DELAWARE COUNTY IOWA
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DELAWARE COUNTY
DELAWARE COUNTY

N/C

Instrument Preparer - Sharon McCrabb, Courthouse, Manchester, Iowa - (319) 927-4701

CERTIFICATION

Attached hereto is the supporting documentation for the passage of Ordinance #20, entitled "Delaware County Regulations for Non-Public Water Wells" by the Delaware County Board of Supervisors.

1. Copy of the Official Minutes of the Board of Supervisors, dated March 1, 1999 showing the ordinance approved for filing and the publication dates set.
2. Proof of Publication of the Public Notice of the first reading of the ordinance published March 9, 1999 in The Manchester Press and March 10, 1999 in the Delaware County Leader.
3. Copy of the Official Minutes of the Board of Supervisors, dated March 29, 1999 showing the first reading of the ordinance.
4. Proof of Publication of the Public Notice of the final reading of the ordinance published March 16, 1999 in The Manchester Press and March 17, 1999 in the Delaware County Leader.
5. Copy of the Board of Supervisors' Official Minutes of April 5, 1999, showing the final reading and the adoption of the ordinance.
6. Proof of Publication of the full text of the ordinance published on April 13, 1999 in The Manchester Press and on April 14, 1999 in the Delaware County Leader.

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

Dated this 10th day of May, 1999.

Sharon McCrabb

Sharon McCrabb, Delaware County Auditor

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

Subscribed and sworn to before me, and in my presence by Sharon McCrabb, Delaware County Auditor, this 10th day of May, 1999.

CAROLYN A. WILSON
IOWA
NOTARIAL SEAL

Carolyn A. Wilson

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

My Commission expires 12-17-01.

DELAWARE COUNTY REGULATIONS
FOR NON-PUBLIC WATER WELLS
ORDINANCE NO. 20

Pursuant to the authority granted the Delaware County Supervisors under Chapter 331 county home rule, of the Code of Iowa and by the powers delegated by Section 331.302 (4A) of this Chapter, the Delaware County Board of Supervisors will enforce the rules of, Section 567 (Environmental Protection) Chapter 49 NON-PUBLIC WATER WELLS of the Iowa Administrative Code.

1. APPLICATION FOR PERMIT

   A. Any person, firm or corporation wishing to excavate, construct, or reconstruct a well in Delaware County shall submit an Application for Permit to the Delaware County Sanitarian. The Delaware County Sanitarian will be the administrator for the Delaware County Board of Supervisors in enforcing the provisions of this chapter. Application for Permit forms will be supplied by the County Sanitation Department upon request. Applicants shall supply the Sanitarian with the property holder's name(s), where the well is to be constructed; legal description of the property, name and address of person, firm or company contracted to perform the work and location of proposed well in regard to distances to possible sources of contamination and general description on what proposed water source is to serve (household, livestock, irrigation, commercial, heat pump or monitoring). The Application must be signed by the property holder or well contractor and be accompanied by a permit fee ($40.00) as set by the Delaware County Board of Supervisors.

   B. PERMIT:
   No person, firm or corporation shall begin excavation, construction, reconstruction or alteration of any well for a non-public water supply without first having obtained signed approval for permit from the Delaware County Sanitarian. Approval for permit will be indicated on the application for permit. No application will be approved without a formal site inspection by the Sanitarian. Permit Cards indicating approval for construction of a well, along with a copy of the application for permit will be directed to the applicant. The permit will be valid for a twelve (12) month period.

2. NOTIFICATION:
The Sanitarian will be notified orally one calendar day before well construction begins.

3. INSPECTIONS:
The Delaware County Sanitarian shall represent the Delaware County Board of Supervisors and make inspections of proposed construction sites, and/or existing well sites, inspect any material, construction work, equipment, and methods or procedures applied on the job. The county Sanitarian will police Delaware County for compliance of these provisions and other health regulations and may investigate, collect samples or other pertinent evidence whenever he/she has reason to believe a violation exists or needs to confirm the safe use of the water supply. The Delaware County Sanitarian shall have the right the enter upon any property under jurisdiction of the Delaware County Board of Supervisors and shall be given access to any structure which houses any part of a well or necessary to deem compliance of governing rules and regulations and to insure the protection and improvement of human health. The Delaware County Sanitarian will assist any local, state or federal agency with enforcement of applicable laws or rules by providing them with the information or evidence of applicable law or rules violations collected through inspections. Inspections are conducted during normal business hours.

4. VIOLATION PROVISION:

A. Any violation of this ordinance may be prosecuted as a county infraction pursuant to Section 331.307, Code of Iowa.

B. The Zoning Administrator, or any other Delaware County representative duly authorized by the Board of Supervisors, may issue a civil citation to any person who commits a violation of this ordinance.

C. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 56.1, or by certified mail addressed to the respondent at the respondent's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1.

D. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of civil penalty to be assessed or the alternate relief sought, or both; the manner, location and time in which the penalty may be paid; the time and place of court appearance; and the penalty for failure to appear in court.

E. If the person named in the citation is served as provided in this section, and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

F. A violation of this ordinance may be a civil offense punishable by a civil penalty of not more than one hundred dollars ($100) for each violation, or if the violation is a repeat offense, a civil penalty not to exceed two hundred dollars ($200) for each repeat offense. Each day that a violation occurs or is allowed by the respondent to exist, constitutes a separate offense. A person found guilty of a county infraction is liable for the court costs and fees. If a person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees.

G. Seeking a civil penalty, as authorized in this section, does not preclude Delaware County from seeking alternative relief from the court in the same action.

H. Delaware County shall have the burden of proof that a violation occurred and that the respondent committed the violation, or allowed the violation to occur on property under his or her control. The proof shall be by clear, satisfactory and convincing evidence. The court shall ensure that the respondent has received a copy of the charges and that the respondent understands the charges. The respondent may question all witnesses who appear for Delaware County and the respondent may produce evidence or witnesses on his or her own behalf. The respondent may be represented by counsel of the respondent's own selection and at the respondent's own expense. The respondent may enter a plea admitting or denying the violation.

I. When judgment has been entered against a respondent, the court may do any of the following:

   a. Impose a civil penalty by entry of a personal judgment against the respondent.

   b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

   c. Grant appropriate alternative relief ordering the respondent to abate or cease the violation.

   d. Authorize Delaware County to abate or correct the violation.

e. Order that Delaware County's costs for abatement or correction of the violation be entered as a personal judgment against the respondent or assessed against the property where the violation occurred, or both.

J. If a respondent willfully violates the terms of an order imposed by the court, the failure is contempt.

K. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to Section 631.1 (1), Code of Iowa, for magistrates, and Section 602.6306(2), Code of Iowa, for district associate judges. If Delaware County seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to Section 631.13, Code of Iowa.

L. A respondent, or Delaware County may file a motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to Section 631.13, Code of Iowa. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same respondent.

M. The issuance of a civil citation for a county violation, or any ensuring court proceeding, does not provide an action for false arrest, false imprisonment or malicious prosecution.

N. Nothing in this Section precludes the prosecution of violations of this ordinance as a simple misdemeanor if a state law violation has also been determined to have occurred.

10. AUTHORITY OF DEPARTMENT OF NATURAL RESOURCES
Nothing here shall preclude the state, through the Department of Natural Resources, from exercising its rights of enforcement under Iowa Code Chapter 455B and the relevant sections of the Iowa Administrative Code.

11. JURISDICTION:
The provisions of this ordinance shall apply throughout Delaware County, Iowa.

12. CONFLICT WITH STATE LAWS:
This ordinance is intended to be consistent with state law. In the event that this ordinance conflicts with a state law or a state administrative code rule, the more stringent standards shall be controlling.

