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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and Return To: Carla K. Becker, County Auditor, 301 E. Main St., Manchester, IA 52057 (563) 927-4701

CERTIFICATION

Attached hereto are the following supporting documentation for the passage of Ordinance #40 entitled *"An Ordinance Regarding Delaware County's Private Sewage Disposal Systems"*, by the Delaware County Board of Supervisors:

1. County Ordinance #40
2. Proof of Publication of the Public Notice for the first reading of Ordinance #40 published March 22, 2017 in the *Manchester Press* and in the *Dyersville Commercial* and March 21, 2017 in the *Delaware County Leader.*
3. Copy of Resolution No. 2017-027 approving first reading and setting date for second reading.
4. Proof of Publication of the Public Notice for the second reading of Ordinance #40 published March 22, 2017 in the *Manchester Press* and in the *Dyersville Commercial* and March 21, 2017 in the *Delaware County Leader.*
5. Copy of Resolution No. 2016-030 approving Ordinance #40 and directing Auditor to publish.
6. Copy of the Board of Supervisors Official Minutes of March 13, 2017 in Book 4, Page 181 through Page 186 setting the public hearing date for the first reading of Ordinance #40.
7. Copy of the Board of Supervisors Official Minutes of March 27, 2017 in Book 4, Page 189 through Page 190 showing the first approved reading of Ordinance #40.
8. Copy of the Board of Supervisors Official Minutes of April 3, 2017 in Book 4, Page 191 through Page 196 showing the approval of second and final approved reading and the adoption of Ordinance #40.
9. Proof of Publication of the full text of Ordinance #40 on April 12, 2017 in the *Manchester Press* and the *Dyersville Commercial* and April 11, 2017 in the *Delaware County Leader.*

I, Carla K. Becker, Delaware County Auditor, do hereby certify that the attached are originals or true copies of the above listed instruments.

Dated this 2nd day of October 2017.

Carla K. Becker, Delaware County Auditor

DELAWARE COUNTY OFFICIAL SEAL IOWA

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

Subscribed and sworn to before me, and in my presence by Carla K. Becker, Delaware County Auditor, this 2nd day of October 2017.

ANNE RAVE
Commission Number 757587
My Commission Expires
March 25, 2018

Anne Rave, Notary Public in and for the State of Iowa

DELAWARE COUNTY PRIVATE SEWAGE DISPOSAL SYSTEMS
ORDINANCE NO. 40

That Delaware County On-site Wastewater Treatment and Disposal Systems, Ordinance No. 19, was duly published on the 15th day of December, 1998, and was referred to as Delaware County Ordinance No. 19, On-site Wastewater Treatment and Disposal Systems.

Ordinance No. 19 is hereby repealed and this ordinance is adopted in lieu thereof.

1. **APPLICATION OF RULES.** These rules are applicable only to private sewage disposal systems. Anyone repairing or constructing a private sewage disposal system is required to have a valid permit issued prior to the start of work.

2. **DEFINITIONS**

   A. **"Administrative authority"** means the Delaware County Board of Health or its designee, the Delaware County Sanitarian.

   B. **"Private sewage disposal system"** means any system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than 16 individuals on a continuing basis, including domestic waste, whether residential or nonresidential, but not including industrial waste of any flow rate except as provided for in Iowa Administrative Code 567—68.11 (455B). This includes, but is not limited to, septic tanks, holding tanks for waste, chemical toilets, impervious vault toilets, and portable toilets.

   C. **"POTW"** or **"publicly owned treatment works"** means any device or system used in the treatment of municipal sewage or industrial wastes of a liquid nature which is owned by a municipal corporation or other public body created by or under Iowa law and having jurisdiction over disposal of sewage, industrial wastes or other wastes, or a designated and approved management agency under Section 208 of the Act.

   D. **"Transfer"** means the transfer or conveyance by sale, exchange, real estate contract, or any other method by which real estate and improvements are purchased, if the property includes at least one but not more than four dwelling units, unless exempt under Iowa Code Section 455B.172.

3. **GENERAL**

   A. No private sewage disposal system shall be installed, repaired, or rehabilitated where a publicly owned treatment works (POTW) is available within 200 feet.

