financials for Loess Hills Humane Society through their fiscal year end August, 2009. Susgin and Nutter updated the Board on expansions they have planned and answered questions from the Board.

Jim Goos, General Relief & Veterans Affairs Director discussed a revised draft for Mills County's General Relief Policy. The policy will be placed on the 10-20-09 Board agenda for formal action.

Jared Getter, Mills County Conservation Director discussed the Mills County Archeological Preserve, and dedication of the Glenwood Resource Center ground that has been transferred to the DNR, and they would like Mills County Conservation to manage the 906 acre preserve with guidelines set by State Preservation Board. Mills County's Conservation Board will study the guidelines and determine if the management agreement is compatible with the Board's mission.

Board members received the August Jail Report and the September month end reports.

There being no further business to come before the Board at this time, they adjourned to meet again on October 20, 2009.

Mills County Board of Supervisors

Chairperson Joseph Blankenship

Attest: _____

Auditor

The Mills County Board of Supervisors met this 20th day of October, 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for October 20, 2009, and by the same motion the minutes as corrected for the October 13, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve the October 20, 2009, payables as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

Three utility permits for Qwest phone lines on Applewood Rd, Irish Ave, and 300th Street.

The Engineer handed out the snow removal call list for winter 2009-2010.

Darin Whatcott joined the session to discuss the building permit policy and provided the Board with handouts that are available at the building permit office or online for residents of the County to see when permits are necessary, what they are for and the criteria that is required. He also explained the process and is willing to address any concerns the Board may have as well as being interested in any ideas they may have to make the process as easy as possible for the rural residents of the county. Whatcott stated he would provide copies of permit applications and brochures to the Auditor's office.

Assistant County Attorney Eric Hansen, Engineer Mayberry, John Scott, John Prosocki Attorney, Ray Sorenson, and Bob Huck Attorney were present to discuss Dam Site #21. Sorenson is planning to have auction on November 14th on 65 acres of property owned by him. He would like to receive approval from the three sponsors, Mills County Soil & Water Conservation, Pony Creek Drainage District, and Mills County Board of Supervisors to access lots via a road across the dam.. Sorenson had correspondence from NRCS and the DNR and felt he had their approval and he has a maintenance agreement signed by Pony Creek Drainage District. Hansen shared liability concerns if any type of construction would take place on the dam site. BOS still feels the sponsors should meet for final approval because of the financial responsibility. Hansen explained that if the DNR would relieve the County of any financial responsibility in writing they may not be concerned as much. The Board will meet with the other sponsors as soon as possible to discuss this issue.

Motion by Crouch, seconded by Kohn to authorize the Board Chair to sign the \$11,000 Child Abuse Prevention Contract with Prevent Child Abuse Iowa.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to authorize the Board Chair to sign the grant agreement between the County and the Secretary of State for upgrades to the City of Emerson polling site in the amount of \$2,601.53.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve the General Relief Policies as presented effective October 20, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Assessor Christine Govig came in and updated the Board on the equalization order process and how it and potential rollbacks will affect the residents of the County.

Board members discussed a Nuisance Ordinance draft. Crouch left after discussion, Blankenship and Kohn continued to review the draft of the Nuisance Ordinance.

There being no further business to come before the Board at this time, they adjourned to meet in regular session on October 27, 2009.

Mills County Board of Supervisors

Chairperson, Joseph Blankenship

Attest: _____
Auditor

The Mills County Board of Supervisors met this 27th day of October, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for October 27, 2009, and by the same motion the minutes as corrected for the October 20, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Engineer Kevin Mayberry presented items for consideration.

One utility permit for natural gas service line in Woodfield Subdivision this week.

No formal action was taken at this time regarding Zoning Ordinance amendment schedule. Action will be scheduled for November 3, 2009, giving the County Attorney an opportunity to be present.

Transfer of jurisdiction agreement for Hwy 370 from IDOT will not go into effect until the completion of Hwy 34. The time frame is 2013 or 2014. DOT wants to get things in place.

Motion by Kohn, seconded by Crouch to have Chair sign the transfer of jurisdiction for Hwy 370.

Motion carried on vote: Ayes: 3; Nays: 0.

Request was made by several residents to incorporate 228th Lane into County road system. Engineer is waiting for more information before he contacts individuals regarding this request. Some of the specifications for County standards may not be able to be met because of the cul-de-sac size.

Those present were Board of Supervisors, Engineer, Auditor, and Deputy Auditor for a closed session per IA Code Chapter 20.17(3) Negotiations Strategy mtg. regarding collective bargaining unit.

Motion by Crouch, seconded by Kohn to go into closed session at 9:30 a.m. per IA Code Chapter 20.17(3) for negotiation strategy meeting regarding collective bargaining.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to return to open session at 10:44 a.m., with no formal action taken.

Motion carried on vote: Ayes: 3; Nays: 0.

Labor agreement for Secondary Roads department will be tabled until the Board has an opportunity to consider options presented and to look at the options the other collective bargaining units are presenting as well.

Board discussed changes made to the draft of the nuisance ordinance. The Board is waiting for input from the Board of Health.

There being no further business to come before the Board at this time, they adjourned to meet again on Tuesday, November 3, 2009.

Mills County Board of Supervisors

Chairperson, Joseph Blankenship

Attest: _____
Auditor

The Mills County Board of Supervisors met this 3rd day of November, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for November 3, 2009, and by the same motion the minutes for the October 27, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve accounts payable as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve the hire of Brian Perry as full time communications dispatcher, per the Director's recommendation effective November 4, 2009, at a rate of \$13.11 per hour.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve full time status for Auditor's Clerk Lori Ingoldsby, effective October 30, 2009, at 79% of the Auditor's salary, \$37,264 annually.

Motion carried on vote: Ayes: 3; Nays: 0.

Mills County Engineer Kevin Mayberry presented items for consideration.

One utility permit was issued for phone service.

The Zoning Ordinance amendments schedule formal action was tabled per County Attorney's recommendation until the 10th of November.

The Board of Supervisors were joined by representatives from NCRS, Mills County Soil and Water Conservation District Representatives, Ray Sorenson and his attorneys and realtor, Representatives from Pony Creek Drainage District Trustees, and their attorney Matt Woods, Dave Dorff from Attorney General's office, Larry Hurst EMA Director, Mills County Engineer and Assistant County Attorney Eric Hansen. Much discussion was held with regards to the concerns addressed by the Board of Supervisors on future financial liability for repairs of the dam site. The consensus from the attorneys involved felt that since Pony Creek Trustees signed a maintenance agreement with Ray Sorenson on October 16, 2009 that will be filed with the Mills County Recorder no action would be taken by the Board of Supervisors. As long as Mr. Sorenson has met the criteria of his sketch plat application he may continue with his property split for final approval.

Supervisor Crouch excused himself from the session at this time.

Michelle Franks, Boost 4 Families presented her personnel contract.

Motion by Kohn, seconded by Blankenship to approve the personnel contract for Michelle Franks for Boost 4 Families at a rate of \$17 per hour with a minimum of 24 hours and a maximum of 35 hours per week.

Motion carried on vote: Ayes: 2; Nays: 0.

The Board received the Recorder's October report of fees. Board member reviewed correspondence they received from Southwest Regional Water District regarding a water service connection for the City of Hastings. Kevin Gowing, Operations Manager with Southwest Regional Water District is on the November 10, 2009, agenda for further discussion of this project.

There being no further business to come before the Board at this time, they adjourned to meet again on November 5, 2009 for canvass of cities with runoff provision.

Mills County Board of Supervisors

Chairperson, Joseph Blankenship

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

Mills County Supervisors Ron Kohn, and Joseph Blankenship met as a Board of Canvassers on Thursday, November 5, 2009, for the purpose of canvassing election results from the November 3, 2009, City elections. The two cities being canvassed today have runoff provision. Results are as follows:

In the City of Glenwood; Mayor: Kim Clark; Council at Large to fill vacancy: Kay LeFever; Council at Large: Clare Bangs; and Ward 3: Susan Hirschman were elected.

In the City of Henderson: Mayor: Maynard Roberson; Council at Large: Allan Bridges and Terry Byers were elected.

No runoff election will be necessary as all positions were filled.

There being no further business to come before the Board of Canvassers at this time, they adjourned to meet Monday, November 9, 2009, to canvass remaining cities without runoff provision.

Mills County Board of Supervisors

Chairperson, Joseph Blankenship

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

Mills County Supervisors Ron Kohn, and Joseph Blankenship met as a Board of Canvassers on Monday, November 9, 2009, for the purpose of canvassing election results from the November 3, 2009, City elections. The five cities being canvassed today do not have runoff provision. Results are as follows:

Emerson: Mayor: Calvin Pearson; Council: Robert Delisi and Charles Moyers

Hastings: Mayor: Troy Hatcher; Council: Joe Poorker, Eva Hall, Alan D. Crouse; Christine Courtier; Ryan Campbell; Treasurer: Rhonda Crouse

Malvern: Mayor: Tony Michel; Council: Douglas R. Shere and Spencer Terry; Council TFV: Susan K. Dunmire and Shane Sayers

Pacific Junction: Mayor: James Lovely; Council Rodney G. Bents, Patricia Hatcher, Richard Kerres, Andy Young, Earl Smith

Silver City: Mayor: Rose Schoening; Council: Debra Belt, Libby Wolff, Peter Kloeckner, Hobbie Pieken, Todd Williams

There being no further business to come before the Board of Canvassers at this time, they adjourned to meet again in regular session on Tuesday, November 10, 2009.

Mills County Board of Supervisors

Chairperson, Joseph Blankenship

Attest: _____
Auditor

The Mills County Board of Supervisors met this 10th day of November, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for November 10, 2009, and by the same motion the minutes as corrected for the November 3, 5, and 9, 2009, Board meetings.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

Five utility permits were reported, three for Extreme Trenching for Qwest phone lines, 1 for Interstate Enterprise for fiber optic cabled for cell tower, and one for Richard Henderson to install tile line.

Mayberry presented Project L300-73-65.