13. SEPARABILITY:
The provisions of this ordinance are separable, and if any provision, sentence, clause, section, or part thereof should be held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the ordinance.

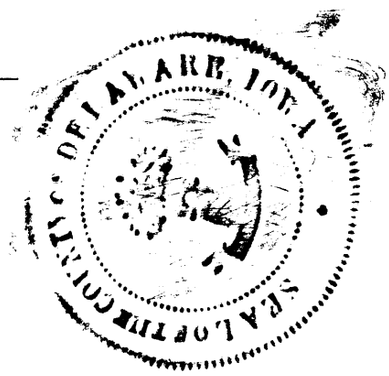
Dated this 5 day of April, 1999.

Delaware County Board of Supervisors

Absent
Chairperson — Eldon Koeneke

Shirley E. Helmrichs
Supervisor — Shirley Helmrichs

Bill Skinner
Supervisor — Bill Skinner



ATTEST:

Sharon McCrabb
Delaware County Auditor

Supervisor's Minutes,

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

March 1, 1999
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 11:00 a.m. with all members present. G. Eldon Koeneke, Chairman, called the meeting to order.

Motion made by Helmrichs, seconded by Skinner and carried that the following county employees be allowed to attend their respective meetings: Bill Skinner to attend an economic development meeting in Des Moines on March 3, 1999; Eldon Koeneke to attend an Operation: New View meeting in Dubuque on March 3rd, 1999. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following claims be allowed for payment along with payroll of February 26th in the amount of $86,127.98 through warrants 12953 - 13085:

	GENERAL BASIC FUND	
Peoples Natural Gas Co.	utilities	$1,251.62
Mastercard	meeting expenses	140.15
Blue Cross & Blue Shield of Iowa	insurance premiums	1,370.62
	MENTAL HEALTH FUND	
Peoples Natural Gas	utilities	55.61
	SECONDARY ROAD FUND	
Swiss Valley Ag Service	tordon	139.56
Alliant Energy	service	12.57
GTE, Midwest	phone service	37.03

All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the following agreement be approved:

IOWA DEPARTMENT OF TRANSPORTATION
AGREEMENT FOR FEDERAL-AID
SURFACE TRANSPORTATION PROGRAM PROJECT

Recipient: Delaware County
Project #: STP-S-28(40)--5E-28
Iowa DOT Agreement No. - 99-STPS-026

This is an agreement between Delaware County, Iowa (hereinafter referred to as the RECIPIENT) and the Iowa Department of Transportation (hereinafter referred to as the DEPARTMENT). Iowa Code Section 306A.7, provides for the RECIPIENT and the DEPARTMENT to enter into agreements with each other for the purpose of financing transportation improvement projects on streets and highways in Iowa with Federal funds. The RECIPIENT proposes a Surface Transportation Program (STP) project for funding under Sec. 133(b) of Title 23, United States Code.

The Transportation Equity Act for the 21st Century (TEA-21), enacted in 1998, reestablished the Surface Transportation Program (STP). Federal regulations provide that the STP funds are to be administered by the DEPARTMENT.

Pursuant to the terms of this agreement, applicable statutes, and administrative rules, the DEPARTMENT agrees to provide STP funding to the RECIPIENT for the authorized and approved costs for eligible items associated with said improvements.

In consideration of the foregoing and the mutual promises contained in this agreement, the parties agree as follows:

1. The RECIPIENT shall be the lead local governmental agency for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the DEPARTMENT and the RECIPIENT's contact person. The DEPARTMENT's contact person shall be the Local Systems Engineer of the East Central Iowa Transportation Center. The RECIPIENT's contact person shall be the Delaware County Engineer.
3. The RECIPIENT shall be responsible for the development and completion of the following described STP project:

   ACC Resurfacing on County Road D22 from Buchanan County line to Manchester Corporation Line.
4. The RECIPIENT shall receive reimbursement of Federal STP funds for authorized and approved project costs of eligible items. The portion of the eligible project costs paid by Federal STP funds shall be limited to a maximum of either 80 percent of eligible costs or the amount stipulated in the East Central Intergovernmental Association Transportation Improvement Program (TIP) and approved in the current Statewide Transportation Improvement Program (STIP), whichever is less.
5. This agreement will become null and void if the project described in Section 3. drops out of the East Central Intergovernmental Association current TIP or the approved current STIP prior to obligation of Federal funds.
6. The attached EXHIBIT 1 will apply and is hereby made a part of this agreement.

IN WITNESS WHEREOF, each of the parties hereto has executed this Agreement Number 99-STPS-026 as of the date shown opposite its signature below.

RECIPIENT - Delaware County

This agreement was approved by official action of the Delaware County Board of Supervisors in official session on the 1st day of March, 1999.

/S/ Sharon McCrabb, County Auditor /S/ G. Eldon Koeneke, Chair, Board of Supervisors

All Ayes.

Motion made by Helmrichs, seconded by Skinner and carried the the Application for Class C Liquor License, and Application for Sunday Sales Privilege for Nancy Selness, d/b/a The Pizza Place, Inc., Delhi, Iowa, be approved effective April 1, 1999, subject to transfer of the establishment to her. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the Application for an 8 month Class C Liquor License, Application for Sunday Sales Privilege and Application for Outdoor Service Area for the Backbone Golf & Country Club, Strawberry Point, Iowa, be approved effective March 1, 1999. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the agreement with Shive Hattery of Iowa City, Iowa, for pipeline inspection services during the 1999 construction of the Alliance Pipeline be approved. All reasonable services are reimbursed by Alliance Pipeline to the county. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following Resolution be approved:

RESOLUTION

BE IT HEREBY RESOLVED by the Delaware County Board of Supervisors that no beer or alcohol permits will be approved for any rural location in Delaware County during RAGBRAI on July 30, 1999.

Dated this 1st day of March, 1999.

Delaware County Board of Supervisors
/S/ G. Eldon Koeneke, Chairman

All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that Ordinance #20, entitled "Delaware County Regulations for Non-public Water Wells" be approved for filing and publication and the first public hearing be set for 11:00 a.m. on March 29th and the second and final public hearing be set for April 5th at 11:00 a.m. in the Supervisors' Office, Courthouse, Manchester, Iowa. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that Dee Ann Sullivan of Manchester be approved as a Sheriff's Reserve Officer, effective March 1, 1999. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the check of Bruce or Any Goldsmith in the amount of $200.00 be deposited into the County Conservation Development and Land Acquisition Fund retroactive to February 22, 1999 for crop land lease revenue on the Indian Hills Wildlife Area. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that a public hearing be held at 11:15 a.m. on March 22, 1999 in the Supervisors' Office, Courthouse, Manchester, Iowa, to consider the Delaware County Management Plan for Fiscal Year 2000. All ayes.

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

G. Eldon Koeneke, Chairman

Sharon McCrabb, County Auditor

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March 8, 1999
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 11:00 a.m. with Helmrichs and Koeneke present and Skinner absent. G. Eldon Koeneke, Chairman, called the meeting to order.

Motion made by Helmrichs, seconded by Koeneke and carried that the following county employees be allowed to attend their respective meetings: Pat Kane to attend a CPC Regional Meeting in Cedar Rapids on March 12th; Norman Wellman to attend a Buchanan County 911 Board meeting in Independence on March 10th; Eldon Koeneke to attend an Operation: New View meeting in Dubuque on March 11th. All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the following claims be approved for payment along with claims as shown on pages 232a through 232d.

