CERTIFICATION

Attached hereto is the supporting documentation for the creation of an agricultural district under Iowa Code Chapter 352 as follows:

1. Resolution as passed by the Board of Supervisors in their official meeting and recorded in Supervisors' Minute Book V and dated March 20, 1995, to set a public hearing on the "Petition for Creation of Agricultural Area" by Sylvester Loesche, et al.
2. Proof of Publication of "Notice of Public Hearing" on the creation of the ag district published March 28, 1995 in The Manchester Press.
3. Official Minutes of the Board of Supervisors, dated April 3, 1995, recording the public hearing on the proposed ag district creation.
4. Resolution as passed by the Board of Supervisors in their official meeting and recorded in Supervisors' Minute Book V dated April 3, 1995, creating the agricultural district.

I, Sharon McCrabb, County Auditor, do hereby certify that the attached are original instruments or true copies of the above listed instruments.

Dated this 6th day of April, 1995.

Sharon McCrabb, Delaware County Auditor

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

Subscribed and sworn to me and in my presence by Sharon McCrabb, Delaware County Auditor this 6th day of April, 1995.

Carolyn A. Wilson, Notary Public in and for the State of Iowa.

My commission expires 12-17-95.

FILE No. 117-2575
RECORDING FEE $
TRANSFER FEE $

FILED FOR RECORD THE 6 DAY OF April, 19 95 AT 2:39 O'CLOCK P M. BOOK 5 PAGE 133

STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Misc.

RESOLUTION

BE IT RESOLVED by the Delaware County Board of Supervisors, pursuant to the authority given under Iowa Code Chapter 352 and the filing on March 7, 1995 of a "Petition for Creation of Agricultural Area" by Hilltop Pork, Inc. by Sylvester Loesche and Alma Z. Loesche; Sylvester and Alma Loesche Revocable Trust by Sylvester Loesche, Alma Z. Loesche, Ronald L. Wedewer, Tirzah Wedewer, Howard Wedewer, Darlene Wedewer, Rose Ann Willenborg, Harley Willenborg, Russell Loesche, Freida Loesche and Randall L. Loesche, that a public hearing be held on April 3, 1995 at 10:00 A.M. in the Supervisors' Office, Courthouse, Manchester, Iowa, on the creation of a proposed agricultural area described as follows:

The South one-half (S 1/2) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4), except the West one-third (W 1/3) thereof, and the West one-half (W 1/2) of the Southwest Quarter (SW 1/4), except the West one-third (W 1/3) of the North ten (10) acres thereof, of Section Five (5), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

The Southwest Quarter (SW 1/4) of Section Six (6), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

The West one-half (W 1/2) of the Southeast Quarter (SE 1/4) of Section Six (6), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

The West one-half (W 1/2) of the East one-half (E 1/2) of the Southeast Quarter (SE 1/4) of Section Six (6), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

The South nine and eighty five hundredths (9.85) acres of the East one-half (E 1/2) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Six (6), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

The Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

BE IT FURTHER RESOLVED that the proposed agricultural area meets guidelines for Delaware County and under Iowa Code Chapter 352.

BE IT FURTHER ORDERED that the County Auditor publish Notice of Public Hearing in one official paper of the county.

Dated this 20th day of March, 1995.

Delaware County Board of Supervisors

Jerome E. Besler, Chairman

ATTEST:

Sharon McCrabb, Auditor

STATE OF IOWA, Delaware County-ss.

I, Larry K. Woellert, being duly sworn depose and say that I am publisher of The Manchester Press, a newspaper published weekly in Manchester, in said county, and that the Notice of Public Hearing

in case of Delaware County Board of Supervisors

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 28 th day of March A.D. 19 95, and the last on the _____ day of _____ A.D. 19____

Publication fee, $ 8.09

Larry K. Woellert

Subscribed by Larry K. Woellert and by him sworn to before me, a notary public in and of Delaware County, Iowa this 29 th day of March A.D. 1995

Witness my hand and seal the date last above written.

Doris Tucker Notary Public

NOTICE OF PUBLIC HEARING

The Delaware County Board of Supervisors will hold a public hearing on the creation of an agricultural area under Iowa Code Chapter 352. The hearing will be held in the Supervisors' Office, Courthouse, Manchester, Iowa at 10 a.m. on April 3, 1995. The proposed agricultural area is located in Sections 5 & 6 of Bremen Township and is owned by Hilltop Pork, Inc. by Sylvester Loesche and Alma Z. Loesche; Sylvester & Alma Loesche Revocable Trust by Sylvester Loesche, Alma Z. Loesche, Ronald L. Wedewer, Tirzah Wedewer, Howard Wedewer, Darlene Wedewer, Rose Ann Willenborg, Harley Willenborg, Russell Loesche, Freida Loesche and Randall L. Loesche.