Motion by Crouch, seconded by Kohn to approve plans for project L300-73-65, 300th Street bridge lost in 2008 flood.

Motion carried on vote: Ayes: 3; Nays: 0.

EWP-7309-04 repair contract for weir on Farm Creek was discussed.

Motion by Kohn, seconded by Crouch to sign the contract for repair to weir on Farm Creek with K & L Landscape and Construction of Sargent Bluffs, IA in the amount of \$99,066.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to set the Zoning Ordinance amendments public hearing and first reading for November 23, 2009 at 7:00 p.m. at the Engineer's meeting room.

Motion carried on vote: Ayes: 3; Nays: 0.

Tom Kennedy and Darrin Whatcott of JAS discussed manufactured home inspections. Darrin explained the difference between the HUD requirements Kennedy has to follow and the state building codes the County follows for non-manufactured homes. Kennedy would like to see some items added to our permitting process and will be glad to do research and present these to Whatcott and the Board for consideration.

Motion by Kohn, seconded by Crouch to sign the rental contract with GRC for General Relief/Veterans Affairs office space.

Motion carried on vote: Ayes: 3; Nays: 0.

Kevin Gowing Southwest Regional Rural Water, Susan Knopp Ofc Mgr., and Matt Woods City of Hastings Attorney joined the session to discuss discuss Southwest Regional Rural Water supplying water to the City of Hastings. Gowing shared concerns he had with the project. Woods was present on behalf of the City of Hastings as he is their City Attorney. Woods stated that Hastings is on board and is aware DNR is requiring this hookup for the city. Gowing stated he has some financial concerns with this project. Woods said he would contact the DNR and would like to keep this project going as he has concerns the City could be fined if action isn't taken relatively quick. Gowing explained there are serious issues to address. Gowing stated that Rural Water will be refunding the prepaid hook-up fees as requested by potential rural customers as he cannot guarantee this project will happen.

Motion by Kohn, seconded by Crouch to approve the new Family Farm Credit applications for 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Ted Mintle and Jim Webel Glenwood Building and Zoning officer discussed potential jail site options. Mintle has recently purchased another lot on South Vine and now owns lots 2.3.& 4 and everything south of the post office facing Vine Street. Mintle wasn't sure where the jail committee was on this project, and felt the footprint of jail would fit and offered the lots for sale. Webel stated lots are zoned R-4 and could be changed to GC for increased allowable building area. Board will forward information to the Jail Committee.

Motion by Crouch, seconded by Kohn to approve the amendment of the MAPA/Mills County FY10- Hazard Mitigation Plan Agreement, and authorized the Board Chair to sign the agreement.

Motion carried on vote: Ayes: 3; Nays: 0.

The Board received the September jail report. Kohn reported on his Lewis & Clark Multi-use Trail meeting which discussed various trails and potential development in Western Iowa along the Missouri River.

There being no further business to come before the Board at this time, they adjourned to meet again on Tuesday, November 17, 2009.

Mills County Board of Supervisors

Chairman. Joseph Blankenship

Attest: _____
Auditor

The Mills County Board of Supervisors met this 17th day of November, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the agenda for November 17, 2009, and by the same motion the minutes as corrected for the November 10, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Richard Parks Assistant Engineer was present in the Engineer's absence. Two phone line utility permits were issued for Extreme Trenching.

Engineer has contacted Jade Willcoxon of Regional Water with several items that need to be taken care of on the Mineola Sewer project. Willcoxon will meet with the Engineer and go over the punch list with regards to items that need to be fixed or repaired.

Motion by Kohn, seconded by Crouch to approve a five day Class B beer permit application submitted by Oak Township Emergency Services effective December 30, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Tom Honeyman came in during general discussion and told the board that secondary roads has been doing a very good job on the roads in the eastern part of the County.

Rich Maaske came in during general discussion and gave board members a copy of the Loess Hills Best Management Practices Guidance Manual and a copy of the model Stormwater Management Ordinance for consideration and he will get on the agenda for a power point presentation at a later date.

Board members received the October month end report and the October Jail Report from the Sheriff.

There being no further business to come before the Board at this time they adjourned to meet again in regular session on Tuesday, November 24, 2009.

Mills County Board of Supervisors

Chairperson, Joseph Blankenship

Attest: _____
Auditor

Monday, November 23rd at 7:00 p.m. a public hearing was opened at the Mills County Engineer's training facility to go over the proposed amendments to the zoning ordinance. Mills County Supervisors, Auditor, Engineer and 2 members of the public were present. After considerable discussion the public hearing was closed at 7:48 p.m.

The Mills County Board of Supervisors met this 24th day of November, 2009, at the courthouse in Glenwood, with all members present.

Motion by Crouch, seconded by Kohn to approve the Agenda following correction of the Agenda item at 9:30 a.m. because Mr. Phipps and Ms. Jaskierny do not represent the Glenwood Park Board. Correction was made that the 9:30 a.m. appointment is listed as Park Board members was corrected Mr. Phipps and Ms. Jaskierny, as representatives of the Loess Hills Archaeology Interpretive Center, and by the same motion the minutes as corrected for the November 17, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to approve the payables as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

One permit for Extreme Trenching for early warning system at Pony Creek.

Motion by Crouch, seconded by Kohn to table the Secondary Roads salary increase portion of the contract until more information has been received by the other bargaining units and the compensation board.

Motion carried on vote: Ayes: 3; Nays: 0.

Craig Nakamoto, Erin & Marty Williams, and Donald K. Hopp were present to discuss the current Mills County sign ordinance. Mr. Hopp asked why the County does not allow signage for people so they may find the Fountains Ballroom when an event is there. Mr. Hopp explained that he is having a wedding this weekend and a lot of out of town guests that have never been in the area may have trouble finding the facility without signage. It was suggested to the Williams' that since events at their facility are normally by invitation only, directions should be provided by the parties hosting the event. The Board also mentioned the E-Team was working on a proposal for directional signs for rural businesses. When E-Team has something put together they will bring to Board for consideration.

Wayne Phipps & Jean Jaskierny representing Loess Hills Interpretive Center are applying for a 501©(3). Phipps explained that on Jan 30th a written report would be available for the site options to their committee for consideration. Phipps just wanted to update the Board on this project.

The public hearing for proposed amendment to zoning ordinance was opened by the Chair at 10:04 a.m. Supervisor Crouch excused himself from the session at this time. The Chair asked if there were any written or oral comments and there were none. No one from the public was present and the Chair closed the public hearing at 10:05 a.m.

1st reading for the Zoning Ordinance amendment #09-03 was conducted.

Motion by Kohn, seconded by Blankenship who stepped down to accept the 1st reading of the Zoning Ordinance #09-03.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to authorize the Chair to sign a letter of support for Malvern Volunteer Rescue.

Motion carried on vote: Ayes: 2; Nays: 0.

No formal action was taken regarding the Plattville Township - Mills County Highway 34 & I29 Urban Renewal TIF.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on December 1, 2009.

Mills County Board of Supervisors

Joseph Blankenship, Chairperson

Attest: _____

Auditor

The Mills County Board of Supervisors met this 1st day of December, 2009, at the courthouse in Glenwood with Blankenship and Kohn present, Crouch absent.

Motion by Kohn, seconded by Blankenship to approve the agenda for December 1, 2009, and by the same motion the minutes as corrected for the November 23 & 24, 2009, meetings.

Motion carried on vote: Ayes: 2; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

A utility permit was issued for Extreme Trenching for a phone line by Qwest.

Notice of interest was published as required by law for transfer of road jurisdiction for US Hwy

34.

Motion by Kohn, seconded by Blankenship to sign the DOT Agreement for transfer of jurisdiction for US Hwy 34.

Motion carried on vote: Ayes: 2; Nays: 0.

Sheriff Eugene Goos presented items for discussion.

Board discussed costs of tires and maintenance expenses regarding Sheriff's vehicles, and asked Sheriff if he shopped around for most cost effective maintenance. Sheriff explained he shopped locally throughout the County.

Motion by Kohn, seconded by Blankenship to approve replacement of the damaged recorder assembly, DVR at a cost of \$528 including shipping from L-3 Mobile Vision Inc.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to approve 2008 homestead and military exemptions, and disallow those that do not meet the criteria.

Motion carried on vote: Ayes: 2; Nays: 0.

Second reading of the proposed Zoning Ordinance Amendment #09-03 was conducted.

Supervisor Blankenship asked if there were any oral or written comments. None were presented.

Motion by Kohn, seconded by Blankenship to approve the second reading of proposed Zoning Ordinance Amendment #09-03.

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to waive the 3rd reading and approve passage of Zoning Ordinance Amendment #09-03 effective upon publication.

ORDINANCE NO. 09-03

AN ORDINANCE TO AMEND THE COUNTY CODE OF ORDINANCES OF MILLS COUNTY, IOWA, BY AMENDING CHAPTER 27 – ZONING ORDINANCE SETTING FORTH THE REVISED REGULATIONS GOVERNING THE ORDERLY LAND DEVELOPMENT FOR ALL THE UNINCORPORATED AREA OF MILLS COUNTY, IOWA.

BE IT THEREFORE ORDAINED BY THE BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

Section 1. AMENDMENT ONE. Subparagraph (b) of Section 27.1.3 - Agriculture Use Exempt of Section 1 – General Provisions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed, and thus deleted from said Ordinance.

Section 2. AMENDMENT TWO. Section 27.1.9 – Publication of Section 1 – General Provisions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Section 27.1.9 – Publication of Section 1 – General Provisions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 3. NEW SECTION 27.1.9 – PUBLICATION. Section 27.1.9 – Publication. These regulations shall be published in book or pamphlet form and shall, together with the map(s) being a part hereof, shall be filed with the County Auditor of Mills County, Iowa. Said regulations and map(s) also may be posted on the County's website.