GENERAL BASIC FUND

U. S. Postmaster	postage	$122.20
Blue Cross & Blue Shield of Iowa	insurance charges	3,635.18

All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the Monthly Report and Remittance of the Clerk of District Court for the month of February, 1999, in the amount of $479.75 deposited into the General Basic Fund be approved. All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the fuel quote of Three Rivers, FS be approved in the amount of $4,001.80 retroactive to March 1, 1999 for 4,500 gallons of gasohol and 2,500 gallons of #2 premium diesel. Other quotes received were $4,067.15 from Fauser Oil and $4,067.45 from Donlea Oil. All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the Rural Innovation Grant Program be approved in the amount of $1,583.00 for a pass through grant for the Delaware County Economic Commission from the State Department of Economic Development for rural development, retroactive to February 11, 1999. All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the following transfers to the Secondary Road Fund be approved: $11,803.86 from the Rural Services Fund and $778.42 from the General Basic Fund. All ayes.

Motion made by Helmrichs, seconded by Koeneke and carried that the following agreement be approved:

COMMUNICATIONS CENTER AGREEMENT

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 - Ordinance #20 a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 9 day of March A.D. 19 99, and the last on the 9 day of March A.D. 1999

Publication fee, $ [illegible]

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 9 day of March A.D. 1999

Witness my hand and seal the date last above written.

Peggy A. McElhaney Notary Public

NOTARIAL SEAL IOWA

PEGGY A. McELHANEY
MY COMMISSION EXPIRES
3-13-00

Public Notice

Public Notice is hereby given that the Delaware County Board of Supervisors will consider the DELAWARE COUNTY REGULATIONS FOR NON-PUBLIC WATER WELLS, ORDINANCE #20 at its regular meeting at 11:00 a.m. on March 29, 1999 in the Supervisors' Offices, Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available for the public at the Auditor's Office.

Sharon McCrabb
Delaware County Auditor

P66

Ord. 4-12-99

Kind _____

Parties _____

_____

Atto

Legal Notice -- Delaware County
PUBLIC NOTICE

Public Notice is hereby given that the Delaware County Board of
No. Supervisors will consider the DELAWARE COUNTY
REGULATIONS FOR NON-PUBLIC WATER WELLS,
ORDINANCE #20 at its regular meeting at 11:00 a.m. on March 29,
Fire 1999 in the Supervisors' Office, Courthouse, Manchester, Iowa.
Copies of the full text of the ordinance are available to the public at
the Auditor's Office.

Las Sharon McCrabb, Delaware County Auditor

Filed _____

Cost _____

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 Mar 10 19 99, and ending ~~Same~~ 19____, Printer's fees, $ 6.90

Mary Neele

Subscribed in my presence and sworn to before me by Mary Neele on this 7th day of May, 19 99.

Brenda Kelchen
Notary Public

BRENDA K. KELCHEN
MY COMMISSION EXPIRES
04-13-02

Supervisor's Minutes,

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

The public hearing was declared closed.

Motion made by Helmrichs, seconded by Skinner and carried that the Delaware County Management Plan for the Fiscal Year 2000 be approved. All ayes.

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

G. Eldon Koeneke, Chairman — Sharon McCrabb, Auditor

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March 29, 1999
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 11:00 a.m. with all members present. G. Eldon Koeneke, Chairman, called the meeting to order.

Motion made by Skinner, seconded by Helmrichs and carried that the following employees be allowed to attend their respective meetings: Eldon Koeneke to attend a decatorization meeting in Independence on March 29th; Bill Skinner to attend an RC&D meeting in Maquoketa on March 31st and an ECIA meeting in Dubuque on April 1st. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the following claims be allowed for payment along with payroll of 3-26-99 in the amount of $87,259.86 through warrants #13529 - 13661:

	GENERAL BASIC FUND	
Mastercard	meeting expenses & office supplies	$108.07
Peoples Natural Gas	utility expense	333.55
Des Moines Comfort Inn	lodging	197.76
Alliant Utilities	utility expense	1,282.75
Blue Cross & Blue Shield	insurance premium	1,366.22
	Mental Health Fund	
GTE Midwest	phone service	83.56
Peoples Natural Gas	utility service	50.26
	Secondary Road Fund	
Swiss Valley Ag Service	Tordon	139.56

All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the two dump trucks needed by the Secondary Road Department be purchased from Don's Trucks, Fairbank in the amount of $55,876 for truck #1 and $56,561 for truck #2. The low bids of Cedar Valley Freightliner, Waterloo, were considered, however, did not meet all the specifications. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the Iowa Department of Transportation payment voucher for materials inspection in the amount of $248.65 be approved to be changed to the Delaware County Farm to Market Account. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the Rescue Agreement be approved as follows:

RESCUE AGREEMENT

THIS AGREEMENT, made this 29th day of March, 1999, by and between Delaware County, Iowa, First Party, and the City of Manchester, Iowa, Second Party;

WITNESSETH:

WHEREAS, the parties originally entered into an agreement on May 16th, 1988 to provide rescue protection for persons and property within their respective political subdivisions;

AND WHEREAS, the current Rescue Agreement expires on June 30, 1999,

AND WHEREAS, both parties wish to enter into a new agreement to provide rescue protection for persons and property within their respective political subdivisions;

IT IS THEREFORE, AGREED AS FOLLOWS:

1. Delaware County, Iowa and the City of Manchester, Iowa, enter into this Agreement to provide rescue protection for persons and property within Delaware County, Iowa, including Manchester, Iowa, and to otherwise protect the health, safety, welfare and property of persons within those boundaries.

2. The rescue service to be provided shall include the removing of victims from hazardous or life threatening situations to areas of safety or treatment; locating and freeing victims and conveying them to a place of safety; restoring accident areas to a safe condition; and such other rescue services as shall promote the health, safety and welfare and prperty 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 remain in effect through June 30, 2000.

4. During the term of this agreement the Second Party shall provide search and rescue services as described in Paragraph 2 above 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 $9,300.00 on or before January 1, 2000 in consideration for the Second Party providing the services described herein. It is further agreed that any additional funding required to provide this service during 1999-2000 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.

Motion made by Helmrichs, seconded by Skinner and carried that the Independent Auditor's Report - Financial Statements and Supplemental Information and Findings of June 30, 1998 submitted as a Preliminary Draft of Hunt, Kain & Associates of Oskaloosa, Iowa, be approved. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the request of Sheriff Ronald Wilhelm to purchase a new 1999 Ford Crown Victoria Police Interceptor, minus trade of a 1995 Crown Vic of $2,800.00 for the total price of $18,889.00 be approved. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the first reading of Ordinance #20, entitled "Delaware County Regulations for Non-Public Water Wells" be approved. Proof of publication of the first reading was published on March 9th in The Manchester Press and in the Delaware County Leader on March 10th. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the final 457 plan restatement be approved retroactive to December 28, 1998, when the same initial draft was approved, and the Chairman of the Board of Supervisors be authorized to sign the Certificate as follows:

CERTIFICATE

I, G. Eldon Koenkee, the Chairperson of Delaware County Board of Supervisors, do hereby certify that at a meeting of the Board of Directors called and held on the 29th day of March, 1999, at which meeting a quorum was present, the following resolutions were, upon motion duly made seconded and unanimously carried, adopted:

RESOLUTION

BE IT RESOLVED, that the Deferred Compensation Plan of Delaware County, be and it is hereby amended in its entirety effective as of January 1, 1998, in accordance with the instrument attached hereto and made a part of the minutes of this meeting.