   B. When a POTW becomes available within 200 feet of any building or any exterior drainage facility connected thereto, any building then served by a private sewage disposal system shall be connected to said POTW within a time frame or under conditions established by the administrative authority.

4. PERMIT PROCEDURE:

A. No private sewage disposal system shall be installed, altered, or repaired unless a construction permit has been issued by the administrative authority.

B. Applications: Any person, firm, or corporation desiring a permit for a private sewage disposal system must file an application with the DELAWARE COUNTY SANITATION INSPECTOR. The permit purchased by the property owner or contractor shall state such pertinent information as required.

a. Effective July 1, 2017, all private sewage disposal systems shall be installed, altered, repaired, or maintained by an approved contractor. An applicant must identify an approved contractor when applying for a permit.

i. An approved contractor must meet the following requirements:

1. Must be a holder in good standing of an Iowa Onsite Wastewater Association (IOWWA) certification as a certified installer of private sewage systems, either basic or advanced levels; and

2. Be onsite at all times during the system installation, repair, alteration, or maintenance.

ii. The administrative authority will verify a contractor's certification is in good standing with the IOWWA prior to issuing a permit.

b. Site evaluation: A site evaluation shall be conducted prior to the issuance of a construction permit. Consideration shall be given, but not be limited, to the factors set forth in Iowa Admin. Code 567—69.3 (455B).

c. The administrative authority may require the submission of a design plan prepared by an engineer prior to issuing a construction permit.

C. Fees: Upon approval of this application by the Delaware County Sanitarian, the permit will be issued upon payment of the required fees.

Sewer permit	$150.00
Alteration	$150.00
Repair of a previously approved, permitted system	$0.00

D. Permit: The permit must be readily available upon request by administrative authority.

E. Validity: Permits shall be valid for a maximum of twelve (12) months from the date of issuance. If the system is not completed during this time frame, another permit is required.

F. Denial: The Delaware County Sanitarian has the authority to deny an application for a permit based upon conformance with this ordinance and reasonable consideration for the public health. A denial shall be in writing, state the grounds for the denial, and inform the applicant of the rights of appeal.

No permit which requires as a precondition the granting of an easement or variance shall be granted until the applicant has recorded the necessary easement or variance document in the office of the County Recorder.

5. INSPECTIONS

A. The Delaware County Sanitarian must be notified orally one calendar day before the work is to be inspected or tested. Inspections are conducted during normal working hours.

B. No part of any private sewage disposal system shall be used, covered, or so constructed as to deny the mandatory final inspection by the administrative authority. This includes alteration in or repair of an existing system.

C. Whenever the administrative authority has reasonable grounds to believe that a violation of this regulation exists, it may enter upon and make any inspection of such premises, dwelling or other building, and gather other necessary information, including water samples or other necessary specimens for the purpose of laboratory analysis, or introduce into the system necessary testing materials for tracing the source of any apparent sewage discharge to the surface of the ground. The owner or occupant of such premises shall permit the administrative authority to enter such premises, make such inspection, and obtain such samples.

D. Inspection by the administrative authority shall be made between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday and at other times with the consent of the occupant or in case of emergency. The provisions of this section apply to all premises, buildings or dwellings, whether vacant or occupied. The administrative authority may make as many additional inspections of such premises as are deemed necessary to determine the compliance with this regulation. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee access onto any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this regulation or with any lawful regulation or any lawful order issued pursuant to the provisions of this regulation.

E. Refusal of admittance. In the event the administrative authority, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, an application shall be made to the court for an administrative search warrant. Such warrant shall be executed by an employee of the Delaware County Sanitarian between the hours of sunrise and sunset. During entry onto the property pursuant to an administrative search warrant, only those activities necessary to carry out the provision of this regulation shall be allowed.

6. TIME OF TRANSFER INSPECTIONS

A. A building where a person resides, congregates, or is employed that is served by a private sewage disposal system shall have the sewage disposal system serving the building inspected prior to any transfer of ownership of the building, unless specifically exempted by law.

B. All inspections shall be conducted by a DNR certified inspector and in accordance with the provisions outlined for such inspections within IAC Chapter 69. All costs shall be the responsibility of the property owner or transferor. Following an inspection, a DNR inspection report form and any related reports shall be provided to the Department of Health, the DNR, and the County Recorder. Any deficiencies identified within the inspection report shall be remedied by written mandate of the Department of Health. The Department of Health shall issue a repair permit for mandated improvements upon receipt of the required fee and shall perform a compliance inspection.

