

DECEMBER 14, 2007

The Warren County Board of Supervisors met on Friday December 14, 2007 at 1:35 p.m. with all members present. The following business was had to wit:

RESOLUTION 07 – 555 APPROVE AGENDA

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to approve the agenda with two agenda additions for December 14, 2007. Carried unanimously.

RESOLUTION 07 - 556 CITY/COUNTY AGREEMENT

WHEREAS, the City of Indianola, Iowa (the “City”) has begun the process to amend the Downtown Urban Renewal Plan pursuant to Chapter 403 of the Code of Iowa; and WHEREAS, some of the property which is proposed to be included in the Downtown Urban Renewal Area is located outside the city limits as shown on Exhibit B hereto; and WHEREAS, in accordance with paragraph 4 of Section 403.17 of the Code of Iowa, a city may exercise urban renewal powers with respect to property which is located outside but within two (2) miles of the boundary of a city only if the city obtains the consent of the county within which such property is located; and

WHEREAS, the City Council of the City of Indianola has requested that the Board of Supervisors of Warren County adopt a resolution giving its consent that the City may exercise urban renewal powers with respect to the property located outside the corporate limits;

NOW THERE, it is hereby resolved by the Board of Supervisors of Warren County, Iowa, as follows:

Section 1. The Board of Supervisors of Warren County hereby gives its consent that the City of Indianola may exercise urban renewal powers pursuant to Chapter 403 of the Code of Iowa with respect to the property located outside the corporate limits.

Section 2. This resolution shall be deemed to meet the statutory requirements of paragraph 4 of Section 403.17 of the Code of Iowa and shall be effective immediately following its approval and execution. Middleswart Aye, Grace Nay, Sandy Aye.

RESOLUTION 07- 557 RESOLUTIONS TO RATIFY CIETC SETTLEMENT AGREEMENT AND AUTHORIZE PAYMENT OF LEGAL FEES AND COSTS

Whereas Warren County is a governmental agency and as part of the exercise of its lawful authority, voluntarily entered into a 28E Agreement that created and established the Central Iowa Employment and Training Consortium (CIETC) as a separate and independent unit of limited purpose government;

Whereas the 28E Agreement made no provision for assessments to the respective CIETC member governments, but recognized the potential for shared, voluntary contributions based on a pre-determined formula;

Whereas the CIETC governing Board, made up of representatives duly appointed by the CIETC member governments, entered into an engagement agreement with the firm of Davis, Brown, Koehn, Shors, & Roberts, P.C. (DavisBrown) for legal services to be rendered on an hourly basis at discounted hourly rates;

Whereas the State of Iowa, unsupported by Iowa law, has nonetheless asserted the liability of individual member governments for the obligations of the CIETC entity;

Whereas the advice, counsel, and services of DavisBrown have directly benefited CIETC and have inured to the benefit of the CIETC member governments;

Whereas the resources of CIETC could not lawfully be used for legal services necessary to resolve Intergovernmental Disputes;

Whereas DavisBrown has provided valuable services in the assertion of claims and defenses arising out of a variety of matters, including the Intergovernmental Dispute with the State of Iowa, Iowa Workforce Development arising out of the federal government's demand for repayment from the State of Iowa of the compromise sum of \$1,300,000.00 for alleged disallowed costs;

Whereas a settlement of the Intergovernmental Dispute with the State of Iowa, Iowa Workforce Development has been achieved between CIETC, its member governments, and the State of Iowa, Iowa Workforce Development, as memorialized in a Settlement Agreement and Release that is subject to ratification by CIETC and each of its member governments;

Whereas a continuation of the services of DavisBrown is contemplated and deemed necessary and appropriate in order to effectuate the settlement; and

Whereas in order to ratify the Settlement Agreement and Release to resolve the CIETC Intergovernmental Dispute with the State of Iowa, Iowa Workforce Development:

IT IS THEREFORE RESOLVED BY THE WARREN COUNTY BOARD OF SUPERVISORS THAT THE COUNTY HEREBY RATIFIES THE SETTLEMENT AGREEMENT ENTERED INTO BETWEEN CIETC, THE MEMBER GOVERNMENTS, AND THE STATE OF IOWA, IOWA WORKFORCE DEVELOPMENT, SUBJECT TO RATIFICATION BY ALL OTHER CIETC MEMBER GOVERNMENTS.

IT IS THEREFORE FURTHER RESOLVED BY THE WARREN COUNTY BOARD OF SUPERVISORS THAT THE COUNTY HEREBY VOLUNTARILY AGREES TO THE PAYMENT OF \$14,965.14 AS ITS PROPORTIONATE SHARE OF ATTORNEY FEES AND CASH ADVANCES INCURRED THROUGH OCTOBER 31, 2007, AND THEREAFTER PURSUANT TO THE AFORESAID ENGAGEMENT AND IN ACCORDANCE WITH THE FORMULA SET FORTH IN THE CIETC 28E AGREEMENT.