Section 4. AMENDMENT THREE. Subparagraph (1) – Decision Maker and Administrative Bodies of Subparagraph (f) - General Procedural Requirements of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (1) – Decision Maker and Administrative Bodies of Subparagraph (f) - General Procedural Requirements of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 5. **NEW SUBPARAGRAPH (1) – DECISION MAKER AND ADMINISTRATIVE BODIES OF SUBPARAGRAPH (f) - GENERAL PROCEDURAL REQUIREMENTS OF SECTION 27.1.10 - ADMINISTRATION AND ENFORCEMENT.** Subparagraph (1) – Decision Maker and Administrative Bodies. The Zoning Officer, the Planning and Zoning Commission, or the Zoning Board of Adjustment will consider, review and decide all development applications for permitted uses according to the provisions of this Zoning Code.

Section 6. AMENDMENT FOUR. Subparagraph (a) of Subparagraph (2) - Procedures of Subparagraph (g) – Amendments of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (a) of Subparagraph (2) - Procedures of Subparagraph (g) – Amendments of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 7. **NEW SUBPARAGRAPH (a) OF SUBPARAGRAPH (2) – PROCEDURES OF SUBPARAGRAPH (g) – AMENDMENTS OF SECTION 27.1.10 - ADMINISTRATION AND ENFORCEMENT.** Subparagraph (a). Whenever any person desires to amend zoning boundaries as to any property in the county, an application requesting such amendment and clearly describing the property and its boundaries as to which the amendment is desired shall be filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall make a timely report to the Board of Supervisors of such applications filed. The Planning and Zoning Commission shall forward such application, with report and recommendations to the Board of Supervisors for vote thereon, within a reasonable time after the filing of the application. Reasonable notice of the

proposed amendment to zoning boundaries, as established by the Planning and Zoning Commission, shall be given to the owners and occupants of the property included in the area of the proposed amendment and all property adjacent to the exterior boundaries of the property proposed for amendment. If the applicant owns other land adjoining the property proposed for amendment, then notice shall also be given to the owner of the next property beyond the applicant's property. The notice required by this paragraph is a courtesy notice and any failure of such notice to be given or received shall not affect the validity of the amendment.

Section 8. AMENDMENT FIVE. Subparagraph (b) – Change and Amortization of Nonconforming Uses of Subparagraph (5) – Nonconforming Uses of Subparagraph (h) – Nonconforming Development and Uses of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (b) – Change and Amortization of Nonconforming Uses of Subparagraph (5) – Nonconforming Uses of Subparagraph (h) – Nonconforming Development and Uses of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 9. NEW SUBPARAGRAPH (b) – CHANGE AND AMORTIZATION OF NONCONFORMING USES OF SUBPARAGRAPH (5) – NONCONFORMING USES OF SUBPARAGRAPH (h) – NONCONFORMING DEVELOPMENT AND USES OF SECTION 27.1.10 - ADMINISTRATION AND ENFORCEMENT. Subparagraph (b) – Change and Amortization of Nonconforming Uses. A nonconforming use may be changed to another nonconforming use of the same or lesser intensity, as measured by the Intensity Rating in the Use Matrix and by the category of use type. For the purpose of measuring nonconforming use rights, the hierarchy of Intensity Ratings ascends from low to moderate to high to intensive. The hierarchy of uses ascends from agricultural to miscellaneous as set forth in Section 3 - Use Types. For example, a nonconforming commercial use in a residential district with an Intensity Rating (IR) of H may be converted to another commercial use with an IR of H, M, or L. However, such a use may not be converted to an industrial use type regardless of its IR.

Section 10. AMENDMENT SIX. Subparagraph (g) – Nonconforming Uses and Conditional Use Permits of Subparagraph (5) – Nonconforming Uses of Subparagraph (h) – Nonconforming Development and Uses of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (g) – Nonconforming Uses and Special Use Permits of Subparagraph (5) – Nonconforming Uses of Subparagraph (h) – Nonconforming Development and Uses of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 11. NEW SUBPARAGRAPH (g) – NONCONFORMING USES AND SPECIAL USE PERMITS OF SUBPARAGRAPH (5) – NONCONFORMING USES OF SUBPARAGRAPH (h) – NONCONFORMING DEVELOPMENT AND USES OF SECTION 27.1.10 - ADMINISTRATION AND ENFORCEMENT. Subparagraph (g) – Nonconforming Uses and Special Use Permits. A lawful pre-existing use which would require a Special Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in this Section.

Section 12. AMENDMENT SEVEN. Subparagraph (b) of Subparagraph (3) – Procedure for Appeals of Subparagraph (i) – Zoning Board of Adjustment of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (b) of Subparagraph (3) – Procedure for Appeals of Subparagraph (i) – Zoning Board of Adjustment of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 13. NEW SUBPARAGRAPH (b) OF SUBPARAGRAPH (3) – PROCEDURE FOR APPEALS OF SUBPARAGRAPH (i) – ZONING BOARD OF ADJUSTMENT OF SECTION 27.1.10 - ADMINISTRATION AND ENFORCEMENT. Subparagraph (b). An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the board, after notice of appeal shall have been filed, that, because of the facts stated in the certificate, a stay would, in the Zoning Officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Supervisors or by a court of record on application on notice to the Zoning Officer and on due cause shown.

Section 14. AMENDMENT EIGHT. Subparagraph (5) – Appeals from the Zoning Board of Adjustment of Subparagraph (i) – Zoning Board of Adjustment of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (5) – Appeals from the Zoning Board of Adjustment of Subparagraph (i) – Zoning Board of Adjustment of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 15. NEW SUBPARAGRAPH (5) – APPEALS FROM THE ZONING BOARD OF ADJUSTMENT OF SUBPARAGRAPH (i) – ZONING BOARD OF ADJUSTMENT OF SECTION 27.1.10 - ADMINISTRATION AND ENFORCEMENT. Subparagraph (5). Any person or persons, or any board, taxpayer, officer, department, board or bureau of the county aggrieved by any decision of the Zoning Board of Adjustment may seek review of such decision by the Iowa District Court for Mills County in the manner provided by the laws of the State and particularly by Iowa Code Sections 335.18 et seq., and amendments thereto.

Section 16. AMENDMENT NINE. Subparagraph (b) of Subparagraph (6) – Decisions; Review of Use Variance of Subparagraph (i) – Zoning Board of Adjustment of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (b) of Subparagraph (6) – Decisions; Review of Use Variance of Subparagraph (i) – Zoning Board of Adjustment of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 17. NEW SUBPARAGRAPH (b) OF SUBPARAGRAPH (6) – DECISIONS; REVIEW OF USE VARIANCE OF SUBPARAGRAPH (i) – ZONING BOARD OF ADJUSTMENT OF SECTION 27.1.10 - ADMINISTRATION AND ENFORCEMENT. Subparagraph (b). Every variance and exception granted or denied by the Zoning Board of Adjustment shall be supported by a written testimony or evidence submitted in connection therewith. In granting any appeal, variance, exception or other relief within its jurisdiction, the board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the relief is granted, shall be deemed a violation of this Ordinance subject to enforcement under Sections 27.1.10(a)(2) and 27.1.10(a)(3).

Section 18. AMENDMENT TEN. Subparagraph (d) of Subparagraph (6) – Decisions; Review of Use Variance of Subparagraph (i) – Zoning Board of Adjustment of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (d) of Subparagraph (6) – Decisions; Review of Use Variance of Subparagraph (i) – Zoning Board of Adjustment of Section 27.1.10 - Administration and Enforcement of Section 1 – General Provisions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 19. **NEW SUBPARAGRAPH (D) OF SUBPARAGRAPH (6) – DECISIONS; REVIEW OF USE VARIANCE OF SUBPARAGRAPH (i) – ZONING BOARD OF ADJUSTMENT OF SECTION 27.1.10 - ADMINISTRATION AND ENFORCEMENT.** Subparagraph (d). Any taxpayer or any officer, department, board or bureau of the county or any persons jointly or severally aggrieved by any decision of the board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board. All decisions of the board, except decisions granting use variances shall be final immediately upon filing. Each decision granting a use variance shall be referred to the Board of Supervisors for review pursuant to Iowa Code Section 335.10, as amended. The Board of Supervisors shall review such decision within thirty (30) days after the decision is filed. After such review, the Board of Supervisors may remand the decision to the board for further study. If the Board of Supervisors does not act to review the decision within thirty (30) days after it is filed, the decision shall become effective on the 31st day. If the Board of Supervisors declines to remand a decision, that decision shall become final on the date of the Board of Supervisors' action. If the Board of Supervisors remands a decision to the board, the effective date of the decision is delayed for thirty (30) days from the date of remand.

Section 20. AMENDMENT ELEVEN. A NEW SUBPARAGRAPH (h) of Section 27.2.4 – A of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 21. NEW SUBPARAGRAPH (h) OF SECTION 27.2.4 – A. Subparagraph (h). Amateur Radio Tower: A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC licensed Amateur Radio operators.

Section 22. AMENDMENT TWELVE. A NEW SUBPARAGRAPH © of Section 27.2.5 – B of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 23. NEW SUBPARAGRAPH © OF SECTION 27.2.4 – B. Subparagraph ©. Battery Station: The system that operates the turbine. Battery power is necessary to run the generator because the generator is used to run the turbine.

Section 24. AMENDMENT THIRTEEN. A NEW SUBPARAGRAPH (e) of Section 27.2.5 – B of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 25. NEW SUBPARAGRAPH (e) OF SECTION 27.2.4 – B. Subparagraph (e). Blade: An element of a Wind Turbine Generator which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Section 26. AMENDMENT FOURTEEN. A NEW SUBPARAGRAPH (f) of Section 27.2.6 – C of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 27. NEW SUBPARAGRAPH (f) OF SECTION 27.2.6 – C. Subparagraph (f). Communications Tower: A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers.

Section 28. AMENDMENT FIFTEEN. A NEW SUBPARAGRAPH (b) of Section 27.2.10 – G of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 29. NEW SUBPARAGRAPH (b) OF SECTION 27.2.10 – G. Subparagraph (b). Gearbox: A component which regulates the speed of the rotor to the speed of the generator.