After the public hearing, the County Board of Supervisors may either adopt the proposal or a modification of it, unless to do so would be inconsistent with the purposes of the law. Upon adoption of the proposal, the Board is to file a description of the newly created agricultural area with the County Auditor and have the description of the area recorded.

Dated this 20th day of March, 1995.

Sharon McCrabb
Delaware County Auditor

3-28-95 P80

Cd. 4-10-95

promote the health, safety and welfare and property of persons within Delaware County, Iowa and Manchester, Iowa. Said rescue service specifically excludes chemical hazards involving fire, exposure, spills or leaks of hazardous materials.

3. This agreement shall become effective upon the signing thereof by both parties and shall be in effect through June 30, 1996.

4. During the term of this agreement the Second Party shall provide search and rescue services as spelled out in Paragraph 2 hereof to persons and property within Delaware County and Manchester, Iowa, for the period contemplated by this agreement.

5. The First Party shall pay to the Second Party the sum of $4,650.00 on or before January 1, 1996. It is further agreed that any additional funding required to provide this service during the 1995-96 fiscal year can be obtained from the current fund balance in the Rescue Squad Replacement Fund.

In Witness Whereof the parties have executed this agreement on the date first written.

DELAWARE COUNTY, IOWA

/S/ Jerome Besler, Chairman
Delaware County Board of Supervisors

ATTEST: /S/ Judy Zehr, Deputy County Audtior

All ayes.

Koeneke explained that the part of the agenda "Public Comments" can be listened to by the Board of Supervisors but they cannot respond to any of these comments.

Rod Baumgartner, Conservation Board Member, commented that the accusations in regards to the Conservation Board and Conservation Director are unfounded and he thinks a public apology is in order.

There were no other comments.

There being no further business, this meeting adjourned. These minutes were read and approved.

Jerome E. Besler, Chairman

Judy Zehr, Deputy Auditor

****

April 3, 1995
Manchester, Iowa

DELAWARE COUNTY)
) SS:
STATE OF IOWA)

The Delaware County Board of Supervisors met in regular session this date at 10:00 A.M. with all members present. Jerome E. Besler, Chairman, called the meeting to order.

Motion made by Koeneke, seconded by Clemen and carried that the following county employees be allowed to attend their respective meetings: JoEllen Holtorf to attend a District I.C.E.O.O. meeting in Coralville on April 7th; Eldon Koeneke to attend an Operation: New View meeting in Dubuque on April 3rd; Jerome Besler and Sandy Hoth to attend a Planning Council meeting in Strawberry Point on April 4th; Sandy Hoth to attend a Single Point of Entry meeting in Ames on April 5th. All ayes.

Motion made by Clemen, seconded by Koeneke and carried that the claim to Alan Manternach for reimbursement of four bales not received at the county farm sale in the amount of $120.00 from the General Basic Fund be approved. All ayes.

This being the date set by publication in The Manchester Press on March 28th, 1995 of a public hearing on a proposed ag area located in Sections 5 & 6 of Bremen Township and filed by Sylvester Loesche, et al, the hearing began by the Chairman calling for comments or objections.

There were no comments or objections to the creation of the ag area.

Motion made by Koeneke, seconded by Clemen and carried that the public hearing on the proposed ag area be closed. All ayes.

Motion made by Koeneke, seconded by Clemen and carried that the following Resolution be approved:

RESOLUTION

BE IT RESOLVED by the Delaware County Board of Supervisors pursuant to the 1993 Iowa Code Chapter 352, that a public hearing was held on April 3, 1995, by the Delaware County Board of Supervisors to consider a "Petition for Creation of an Agricultural Area".

BE IT HEREBY RESOLVED that the Board of Supervisors hereby approves the Petition if petitioners Hilltop Pork, Inc. by Sylvester Loesche and Alma Z. Loesche, Sylvester and Alma Loesche Revocable Trust by Sylvester Loesche, Alma Z. Loesche, Ronald L. Wedewer, Tirzah Wedewer, Howard Wedewer, Darlene Wedewer, Rose Ann Willenborg, Harley Willenborg, Russell Loesche, Freida Loesche and Randall L. Loesche meet the following conditions:

a. The Petitioners named herebin, their heirs, successors, and/or assigns agree to operate the animal confinement feeding operation in conformance with a Nutrient Management Plan (NMP) to property utilize and handle the waste produced. The farm operator agrees to follow Department of Natural Resources (DNR) Land Disposal Guidelines (pp. 10-13 "Environmental Regulations and Guidelines for Animal Feeding in Iowa", March, 1992) until the State of Iowa adopts mandatory regulations on waste disposal for animal feeding operations.