C. If the original owner or transferor fails to have the property inspected as required, such failure shall constitute a violation of this ordinance.

D. All private sewage disposal systems that discharge wastewater are not in compliance with the minimum standards set forth in this ordinance and IAC Chapter 69. Such systems shall be brought into compliance prior to closing of the property transfer, unless arrangements have been made whereby the system will ultimately be brought into compliance at a later date based upon a schedule approved by the Department of Health. Systems that discharge untreated wastewater to any source are illegal and may not be transferred and left "as is" under any circumstance.

E. Any private sewage disposal system that was installed under County permit or passed a certified inspection within two (2) years prior to the sale or transfer is exempt from further inspection until the next change of ownership.

7. **PURPOSE.** The purpose of this ordinance is to promote and encourage public health and sanitation. Delaware County does not guarantee the workmanship and quality of any work a private contractor performs on any private sewage disposal system located within Delaware County. Rather, Delaware County recognizes the need for properly permitted and installed private sewage disposal systems. These systems are approved and certified by trained personnel from the Delaware County Sanitation Department. The Delaware

County Board of Health and the Delaware County Board of Supervisors will establish and enforce such rules as necessary to ensure compliance with the permit and installation procedures for private sewage disposal systems within Delaware County.

In accordance with Section 331.302 (4A) of the 2015 Code of Iowa, Sections 455A.6, 455B.171, and 455B.173(3) and (8) concerning Water Quality are incorporated into this ordinance by this reference insomuch as these sections relate to Private Sewage Disposal Systems. The provisions of Iowa Administrative Code 567—69, Private Sewage Disposal Systems, or revisions therein, are adopted by reference and made a part of this ordinance.

8. 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 County Sanitarian, 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 Rules of Civil Procedure 1.305, 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 1.313 and subject to the conditions of Iowa Rule of Civil Procedure 1.310.

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; that 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 in the amount set forth in Iowa Code Section 331.307, or if the violation is a repeat offense, a civil penalty not to exceed the amount set forth in Section 331.307 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 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 property where the violation occurred, or both.

J. If a respondent willfully violated 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 magistrate, 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 ensuing 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.

9. **APPEAL**. Any person who feels aggrieved by any notice or order made by the Board of Health or its designee shall have the right to appeal to the Board of Health within twenty (20) days of the date of such order. Said appeal shall be in writing and shall state his/her reasons for requesting that the notice or order be rescinded or modified. The Board of Health may, by majority vote, modify, withdraw, or order compliance with said notice or order.

   An appeal from any order of the Board of Health may be taken to the Board of Supervisors within twenty (20) days. Said appeal shall be in writing and shall state his/her reasons for requesting that the notice or order be rescinded or modified.

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 this ordinance conflicts with a state law or a state administrative code rule, the more stringent standards shall be controlling.

13. **REPEAL**. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Ordinance No. 19 is hereby repealed in its entirety upon the effective date of this ordinance.

14. **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.

15. EFFECTIVE. That this ordinance shall become effective following passage by the Board of Supervisors and publication as specified in section 331.302(8) of the 2015 Code of Iowa.

Dated this 3rd day of April, 2017.

Delaware County Board of Supervisors

Chairperson Jeff Madlom

Supervisor Shirley Helmrichs

Supervisor Peter Buschmann

ATTEST:

Carla Becker
Delaware County Auditor

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Linda L. Vorwald, of Woodward Communications, Inc., an Iowa corporation, publisher of the Dyersville Commerical, a newspaper of general circulation published in the City of Dyersville, County of Dubuque and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates March 22, 2017, and for which the charge is $15.50.

Subscribed to before me, a Notary Public in and for Dubuque County, Iowa, this 30th day of March 2017.