IT IS FURTHER RESOLVED BY THE WARREN COUNTY BOARD OF SUPERVISORS THAT THE COUNTY IS AUTHORIZED TO EXECUTE SUCH DOCUMENTS AND DO SUCH THINGS AS NECESSARY TO EFFECTUATE RESOLUTION OF THE CIETC INTERGOVERNMENTAL DISPUTE. Carried unanimously.

RESOLUTION 07 – 558 SETTLEMENT AGREEMENT

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to approve the settlement agreement and release # 1482492 and #1481735. Carried unanimously.

RESOLUTION 07 – 559 SETTLEMENT AGREEMENT

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to approve the settlement agreement and release # 1478126. Carried unanimously.

RESOLUTION 07 – 560 SECONDARY ROADS RESOLUTION

Pertaining to the use of Secondary Roads in Warren County, Iowa by RAGBRAI and by cyclists in general.

WHEREAS, the Register's Annual Great Bike Ride Across Iowa (RAGBRAI) is a unique event that draws thousands of visitors to Iowa annually and promotes Iowa tourism; and

WHEREAS, biking in general is an excellent form of exercise enjoyed by millions of Americans, as well as a pollution-free form of transportation that should be encouraged; and

WHEREAS, secondary roads in Iowa are not designed or maintained to meet any specific standards related to bicycle travel; and

WHEREAS, the recent lawsuit against Crawford County involving the death of a RAGBRAI participant demonstrates the need to address the use of the county secondary road system by RAGBRAI and by cyclists in general; and

WHEREAS, the current situation has created an unacceptable exposure to future bicycle-related lawsuits against this County;

With a motion by Marvin Grace, second by Bob Sandy,

NOW THEREFORE, be it resolved by the Board of Supervisors that they respectfully request that the Iowa Legislature address this issue in 2008 on a statewide basis so that the Board of Supervisors does not have to act at the local level to regulate the use by cyclists of secondary roads under the jurisdiction of the County. Carried unanimously.

RESOLUTION 07 – 561 BOARD OF ADJUSTMENT

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint George Fischer to the Board of Adjustment for a 5 year term until December 31, 2012. Carried unanimously.

RESOLUTION 07 – 562 BOARD OF HEALTH

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Barb Ohnemus to the Board of Health for a 3 year term until December 31, 2010. Carried unanimously.

RESOLUTION 07 – 563 REGIONAL WORKFORCE INVESTMENT ALLIANCE

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Bob Sandy as member of the Regional Workforce Investment Alliance and Marvin Grace as the alternate. Carried unanimously.

RESOLUTION 07 – 564 CIRTPA (POLICY COMMITTEE)

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby reappoint Kevin Middleswart as a member to CIRTPA (Policy Committee) and Steve Akes as an alternate. Carried unanimously.

RESOLUTION 07 – 565 CIRTPA (TECHNICAL COMMITTEE)

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Steve Akes as a member to CIRTPA (Technical Committee) and Kevin Middleswart as alternate. Carried unanimously.

RESOLUTION 07 – 566 CENTRAL IOWA TOURISM REGION

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Marvin Grace and Bob Sandy to the Central Iowa Tourism Region Board. Carried unanimously.

RESOLUTION 07 – 567 CHILD WELFARE DECAT EXECUTIVE COMMITTEE

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Bob Sandy as a member of Child Welfare Decat Executive Committee and Kevin Middleswart as alternate. Carried unanimously.

RESOLUTION 07 -568 CITIZENS ADVISORY BOARD OF CLARINDA MENTAL HEALTH INSTITUTE

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Kristi Dierking as a member to Citizens Advisory Board of Clarinda Mental Health Institute and Betsy Stursma as an alternate. Carried unanimously.

RESOLUTION 07 – 569 COMPENSATION COMMISSION

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Paul Mead, Frank Brunia, Don Van Ryswyk, and Steven Walters to the Compensation Commission. Carried unanimously.

RESOLUTION 07 – 570 COMPENSATION COMMISSION

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Bob Davey, Terry Thayer, M.D. Heavilin, and Scott Miller to Compensation Commission Owners of City or Town Property Board. Reappoint John Akers, Julie Bumgarner-Peck, and Leigh Carpenter to Compensation Commission Licensed Real Estate Salesperson or Real Estate Brokers Board. Reappoint Chuck Burgin, Terry Engelken, Joe Gavin, Wayne Vander Tuig, David Churchill, and Mike Mealey to Compensation Commission Persons Having Knowledge of Property Values by Reason of Occupation Board. Carried unanimously.

RESOLUTION 07 – 571 CONSERVATION BOARD

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Ron Miller to the Conservation Board for a 5 year term ending December 31, 2012. Carried unanimously.