BE IT FURTHER RESOLVED that the agricultural area be established as legally described and as follows:

KOCH BROTHERS, DES MOINES 80-841

The South one-half (S½) of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼), except the West one-third (W 1/3) thereof, and the West one-half (W½) of the Southwest Quarter (SW¼), except the West one-third (W 1/3) of the North ten (10) acres thereof, of Section Five (5), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

The Southwest Quarter (SW¼) of Section Six (6), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

The West one-half (W½) of the Southeast Quarter (SE¼) of Section Six (6), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

The West one-half (W½) of the East one-half (E½) of the Southeast Quarter (SE¼) of Section Six (6), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

The South nine and eighty five hundredths (9.85) acres of the East one-half (E½) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section Six (6), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

The Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section Six (6), Township eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

Dated this 3rd day of April, 1995.

Delaware County Board of Supervisors

ATTEST: /S/ Sharon McCrabb, Auditor /S/ Jerome E. Besler, Chairman All ayes.

Motion made by Clemen, seconded by Koeneke and carried that the Application and Approval for Underground Construction on Delaware County Right-of-Way by GTE Midwest, Inc. for buried fiber optic cable north from Delaware Township 89 North, Range 4 West, Sections 19,20 & 32 be approved. All ayes.

Motion made by Koeneke, seconded by Clemen and carried that Barbara A. Staton be approved as temporary part-time Technician Aide at $5.00 per hour retroactive to March 29, 1995 for the Secondary Road Department. All ayes.

Motion made by Koeneke, seconded by Clemen and carried that the following Resolution be approved:

RESOLUTION

Resolution to Advance a Project from a Priority List

WHEREAS, Delaware County, Iowa, desires to advance Project STP-S-28(25) described as Asphalt resurfacing of D-22 from Earlville to Dyersville contained in approved Secondary Road Construction Priority List to the FY Accomplishment List for the following reasons:

WHEREAS, the total estimated cost is $636,000 with $516,000 being the local portion, and

WHEREAS, funds for the above project will be allocated from the following sources:

1. Deletion of Accomplishment Project STP-S-28(25) of $-0-.
2. A reduction in the Balance Held in Reserve of $-0-.

Date: April 3, 1995.

/S/ Jerome E. Besler, Chairperson
Board of Supervisors

All ayes.

Motion made by Clemen, seconded by Koeneke and carried that boarding cost for out-of-county prisoners in the Delaware County Jail be increased from $35.00 per day to $50.00 per day effective May 1, 1995. All ayes.

Eldon Koeneke commented that, relative to this matter, there is a bill in the Iowa legislature which will mandate that state prisoners be kept in county jails for up to 90 days at $25.00 per day reimbursement. Since our cost is $50.00 per day, this is a backdoor mandate costing the county $25.00 per day.

Bob Clemen wanted the public aware that people should contact their legislatures to stop House File 471.

Motion made by Koeneke, seconded by Clemne and carried that three Medicaid Home and Community Based Payment Agreements for three Delaware County clients between the Iowa Department of Human Services and Delaware County, for the provision and funding of home and community based services as an alternative to care in a medical institution for the mentally retarded for eligible consumers with legal settlement in the county, be approved. All ayes.

Motion made by Clemen, seconded by Koeneke and carried that the Class C Liquor License and Sunday Sales Privilege for Carole J. & Rex R. Martinsen d/b/a Pizza Place be approved for one year effective April 10, 1995. All ayes.

Motion made by Koeneke, seconded by Clemen and carried that a letter of support be sent to the First Judicial District Department of Correctional Services to obtain grant funding for a victim services coordinator for the county attorney and/or a victim advocate to work with domestic violence and other victims in Delaware County. All ayes.

Greg Buckendahl presented a plan for appointing future conservation boards in Delaware County. He felt the board should be gender balanced and that the board should be restructured to include three people from each of the districts represented by the Board of Supervisors. The two remaining conservation board positions would be at-large positions. He felt this way more people could serve. He felt being a member of this board was a prestigious position. It is time for a change in the board and that they should be more responsive to the people.

Eldon Koeneke disagreed with the idea that being a conservation board member was prestigious. He felt these members were all hard working members.

Discussion was held on the naturalist program. The present board members established the program and there has been a full time naturalist since 1989. Later the park ranger position was created. The idea of conservation, education, recreation has not been abandoned, however, with the funding cuts, regrouping will be necessary.

Greg Buckendahl felt it spoke poorly of county government when people are interested and the program gets

RESOLUTION

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The Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section Six (6), Township Eighty Nine (89) North, Range Three (3), West of the Fifth P.M.

Dated this 3rd day of April, 1995.

Delaware County Board of Supervisors

Jerome E. Besler, Chairman

ATTEST: Sharon McCrabb

Sharon McCrabb, Auditor