NOTARIAL SEAL
LINDA L. VORWALD
Commission Number 702790
MY COMM. EXP. 4-18-18

Linda L. Vorwald

Notary Public in and for Dubuque County, Iowa

LEGAL NOTICE – DELAWARE COUNTY
Board of Supervisors
Notice of Public Hearings

Public Notice is hereby given that the Delaware County Board of Supervisors will hold a public hearing for the first reading in consideration of **Ordinance #40 "An Ordinance Regulating Private Sewage Disposal Systems"** at its regular meeting on **March 27, 2017 at 1:15 pm** and a public hearing for the second, and possibly final, reading at its regular meeting on **April 3, 2017 at 1:15 pm** both public hearings being held in the Delaware County Courthouse, Manchester, Iowa. Copies of the full text of said Ordinance are available to the public at the Delaware County Auditor's Office or on the County's website at www.co.delaware.ia.us.

Summary: To regulate the installation, repair, rehabilitation and inspection of a Private Sewage Disposal System and to set permit fees and penalties for noncompliance. This ordinance is intended to repeal and replace County Ordinance No. 19 – an Ordinance Regulating On-site Wastewater Treatment and Disposal Systems.

Carla K. Becker, Delaware County Auditor
3-22

RESOLUTION No. 2017-027

BE IT RESOLVED that the first official reading of Ordinance No. 40 entitled:

"AN ORDINANCE REGARDING DELAWARE COUNTY'S PRIVATE SEWAGE DISPOSAL SYSTEMS"

Is hereby approved and that said ordinance be further considered for its second and final reading at a meeting to be held at the Supervisors Office at the Delaware County Courthouse on Monday, April 3, 2017 at 1:15 pm . At such time and place, all persons interested shall be given the opportunity to be heard concerning said ordinance.

Approve this 27th day of March, 2017 by the Delaware County Board of Supervisors.

Jeff Madiom, Chairperson

Attest: _____
Carla K. Becker, County Auditor

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Kim Ronnebaum, of Woodward Communications, Inc., an Iowa corporation, publisher of the Manchester Press, a newspaper of general circulation published in the City of Manchester, County of Delaware and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates 3-22, 2017, and for which the charge is $15.42.

Subscribed to before me, a Notary Public in and for Delaware County, Iowa, this 3rd day of April 2017.

KIMBERLY RONNEBAUM
Commission Number 784454
My Commission Expires

Notary Public in and for
Delaware County, Iowa

LEGAL NOTICE –
DELAWARE COUNTY
Board of Supervisors
Notice of Public Hearings

Public Notice is hereby given that the Delaware County Board of Supervisors will hold a public hearing for the first reading in consideration of **Ordinance #40 "An Ordinance Regulating Private Sewage Disposal Systems"** at its regular meeting on **March 27, 2017 at 1:15 pm** and a public hearing for the second, and possibly final, reading at its regular meeting on **April 3, 2017 at 1:15 pm** both public hearings being held in the Delaware County Courthouse, Manchester, Iowa. Copies of the full text of said Ordinance are available to the public at the Delaware County Auditor's Office or on the County's website at www.co.delaware.ia.us.

Summary: To regulate the installation, repair, rehabilitation and inspection of a Private Sewage Disposal System and to set permit fees and penalties for noncompliance. This ordinance is intended to repeal and replace County Ordinance No. 19 – an Ordinance Regulating On-site Wastewater Treatment and Disposal Systems.

Carla K. Becker, Delaware County Auditor
3-22

RESOLUTION No. 2017-30

WHEREAS, the second reading of Proposed Ordinance #40, "AN ORDINANCE REGULATING PRIVATE SEWAGE DISPOSAL SYSTEMS IN DELAWARE COUNTY, IOWA" was held today, Monday, April 3, 2017 at 1:15 pm, and

WHEREAS, there were no comments received, either written or oral, for or against the passage of said ordinance.

NOW, THEREFORE, BE IT RESOLVED that the second and final reading of the ordinance entitled:

"AN ORDINANCE REGULATING PRIVATE SEWAGE DISPOSAL SYSTEMS IN DELAWARE COUNTY, IOWA"

Is approved as read and that said Ordinance is hereby adopted on this 3rd day of April, 2017.

We furthermore direct the Delaware County Auditor to publish said ordinance, in its entirety, in all three official newspapers of the county.

Approve this 3rd day of April, 2017 by the Delaware County Board of Supervisors.

Jeff Madlom, Chairperson

Pete Buschmann

Shirley E. Helmrichs

Attest: _____
Carla K. Becker, County Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

March 13, 2017
Manchester, Iowa
1:15 p.m.