RESOLVED FURTHER, that the Chairperson be and he is hereby authorized and instructed to execute said amendment to the Plan Agreement.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of March, 1999.

/S/ G. Eldon Koeneke, Chairperson

457 PROTOTYPE PLAN
ADOPTION AGREEMENT

The undersigned, Delaware County ("Employer"), by executing this Adoption Agreement, elects to become a participating Employer in the CPI Qualified Plan Consultants, Inc. 457 Prototype Plan. By executing this Adoption Agreement, the Employer also adopts the accompanying basic plan document. The Employer makes the following elections granted under the provisions of the Prototype Plan.

ARTICLE I
DEFINITIONS

PLAN (1.13). The name of the Plan as adopted by the Employer is Deferred Compensation Plan of Delaware County.

TYPE OF 457 PLAN (1.23). The Employer's Type of 457 plan is a:

(a) Governmental Plan

EMPLOYEE (1.08). The following Employees are not elegible to participate in the Plan:

(a) No exclusions.

COMPENSATION (1.05).

Plan Compensation. Unless otherwise specified, the following rules apply to deferral contributions: (1) a Participant's salary reduction agreement applies to all Compensation (including bonuses) paid during the period the Employee is eligible to participate under the Plan; and (2) if the Employee makes elective contributions to another plan maintained by the Employer, the Plan Administrator will determine the amount of the Employee's deferral contribution for the deferral period prior to the reduction elected under the other plan:

PLAN YEAR (1.16). Plan Year means:

(a) The 12 consecutive month period ending every December 31.

EFFECTIVE DATE (1.07).

(b) Restated Plan. The restated Effective Date is January 1, 1998. This Plan is a substitution and amendment of an existing 457 plan originally established February 1, 1992.

NORMAL RETIREMENT AGE (1.12). A Participant attains Normal Retirement Age under the Plan on the date that is the first day of the month coinciding with the provisions of the Iowa Public Employees Retirement System (not later than 70½).

ARTICLE II
EMPLOYEE PARTICIPANTS

2.01 ELIGIBILITY.

(d) The Employee is eligible to participate in the Plan 90 days after the date of hire.

Plan Entry Date. "Plan Entry Date" means the Effective Date and:

(h) a date 90 days after the date of hire and if a Salary Reduction Agreement is not completed then next entry date shall be the first day of the Plan Year.

Time of Participation. An Employee will become a Participant, unless excluded under Adoption Agreement Section 1.08, on the Plan Entry Date (if employed on that date) immediately following or coinciding with the date the Employee completes the eligibility conditions in this Adoption Agreement Section 2.01.

ARTICLE III
DEFERRAL CONTRIBUTIONS, MATCHING CONTRIBUTIONS
AND EMPLOYER CONTRIBUTIONS

3.01 AMOUNT.

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 #20 Rabies 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 16 day of March A.D. 19 99, and the last on the 16 day of March A.D. 1999

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 16 day of March A.D. 1999

Witness my hand and seal the date last above written.

Peggy A. McElhaney Notary Public

NOTARIAL SEAL IOWA

PEGGY A. McELHANEY
MY COMMISSION EXPIRES
8-13-00

Public Notice

Public Notice is hereby given that the Delaware County board of Supervisors will have the second and final reading of the DELAWARE COUNTY REGULATIONS FOR NON-PUBLIC WATER WELLS, ORDINANCE #20 at its regular meeting at 11:00 a.m. on April 5th, 1999 in the Supervisors' Office Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Auditor's Office.

Sharon McCrabb
Delaware County Auditor

P67

Pd. 4-12-99

Kind _____

Parties _____

_____

Attorney _____

No. of Weeks _

First Pub. _____

Last Pub. _____

Filed _____

Cost _____

Legal Notice
Board of Supervisors
PUBLIC NOTICE

Public Notice is hereby given that the Delaware County Board of Supervisors will have the second and final reading of the DELAWARE COUNTY REGULATIONS FOR NON-PUBLIC WATER WELLS, ORDINANCE #20 at its regular meeting at 11:00 a.m. on April 5th, 1999 in the Supervisors' Office, Courthouse, Manchester, Iowa. Copies of the full text of the ordinance are available to the public at the Auditor's Office.

Sharon McCrabb,
Delaware County Auditor

State of Iowa, Delaware County, ss.

I, Mary Weele, 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 Mar. 17 19 99 and ending Same 19____, Printer's fees, $ 6.90.

Mary Weele

Subscribed in my presence and sworn to before me by Mary Weele on this 7th day of May, 19 99

Brenda Kelchen
Notary Public

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

Supervisor's Minutes,

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

Amount of Contributions. The amount of the contributions to the Participant's Account will equal the amount by which the Participant has reduced his Compensation for the Plan Year, pursuant to his Salary Reduction Agreement. The Plan refers to these amounts as deferral contributions.

Limitation on amount. The employee's deferral contributions are subject to the following limitations: the deferred amount must equal at least $25 monthly.

ARTICLE IV
TIME AND METHOD OF PAYMENTS OF BENEFITS

4.01 BENEFIT PAYMENT ELECTIONS. The following distribution elections apply to the Plan:

(a) on the first day of the third month following the Participant's Separation from Service.

(e) Unforeseeable emergency. A Participant, prior to this Separation from Service, may elect a distribution from his deferral contributions Account in accordance with the unforeseeable emergency policy under Section 4.04 of the Plan.

4.02 METHOD OF PAYMENT OF ACCOUNT. The Loan Administrator will apply Section 4.02 with the following modifications:

(a) No modifications to Section 4.02 of the Plan.

ARTICLE V
PLAN ADMINISTRATOR - DUTIES WITH RESPECT TO PARTICIPANTS' ACCOUNTS

5.08 ALLOCATION OF NET INCOME GAIN OR LOSS. The Plan will allocate net income, gain or loss using the following method:

(a) Daily valuation method. Allocate on each day on which the New York Stock Exchange transacts business.

(e) Accounting Dates. In addition to each Accounting Date (Section 1.02), the Plan allocates net income gain or loss as of the following dates: the last day of each quarter of the Plan Year.

All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the FARM LEASE - CASH OR CROP SHARES renewal with Jason S. Hoeger, Hopkinton, Iowa, be approved for total annual cash rent of $16,114.00 for the next three year period for the following real estate:

That part of the North One-Half (N½) of Section 18 lying West of the railroad right-of-way, except the North 132 feet of the West 330 feet thereof, and the North One-Half (N½) of the Southwest Quarter (SW¼) of said Section 18, all in Township 88 North, Range 4, West of the 5th P.M., excepting, however, the lagoon area located in the North One-Half (N½) of said Southwest Quarter (SW¼) and the building site and real estate located East of the building site located in the North One-Half (N½) of said Section 18 as detailed on the aerial photo attached hereto.

Landlord: Delaware County, Iowa

By: Eldon Koeneke, Chairman, Delaware County Board of Supervisors

Sharon McCrabb, Delaware County Auditor

All ayes.

Pat Kane, Community Services Director advised that the Delaware County Community Services Advisory Council would be meeting from 1:30 p.m. to 3:00 p.m. in the City Council Chambers on E. Main St., Manchester, Iowa, on April 8th and the public is invited to attend.

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

D. Eldon Koeneke
G. Eldon Koeneke, Chairman

Sharon McCrabb
Sharon McCrabb, Auditor

****

April 5, 1999
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date with Helmrichs and Skinner present and Koeneke, absent. Vice-Chairperson Shirley Helmrichs called the meeting to order at 11:00 A.M..