Section 30. AMENDMENT SIXTEEN. Subparagraph © of Section 27.2.10 – G of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed, and thus deleted from said Ordinance.

Section 31. AMENDMENT SEVENTEEN. Subparagraph (a) of Section 27.2.11 – H of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (a) of Section 27.2.11 – H of Section 2 – Definitions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 32. NEW SUBPARAGRAPH (a) OF SECTION 27.2.11 – H. Subparagraph (a). Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level five (5) feet from exterior face of the building or structure.

Section 33. AMENDMENT EIGHTEEN. Subparagraph (2) of Subparagraph (b) of Section 27.2.16 – M of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (2) of Subparagraph (b) of Section 27.2.16 – M of Section 2 – Definitions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 34. NEW SUBPARAGRAPH (2) OF SUBPARAGRAPH (b) OF SECTION 27.2.16 – M. Subparagraph (2). Manufactured homes which do not meet all of the standards in paragraph (1) above, may be placed in a manufactured home park or as permitted by code, provided the structure is transportable in one (1) or more sections which in the traveling mode are eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, are 320 or more square feet and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Section 35. AMENDMENT NINETEEN. Subparagraph (e) of Section 27.2.16 – M of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (e) of Section 27.2.16 – M of Section 2 – Definitions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 36. NEW SUBPARAGRAPH (e) OF SECTION 27.2.16 – M. Subparagraph (e). Mobile Home: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.

Section 37. AMENDMENT TWENTY. Subparagraph (f) of Section 27.2.16 – M of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (f) of Section 27.2.16 – M of Section 2 – Definitions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 38. NEW SUBPARAGRAPH (f) OF SECTION 27.2.16 – M. Subparagraph (f). Mobile Home Park: A tract of land under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services,

storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

Section 39. AMENDMENT TWENTY-ONE. A NEW SUBPARAGRAPH (e) of Section 27.2.21 – R of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 40. NEW SUBPARAGRAPH (e) OF SECTION 27.2.21 – R. Subparagraph (e). Rotor : The blades with surfaces engineered with aerodynamics in mind. As the wind moves over the blades, the rotor will turn and the generator in the turbine rotates and produces the electricity.

Section 41. AMENDMENT TWENTY-TWO. A NEW SUBPARAGRAPH (m) of Section 27.2.22 – S of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 42. NEW SUBPARAGRAPH (m) OF SECTION 27.2.22 – S. Subparagraph (m). Substation: An electrical construction designed to collect and modify electrical energy produced by the Wind Farm.

Section 43. AMENDMENT TWENTY-THREE. A NEW SUBPARAGRAPH (a) of Section 27.2.23 – T of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 44. NEW SUBPARAGRAPH (a) OF SECTION 27.2.23 – T. Subparagraph (a). Tailvane: A component which aligns the wind turbine with the wind direction.

Section 45. AMENDMENT TWENTY-FOUR. A NEW SUBPARAGRAPH (b) of Section 27.2.23 – T of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 46. NEW SUBPARAGRAPH (b) OF SECTION 27.2.23 – T. Subparagraph (b). Total Height: The height from grade to the highest vertical point of the swept arc. In the case of a Wind Turbine Generator with a vertical axis rotor, it is the height of the blades from grade to the highest vertical point of the Wind Turbine Generator.

Section 47. AMENDMENT TWENTY-FIVE. A NEW SUBPARAGRAPH © of Section 27.2.23 – T of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 48. NEW SUBPARAGRAPH © OF SECTION 27.2.23 – T. Subparagraph ©. Tower: Any guyed, monopole or self-supporting tower, constructed as a free-standing structure or in association with a building or other permanent structure, containing one or more antennas.

Section 49. AMENDMENT TWENTY-SIX. A NEW SUBPARAGRAPH (d) of Section 27.2.23 – T of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 50. NEW SUBPARAGRAPH (d) OF SECTION 27.2.23 – T. Subparagraph (d). Tower Foundation: The base of the tower, usually constructed of reinforced concrete, which provides enough mass to hold the tower in a stable position.

Section 51. AMENDMENT TWENTY-SEVEN. A NEW SUBPARAGRAPH (a) of Section 27.2.26 – W of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 52. NEW SUBPARAGRAPH (a) OF SECTION 27.2.26 – W. Subparagraph (a). Wind Energy Conservation System (WECS): Any device that converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

Section 53. AMENDMENT TWENTY-EIGHT. A NEW SUBPARAGRAPH (b) of Section 27.2.26 – W of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 54. NEW SUBPARAGRAPH (b) OF SECTION 27.2.26 – W. Subparagraph (b). Wind Farm:

- (1) Commercial: One or more Commercial Wind Turbine Generators which are connected to the electrical transmission or local distribution grid. Commercial Wind Farms shall include but are not limited to Commercial Wind Turbine Generators, operations and shall include but are not limited to Commercial Wind Turbine Generators, operations and maintenance buildings, meteorological towers, electrical collector systems, communications, roads and Substations.
- (2) Non-Commercial: One or more Non-Commercial Wind Turbine Generators which are connected to the electrical transmission or local distribution grid for the sole purpose of serving no more than one (1) dwelling and the associated accessory structures.

Section 55. AMENDMENT TWENTY-NINE. A NEW SUBPARAGRAPH © of Section 27.2.26 – W of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 56. NEW SUBPARAGRAPH © OF SECTION 27.2.26 – W. Subparagraph ©. Wind Tower: The support structure, above grade, that supports the horizontally aligned turbines to place the unit at a nominal height to capture the wind energy with the turbine. An increase in the height of the tower will normally result in an increase in the amount of electricity produced by the generator.

Section 57. AMENDMENT THIRTY. A NEW SUBPARAGRAPH (d) of Section 27.2.26 – W of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 58. NEW SUBPARAGRAPH (d) OF SECTION 27.2.26 – W. Subparagraph (d). Wind Tower Foundation: The tower support structure, above and/or below grade that supports the entire weight of the Wind Turbine.

Section 59. AMENDMENT THIRTY-ONE. A NEW SUBPARAGRAPH (b) of Section 27.2.26 – W of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 60. NEW SUBPARAGRAPH (b) OF SECTION 27.2.26 – W. Subparagraph (b). Wind Turbine: A machine that converts the wind's kinetic energy into rotary mechanical energy. If the mechanical energy is used directly by machinery, such as a pump or grinding stones, the machine is classified as a windmill. If the mechanical energy is instead converted to electricity and is connected to the electrical transmission or local distribution grid, the machine is classified as a wind generator, wind turbine, wind power unit (WPU), wind energy converter (WEC), or aerogenerator.

Section 61. AMENDMENT THIRTY-TWO. Subparagraph (1) of Subparagraph (a) of Section 27.2.28 – Y of Section 2 – Definitions of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new

Subparagraph (1) of Subparagraph (a) of Section 27.2.28 – Y of Section 2 – Definitions of Chapter 27- Zoning Ordinance is enacted as follows:

Section 62. NEW SUBPARAGRAPH (1) OF SUBPARAGRAPH (a) OF SECTION 27.2.28 – Y. Subparagraph (1). Front Yard: The space extending the full width of a lot, lying between the front lot line or right-of-way line and the front setback line. For a corner lot, the front yard setback shall comply with the setback requirements for both roads.

Section 63. AMENDMENT THIRTY-THREE. Section 27.3.4 – Residential Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Section 27.3.4 – Residential Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance is enacted as follows:

Section 64. NEW SECTION 27.3.4 – RESIDENTIAL USE TYPES. Section 27.3.4 – Residential Use Types. Residential use types include uses providing wholly or primarily non-transient living accommodations. All dwellings shall have no less than eighteen (18) feet exterior width. They exclude institutional living arrangements providing twenty-four (24)-hour skilled nursing or medical care, forced residence, or therapeutic settings.

Section 65. AMENDMENT THIRTY-FOUR. Subparagraph (a) – Agricultural Sales and Services of Section 27.3.7 – Commercial Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (a) – Agricultural Sales and Services of Section 27.3.7 – Commercial Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance is enacted as follows:

Section 66. NEW SUBPARAGRAPH (a) – AGRICULTURAL SALES AND SERVICE OF SECTION 27.3.7 – COMMERCIAL USE TYPES. Subparagraph (a) – Agricultural Sales and Service. Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, farm implement dealerships, feed and grain stores, and tree service firms. (Intensity Rating: H.)

Section 67. AMENDMENT THIRTY-FIVE. Subparagraph (h) – Commercial Recreation of Section 27.3.7 – Commercial Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (h) – Commercial Recreation of Section 27.3.7 – Commercial Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance is enacted as follows:

Section 68. NEW SUBPARAGRAPH (h) – COMMERCIAL RECREATION OF SECTION 27.3.7 – COMMERCIAL USE TYPES. Subparagraph (h) – Agricultural Commercial Recreation. Private businesses or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, private skating facilities, or go-carting. (Intensity Rating: H.)

Section 69. AMENDMENT THIRTY-SIX. A NEW SUBPARAGRAPH (aa) – Social Hall of Section 27.3.7 – Commercial Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 70. NEW SUBPARAGRAPH (aa) – SOCIAL HALL OF SECTION 27.3.7 – COMMERCIAL USE TYPES. Subparagraph (aa) – Social Hall. Privately owned facilities used for public assembly for entertainment or other activities of a social nature. Typical uses include weddings, receptions, or other events which could be publicly or privately attended at the facility. (Intensity Rating: H.)

Section 71. AMENDMENT THIRTY-SEVEN. Subparagraph (ee) – Travel Centers of Section 27.3.7 – Commercial Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (ee) – Travel Centers of Section 27.3.7 – Commercial Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance is enacted as follows:

Section 72. NEW SUBPARAGRAPH (ee) – TRAVEL CENTERS OF SECTION 27.3.7 – COMMERCIAL USE TYPES. Subparagraph (ee) – Travel Centers. Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which less than thirty percent (30%) of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for diesel fuel, truck-washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near interstate highways or other principal State and Federal designated highway routes. (Intensity Rating: H.)