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Jason Wenger, Dennis Lyons, Pam Klein, Zach Wulfekuhle, Craig Davis, Carla Becker, and one member of the media. Chairperson Madlom called the meeting to order.

Motion made by Buschmann, second by Helmrichs and carried to approve the agenda with the following addition:
Consider the Contract before consideration of the easement with regard to the Parcel No. 1 at 330th Ave and 169th St. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the minutes from the last meeting. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to acknowledge the following employees to attend their respective out-of-county meetings: Mike Corkery to attend the EIRUSS meeting in Dubuque on March 21st; Supervisor Madlom to attend the RC&D meeting in Anamosa on March 16th; Anthony Bardgett and Craig Davis to attend the Bridge Hydraulics class in Ames on March 15th; and Supervisor Helmrichs to attend the NE IA Area Agency on Aging meeting in Independence on March 15th. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the following claims for payment:

Alliant Energy	Service	358.03
AT&T Corporate Security	Telephone Services	6.58
CenturyLink	Telephone Services	32.77
Mediacom LLC	Telephone Services	75.90
US Cellular	Telephone Services	76.33
Verizon Wireless	Telephone Services	78.38
Windstream	Telephone Service	976.08

All Ayes

There were no "Applications for Underground Construction on Delaware County Right-of-Way" submitted for consideration. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to acknowledge receipt of the following manure management updates: Three Little Pigs LLC, Sites 1 and 2, in Clayton County; The 1975 Site, Doug and Delana Schulte, in Section 24 of Delaware Township; and Hardin Farms, David and Delma Hardin, in Section 11 of Delaware Township. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to acknowledge receipt of the Clerk of Court's Monthly Report and Remittance showing for the month of February 2017 a total of $1,029.97 was collected for various fees and deposited into the general funds. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to acknowledge receipt of the Treasurer's Monthly Banking and Investment Report showing a total of $13,929,115.80 has been collected on behalf of all entities and deposited in various banks across the county. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the following appointments made by Delaware County Treasurer Pam Klein: Karol Johnson, Auto Deputy; Barb Robinson, Drivers' License Deputy; and Michele Africa, Auto/Drivers' License Deputy. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to acknowledge receipt of a letter from Teresa Davis resigning her position as a trainer with the Community Life Department effective March 17, 2017. The Board thanked Ms. Davis for her service. All Ayes

PUBLIC HEARING – Proposed Amendment to the FY 2016-17 Budget
This being the date and time set to hold a public hearing on the proposed amendment to the FY 2016-17 budget, as published in the official newspapers of the county not less than 10 nor more than 20 days prior to the hearing, Chairperson Madlom opened the hearing at 1:28 pm.

Budget Director Carla Becker outlined the proposed amendments to expenditures within the various service areas. Under Public Safety, there is a proposed increase to cover the cost of purchasing body cameras for the Sheriff's deputies. Revenues were also increased to reflect the private donation to help defer the cost of said cameras. Also within this service area, dispatch/communication fees were increased due to an invoicing issue between fiscal years and to cover the increased cost of expert witness fees. Under County Environment and Education, employee benefits was increased to cover the added costs of a part-time position in the Conservation Department now being full-time. Under Roads and Transportation, increased expenditures are being proposed to cover the cost of bridge load ratings and road rock. Lastly, there is a proposed increase in expenditures for the self-funded portion of the county's medical insurance due to policy changes and additional implementation of the Affordable Care Act provisions.

There being no further comments, either written or oral, the public hearing was closed at 1:30 pm.

Motion made by Helmrichs, second by Buschmann and carried to approve the proposed amendment to the FY 2016-17 budget as follows:

COUNTY NAME:		**RECORD OF HEARING AND DETERMINATION**		**COUNTY NO:**
DELAWARE		**ON THE AMENDMENT TO COUNTY BUDGET**		**28**
Date budget amendment was adopted:			For Fiscal Year Ending:	
March 13, 2017			June 30, 2017	
The County Board of Supervisors met on the date specified immediately above to adopt an amendment to the current County budget as summarized below. The amendment was adopted after compliance with the public notice, public hearing, and public meeting provisions as required by law.				
Iowa Department of Management		Total Budget	Adopted	Total Budget
Form 653 A-R		as Certified	Current	After Current
REVENUES & OTHER FINANCING SOURCES		or Last Amended	Amendment	Amendment
Taxes Levied on Property	1	9,243,032	0	9,243,032
Less: Uncollected Delinquent Taxes - Levy Year	2	4,050	0	4,050
Less: Credits to Taxpayers	3	670,852	(104,919)	565,933
Net Current Property Taxes	4	8,568,130	104,919	8,673,049
Delinquent Property Tax Revenue	5	450	0	450
Penalties, Interest & Costs on Taxes	6	30,700	0	30,700
Other County Taxes/TIF Tax Revenues	7	1,229,254	0	1,229,254
Intergovernmental	8	6,601,031	(20,919)	6,580,112
Licenses & Permits	9	23,050	0	23,050

Charges for Service	10	439,705	0	439,705	
Use of Money & Property	11	135,405	15,000	150,405	
Miscellaneous	12	173,941	65,000	238,941	
Subtotal Revenues	13	17,201,666	164,000	17,365,666	
Other Financing Sources:					
General Long-Term Debt Proceeds	14	0	0	0	
Operating Transfers In	15	2,453,493	0	2,453,493	
Proceeds of Fixed Asset Sales	16	0	0	0	
Total Revenues & Other Sources	17	19,655,159	164,000	19,819,159	
EXPENDITURES & OTHER FINANCING USES					
Operating:					
Public Safety & Legal Services	18	2,845,741	104,950	2,950,691	
Physical Health & Social Services	19	569,405	0	569,405	
Mental Health, ID & DD	20	1,663,787	0	1,663,787	
County Environment & Education	21	1,022,439	3,333	1,025,772	
Roads & Transportation	22	6,406,213	120,000	6,526,213	
Government Services to Residents	23	771,031	0	771,031	
Administration	24	2,219,477	167,000	2,386,477	
Nonprogram Current	25	44,300	0	44,300	
Debt Service	26	469,728	0	469,728	
Capital Projects	27	2,003,930	0	2,003,930	
Subtotal Expenditures	28	18,016,051	395,283	18,411,334	
Other Financing Uses:					
Operating Transfers Out	29	2,453,493	0	2,453,493	
Refunded Debt/Payments to Escrow	30	0	0	0	
Total Expenditures & Other Uses	31	20,469,544	395,283	20,864,827	
Excess of Revenues & Other Sources					
Over(under) Expend & Other Uses	32	(814,385)	(231,283)	(1,045,668)	
Beginning Fund Balance - July 1,	33	5,735,401	3,086,279	8,821,680	
Increase (Decrease) in Reserves (GAAP)	34	0	0	0	
Fund Balance - Nonspendable	35	0	0	0	
Fund Balance - Restricted	36	3,565,147	(219,272)	3,345,875	
Fund Balance - Committed	37	0	0	0	
Fund Balance - Assigned	38	40,117	750,000	790,117	
Fund Balance - Unassigned	39	1,315,752	2,324,268	3,640,020	
Total Ending Fund Balance - June 30,	40	4,921,016	2,854,996	7,776,012	

All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the following resolution:

RESOLUTION No. 2017-023
APPROPRIATIONS FY 2016/2017

WHEREAS, it is desired to make appropriations for each of the different county officers and departments for the fiscal year beginning **July 1, 2016**, in accordance with Section 331.434, Subsection 6, of the Code of Iowa,

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

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, 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 **March 13, 2017**.

Section 3. In accordance with Section 331.437, Code of Iowa, no department or county official 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 **2016/2017** 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 **2016/2017** budget year.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of the business day on **June 30, 2017**.

The **2016/2017** fiscal year budget appropriated and accounted for by department and fund is as follows:

Department	General Basic	General Supple.	MH/DD Fund	Rural Services	Secondary Road	Other	Total
Supervisors	1,404,162	900,400		105,680			2,410,242
Auditor	187,987	338,153					526,140
Treasurer	338,653	67,800					406,453
Attorney	268,109	50,300					318,409
Sheriff	2,121,567	287,900				12,215	2,421,682
Clerk of Court		70,600					70,600
Recorder	165,250	40,850				5,000	211,100
Community Services	201,571	9,682				35,700	246,953
Case Management	195,993	63,315					259,308
Community Life	235,262	72,720					307,982
County Engineer					8,321,161		8,321,161
Veteran Affairs	94,747	9,508					104,255
Conservation	589,945	45,700				61,790	697,435
Local Health	131,325						131,325
Weed Commissioner				13,250			13,250
Human Services	26,500						26,500
County Farm	45,300						45,300
Medical Examiner	35,000						35,000
County Services	123,306	18,900		131,496			273,702
County Library				80,314			80,314
Historical Society	13,946						13,946
Mental Health			1,090,497				1,090,497
Non-departmental						399,780	399,780
Totals	$6,178,623	$1,975,828	$1,090,497	$330,740	$8,321,161	$514,485	$18,411,334

Dated this 13th day of March, 2017.

Delaware County Board of Supervisors

/S/ Jeff Madlom, Chairperson

Attest: /S/ Carla K. Becker, County Auditor

All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the filing of the FY 2016-17 Secondary Roads Department's Amended Budget, as previously adopted, with the Iowa Department of Transportation. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to acknowledge receipt of the Compensation Board's recommendation of a 4% increase for all elected officials' salaries for FY 2017-18. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the following resolution:

RESOLUTION #2017-024
ELECTED OFFICIAL COMPENSATION SCHEDULE
FY 2017/2018

WHEREAS, the Delaware County Compensation Board met on December 16, 2016 to consider recommendations for the elected officials' wages for the 2017-2018 Fiscal Year based on salaries of comparable positions within Delaware County and within the State of Iowa as required by Sections 331.905 & 331.907 of the Code of Iowa, and

WHEREAS, the Board of Supervisors recognizes the Compensation Board's continued commitment in its position to try and equalize the elected officials' salaries to bring them in line with duties and comparable salaries and acknowledges receipt of the Compensation Board's recommendation of an increase of 4% for all elected positions for FY 2017-18 as follows:

County Attorney	-	$93,137
County Sheriff	-	80,498
County Supervisors	-	35,320
County Auditor	-	65,958
County Treasurer		61,697
County Recorder	-	61,697

NOW, THEREFORE BE IT RESOLVED, by the Delaware County Board of Supervisors that the compensation schedule recommended by the Delaware County Compensation Board at their meeting on December 16, 2016, showing a recommended increase of 4% for all elected positions be reduced by 25% to a 3% increase as follows:

County Attorney	-	$92,242
County Sheriff	-	79,724
County Supervisors	-	34,980
County Auditor	-	65,324
County Treasurer		61,104
County Recorder	-	61,104

Dated this 13th day of March, 2017.
Delaware County Board of Supervisors
By: /S/ Jeff Madlom, Chairperson
ATTEST: /S/ Carla K. Becker, Delaware County Auditor
All Ayes

PUBLIC HEARING – Proposed FY 2017-18 Budget

This being the date and time set to hold a public hearing on the proposed FY 2017-18 budget, as published in the official newspapers of the county not less than 10 nor more 20 days prior to the hearing, Chairperson Madlom opened the hearing at 1:35 pm.

Budget Director Becker stated that the Board met in work session with all departments regarding their proposed expenditures and anticipated revenues for FY 2017-18. Within those sessions, the Board requested that departments figure their budgets using a 3% wage increase versus the 4% recommended by the Compensation Board. Ms. Becker has recommended to the Board, and incorporated in the proposed levy rate, the ability for the county to pay off the Communications Loan early and save the county just under $5,000 in interest. This early payoff would account for less than 4 cents of the county's proposed levy rate.

Supervisors Helmrichs, Buschmann and Madlom all feel an early payoff of the Communications Loan would be a good thing. Chairperson Madlom also stated that the Board was very pleased with the excellent job the county officials did in estimating their budgetary needs. No one tried to over inflate their requests which made their job much easier.

There being no further comments, either written or oral, the public hearing was closed at 1:38 pm.