Motion made by Skinner, seconded by Helmrichs and carried that the following employees be allowed to attend their respective meetings: Joe Weber to attend a MoGo Instructional Workshop in Ames on April 9th; Shirley Helmrichs, Eldon Koeneke and Bill Skinner to attend an Alliance Pipeline meeting in Cedar Rapids on April 6th and an Operation: New View meeting in Dubuque on April 8th; Brian Ridenour to attend an Alliance Pipeline meeting in Cedar Rapids on April 6th. All ayes.

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

Mental Health Fund

Alliant	electric service	$88.83

All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that tax sale certificate #97003 be purchased by Ila Margquardt, et al for the total amount of $137.00 for real estate described as Pt SW SE in Coffins Grove Twp., West Delaware FD #2. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the Monthly Report and Remittance of the Clerk of District Court for the month of March, 1999 in the amount of $467.31 deposited into the General Basic Fund, be approved. All ayes.

Notice was published in The Manchester Press on March 30, 1999 for the bid letting for 195 miles of center-line paint marking (3,900 gallons of yellow). The bids were opened by Brian Ridenour, County Engineer, as follows: Vogel Traffic Services, Inc., Orange City - $35,100.00; All Iowa Contracting, Waterloo - $38,025.00; Dennis Parking Lot, Des Moines - $42,705.00. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the low bid of Vogel Traffic Services, Inc. in the amount of $35,100.00 be approved. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following county official quarterly reports for the period ending March 31, 1999 be approved:

Ronald Wilhelm, Sheriff	-	fees collected and deposited into the General Basic Fund	$9,415.55
Sharon McCrabb, Auditor	-	fees collected and deposited into the General Basic Fund	273.05
Deborah Peyton, Recorder	-	fees collected and deposited into the General Basic Fund	25,114.93
		surcharge collected and deposited into Recorder's Management Fund	1,093.00

All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the Cigarette Permit for Nancy Selness, d/b/a The Pizza Place, Inc. be approved for the period April 1, 1999 through June 30, 1999. All ayes.

This being the date set for Public Hearing of the Amendment of Current County Budget as published in The Manchester Press on March 23rd, 1999 and in the Delaware County Leader on March 24th, 1999, the Vice-Chairperson declared the hearing open.

There were no objections, either written or oral to the amendment and the hearing was declared closed.

Motion made by Skinner, seconded by Helmrichs and carried that the amendment to the 1998/99 FY budget be adopted as follows:

	Total Budget as Certified or Last Amended	Adopted Current Amendment	Total Budget After Current Amendment
REVENUES & OTHER FINANCING SOURCES			
Taxes Levied on Property	3,500,156		3,500,156
Less: Uncollected Delinq. Taxes - Levy Year	12,000		12,000
Less: Credits to Taxpayers	324,972		324,972
Net Current Property Taxes	3,163,184		3,163,184
Delinquent Property Tax Revenue	750		750
Penalties, Interest & Cost on Taxes	31,100		31,100
Other County Taxes/TIF Tax Revenues	608,128		608,128
Intergovernmental	4,428,762	10,000	4,438,762
Licenses & Permits	12,400		12,400
Charges for Services	228,745		228,745
Use of Money & Property	168,053		168,053
Miscellaneous	127,237		127,237
Subtotal Revenues	8,768,359	10,000	8,778,359
Other Financing Sources:			
Operating Transfers In	1,060,000		1,060,000
Proceeds of Fixed Asset Sales	2,000		2,000
Total Revenues & Other Sources	9,830,359	10,000	9,840,359
EXPENDITURES & OTHER FINANCING USES			
Operating:			
Public Safety	1,069,211	2,500	1,071,711
Court Services	121,630		121,630
Physical Health & Education	168,199		168,199
Mental Health, MR & DD	1,942,583		1,942,583
Social Services	278,777		278,777
County Environment	414,957	10,000	424,957
Roads & Transportation	3,582,000		3,582,000
State & Local Government Services	286,973		286,973
Interprogram Services	859,020		859,020
Nonprogram Current	10,300		10,300
Capital Projects	790,500		790,500
Subtotal Expenditures	9,524,150	12,500	9,536,650
Other Financing Uses:			
Operating Transfers Out	1,060,000		1,060,000
Total Expenditures & Other Uses	10,584,150	12,500	10,596,650
Excess of Revenues and Other Sources over (under) Expenditures & Other Uses	(753,791)	(2,500)	(756,291)
Beginning Fund Balance - July 1	3,150,740		3,150,740
Ending Fund Balance - June 30	2,396,949	(2,500)	2,394,449

/S/ Shirley E. Helmrichs, Board Vice-Chairperson /S/ Sharon McCrabb, County Auditor

All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the following resolution be approved:

AMENDED 1998-99 APPROPRIATIONS RESOLUTION

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year beginning July 1, 1998, in accordance with Section 331.434, Subsection 6, Code of Iowa,

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

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

Section 1. The amounts itemized by fund and by department or office on the following schedule are hereby appropriated from the resources of each fund so itemized, and the department or office listed in the first column on the same line of the schedule.

Section 2. Subject to the provisions of other county procedures and regulations, and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations from the itemized fund, effective July 1, 1998.

Section 3. In accordance with Section 331.437, Code of Iowa, no department or officer shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money for any purpose in excess of the amounts appropriated pursuant to this resolution.

Section 4. If at any time during the 1998/99 budget year the Auditor shall ascertain that the available resources of a fund for that year will be less than said fund's total appropriations, she shall immediately so inform the board and recommend appropriate corrective action.

Section 5. The Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amounts charged thereto, and the unencumbered balance. The Auditor shall report the status of such accounts to the applicable departments and offices monthly, during the 1998/99 budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of the business day on June 30, 1999.

EXPENDITURE SUMMARY BY DEPARTMENT AND FUND

Department	General Basic	MH/DD Fund	Rural Services	Secondary Road	Other	Expend. Trusts	Totals
Supervisors	838,754		104,456				943,210
Auditor	189,624						189,624
Treasurer	165,512						165,512
Attorney	135,987						135,987
Sheriff	899,891						899,891
Clerk of Court	118,630						118,630
Recorder	131,536				11,462		142,998
Community Services	121,591						121,591
County Engineer				4,239,000			4,239,000
Veteran Affairs	8,497						8,497
Conservation	233,916				41,000	7,350	282,266
Local Health	96,924						96,924
Weed Commissioner			500				500
Human Services	82,989						82,989
County Farm	10,300						10,300
Medical Examiner	9,000						9,000
Fairgrounds	30,000						30,000
County Services	75,873						75,873
County Library			38,000				38,000
Historical Society	3,275						3,275
Mental Health		1,942,583					1,942,583
Totals	$3,152,299	1,942,583	142,956	4,239,000	52,462	7,350	9,536,650

Dated this 5th day of April, 1999.

Delaware County Board of Supervisors
/S/ Shirley E. Helmrichs, Vice-Chairman

ATTEST: /S/ Sharon McCrabb, Auditor

All ayes.

Mr. Carl Wittaker was present for the second and final reading of Ordinance #20 as follows:

DELAWARE COUNTY REGULATIONS FOR NON-PUBLIC WATER WELLS ORDINANCE NO. 20

Pursuant to the authority granted the Delaware County Supervisors under Chapter 331 county home rule, of the Code of Iowa and by the powers delegated by Section 331.302 (4A) of this Chapter, the Delaware County Board of Supervisors will enforce the rules of, Section 567 (Environmental Protection) Chapter 49 NON-PUBLIC WATER WELLS of the Iowa Administrative Code.

