1338
DELAWARE COUNTY IOWA
FILED
1998 OCT 14 PM 1:36
BOOK 8 PAGE 128
DEBORAH L. PENTON
DELAWARE CO. RECORDER

Prepared by: Sharon McCrabb, 301 E. Main St., Manchester, Iowa Phone # 319 927 4701

CERTIFICATION

Attached hereto is the supporting documentation for the recording of Delaware County Ordinance #18 as follows:

1. Delaware County Ordinance #18 signed by the Board of Supervisors on August 24, 1998.
2. Public Notice of Consideration of Ordinance #18 published in The Manchester Press on August 4, 1998 and in the Delaware County Leader on August 5, 1998.
3. Resolution adopting Ordinance #18, signed by the Board of Supervisors.
4. Copy of the Supervisors' Minutes dated August 24, 1998 in Book V showing the reading of Ordinance 18 and adoption of the Resolution.
5. Copy of proof of publication of Delaware County Ordinance 18 in The Manchester Press on September 1, 1998 and in the Delaware County Leader on September 2, 1998.

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

Dated this 14 day of October, 1998.

Sharon McCrabb

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 14 day of October, 1998.

Carolyn A. Wilson

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

My Commission expires 12-17-98.

DATE 10-14-98 BOOK 8 PAGE 128

DELAWARE COUNTY ORDINANCE #18

AN ORDINANCE TO IMPOSE A LOCAL OPTION SALES AND SERVICES TAX IN DELAWARE COUNTY - BE IT ENACTED BY THE BOARD OF SUPERVISORS OF DELAWARE COUNTY, IOWA:

Section 1. Local Option Sales and Services Tax

There is imposed a local sales and services tax applicable to transactions within the unincorporated areas of Delaware County and within the incorporated areas of:

COLESBURG, DELAWARE, DELHI, DUNDEE, DYERSVILLE, EARLVILLE, GREELEY, HOPKINTON, MANCHESTER, MASONVILLE AND RYAN

Delaware County, Iowa. The rate of the tax shall be 1% of the gross receipts from the sale of goods and services taxed under Chapter 422, Division IV, of the Iowa Code in the cities where the tax is imposed except those transactions exempted from the sales and services tax by Section 422B.8 of the Iowa Code, as amended.

The local sales and services tax is imposed on transactions occuring on or after January 1, 2000 until December 31, 2009, within the incorporated areas of Colesburg, Delaware, Delhi, Dundee, Dyersville, Earlville, Greeley, Hopkinton, Manchester, Masonville and Ryan and within the unincorporated (rural) area of Delaware County, Iowa. The tax shall be collected by all persons required to collect State gross receipts and taxes.

Section 2. Effective Date

This ordinance shall be in effect on January 1, 2000 and until December 31, 2009.

Section 3. Repealer

All ordinances and parts thereof in conflict herewith are hereby repealed.

Passed by the Board of Supervisors on this 24th day of August, 1998.

DELAWARE COUNTY BOARD OF SUPERVISORS

William J. Skinner, Chairman

G. Eldon Koeneke

Jerome E. Besler

ATTEST:

Sharon McCrabb, County Auditor and
Ex-officio Clerk of the Board

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

Delaware

County

in case of Public Notice

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 4 day of August A.D. 19 98, and the last on the 4 day of August A.D. 1998

Publication fee, $

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 4 day of August A.D. 1998

Witness my hand and seal the date last above written.

Peggy A. McElhaney Notary Public

NOTARIAL SEAL IOWA

PEGGY A. McELHANEY
MY COMMISSION EXPIRES
3-13-200

PUBLIC NOTICE

Public Notice is hereby given that the Delaware County Board of Supervisors will meet to consider Ordinance #18 entitled "An Ordinance to Impose a Local Option Sales and Services Tax in Delaware County, Iowa" at its regular meeting at 1:30 P.M. on August 24, 1998, in the Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Delaware County Auditor's Office.

Sharon McCrabb
Delaware County Auditor
P35

to your bill.

BOOK 8 PAGE 128

Kind _____

Parties _____

--- 4-5-98

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No

Fir

Last Pub. _____

Filed _____

Cost _____

Legal Notice—Delaware County Board of Supervisors PUBLIC NOTICE

Public Notice is hereby given that the Delaware County Board of Supervisors will meet to consider Ordinance #18 entitled "An Ordinance To Impose A Local Option Sales and Services Tax in Delaware County, Iowa" at its regular meeting at 1:30 p.m. on August 24, 1998 in the Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Delaware County Auditor's Office.