Section 73. AMENDMENT THIRTY-EIGHT. Subparagraph © – Custom Manufacturing of Section 27.3.9 – Industrial Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph © – Custom Manufacturing of Section 27.3.9 – Industrial Use Types of Section 3 – Use Types of Chapter 27- Zoning Ordinance is enacted as follows:

Section 74. NEW SUBPARAGRAPH © – CUSTOM MANUFACTURING OF SECTION 27.3.9 – INDUSTRIAL USE TYPES. Subparagraph © – Custom Manufacturing. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving: (Intensity Rating: M)

- (1) The use of hand tools; or
- (2) The use of domestic mechanical equipment not exceeding two (2) horsepower; or
- (3) A single kiln not exceeding eight (8) KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle-making shops.

Section 75. AMENDMENT THIRTY-NINE. Subparagraph (e) of Section 27.4.6 – Interpretation of District Boundaries of Section 4 – Zoning District Regulations of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed, and thus deleted from said Ordinance.

Section 76. AMENDMENT FORTY. Section 27.4.9 – Required Frontage of Section 4 – Zoning District Regulations of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Section 27.4.9 – Required Frontage of Section 4 – Zoning District Regulations of Chapter 27- Zoning Ordinance is enacted as follows:

Section 77. NEW SECTION 27.4.9 – REQUIRED FRONTAGE. Section 27.4.9 – Required Frontage. No platted lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty (20) feet on at least one public street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least sixty-six (66) feet wide may be provided for two or more such single-family dwellings or for structures housing more than one family in independent units.

Section 78. AMENDMENT FORTY-ONE. Subparagraph © – Minimum Yards of Section 27.4.11 – Guide to Site Development Regulators of Section 4 – Zoning District Regulations of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph © – Minimum Yards of Section 27.4.11 – Guide to Site Development Regulators of Section 4 – Zoning District Regulations of Chapter 27- Zoning Ordinance is enacted as follows:

Section 79. NEW SUBPARAGRAPH © – MINIMUM YARDS OF SECTION 27.4.11 – GUIDE TO SITE DEVELOPMENT REGULATORS. Subparagraph © – Minimum Yards. These define the required setbacks of buildings from front, side, and rear property lines. While the yard requirements apply to a majority of development, the Ordinance provides for a number of exceptions. Some of these include:

Section 80. AMENDMENT FORTY-TWO. Table 4.01: Use Matrix of Section 4 – Zoning District Regulations of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Table 4.01: Use Matrix of Section 4 – Zoning District Regulations of Chapter 27- Zoning Ordinance is enacted as follows:

Section 81. NEW TABLE 4.01: USE MATRIX.

Table 4.01: Use Matrix

	Intensit y Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
AGRICULTURE USES										
Horticulture	L	P	P	P	P	P	P	P	P	
Crop Production	L	P	P	P	P	P	P	P	P	
Animal Production	M	P	P	P	P	P	P	P	P	
Livestock Sales	H	P	P	P	P	P	P	P	P	

RESIDENTIAL USES										
Single-Family Detached	L		P	P	P	P		S	S	
Single-Family Attached	L		P	P	P	P		S	S	
Duplex	M			S	S	S		S		
Two-Family	M			S	S	S		S		
Townhouse	M			S	S	S		S		
Multiple-Family	M			S	S	S		S		
Group Residential	M			S	S	S		S		
Boarding House	M			S	S	S		S		
Manufactured Home Residential	L		P	P	P	P		S	S	
Mobile Home Park	M			S	S	S		S		
Mobile Home Subdivision	L		P	P	P	P		S	S	
Retirement Residential	M			S	S	S		S		

CIVIC										
Administration	L	P	P	P	P	P		P	S	
Cemetery	L	P	P	P	P	P		P	S	
Clubs (Recreational)	L	S	P	P	P	P		P	S	
Clubs (Social)	M	S	P	P	P	P		P	S	
College/University	H		P	S	S	S		P	S	
Convalescent Services	L		P	P	P	P		P	S	
Cultural Services	M	S	P	P	P	P		P	S	
Day Care (Limited)	L		P	P	P	P		P	S	
Day Care (General)	M		P	P	P	P		P	S	
Detention Facilities	I		S	S				S	P	
Emergency Residential	L		P	P	P	P		P	S	
Group Care Facility	M		P	P	P	P		P	S	
Group Home	L		P	P	P	P		P	S	
Guidance Services	L		P	P	P	P		P	S	
Health Care	M		P	P	P	P		P	S	
Hospital	I		S	S				S	S	
Maintenance Facility	H		P	S	S	S		P	P	
Park and Recreation	L	P	P	P	P	P		P	S	

P Permitted by right or by right subject to supplemental regulations
S Permitted by Special Use Permit
Blank Not Permitted

OS – Open Space District **AG** – Agriculture District **AR** – Agriculture/Residential District
LH – Loess Hills Conservation Development **VR** – Village Residential **I** - Industrial
C-1 – Convenience Commercial **C-2** – Highway-Oriented Commercial

Table 4.01: Use Matrix

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
CIVIC (continued)										
Postal Facilities	M		P	P	P	P		P	S	
Primary Education	M		P	P	P	P		P	S	
Public Assembly	H		P	S	S	S		P	S	
Religious Assembly	L		P	P	P	P		P	S	
Safety Services	M	S	P	P	P	P		P	S	
Secondary Education	H		P	S	S	S		P	S	
Utilities	M	S	P	P	P	P		P	S	

OFFICE USES										
General Offices	M		S	S	S	S	S	P	S	
Financial Services A	L		S	S	S	P	P	P	S	
Financial Services B	M		S	S	S	S	S	P	S	
Medical Offices A	L		S	S	S	P	P	P	S	
Medical Offices B	M		S	S	S	S	S	P	S	

COMMERCIAL USES										
Ag Sales/Service	H							P	S	
Auto Auction Lots	H							P	S	
Auto Rental/Sales	H							P	S	
Auto Services	H							P	S	
Body Repair	I							P	S	
Equip Rental/Sales	H							P	P	
Equipment Repair	H							P	P	
Bed and Breakfast	L		S	S	S	P	P	P	S	
Business Support Services	M		S	S	S	S	S	P	S	
Business/Trade School	H							P	S	
Campground	M		S	S	S	S	S	P	S	
Cocktail Lounge	H							P	S	
Commercial Recreation	H							P	S	
Communication Service	M		S	S	S	S	S	P	S	
Construction Sale/Service	H							P	P	
Consumer Service	M		S	S	S	S	S	P	S	
Convenience Storage	H						P	P	S	
Food Sales (Convenience)	H						P	P	S	
Food Sales (Limited)	L		S	S	S	P	P	P	S	
Food Sales (General)	M		S	S	S	S	S	P	S	
Food Sales (Super markets)	I							S	S	
Funeral Services	M		S	S	S	S	S	P	S	

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit

Blank Not Permitted

OS – Open Space District

AG – Agriculture District

AR – Agriculture/Residential District

LH – Loess Hills Conservation Development

VR – Village Residential

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C-1 – Convenience Commercial

C-2 – Highway-Oriented Commercial

Table 4.01: Use Matrix

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
COMMERCIAL USES (cont)										
Gaming Facilities	H							P	S	
Kennels	M		S	S	S	S	S	P	S	
Laundry Services	H							P	S	
Liquor Sales	H							P	S	

Lodging	H							P	S	
Personal Improvement	M		S	S	S	S	S	P	S	
Personal Services	M		S	S	S	S	S	P	S	
Pet Services	M		S	S	S	S	S	P	S	
Research Services	M		S	S	S	S	S	P	S	
Restaurants (Drive-in)	H							P	S	
Restaurants (General)	H							P	S	
Restricted Business	I								P	Yes*
Retail Services (Limited)	M		S	S	S	S	S	P	S	
Retail Services (Medium)	M		S	S	S	S	S	P	S	
Retail Services (Large)	H							P	S	
Retail Services (Mass)	I							S	S	
Social Hall	H		S	S	S	S	S	P	S	
Stables	M		S	S	S	S	S	P	S	
Surplus Sales	I							S	S	
Trade Services	M		S	S	S	S	S	P	S	
Travel Centers	H							P	S	
Truck Stops	I							S	P	
Vehicle. Storage (Short-term)	M		S	S	S	S	S	P	S	
Vet Services (General)	M		S	S	S	S	S	P	S	
Vet Services (Large Animal)	H							P	S	

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit

Blank Not Permitted

OS – Open Space District

AG – Agriculture District

AR – Agriculture/Residential District

LH – Loess Hills Conservation Development **V** – Village District **I** – Industrial

C-1 – Convenience Commercial

C-2 – Highway-Oriented Commercial

*Restricted Business Additional Regulations. No person shall cause or permit the establishment of any restricted business, as defined in Section 3, within 1,500 feet from another such business, any school, church, public park, public playground, public plaza, day nursery, day care center, nursery school, Agriculture Residential District, Loess Hills Conservation Development District, Village District or portion of a mixed-use district restricted to residential use. Measurement shall be taken on a direct line from the property line of such restricted business to the point on the property line of such other business, school, church, public park, public playground, public plaza, day nursery, day care center, nursery school, Agriculture Residential District, Loess Hills Conservation Development District, Village District or portion of a mixed-use district restricted to residential use which is closest to the property line of such restricted business.