1. APPLICATION FOR PERMIT
   A. Any person, firm or corporation wishing to excavate, construct, or reconstruct a well in Delaware County shall submit an Application for Permit to the Delaware County Sanitarian. The Delaware County Sanitarian will be the administrator for the Delaware County Board of Supervisors in enforcing the provisions of this chapter. Application for Permit forms will be supplied by the County Sanitation Department upon request. Applicants shall supply the Sanitarian with the property holder's name(s), where the well is to be constructed; legal description of the property, name and address of person, firm or company contracted to perform the work and location of proposed well in regard to distances to possible sources of contamination and general description on what proposed water source is to serve (household, livestock, irrigation, commercial, heat pump or monitoring). The Application must be signed by the property holder or well contractor and be accompanied by a permit fee ($40.00) as set by the Delaware County Board of Supervisors.

   B. PERMIT:
   No person, firm or corporation shall begin excavation, construction, reconstruction or alteration of any well for non-public water supply without first having obtained signed approval for permit from the Delaware County Sanitarian. Approval for permit will be indicated on the application for permit. No application will be approved without a formal site inspection by the Sanitarian. Permit Cards indicating approval for construction of a well, along with a copy of the application for permit will be directed to the applicant. The permit will be valid for a twelve (12) month period.

2. NOTIFICATION:
   The Sanitarian will be notified orally one calendar day before well construction begins.

3. INSPECTIONS:
   The Delaware County Sanitarian shall represent the Delaware County Board of Supervisors and make inspections of proposed construction sites, and/or existing well sites, inspect any material, construction work, equipment, and methods or procedures applied on the job. The county Sanitarian will police Delaware County for compliance of these provisions and other health regulations and may investigate, collect samples or other pertinent evidence whenever he/she has reason to believe a violation exists or needs to confirm the safe use of the water supply. The Delaware County

Sanitarian shall have the right to enter upon any property under jurisdiction of the Delaware County Board of Supervisors and shall be given access to any structure which houses any part of a well or necessary to deem compliance of governing rules and regulations and to insure the protection and improvement of human health. The Delaware County Sanitarian will assist any local, state or federal agency with enforcement of applicable laws or rules by providing them with the information or evidence of applicable law or rules violations collected through inspections. Inspections are conducted during normal business hours.

4. VIOLATION PROVISION:

A. Any violation of this ordinance may be prosecuted as a county infraction pursuant to Section 331.307, Code of Iowa.

B. The Zoning Administrator, or any other Delaware County representative duly authorized by the Board of Supervisors, may issue a civil citation to any person who commits a violation of this ordinance.

C. The citation may be served by personal service a provided in Iowa Rule of Civil Procedure 56.1, or by cerfified mail addressed to the respondent at the respondent's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1.

D. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of civil penalty to be assessed or the alternate relief sought, or both; the manner, location and time in which the penalty may be paid; the time and place of court appearance; and the penalty for failure to appear in court.

E. If the person named in the citation is served as provided in this section, and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

F. A violation of this ordinance may be a civil offense punishable by a civil penalty of not more than one hundred dollars ($100) for each violation, or if the violation is a repeat offense, a civil penalty not to exceed two hundred dollars ($200) for each repeat offense. Each day that a violation occurs or is allowed by the respondent to exist, constitutes a separate offense. A person found guilty of a county infraction is liable for the court costs and fees. If a person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees.

G. Seeking a civil penalty, as authorized in this section, does not preclude Delaware County from seeking alternative relief from the court in the same action.

H. Delaware County shall have the burden of proof that a violation occurred and that the respondent committed the violation, or allowed the violation to occur on property under his or her control. The proof shall be by clear, satisfactory and convincing evidence. The court shall ensure that the respondent has received a copy of the charges and that the respondent understands the charges. The respondent may question all witnesses who appear for Delaware County and the respondent may produce evidence or witnesses on his or her own behalf. The respondent may be represented by counsel of the respondent's own selection and at the respondent's own expense. The respondent may enter a plea admitting or denying the violation.

I. When judgment has been entered against a respondent, the court may do any of the following:

a. Impose a civil penalty by entry of a personal judgment against the respondent.

b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

c. Grant appropriate alternative relief ordering the respondent to abate or cease the violation.

d. Authorize Delaware County to abate or correct the violation.

e. Order that Delaware County's costs for abatement or correction of the violation be entered as a personal judgment against the respondent or assessed against the property where the violation occurred, or both.

J. If a respondent willfully violates the terms of an order imposed by the court, the failure is contempt.

K. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to Section 631.1(1), Code of Iowa, for magistrates, and Section 602.6306(2), Code of Iowa, for district associate judges. If Delaware County seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to Section 631.13, Code of Iowa.

L. A respondent, or Delaware County may file a motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a snall claim pursuant to Section 631.13, Code of Iowa. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same respondent.

M. The issuance of a civil citation for a county violation, or any ensuring court proceeding does not provide an action for false arrest, false imprisonment or malicious prosecution.

N. Nothing is this Section precludes the prosecution of violations of this ordinance as a simple misdemeanor if a state law violation has also been determined to have occurred.

10. AUTHORITY OF DEPARTMENT OF NATURAL RESOURCES

Nothing here shall preclude the state, through the Department of Natural Resources, from exercising its rights of enforcement under Iowa Code Chapter 455B and the relevant sections of the Iowa Administrative Code.

Supervisor's Minutes,

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

11. JURISDICTION:

The provisions of this ordinance shall apply throughout Delaware County, Iowa.

12. CONFLICT WITH STATE LAWS:

This ordinance is intended to be consistent with state law. In the event that this ordinance conflicts with a state law or a state administrative code rule, the more stringent standards shall be controlling.

13. SEPARABILITY:

The provisions of this ordinance are separable, and if any provision, sentence, clause, section, or part thereof should be held illegal, invalid,unconstitutional or inapplicable to any person, or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the ordinance.

Dated this 5th day of April, 1999.

Delaware County Board of Supervisors

Motion made by Skinner, seconded by Helmrichs and carried that Ordinance #20 be adopted as read. All ayes.

Two boys from Boy Scout Troop #33 were introduced and said they were working on badges and being present at the supervisors' meeting would held them achieve their badges.

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

Shirley E. Helmrichs, Vice-Chairperson

Sharon McCrabb, Auditor

****

April 12, 1999
Manchester, Iowa

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

The Delaware County Board of Supervisors met in regular session this date at 11:00 a.m. with all members present. G. Eldon Koeneke, Chairman, called the meeting to order.

Motion made by Helmrichs, seconded by Skinner and carried that the payroll of April 9, 1999 in the amount of $86,919.95 through warrants # 13705 - 13840, claims as shown on pages 245a through 245d and the following handwritten claims be approved:

	General Basic Fund	
AT&T	phone service	$372.89
	Mental Health Fund	
AT&T	phone service	61.26
	Secondary Road Fund	
AT&T	phone service	45.83

All ayes.

Joe Raso addressed the Board and asked that they provide a letter of support and be the applicant for a grant to study the child care needs in Delaware County. The grant would be for approximately $1,500.00.

Motion made by Skinner, seconded by Helmrichs and carried that Delaware County apply for the child care study grant and write a letter of support for the project. All ayes.

The Board discussed the prospect of an individual purchasing county property adjacent to the Community Services building on South 5th Street in Manchester. The individual would at least pay the $15,000.00 the property cost the county and would be restricted to building a daycare center at the site within the next five years or the county would purchase the property back.