Sharon McCrabb,
Delaware County Auditor

State of Iowa, Delaware County, ss.

I, Mary Heeke, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for one consecutive weeks beginning Aug. 5 19 98, and ending Same 19 ___, Printer's fees, $ 7.59.

Mary Heeke

Subscribed in my presence and sworn to before me by Mary Heeke on this 27th day of August, 1998.

NOTARIAL SEAL IOWA
GERALDINE P. HUBER
MY COMMISSION EXPIRES
Jan 26 2001

Geraldine P Huber
Notary Public

RESOLUTION

WHEREAS, the voters in the Cities of Colesburg, Delaware, Delhi, Dundee, Dyersville, Earlville, Greeley, Hopkinton, Manchester, Masonville and Ryan, all within Delaware County, Iowa, and the unincorporated (rural) area of Delaware County, Iowa, approved the question of a local option sales and services tax at the election held on July 21, 1998; and

WHEREAS, counties are required to impose a local option sales and services tax by ordinance in those political jurisdictions that the question received majority approval; and

WHEREAS, the Board has considered this ordinance to impose said tax and has waived further readings of the ordinance,

NOW, THEREFORE, BE IT RESOLVED by the Delaware County Board of Supervisors as follows:

Section 1. The attached ordinance, entitled Local Option Sales and Services Tax in Delaware County and numbered 18 is hereby adopted.

Section 2. The Auditor is directed to publish said ordinance as required by law.

Section 3. The County Auditor is further directed to certify copies of the Local Option Sales and Services Tax Ordinance in Delaware County, to the Iowa Department of Revenue and Finance and to the Clerks of the Cities where the tax is imposed.

Section 4. This resolution shall take effect immediately.

Dated this 24 day of August, 1998.

DELAWARE COUNTY BOARD OF SUPERVISORS

William J. Skinner

William J. Skinner, Chairman

G. Eldon Koeneke

G. Eldon Koeneke

Jerome E. Besler

Jerome E. Besler

ATTEST:

Sharon McCrabb

Sharon McCrabb, County Auditor

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

RESOLUTION FOR INTERFUND TRANSFER

BE IT HEREBY RESOLVED by the Delaware County Board of Supervisors that due to insufficient cash reserve in the Rural Services Fund as shown by the Fund Status Report of July 31, 1998, an interfund loan be made to the Rural Services Fund.

IT IS HEREBY ORDERED that $30,000.00 of the cash balance reserve of the General Basic Fund be transferred to the Rural Services Fund; that no interest be paid to the General Basic Fund for this loan; that this loan be in effect this 17th day of August, 1998.

IT IS FURTHER ORDERED that the County Treasurer change her records accordingly and this loan be paid back to the General Fund by Board Resolution prior to the end of the 1998-99 fiscal year.

Dated this 17th day of August, 1998.

Delaware County Board of Supervisors
/S/ Bill Skinner, Chairman

ATTEST:

/S/ Sharon McCrabb, County Auditor

All ayes.

Motion made by Besler, seconded by Koeneke and carried that the 28E agreement with the Department of Natural Resources extending the delegation of private water well construction permit authority to September 14, 2003 be approved. All ayes.

Motion made by Koeneke, seconded by Besler and carried that the Cigarette Permit of Camp-O Bar & Grill, Inc. be approved retroactive to August 10, 1998 through June 30, 1999. All ayes.

Motion made by Besler, seconded by Koeneke and carried that the Application for Approval of Underground Construction on Delaware County Right-of-Way for Arnold Lueken for a 5" field tile 1½ miles SW from Colesburg in Colony Township be approved. All ayes.

Motion made by Koeneke, seconded by Besler and carried that Peggy Elgin be hired as full time Case Manager/ County Social Worker at $23,000.00 per year effective August 24, 1998. All ayes.

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

RESOLUTION
TEMPORARY ROAD CLOSURE

WHEREAS: The Code of Iowa grants the Board of Supervisors the authority to temporarily close roads for construction,

NOW, THEREFORE , BE IT RESOLVED: That the following described road be officially closed beginning August 17, 1998 and during the time required to complete construction and/or repairs:

1. County road D22 (220th Street) from County road W63 (110th Avenue) easterly three miles to County road W69 (140th Avenue). Detour route will be signed as using W63 southerly one mile, then easterly three miles on 230th Street, then northerly one mile on 140th Avenue to County road D22.