Table 4.01: Use Matrix

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
PARKING USES										
Off-Street Parking	H									
Parking Structure	H									
INDUSTRIAL USES										
Agricultural Industry	I								P	
Construction Yards	H		S					S	P	
Custom Manufacturing	M		S	S	S			P	P	
Light Industry	M		S	S	S			P	P	
General Industry	H		S					S	P	
Heavy Industry	I								P	
Recycling Collection	M		S	S	S			P	P	
Recycling Processing	H		S					S	P	
Resource Extraction	I								S	
Salvage Service	I								S	
Vehicle Storage (Long-term)	H		S					S	P	
Warehousing (Enclosed)	M		S	S	S			P	P	
Warehousing (Open)	H		S					S	P	

TRANSPORTATION

N USES										
Aviation (General)	I		S	S						
Aviation (Private)	I		S	S						
Railroad Facilities	I		S	S					P	
Truck Terminal	H		S	S				P	P	
Transportation Terminal	H		S	S				P	P	

MISCELLANEOUS USES										
Alternative Energy Production Devices	M		P	P	S		S	P	S	
Construction Batch Plant	H		S	S				S	P	
Landfill (Non-Putrescible)	H		S	S				S	P	
Landfill (Putrescible)	H		S	S				S		

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit

Blank Not Permitted

OS – Open Space District

AG – Agriculture District

AR – Agriculture/Residential District

LH – Loess Hills Conservation Development

V – Village District

I – Industrial

C-1 – Convenience Commercial

C-2 – Highway-Oriented Commercial

Section 82. AMENDMENT FORTY-THREE. Table 4.02: Development Criteria for Zoning Districts of Section 4 – Zoning District Regulations of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Table 4.02: Development Criteria for Zoning Districts of Section 4 – Zoning District Regulations of Chapter 27- Zoning Ordinance is enacted as follows:

Section 83. NEW TABLE 4.02: DEVELOPMENT CRITERIA FOR ZONING DISTRICTS.

Table 4.02: Development Criteria for Zoning Districts				
Site Area per Unit	OS	AG	AR	LH
Minimum site area per housing unit	¼-¼ section	2 acres*	2 acres	3 acres
Minimum lot size (conventional residential development)	¼-¼ section	2 acres*	2 acres	3 acres
Minimum lot size (conservation residential development)	NA	NA	NA	1 acre
Minimum lot size (non-residential)	¼-¼ section	5 acres	2 acres	3 acres
Minimum front yard	100 feet	75 feet	75 feet	75 feet
Minimum front yard (major subdivision with public water and sewer)	25 feet	25 feet	25 feet	25 feet
Minimum side yard	10 feet	10 feet	10 feet	10 feet
Minimum rear yard	25 feet	25 feet	25 feet	25 feet
Minimum lot width	1,000 feet	300 feet	300 feet	300 feet
Minimum lot depth	1,000 feet	300 feet	300 feet	300 feet
Maximum height	25 feet	35 feet	35 feet	35 feet
Maximum building coverage	1%	5%	15%	5%
Maximum impervious coverage (excluding structure)	5%	10%	10%	10%
Grading Permit Standards (Section 7)	Yes	Yes	Yes	Yes
Conservation Development Standards (Section 5)	No	No	No	Yes
Landscape Requirement (Section 27.6.3)	No	No	For special permit uses	For special permit uses
Bufferyard Requirement (Section 27.6.5)	No	No	For special permit uses	Yes

Note: Density, front yard setback, building coverage, impervious coverage, and height requirements may be varied within Planned Unit Developments, as set forth in Section 27.7.4.

Note: In Loess Hills Conservation Development, the development criteria and grading permit standards may be the same as in the Agriculture/Residential District, if the land has crop land history as proven by Farm Service Agency (FSA) maps.

- Maximum of three housing units per ¼-¼ section.

Table 4.02: Development Criteria for Zoning Districts				
Site Area Per Unit	V	C-1	C-2	I
Minimum site area per housing unit	NA	NA.	25,000 sq. ft.	¼-¼ section
Minimum lot size (conventional residential development)	1 acre without sewer 10,000 sq. ft. with sewer	NA	2 acre	¼-¼ section
Minimum lot size (conservation residential development)	NA	NA	NA	NA
Minimum lot size (non-residential)	2 acre without sewer 10,000 sq. ft. with sewer	2 acres	2 acres	2 acres
Minimum front yard	NA	25 feet	25 feet	25 feet
Minimum side yard	NA	10 feet	10 feet	10 feet
Minimum rear yard	NA	50 feet	50 feet	50 feet
Minimum lot width	NA	400 feet	400 feet	400 feet
Minimum lot depth	NA	400 feet	400 feet	400 feet
Maximum height	35 feet	50 feet	50 feet	50 feet
Maximum building coverage	NA	40%	40%	50%
Maximum impervious coverage	NA	70%	70%	80%
Grading Permit Standards (Section 7)	Yes	Yes	Yes	Yes
Conservation Development (Section 5)	No	No	No	No
Landscape Requirement (Section 27.6.3)	No	Yes	Yes	Yes
Bufferyard Requirement (Section 27.6.5)	No	Yes	Yes	Yes

Note: Density, front yard setback, building coverage, impervious coverage, and height requirements may be varied within Planned Unit Developments, as set forth in Section 27.7.4.

Section 84. AMENDMENT FORTY-FOUR. Subparagraph (d) of Section 27.5.4 – Minimum Percentage of Open Space of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (d) of Section 27.5.4 – Minimum Percentage of Open Space of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance is enacted as follows:

Section 85. NEW SUBPARAGRAPH (D) OF SECTION 27.5.4 – MINIMUM PERCENTAGE OF OPEN SPACE. Subparagraph (d) – The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, and for “spray fields” for spray irrigation purposes in a “land treatment” sewage disposal system. However, “mound” systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum open space.

Section 86. AMENDMENT FORTY-FIVE. Subparagraph (1) – Primary Conservation Area of Subparagraph (b) of Section 27.5.5 – Conservation Areas of Open Space of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (1) – Primary Conservation Area of Subparagraph (b) of Section 27.5.5 – Conservation Areas of Open Space of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance is enacted as follows:

Section 87. NEW SUBPARAGRAPH (1) – PRIMARY CONSERVATION AREA OF SUBPARAGRAPH (b) OF SECTION 27.5.5 – CONSERVATION AREAS OF OPEN SPACE. Subparagraph (1) – Primary Conservation Areas. This category consists of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding twenty-five

percent (25%), floodways, and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey published by the USDA Natural Resources Conservation Service.

Section 88. AMENDMENT FORTY-SIX. Subparagraph (a) of Subparagraph (2) – Secondary Conservation Areas of Subparagraph (b) of Section 27.5.5 – Conservation Areas of Open Space of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (a) of Subparagraph (2) – Secondary Conservation Areas of Subparagraph (b) of Section 27.5.5 – Conservation Areas of Open Space of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance is enacted as follows:

Section 89. NEW SUBPARAGRAPH (a) OF SUBPARAGRAPH (2) – SECONDARY CONSERVATION AREAS OF SUBPARAGRAPH (b) OF SECTION 27.5.5 – CONSERVATION AREAS OF OPEN SPACE. Subparagraph (a). A one hundred (100)-foot deep greenway buffer along all waterbodies and watercourses, and a fifty (50)-foot greenway buffer alongside wetlands soils classified as “very poorly drained” in the medium intensity county soil survey of the USDA Natural Resources Conservation Service). These areas must be conserved as Secondary Conservation Areas but are considered as developable areas for the purpose of calculating yield.

Section 90. AMENDMENT FORTY-SEVEN. Subparagraph (b) of Subparagraph (1) of Subparagraph (a) – Existing Features Plan of Section 27.5.7 – Special Process for Conservation Developments of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (b) of Subparagraph (1) of Subparagraph (a) – Existing Features Plan of Section 27.5.7 – Special Process for Conservation Developments of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance is enacted as follows:

Section 91. NEW SUBPARAGRAPH (b) OF SUBPARAGRAPH (1) OF SUBPARAGRAPH (a) – EXISTING FEATURES PLAN OF SECTION 27.5.7 – SPECIAL PROCESS FOR CONSERVATION DEVELOPMENTS. Subparagraph (b). The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and one hundred (100)-year floodplains, and all rights-of-way and easements;

Section 92. AMENDMENT FORTY-EIGHT. Subparagraph (2) of Subparagraph (a) – Existing Features Plan of Section 27.5.7 – Special Process for Conservation Developments of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (2) of Subparagraph (a) – Existing Features Plan of Section 27.5.7 – Special Process for Conservation Developments of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance is enacted as follows:

Section 93. NEW SUBPARAGRAPH (2) OF SUBPARAGRAPH (a) – EXISTING FEATURES PLAN OF SECTION 27.5.7 – SPECIAL PROCESS FOR CONSERVATION DEVELOPMENTS. Subparagraph (2). The Existing Features Plan shall identify both Primary Conservation Areas and Secondary Conservation Areas, as described in Section 27.5.5 of these regulations. The Existing Features Plan shall form the basis for the Conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described in paragraph b, below.

Section 94. AMENDMENT FORTY-NINE. Subparagraph (3) of Subparagraph (d) – Transfer of Easements to a Private Conservation Organization of Section 27.5.8 – Ownership and Maintenance of Common Open Space of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (3) of Subparagraph (d) – Transfer of Easements to a Private Conservation Organization of Section 27.5.8 – Ownership and Maintenance of Common Open Space of Section 5 – Conservation Development Standards of Chapter 27- Zoning Ordinance is enacted as follows:

Section 95. NEW SUBPARAGRAPH (3) OF SUBPARAGRAPH (d) – TRANSFER OF EASEMENTS TO A PRIVATE CONSERVATION ORGANIZATION OF SECTION 27.5.8 – OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE. Subparagraph (3). A maintenance agreement acceptable to the County is entered into by the developer and the organization.

Section 96. AMENDMENT FIFTY. A NEW SUBPARAGRAPH (4) of Subparagraph (a) – Purpose and Application of Section 27.7.3 – GP Grading Permit Overlay District of Section 7 – Overlay Districts of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 97. NEW SUBPARAGRAPH (4) OF SUBPARAGRAPH (a) – PURPOSE AND APPLICATION OF SECTION 27.7.3 – GP GRADING PERMIT OVERLAY DISTRICT. Subparagraph (4). Repair, replacement, or rehabilitation work performed by or on behalf of the Mills County Secondary Roads Department. The County Engineer shall obtain all State and Federal permits.