Motion made by Skinner, seconded by Helmrichs and carried that the date of May 3rd at 11:00 a.m. be set for a public hearing on the proposed sale of the county property. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that Form 5500-C/R entitled "Return/Report of Employee Benefit Plan" be signed by the Board Chairperson and that the form be returned to CPI Qualified Plan Consultants to file with the Internal Revenue Service on behalf of Delaware County for the employees fexible benefit plan. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the Renewal Application for a Class C Liquor License, Application for Sunday Sales Privilege and Application for Outdoor Service Area for the Manchester Golf & Country Club be approved for the period May 17, 1999 through May 16, 2000. All ayes.

Motion made by Helmrichs, seconded by Skinner and carried that the final draft of the FYE 6-30-98 Financial Report for Delaware County be approved as presented by Hunt, Kain & Associates of Oskaloosa. All ayes.

Motion made by Skinner, seconded by Helmrichs and carried that the Iowa Department of Natural Resources Quarterly Reporting form for wells tested and wells plugged be approved for the quarter ending March 31, 1999, in the amount of $3,922.00. All ayes.

At 11:15 a.m. the Board moved to the jail basement for a public hearing on a road and bridge closure described as that portion of the 197th Street beginning at 280th Avenue and 197th Street intersection, thence westerly 2,050 feet to Irvin Sellner's driveway, all located in Section 24 of Oneida Township, T89N, R4W. The public

Legal Notice
Board of Supervisors

4-14-99

DELAWARE COUNTY REGULATIONS FOR NON-PUBLIC WATER WELLS ORDINANCE #20

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1. APPLICATION FOR PERMIT.

A. Any person, firm or corporation wishing to excavate, construct, or reconstruct a well in Delaware County shall submit an Application for Permit to the Delaware County Sanitarian. The Delaware County Sanitarian will be the administrator for the Delaware County Board of Supervisors in enforcing the provisions of this chapter. Application for Permit forms will be supplied by the County Sanitation Department upon request. Applicants shall supply the Sanitarian with the property holder's name(s), where the well is to be constructed; legal description of the property, name and address of person, firm or company contracted to perform the work and location of proposed well in regard to distances to possible sources of contamination and general description on what proposed water source is to serve (household, livestock, irrigation, commercial, heat pump or monitoring). The Application must be signed by the property holder or well contractor and be accompanied by a permit fee ($40.00) as set by the Delaware County Board of Supervisors.

B. PERMIT

No person, firm or corporation shall begin excavation, construction, reconstruction or alteration of any well for a non-public water supply without first having obtained signed approval for permit from the Delaware County Sanitarian. Approval for permit will be indicated on the application for permit. No application will be approved without a formal site inspection by the Sanitarian. Permit Cards indicating approval for construction of a well, along with a copy of the application for permit will be directed to the applicant. The permit will be valid for a twelve (12) month citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of civil penalty to be assessed or the alternate relief sought, or both; the manner, location and time in which the penalty may be paid; the time and place of court appearance; and the penalty for failure to appear in court.

E. If the person named in the citation is served as provided in this section, and fails without good cause, to appear in response to the civil citation, judgement shall be entered against the person cited.

F. A violation of this ordinance may be a civil offense punishable by a civil penalty of not more than one hundred dollars ($100.00) for each violation, or if the violation is a repeat offense, a civil penalty not to exceed two hundred dollars ($200.00) for each repeat offense. Each day that a violation occurs or is allowed by the respondent to exist, constitutes a separate offense. A person found guilty of a county infraction is liable for the court costs and fees. If a person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees.

G. Seeking a civil penalty, as authorized in this section, does not preclude Delaware County from seeking alternative relief from the court in the same action.

H. Delaware County shall have the burden of proof that a violation occurred and that the respondent committed the violation, or allowed the violation to occur on property under his or her control. The proof shall be by clear, satisfactory and convincing evidence. The court shall ensure that the respondent has received a copy of the charges and that the respondent understands the charges. The respondent may question all witnesses who appear for Delaware County and the respondent may produce evidence or witnesses on his or her own behalf. The respondent may be represented by counsel of the respondent's own selection and at the respondent's own expense. The respondent may enter a plea admitting or denying the violation.

I. When judgment has been entered against a respondent, the court may do any of the following.

State of Iowa, Delaware County, ss.

I, Mary Wells, 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 April 14 19 99, and ending Same 19____, Printer's fees, $97.29.

Mary Wells

Subscribed in my presence and sworn to before me by Mary Wells **on this** 29th **day of** April, 19 99.

Wilma L Parsons

Notary Public

NOTARIAL SEAL
WILMA L. PARSONS
MY COMMISSION EXPIRES
12-10-01

period.

2. NOTIFICATION:

The Sanitarian will be notified orally one calendar day before well construction begins.

3. INSPECTIONS.

The Delaware County Sanitarian shall represent the Delaware County Board of Supervisors and make inspections of proposed construction sites, and/or existing well sites, inspect any material, construction work, equipment, and methods or procedures applied on the job. The county Sanitarian will police Delaware County for compliance of these provisions and other health regulations and may investigate, collect samples or other pertinent evidence whenever he/she has reason to believe a violation exists or needs to confirm the safe use of the water supply. The Delaware County Sanitarian shall have the right to enter upon any property under jurisdiction of the Delaware County Board of Supervisors and shall be given access to any structure which houses any part of a well or necessary to deem compliance of governing rules and regulations and to insure the protection and improvement of human health. The Delaware County Sanitarian will assist any local, state or federal agency with enforcement of applicable laws or rules by providing them with the information or evidence or applicable law or rules violations collected through inspections. Inspections are conducted during normal business hours.

4. VIOLATION PROVISION:

A. Any violation of this ordinance may be prosecuted as a county infraction pursuant to Section 331.307, Code of Iowa.

B. The Zoning Administrator, or any other Delaware County representative duly authorized by the Board of Supervisors, may issue a civil citation to any person who commits a violation of this ordinance.

C. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 56.1, or by certified mail addressed to the respondent at the respondent's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1.

D. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The

a. Impose a civil penalty by entry of a personal judgment against the respondent.

b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.

c. Grant appropriate alternative relief ordering the respondent to abate or cease the violation.

d. Authorize Delaware County to abate or correct the violation.

e. Order that Delaware County's costs for abatement or correction of the violation be entered as a personal judgment against the respondent or assessed against the property where the violation occurred, or both.

J. If a respondent willfully violates the terms of an order imposed by the court, the failure is contempt.

K. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to Section 631.1(1),Code of Iowa, for magistrates, and Section 606.6306(2), Code of Iowa, for district associate judges. If Delaware County seeks abatement or correction costs in excess of those amounts, the case shall be ferred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedures as that for a small claims appeal pursuant to Section 631.13, Code of Iowa.

L. A respondent, or Delaware County may file a motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to Section 631.13, Code of Iowa. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same respondent.

M. The issuance of a civil citation for a county violation, or any ensuring court proceeding, does not provide an action for false arrest, false imprisonment or malicious prosecution.

N. Nothing in this Section precludes the prosecution of violations of this ordinance as a simple misdemeanor if a state law violation has also been determined to have occurred.

10. AUTHORITY OF DEPARTMENT OF NATURAL RESOURCES:

Nothing here shall preclude the state, through the Department of Natural Resources, from exercising its rights of enforcement under Iowa Code Chapter 455B and the relevant sections of the Iowa Administrative Code.

11. JURISDICTION;

The provisions of this ordinance shall apply throughout Delaware County, Iowa.

12. CONFLICT WITH STATE LAWS:

This ordinance is intended to be consistent with state law. In the event that this ordinance conflicts with a state law or state administrative code rule, the more stringent standards shall be controlling.