/S/ Bill Skinner, Chairman
Delaware County Board of Supervisors

All ayes.

Motion made by Koeneke, seconded by Besler and carried that the following resignations from the Secondary Road Department be approved: Nathan Cook as temporary, part-time handyman, effective August 14, 1998; Jason Diers as temporary part-time handyman, effective August 14, 1998; Matthew Sampson as temporary part-time handyman, effective August 14, 1998. All ayes.

Brian Ridenour, County Engineer, advised that the Chicago Central and Pacific Railroad will be installing a new concrete panel crossing at Iowa 187 about one mile North of U.S. 20, according to the Iowa Department of Transportation. Due to these repairs, a detour will go from Iowa 187 east on to county road D-22 (old U.S. 20) three miles to W-63, north on W-63 eight and one half miles to C-64, and west on C-64 three miles to Iowa 187. The detour will involve six miles of out-of-distance travel. This detour will go into effect August 18, 1998 and is expected to go until August 21, 1998.

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

Bill Skinner
Bill Skinner, Chairman

Sharon McCrabb
Sharon McCrabb, Auditor

****

August 24, 1998
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 1:30 p.m. with all members present. Bill Skinner, Chairman, called the meeting to order.

Motion made by Besler, seconded by Koeneke and carried that the following county officials be allowed to attend their respective meetings: Jerome Besler to attend an Operation: New View meeting in Dubuque on August 27th; Bill Skinner and Jerome Besler to attend an RC&D meeting in Wyoming, Iowa on Aug. 25th; Eldon Koeneke to attend a Decatorization meeting in Independence on August 27th; Jerome Besler, Bill Skinner and Eldon Koeneke to attend a Decatorization meeting in Independence on August 24th. All ayes.

Motion made by Koeneke, seconded by Besler and carried that the following claims be allowed for payment:

GENERAL BASIC FUND

Mastercard	registration for summer school	$152.64
Consolidated Management	meals for jail school	18.08
Alliant	utility service	966.79
GTE Midwest	phone service	233.37
City of Manchester	utility service	53.30
Peoples Natural Gas	utility service	57.23
Maquoketa Valley REC	electric service	397.99

	SECONDARY ROAD FUND	
Alliant	utility service	66.78
Peoples Natural Gas	utility service	14.84

All ayes.

Motion made by Koeneke, seconded by Besler and carried that the time of the Supervisors' official meeting be changed to 11:00 A.M. effective the first meeting in September, 1998. All ayes.

Motion made by Besler, seconded by Koeneke and carried that the "Official Report of County Highway Engineer - Road and Bridge Work - Farm to Market and Local Secondary Roads" for Delaware County for the fiscal year 1998 showing $4,516,372 of expenditures be approved. All ayes.

Motion made by Koeneke, seconded by Besler and carried that Wm. Burger Land Surveying be allowed to use the courtroom on September 4th at 7:00 P.M. for a meeting with the residents of Turtle Creek Subdivision relative to the replatting ordered by Delaware County. All ayes.

The Supervisors discussed additional work needing to be done at the lagoon located at the Penn Center. They decided to get specifics on the problem and see about the proposed cost.

Pioneer cemeteries were discussed. The Board decided that they would pursue appointing a commission to handle the pioneer cemeteries. Pioneer Cemeteries are ones that have had 6 or fewer burials in the last 50 years.

Guidelines for taking care of the cemeteries were discussed and were agreed to as follows:

1. The commission should present a budgetto cover the following:
   a. Shared costs with adjacent property owners for costs to appropriately protect these cemeteries from livestock or farming operations (e.g. fencing).
   b. Brush or tree removal as needed.
   c. Costs for programs to maintain or improve the native prairie grasses and wildflowers as suggested.
2. At this time, the County will not fund the following:
   a. Regular mowing of plots. However, if individual service groups or others wish to do so at their own expense, the County will not discourage it.
   b. Restoration of headstones or monuments. This board feels that headstones and monuments are the personal property of the deceased and/or the deceased's family and are not county property. Thus, the restoration of these items must be funded privately.

The Auditor was asked to send letters to the people interested in serving on the commission advising them of the guidelines and allowing them a chance to consider whether they would still be interested in serving.

A commission will be appointed at the September 21st official meeting of the Board.

Motion made by Koeneke, seconded by Besler and carried that the resignation of Shirley Bernhardt as part time janitor be approved, effective August 19, 1998. All ayes.