Section 98. AMENDMENT FIFTY-ONE. Subparagraph (1) of Subparagraph (d) – Grading Permit and Special Use Permit Application Requirements of Section 27.7.3 – GP Grading Permit Overlay District of Section 7 – Overlay Districts of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (1) of Subparagraph (d) – Grading Permit and Special Use Permit Application Requirements of Section 27.7.3 – GP Grading Permit Overlay District of Section 7 – Overlay Districts of Chapter 27- Zoning Ordinance is enacted as follows:

Section 99. NEW SUBPARAGRAPH (1) OF SUBPARAGRAPH (d) – GRADING PERMIT AND SPECIAL USE PERMIT APPLICATION REQUIREMENTS OF SECTION 27.7.3 – GP GRADING PERMIT OVERLAY DISTRICT. Subparagraph (1). An Erosion and Sediment Control Plan and Storm Water Control Plan as described in Section 27.7.3©, prepared by a CPESC - certified individual;

Section 100. AMENDMENT FIFTY-TWO. Subparagraph (e) of Section 27.8.2 – Development and Maintenance of Parking Areas of Section 8 – Off-Street Parking and Loading of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (e) of Section 27.8.2 – Development and Maintenance of Parking Areas of Section 8 – Off-Street Parking and Loading of Chapter 27- Zoning Ordinance is enacted as follows:

Section 101. NEW SUBPARAGRAPH (e) OF SECTION 27.8.2 – DEVELOPMENT AND MAINTENANCE OF PARKING AREAS. Subparagraph (e). All groups of more than two (2) parking spaces shall be located and served by an access drive so their use will not require backing or other maneuvering within a street right-of-way other than an alley.

Section 102. AMENDMENT FIFTY-THREE. Subparagraph (a) of Section 27.9.1 – General Provisions of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (a) of Section 27.9.1 – General Provisions of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance is enacted as follows:

Section 103. NEW SUBPARAGRAPH (a) OF SECTION 27.9.1 – GENERAL PROVISIONS. Subparagraph (a). Nothing in this Chapter shall require the removal or discontinuance of a legally existing sign that is not altered, rebuilt, enlarged, extended, or relocated and the same shall be deemed a non-conforming use under the terms of this Ordinance; provided however, the following signs shall be made to conform with the provisions of this Chapter or shall be removed by the

owner upon written notice of the Zoning Officer, forthwith in the case of the immediate danger and in any case within not more than thirty (30) days following said notice:

Any sign which is in a state of serious disrepair or is no longer functional.

- (1) An obsolete sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located, or any other sign which has been abandoned.
- (2) Any sign which is in violation of the provisions of Section 27.9.1(b) and 27.9.1(c).
- (3) Any sign which swings or otherwise noticeably moves as a result of wind pressure because of the manner of their suspension or attachment.
- (4) Any portable sign that is not permanently anchored or secured to either a building or the ground. Any sign that becomes insecure, in danger of falling, or otherwise unsafe; or any sign unlawfully installed, erected or maintained.
- (5) If within thirty (30) days said order is not complied with, the Zoning Officer may cause such sign to be removed at the expense of the owner. **Section 104.**

AMENDMENT FIFTY-FOUR. Subparagraph (d) of Section 27.9.1 – General Provisions of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (d) of Section 27.9.1 – General Provisions of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance is enacted as follows:

Section 105. NEW SUBPARAGRAPH (d) OF SECTION 27.9.1 – GENERAL PROVISIONS. Subparagraph (d). Off-site signs are prohibited in all districts except as specifically permitted in this Section; provided however, such signs may be permitted by variance from the Zoning Board of Adjustment when unusual or compelling circumstances may require. No off-site signs are permitted along the Loess Hills Scenic Byway as defined in the Mills County Comprehensive Plan. **Section 106. AMENDMENT FIFTY-FIVE.** Subparagraph (d) of Section 27.9.2 – Signs Permitted in All Districts of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (d) of Section 27.9.2 – Signs Permitted in All Districts of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance is enacted as follows:

Section 107. NEW SUBPARAGRAPH (d) OF SECTION 27.9.2 – SIGNS PERMITTED IN ALL DISTRICTS. Subparagraph (d). Non-illuminated community direction signs shall be permitted at a county road intersection when such signs are placed, controlled and maintained by a cooperative neighborhood organization, and approved by the County Engineer. The County Engineer shall not approve such sign unless there is an adequate shoulder to permit short-term standing, and unless the visual clearance at the intersection will not be impaired by the sign or such standing. Each participating neighbor may place upon such community direction sign one (1) “arrow” sign, not to exceed one (1) square foot in area, show his name, the distance to his property, and indicating the direction. **Section 108. AMENDMENT FIFTY-SIX.** Subparagraph (f) of Section 27.9.3 – Signs in Agricultural and Residential Districts of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (f) of Section 27.9.3 – Signs in Agricultural and Residential Districts of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance is enacted as follows:

Section 109. NEW SUBPARAGRAPH (f) OF SECTION 27.9.3 – SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS. Subparagraph (f). One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a permitted special use, or a legally established nonconforming use, which did have any signs prior to the effective date of adoption or amendment of this Ordinance. Such sign shall denote only the name and/or profession of professional persons occupying premises, and/or the name of the establishment. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building. **Section 110. AMENDMENT FIFTY-SEVEN.** Subparagraph © of Section 27.9.4 – Signs in Commercial and Industrial Districts of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph © of Section 27.9.4 – Signs in Commercial and Industrial Districts of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance is enacted as follows:

Section 111. NEW SUBPARAGRAPH © OF SECTION 27.9.4 – SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS. Subparagraph ©. One (1) roof sign not to exceed twenty (20) percent of the surface area of any one (1) given wall of the building to which it is attached, shall be permitted, provided that in no case shall such sign exceed a maximum of 200 square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two (22) feet. All roof signs shall adhere to the height requirements of the district in which they are located. The back of such sign shall be effectively shielded from public view by a building wall, by backing the sign against another sign face, by grouping such signs in clusters to conceal the exposed backs, or by painting the exposed back a neutral color. **Section 112. AMENDMENT FIFTY-EIGHT.** Subparagraph (b) of Section 27.9.5 – Outdoor Advertising Signs and Billboards of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby repealed and a new Subparagraph (b) of Section 27.9.5 – Outdoor Advertising Signs and Billboards of Section 9 – Display and Outdoor Advertising Signs of Chapter 27- Zoning Ordinance is enacted as follows:

Section 113. NEW SUBPARAGRAPH (b) OF SECTION 27.9.5 – OUTDOOR ADVERTISING SIGNS AND BILLBOARDS. Subparagraph (b). All outdoor advertising signs and billboards shall be setback from any existing or proposed right-of-way line of any street, county road, or highway as shown on the official street plan, at least as far as the required front yard setback for the district in which it is located; except at any street intersection, the setback of any outdoor advertising sign or billboard shall not be less than one hundred (100) feet from the established right-of-way line of each such street. The setbacks for signs meeting the Iowa Department of Transportation’s criteria as a private directional signs placed adjacent to Interstate right-of-way shall be not less than ten (10) feet from said right-of-way. **Section 114. AMENDMENT FIFTY-NINE.** A NEW SECTION 10 - Towers of Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances is hereby enacted as follows:

Section 115. NEW SECTION 10 - TOWERS.

SECTION 10

TOWERS

27.10.1 Intent and Purpose

The unique and diverse landscapes of Mills County, Iowa are among its most valuable assets, and greatly benefit both the residents of the County as well as visitors and tourists to the area each year.

The protection of these assets mandates the location and design of tower facilities be sensitive to as well as in scale and harmony with the aesthetics of the County. This Ordinance will provide standards for the proper placement and design of tower facilities in order to ensure their compatibility with surrounding development.

The goal of the Ordinance is to provide predictable and balanced regulations for the siting and screening of tower facilities within the County. These regulations are designed with the intent to protect the health, safety, and general welfare of the people as well as the natural environment in the area surrounding each tower facility from possible adverse effects related to the placement, construction, use and subsequent disposition of regulated towers.

27.10.2 Placement of Towers and Antennas

A tower in excess of the maximum allowable height for structures in the zoning district may be permitted upon determination the tower meets all of the applicable conditions in this Ordinance.

27.10.3 Height Limitations

The maximum height restrictions for each zoning district will be as follows:

a. Agricultural District (AG)

A tower with a maximum height of 80 feet may be permitted in this zoning district.

b. Agricultural/Residential (AR)

A tower with a maximum height of 80 feet may be permitted in this zoning district.

c. Loess Hills Conservation Development (LH)

A tower with a maximum height of 80 feet may be permitted in this zoning district.

d. Open Space (OS)

No towers will be permitted in this zone.

e. Village (V)

A tower with a maximum height of 50 feet may be permitted in this zoning district.

f. Convenience Commercial (C-1)

A tower with a maximum height of 150 feet may be permitted in this zoning district.

g. Highway-Oriented Commercial (C-2)

A tower with a maximum height of 150 feet may be permitted in this zoning district.

h. Industrial (I)

i. A tower with a maximum height of 200 feet may be permitted in this zoning district.

27.10.4 Application Requirements

The landowner or his/her designee constructing a tower or placing a telecommunications antenna on an existing structure shall file an application for a Special Use Permit with the Zoning Officer accompanied by the required fee. The application shall include the following:

a. Description of Use

A narrative by the applicant stating the purpose and use of the proposed tower.

b. Site Plan

A site plan drawn to scale as well as dimension that displays the following information:

- (1) Lot lines and dimensions;
- (2) Location and height of all buildings, structures, above ground utilities and trees on the lot;
- (3) Location and height of both existing and proposed structures and guy wire anchors on the lot;
- (4) Location and height of all adjacent buildings, structures, above ground utilities and trees located within 300 feet of the exterior boundaries of the lot; and
- (5) Location of all existing and proposed setbacks for all structures located on the lot.

c. Location Map

A map depicting the location of the tower within the County. The applicant shall include the latitude and longitude of the proposed tower location as well as elevations based on NAD 83.

d. Structural Engineer Report

A structural engineering report containing the description of the tower, including the design characteristics and material, as well as documentation to establish that the tower has sufficient structural integrity for the proposed use and location.