RESOLUTION 07 – 572 DES MOINES AREA TRANSPORTATION PLANNING COMMITTEE (MPO)

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Kevin Middleswart to Des Moines Area Transportation Planning Committee (MPO) as a member and Bob Sandy as an alternate. Carried unanimously.

RESOLUTION 07 – 573 DES MOINES AREA TRANSPORTATION TECHNICAL COMMITTEE (MPO)

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Steve Akes to the Des Moines Area Transportation Technical Committee (MPO) as a member and Bob Sandy as an alternate. Carried unanimously.

RESOLUTION 07 – 574 EDWARD OWENS ESTATE TRUST BOARD

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby appoint Marvin Grace to the Edward Owens Estate Trust Board. Carried unanimously.

RESOLUTION 07 – 575 EMPOWERMENT BOARD

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Bob Sandy as member to the Empowerment Board and Kevin Middleswart as an alternate. Carried unanimously.

RESOLUTION 07 – 576 FIFTH JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Marvin Grace as a member to the Fifth Judicial District Department of Correctional Services and Bob Sandy as an alternate. Carried unanimously.

RESOLUTION 07 – 577 HEART OF IOWA REGIONAL TRANSIT AGENCY POLICY BOARD

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Marvin Grace as a member to the Heart of Iowa Regional Transit Agency Policy Board and Kevin Middleswart as an alternate. Carried unanimously.

RESOLUTION 07 -578 IOWA COMMUNITIES ASSURANCE POOL

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Kevin Middleswart as a member of Iowa Communities Assurance Pool and Marvin Grace as alternate. Carried unanimously.

RESOLUTION 07 – 579 IOWA HEARTLAND AND RESOURCE CONSERVATION AND DEVELOPMENT

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Bob Sandy as a member to the Iowa Heartland and Resource Conservation and Development Board and Marvin Grace as an alternate. Carried unanimously.

RESOLUTION 07 – 580 EMERGENCY MANAGEMENT COMMISSION

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Kevin Middleswart to the Emergency Management Commission. Carried unanimously.

RESOLUTION 07 – 581 MEDICAL EXAMINER

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Lori Miller to the Medical Examiner Board for a two year term ending on December 31, 2009. Carried unanimously.

RESOLUTION 07 -582 DEPUTY MEDICAL EXAMINER

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Pam Morrison to the Deputy Medical Examiner Board. Carried unanimously.

RESOLUTION 07 – 583 RED ROCK AREA COMMUNITY ACTION BOARD

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Marvin Grace as member of Red Rock Area Community Action Board and appoint Bob Sandy as an alternate. Carried unanimously.

RESOLUTION 07 – 584 SLUDGE APPEALS COMMITTEE

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Tim Ernst and Marilyn Halterman and appoint Edie Brunia to the Sludge Appeals Committee. Carried unanimously.

RESOLUTION 07 – 585 SOUTH CENTRAL YOUTH AND FAMILY SERVICES BOARD OF DIRECTORS

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Bob Sandy as a member of South Central Youth and Family Services Board of Directors and Marvin Grace as an alternate. Carried unanimously.

RESOLUTION 07 – 586 WARREN COUNTY ECONOMIC DEVELOPMENT CORPORATION

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Bob Sandy as a member of the Warren County Economic Development Corporation and Kevin Middleswart as an alternate. Carried unanimously.

RESOLUTION 07 – 587 WASTEWATER RECLAMATION AUTHORITY

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Marvin Grace as a member of the Wastewater Reclamation Authority and Steve Akes as an alternate. Carried unanimously.

RESOLUTION 07 – 588 WEED COMMISSIONER

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Andy Coffman to the Weed Commissioner. Carried unanimously.

RESOLUTION 07 – 589 WHITEBREAST WATERSHED ASSOCIATION

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to reappoint Bob Sandy as a member to the Whitebreast Watershed Association and Marvin Grace as an alternate. Carried unanimously.

RESOLUTION 07 – 590 PAY CLAIM

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby approve to pay the claim for Grimes Asphalt and Paving in the amount of \$4,353.48. Carried unanimously.

RESOLUTION 07 - 591 DISASTER DECLARATION

BE IT RESOLVED THAT, Warren County has suffered from a winter ice storm that occurred on December 11, 2007 causing severe damage to public and private property, disruption of utility service, and endangerment of health and safety of the citizens of Warren County within the disaster area. Therefore, the Warren County Board of Supervisors have declared a state of emergency authorized under Iowa State Statute and will execute the expenditure of emergency funds from all available sources, the invoking of mutual aid agreements, and the applying to the State of Iowa for assistance. Carried unanimously.

Upon proper motion the meeting was adjourned at 3:46 p.m.

ATTEST: _____, AUDITOR

Traci VanderLinden

_____, CHAIR

G. Kevin Middleswart