Motion made by Besler, seconded by Koeneke and carried that the resignation of John Boss as temporary part-time truck driver be approved, effective August 18, 1998. All ayes.

This being the date set by publication on August 4th in The Manchester Press and on August 5th in the Delaware County Leader for the first and final reading of Ordinance #18, the ordinance was read as follows:

DELAWARE COUNTY ORDINANCE #18

AN ORDINANCE TO IMPOSE A LOCAL OPTION SALES AND SERVICES TAX IN DELAWARE COUNTY - BE IT ENACTED BY THE BOARD OF SUPERVISORS OF DELAWARE COUNTY, IOWA:

Section 1. Local Option Sales and Services Tax

There is imposed a local sales and services tax applicable to transactions within the unincorporated areas of Delaware County and within the incorporated areas of:

COLESBURG, DELAWARE, DELHI, DUNDEE, DYERSVILLE, EARLVILLE,

GREELEY, HOPKINTON, MANCHESTER, MASONVILLE AND RYAN

Delaware County, Iowa. The rate of the tax shall be 1% of the gross receipts from the sale of goods and services taxed under Chapter 422, Division IV, of the Iowa Code in the cities where the tax is imposed except those transactions exempted from the sales and services tax by Section 422B.8 of the Iowa Code, as amended.

The local sales and services tax is imposed on transactions occuring on or after January 1, 2000 until December 31, 2009, within the incorporated areas of Colesburg, Delaware, Delhi, Dundee, Dyersville, Earlville, Greeley, Hopkinton, Manchester, Masonville and Ryan and within the unincorporated (rural) area of Delaware County, Iowa. The tax shall be collected by all persons required to collect State gross receipts and taxes.

Section 2. Effective Date

This ordinance shall be in effect on January 1, 2000 and until December 31, 2009.

Section 3. Repealer

All ordinances and parts thereof in conflict herewith are hereby repealed.

Passed by the Board of Supervisors on this 24th day of August, 1998.

DELAWARE COUNTY BOARD OF SUPERVISORS
/S/ William J. Skinner
/S/ G. Eldon Koeneke
/S/ Jerome E. Besler

ATTEST: /S/ Sharon McCrabb, County Auditor
and Ex-officio Clerk of the Board

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

Supervisor's Minutes,

KOCH BROTHERS DES MOINES C-089-X H-0192-1

RESOLUTION

WHEREAS, the voters in the Cities of Colesburg, Delaware, Delhi, Dundee, Dyersville, Earlville, Greeley, Hopkinton, Manchester, Masonville and Ryan, all within Delaware County, Iowa, and the unincorporated (rural) area of Delaware County, Iowa, approved the question of a local option sales and services tax at the election held on July 21, 1998; and

WHEREAS, counties are required to impose a local option sales and services tax by ordinance in those political jurisdictions that the question received majority approval; and

WHEREAS, the Board has considered this ordinance to impose said tax and has waived further readings of the ordinance,

NOW, THEREFORE, BE IT RESOLVED by the Delaware County Board of Supervisors as follows:

Section 1. The attached ordinance, entitled Local Option Sales and Services Tax in Delaware County and numbered 18 is hereby adopted.

Section 2. The Auditor is directed to publish said ordinance as required by law.

Section 3. The County Auditor is further directed to certify copies of the Local Option Sales and Services Tax in Delaware County, Iowa, to the Iowa Department of Revenue and Finance and to the Clerks of the Cities where the tax is imposed.

Section 4. This resolution shall take effect immediately.

Dated this 24th day of August, 1998.

Delaware County Board of Superivsors
/S/ William J. Skinner, Chairman
/S/ G. Eldon Koeneke
/S/ Jerome E. Besler

ATTEST: /S/ Sharon McCrabb, County Auditor

All ayes.

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

RESOLUTION
TEMPORARY ROAD CLOSURE

WHEREAS: The Code of Iowa grants the Board of Supervisors the authority to temporarily close roads for construction,

NOW, THEREFORE BE IT RESOLVED: That the following described road be officially closed beginning August 24, 1998 and during the time requried to complete construction and/or repairs:

1. County road D22 (210th Street) from County road W69 (145th Avenue) easterly two miles to Iowa Hwy. 13. Detour route will be signed as using Iowa Hwy. 13 southerly one mile then westerly two miles on 220th Street.

/S/ Bill Skinner, Chairman
Delaware County Board of Superivsors

All ayes.

Peggy Elgin was introduced to the Board as the new case manager.