27.10.5 Conditions

a. Setback

The tower facility shall have a minimum distance to the parcel and or recorded easement boundary equal to the height of the tower. This shall be the minimum required setback for all towers. The setback may be reduced provided the applicant submits an engineering report from a registered professional engineer in the State of Iowa that certifies that the tower is designed to collapse upon failure within the distance from the proposed tower base to the property line or recorded easement. The setback shall not be less than the requirement for all other permanent structures within the zoning ordinance.

b. Other Regulations

Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning regulations except setbacks and height, shall apply to the tower.

c. Illumination

Towers shall not be illuminated by artificial means, except if the illumination is specifically required by the FAA or other authority. Any light source utilized for security lighting shall feature down directional, sharp cut-off luminaries, which ensure there is no spillage of illumination off the parcel or easement boundary.

d. Screening

Screening may be required by the County subject to the site location and existing available vegetation.

e. Security

f. All tower facilities shall be secured by a fence at least six (60 feet high or an anti-climbing device installed to prohibit access by unauthorized person(s).

27.10.6 Inspections

The County reserves the right, upon issuing any Special Use Permit, to inspect the premises on which the applicant intends to erect the tower. If a landowner or his/her designee does not maintain the tower in an operational condition or the tower poses a potential safety hazard, the landowner or his/her designee shall take immediate action to correct the situation. The County reserves the right to have the Tower inspected by a qualified person to determine if the landowner or his/her designee is maintaining the tower in an operational condition or if the tower poses a potential safety hazard.

27.10.7 Abandonment

In the event a landowner or his/her designee discontinues the use of any tower for a period of 365 consecutive days, the County shall deem the tower abandoned by the landowner or his/her designee. The landowner or his/her designee shall:

- a.** Reactivate the use of the tower by submitting an application for a special use permit; or
- b.** Dismantle and remove the tower.

Section 116. RENUMBERING AND TYPOGRAPHICAL ERRORS. The Mills County Board of Supervisors corrected any and all typographical errors in Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances as well as renumbered the Zoning Ordinance to incorporate new Sections and Subparagraphs adopted by the Mills County Board of Supervisors in pursuant to this Ordinance. The Mills County Board of Supervisors hereby summarily adopts any and all corrections of typographical errors in the Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances as well as the renumbering of said Ordinance comprising the newly amended Chapter 27- Zoning Ordinance of the Mills County Code of Ordinances.

Section 117. REPEALER. All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

Section 118. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any provision thereof not adjudicated to be invalid or unconstitutional.

Section 119. CODE OF ORDINANCES. Copies of the Mills County Code of Ordinances as adopted herein shall be on file and available for public inspection in the office of the Mills County Auditor.

Section 120. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

Motion carried on roll call vote: Kohn: Aye; Blankenship: Aye. Crouch: Absent.

Rich Maaske & Brian Leaders presented a low impact ordinance and best management practices power point which has been geared towards the seven counties in the Loess Hills in hopes the counties will look seriously at passing an ordinance..

Brittney Morrow, Morrow & Associates, Sheriff Eugene Goos, Deputy Auditor Pam Madison, and Communications Director Tom Ling, joined the session.

Motion by Kohn, seconded by Blankenship to go into closed session per Iowa Code Chapter 20.17(3) Strategy for Union Negotiation Collective Bargaining Units at 12:34 p.m..

Motion carried on vote: Ayes: 2; Nays: 0.

Motion by Kohn, seconded by Blankenship to return to regular session at 1:34 p.m.

Motion carried on vote: Ayes: 2; Nays: 0.

No formal action was taken.

Morrow will continue to negotiate the contract with the union representatives.

There being no further business to come before the Board at this time, they adjourned to meet again in regular session on December 8, 2009.

Mills County Board of Supervisors

Joseph Blankenship, Chairperson

Attest: _____, Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 8th day of December 2009, at the courthouse in Glenwood, with all members present

Motion by Crouch, seconded by Kohn to approve the agenda for December 8, 2009, and by the same motion the minutes as corrected for the December 1, 2009, Board meeting.

Motion carried on vote: Ayes:3; Nays: 0

Motion by Kohn, seconded by Crouch to approve the payables as presented for December 8, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

M.J. Broomfield SWIPCO, joined the session and presented the annual update.

There being no further business to come before the Board they adjourned to meet again on December 15, 2009.

Mills County Board of Supervisors

Joseph Blankenship Chairperson

Attest: _____
Auditor

The Mills County Board of Supervisors met this 15th day of December 2009, at the courthouse in Glenwood, with all members present

Motion by Kohn, seconded by Crouch to approve the agenda for December 15, 2009, and by the same motion the minutes as corrected for the December 8, 2009, Board meeting.

Motion carried on vote: Ayes:3; Nays: 0

The Board reviewed the inclement weather policy, and stated that if an employee had previously scheduled a day of vacation, compensation time, personal, or a sick day they will be required to use that requested time off. The Board agrees that it was the intent of the employee not to be at work that day.

Mills County Engineer Kevin Mayberry presented items for consideration.

No utility permits were reported for the week.

Motion by Crouch, seconded by Kohn to authorize the chair to sign correspondence for a time extension for the EWP Farm Creek Project.

Motion carried on vote: Ayes: 3; Nays: 0.

No action was taken at this time with regards to the Secondary Roads Department labor agreement the Engineer will try to reschedule the meeting with the union officials after the compensation board has an opportunity to meet on December 21st.

Several items were addressed during general discussion. Supervisors asked the Engineer if there were penalties in place for those who violated the building ordinances by not attaining a building permit prior to building. The Engineer explained that if the building compliance officer was aware of this infraction then procedures are outlined for this process.

Tim Stanek joined the session at this time to discuss snow removal concerns and to offer some possible suggested changes with regards to the grades and paving of Ellington Ave. more specifically in Three Oaks Subdivision.

Motion by Kohn, seconded by Crouch to move the scheduled December 25th payroll date which is a holiday for the County and banks to December 24th when the banks will be open.

Motion carried on vote: Ayes:3; Nays: 0

The Engineer and Board of Supervisors left the session at 10:30 am to meet with Rural Development and others on an update for the CDBG Sewer Project at the Community Center in Mineola.

There being no further business to come before the Board they adjourned to meet again on December 22, 2009.

Mills County Board of Supervisors

Joseph Blankenship Chairperson

Attest: _____
Auditor

Office of Mills County Auditor
Carol Robertson
Courthouse
Glenwood, IA

The Mills County Board of Supervisors met this 22nd day of December, 2009, at the courthouse in Glenwood with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for December 22, 2009, and by the same motion the minutes as corrected for the December 15, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve the December 22, 2009, payables as presented.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.

Motion by Kohn, seconded by Crouch authorizing the Board Chair to sign the DOT rail crossing agreement for 262nd Street with BNSF at a total cost of \$395,000/the County's share will be \$39,000.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to enter into a closed session per Iowa Code Chapter 20.17(3) negotiations strategy meeting re: collective bargaining unit at 9:00 a.m.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Kohn, seconded by Crouch to go out of closed session at 9:35 a.m. and to return to general session.

Motion carried on vote: Ayes: 3; Nays: 0.

No formal action regarding the labor agreement for Secondary Roads was taken at this time.

The Board held the department head meeting and went over various items.

Motion by Kohn, seconded by Crouch to change the title of Deputy of Elections to Election Assistant effective July 1, 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve reappointment of Patrick Collins to a five year term to the Board of Adjustment effective August 2009.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to approve the request from Glenwood Park Board for \$6,000 to be used for landing material for playground sites to come from local option sales tax community betterment funding.

Motion carried on vote: Ayes: 3; Nays: 0.

A few items were discussed during general discussion.

There being no further business to come before the Board at this time, they adjourned to meet again on Tuesday, December 29, 2009.

Mills County Board of Supervisors

Joseph Blankenship Chairperson

Attest: _____

The Mills County Supervisors met this 29th day of December 2009, at the courthouse in Glenwood, with all members present.

Motion by Kohn, seconded by Crouch to approve the agenda for December 29, 2009, and by the same motion the minutes for the December 22, 2009, Board meeting.

Motion carried on vote: Ayes: 3; Nays: 0.

John Paul, Compensation Board Chair was present along with elected officials Janette Blackburn Treasurer, Vicki McClintic Recorder and Marci McClellan County Attorney. Paul explained that the Compensation Board felt the Supervisors for Mills County are fiscally responsible, the County is debt free we do not know the effect of State cuts and with the uncertainty of the economy, they recommended a conservative 1% raise across the board for all elected officials.

Motion by Crouch, seconded by Kohn to accept the recommendation of 1% increases set forth by the Compensation Board and thanked them for the job they do in making these recommendations.

Motion carried on vote: Ayes: 3; Nays: 0.

Engineer Kevin Mayberry presented items for consideration.
No utility permits reported.

The Engineer brought concerns before the Board of a deaf resident on Kane Avenue who has concerns of the speed limit on the road because she had a bad accident backing out of her driveway. The Board did not feel that a deaf person crossing sign would not be likely to slow the traffic down and she does not cross the highway on a daily basis to get mail. The Board recommended as a safety measure she not back onto the highway.

Motion by Kohn, seconded by Crouch to go into closed session at 9:23 a.m. per Iowa Code Section 20.17(3) negotiations strategy meeting regarding collective bargaining unit.

Motion carried on vote: Ayes: 3; Nays: 0.

Motion by Crouch, seconded by Kohn to return to open session at 9:43 a.m., no formal action to be taken at this time.

Motion carried on vote: Ayes: 3; Nays: 0.

No formal action was taken with regard to a Secondary Road Department labor agreement.

The Board received the November monthly jail report and bank reconciliation from the Sheriff's department.

The Board discussed winter weather and praised the Engineer and employees for their efforts in getting the roads cleared and asked him to pass on their appreciation for the hard work the crews have done.

The Board also discussed potential items for the January agenda.

There being no further business to come before the Board at this time they adjourned to meet again January 5, 2010.

Mills County Board of Supervisors

Joseph Blankenship Chairperson

Attest: _____

Auditor