13. SEPARABILITY.

The provisions of this ordinance are separable, and if any provision, sentence, clause, section, or part thereof should be held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the ordinance.

Dated this 5th day of April, 1999.

Delaware County Board
of Supervisors
Chairperson
Eldon Koeneke (absent)
Shirley E. Helmrichs
Supervisor
Bill Skinner
Supervisor

ATTEST:
Sharon McCrabb
Delaware County 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 Delaware County

in case of Ordinance #20

a copy of which is hereto attached, was published in said newspaper for 1 weeks consecutively; the first publication having been made on the 13 day of April A.D. 19 99, and the last on the 13 day of April A.D. 1999

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 13 day of April A.D. 1999

Witness my hand and seal the date last above written.

Peggy A. McElhaney Notary Public

NOTARIAL SEAL IOWA
PEGGY A. McELHANEY
MY COMMISSION EXPIRES
8-13-00

DELAWARE COUNTY REGULATIONS
FOR NON-PUBLIC WATER WELLS
ORDINANCE NO.20

Pursuant to the authority granted the Delaware County Supervisors under Chapter 331 county home rule, of the Code of Iowa and by the powers delegated by Section 331.302 (4A) of this Chapter, the Delaware County Board of Supervisors will enforce the rules of, Section 567 (Environmental Protection) Chapter 49 NON-PUBLIC WATER WELLS of the Iowa Administrative Code.

1. APPLICATION FOR PERMIT

A. Any person, firm or corporation wishing to excavate, construct, or reconstruct a well in Delaware County shall submit an Application for Permit to the Delaware County Sanitarian. The Delaware County Sanitarian will be the administrator for the Delaware County Board of Supervisors in enforcing the provisions of this chapter. Application for Permit forms will be supplied by the County Sanitation Department upon request. Applicants shall supply the Sanitarian with the property holder's name(s), where the well is to be constructed; legal description of the property, name and address of person, firm or company contracted to perform the work and location of proposed well in regard to distances to possible sources of contamination and general description on what proposed water source is to serve (household, livestock, irrigation, commercial, heat pump or monitoring). The Application must be signed by the property holder or well contractor and be accompanied by a permit fee ($40.00) as set by the Delaware County Board of Supervisors.

B. PERMIT:

No person, firm or corporation shall begin excavation, construction, reconstruction or alteration of any well for a non-public water supply without first having obtained signed approval for permit from the Delaware County Sanitarian. Approval for permit will be indicated on the application for permit. No application will be approved without a formal site inspection by the Sanitarian. Permit Cards indicating approval for construction of a well, along with a copy of the application for permit will be directed to the applicant. The permit will be valid for a twelve (12) month period.

2. NOTIFICATION:

The Sanitarian will be notified orally one calendar day before well construction begins.

3. INSPECTIONS:

The Delaware County Sanitarian shall represent the Delaware County Board of Supervisors and make inspections of proposed construction sites, and/or existing well sites, inspect any material, construction work, equipment, and methods or procedures applied on the job. The county Sanitarian will police Delaware County for compliance of these provisions and other health regulations and may investigate, collect samples or other pertinent evidence whenever he/she has reason to believe a violation exists or needs to confirm the safe use of the water supply. The Delaware County Sanitarian shall have the right to enter upon any property under jurisdiction of the Delaware County Board of Supervisors and shall be given access to any structure which houses any part of a well or necessary to deem compliance of governing rules and regulations and to insure the protection and improvement of human health. The Delaware County Sanitarian will assist any local, state or federal agency with enforcement of applicable laws or rules by providing them with the information or evidence of applicable law or rules violations collected through inspections. Inspections are conducted during normal business hours.

4. VIOLATION PROVISION:

A. Any violation of this ordinance may be prosecuted as a county infraction pursuant to Section 331.307, Code of Iowa.

B. The Zoning Administrator, or any other Delaware County representative duly authorized by the Board of Supervisors, may issue a civil citation to any person who commits a violation of this ordinance.

C. The citation may be served by personal service as provided in Iowa Rule of Civil Procedure 56.1, or by certified mail addressed to the respondent at the respondent's last known mailing address, return receipt requested, or by publication in the manner provided in Iowa Rule of Civil Procedure 60 and subject to the conditions of Iowa Rule of Civil Procedure 60.1.

D. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of civil penalty to be assessed or the alternate relief sought, or both; the manner, location and time in which the penalty may be paid; the time and place of court appearance; and the penalty for failure to appear in court.

E. If the person named in the citation is served as provided in this section, and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

F. A violation of this ordinance may be a civil offense punishable by a civil penalty of not more than one hundred dollars ($100) for each violation, or if the violation is a repeat offense, a civil penalty not to exceed two hundred dollars ($200) for each repeat offense. Each day that a violation occurs or is allowed by the respondent to exist, constitutes a separate offense. A person found guilty of a county infraction is liable for the court costs and fees. If a person is found not guilty of a county infraction or the action is dismissed, the county is liable for the court costs and court fees.

G. Seeking a civil penalty, as authorized in this section, does not preclude Delaware County from seeking alternative relief from the court in the same action.

H. Delaware County shall have the burden of proof that a violation occurred and that the respondent committed the violation, or allowed the violation to occur on property under his or her control. The proof shall be by clear, satisfactory and convincing evidence. The court shall ensure that the respondent has received a copy of the charges and that the respondent understands the charges. The respondent may question all witnesses who appear for Delaware County and the respondent may produce evidence or witnesses on his or her own behalf. The respondent may be represented by counsel of the respondent's own selection and at the respondent's own expense. The respondent may enter a plea admitting or denying the violation.

I. When judgment has been entered against a respondent, the court may do any of the following:

a. Impose a civil penalty by entry of a personal judgment against the respondent.
b. Direct that payment of the civil penalty be suspended or deferred under conditions imposed by the court.
c. Grant appropriate alternative relief ordering the respondent to abate or cease the violation.
d. Authorize Delaware County to abate or correct the violation.
e. Order that Delaware County's costs for abatement or correction of the violation be entered as a personal judgment against the respondent or assessed against the property where the violation occurred, or both.

J. If a respondent willfully violates the terms of an order imposed by the court, the failure is contempt.

K. The magistrate or district associate judge shall have jurisdiction to assess or enter judgment for costs of abatement or correction in an amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to Section 631.1(1), Code of Iowa, for magistrates, and Section 602.6306(2), Code of Iowa, for district associate judges. If Delaware County seeks abatement or correction costs in excess of those amounts, the case shall be referred to the district court for hearing and entry of an appropriate order. The procedure for hearing in the district court shall be the same procedure as that for a small claims appeal pursuant to Section 631.13, Code of Iowa.

L. A respondent, or Delaware County may file a motion for a new trial or may appeal the decision of the magistrate or district associate judge to the district court. The procedure on appeal shall be the same as for a small claim pursuant to Section 631.13, Code of Iowa. A factual determination made by the trial court, supported by substantial evidence as shown in the record, is binding for purposes of appeal relating to the violation at issue, but shall not be admissible or binding as to any future violation for the same or similar ordinance provision by the same respondent.

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The provisions of this ordinance are separable, and if any provision, sentence, clause, section, or part thereof should be held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the ordinance.

Dated this 5th day of April, 1999

Delaware County Board of Supervisors
Chairperson Eldon Koeneke (Absent)
/S/ Shirley E. Helmrichs, Supervisor
/S/ Bill Skinner, Supervisor

ATTEST:
/S/ Sharon McCrabb
Delaware County Auditor

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