Motion made by Koeneke, seconded by Besler and carried that the Board go into closed session to discuss the possible sale of county real estate under Iowa Code Chapter 21.5 (2). Ayes: Besler, Koeneke and Skinner. Nays: none.

Motion made by Koeneke, seconded by Besler and carried to adjourn the closed session. All ayes.

Motion made by Besler, seconded by Koeneke and carried that the potential buyers of the county property be contacted and told the Board would be receptive to an offer to buy. All ayes.

Motion made by Besler, seconded by Koeneke and carried that this meeting adjourn. These minutes were read and approved. All ayes.

Bill Skinner
Bill Skinner, Chairman

Sharon McCrabb, Auditor

****

August 31, 1998
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors of Delaware County met in regular session this date at 1:30 p.m. with all members present. Bill Skinner, Chairman, called the meeting to order.

Motion made by Besler, seconded by Koeneke and carried that the following claims be allowed for payment along with the payroll of August 28, 1998 in the amount of $91,788.72 through warrants #9078 - #9228:

GENERAL BASIC FUND

U.S. Cellular	phone service	$25.78
GTE Midwest	phone service	171.45
Peoples Natural Gas Co.	utility service	25.64
Eastern Iowa Tourism	1999 contribution	500.00
Iowa Law Enforcement Academy	jail school	75.00
Blue Cross/Blue Shield of Iowa	insurance premium	1,183.25
County Ridge Apartments	client rent	150.00
Delaware County Case Management	client allowance	75.00

MENTAL HEALTH FUND

Mastercard	schooling costs	279.06
Peoples Natural Gas Co.	utility service	7.70
GTE Midwest	phone service	164.33

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 Delaware County in case of Ordinance #18 a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 1 day of Sept A.D. 1998, and the last on the 1 day of Sept A.D. 1998

Publication fee, $

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 1 day of Sept A.D. 1998

Witness my hand and seal the date last above written.

Peggy A McElhaney Notary Public

NOTARIAL SEAL IOWA
PEGGY A. McELHANEY
MY COMMISSION EXPIRES
8-13-2001

DELAWARE COUNTY ORDINANCE #18

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COLESBURG, DELAWARE, DELHI, DUNDEE, DYERSVILLE, EARLVILLE, GREELEY, HOPKINTON, MANCHESTER, MASONVILLE AND RYAN

Delaware County, Iowa. The rate of the tax shall be 1% of the gross receipts from the sale of goods and services taxed under Chapter 422, Division IV, of the Iowa Code in the cities where the tax is imposed except those transactions exempted from the sales and services tax by Section 4228.8 of the Iowa Code, as amended.

The local sales and services tax is imposed on transactions occuring on or after January 1, 2000 until December 31, 2009, within the incorporated areas of Colesburg, Delaware, Delhi, Dundee, Dyersville, Earlville, Greeley, Hopkinton, Manchester, Masonville and Ryan and within the unincorporated (rural) area of Delaware County, Iowa. The tax shall be collected by all persons required to collect State gross receipts and taxes.

Section 2. Effective Date

This ordinance shall be in effect on January 1, 2000 and until December 31, 2009.

Section 3. Repealer

All ordinances and parts thereof in conflict herewith are hereby repealed. Passed by the Board of Supervisors on this 24th day of August, 1998.

DELAWARE COUNTY BOARD OF SUPERVISORS
/S/ William J. Skinner, Chairman
/S/ G. Eldon Koeneke
/S/ Jerome E. Besler

ATTEST:
/S/ Sharon McCrabb, County Auditor
and Ex-officio Clerk of the Board

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DELAWARE COUNTY ORDINANCE #18

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DELAWARE COUNTY BOARD
OF SUPERVISORS
/S/ William J. Skinner, Chairman
/S/ G. Eldon Koeneke
/S/ Jerome E. Besler

ATTEST:
/S/ Sharon McCrabb, County Auditor
and Ex-officio Clerk of the Board

State of Iowa, Delaware County, ss.

I, Mary Neele, being duly sworn, state that I am the publisher of the Delaware County Leader, a newspaper published at Hopkinton, Delaware County, Iowa, and the attached notice was published in said newspaper for One consecutive weeks beginning Sept 2 1998, and ending Same 19___, Printer's fees, $ 18.63.

Mary Neele

Subscribed in my presence and sworn to before me by Mary Neele **on this** 1st **day of** October, 1998.

Brenda Kelchen

Notary Public

BRENDA K. KELCHEN
MY COMMISSION EXPIRES
04-13-99