Motion made by Buschmann, second by Helmrichs and carried to approve the proposed FY 2017-18 as follows:

Iowa Department of Management

Delaware County ADOPTED BUDGET SUMMARY

REVENUES & OTHER FINANCING SOURCES	General (A)	Special Revenue (B)	Capital Projects (C)	Debt Service (D)	**Budget 2017/18** (F)	**Re-estimated 2016/17** (G)	**Actual 2015/16** (H)
Taxes Levied on Property	5,781,873	3,433,394		448,944	9,664,211	9,243,032	8,696,671
Less: Uncollected Delinquent Taxes - Levy Year	2,000	2,000		50	4,050	4,050	3,444
Less: Credits to Taxpayers	373,995	188,179		28,911	591,085	565,933	549,225
Net Current Property Taxes	5,405,878	3,243,215		419,983	9,069,076	8,673,049	8,144,002
Delinquent Property Tax Revenue	200	200		50	450	450	-2,272
Penalties, Interest & Costs on Taxes	30,600				30,600	30,700	48,494
Other County Taxes/TIF Tax Revenues	246,006	964,900	0	10,842	1,221,748	1,229,254	1,224,611
Intergovernmental	1,037,195	5,306,403	0	29,146	6,372,744	6,580,112	6,356,403
Licenses & Permits	50	31,250			31,300	23,050	36,955
Charges for Service	474,975	3,500			478,475	439,705	571,659
Use of Money & Property	135,360	25			135,385	150,405	160,227
Miscellaneous	146,979	38,000			184,979	238,941	400,271
Subtotal Revenues	7,477,243	9,587,493	0	460,021	17,524,757	17,365,666	16,940,350
Other Financing Sources:							
General Long-Term Debt Proceeds	0	0			0		
Operating Transfers In	0	2,550,011	0	0	2,550,011	2,453,493	2,276,497
Proceeds of Fixed Asset Sales	0	0			0		
Total Revenues & Other Sources	7,477,243	12,137,504	0	460,021	20,074,768	19,819,159	19,216,847

EXPENDITURES & OTHER FINANCING							
Public Safety and Legal Services	3,026,958	0			3,026,958	2,950,691	2,531,374
Physical Health and Social Services	512,608	36,700			549,308	569,405	334,616
Mental Health, ID & DD	542,146	973,827			1,515,973	1,663,787	1,294,325
County Environment and Education	743,757	276,469			1,020,226	1,025,772	884,270
Roads & Transportation	0	6,563,874			6,563,874	6,526,213	5,141,615
Government Services to Residents	756,274	23,400			779,674	771,031	837,492
Administration	2,067,318	15,000			2,082,318	2,386,477	1,473,292
Nonprogram Current	49,800	0			49,800	44,300	35,499
Debt Service	0	69,948		469,686	539,634	469,728	512,505
Capital Projects	259,965	2,070,000	0		2,329,965	2,003,930	3,840,313
Subtotal Expenditures	7,958,826	10,029,218	0	469,686	18,457,730	18,411,334	16,885,301
Other Financing Uses:							
Operating Transfers Out	0	2,550,011	0	0	2,550,011	2,453,493	2,276,497
Refunded Debt/Payments to Escrow	0	0			0		
Total Expenditures & Other Uses	7,958,826	12,579,229	0	469,686	21,007,741	20,864,827	19,161,798
Excess of Revenues & Other Sources over (under) Expenditures & Other Uses	-481,583	-441,725	0	-9,665	-932,973	-1,045,668	55,049
Beginning Fund Balance - July 1,	3,133,388	4,576,172		66,452	7,776,012	8,821,680	8,766,631
Fund Balance - Nonspendable	0	0			0		
Fund Balance - Restricted	812,970	4,134,447		56,787	5,004,204	5,384,501	5,661,440
Fund Balance - Committed	0	0			0		
Fund Balance - Assigned	1,053,979	0			1,053,979	58,609	810,189
Fund Balance - Unassigned	784,856	0	0	0	784,856	2,332,902	2,350,051
Total Ending Fund Balance - June 30,	2,651,805	4,134,447	0	56,787	6,843,039	7,776,012	8,821,680

Proposed tax rate per $1,000 valuation 6.02955 urban areas 9.42955 rural areas Any special district rates excluded.

Form 638 - R **ADOPTION OF BUDGET & CERTIFICATION OF TAXES**

	(P) UTILITY REPLACEMENT AND PROPERTY TAX DOLLARS	(Q) VALUATION WITH GAS & ELEC UTILITIES	(R) LEVY RATE	(S) VALUATION WITHOUT GAS & ELEC UTILITIES	(T) PROPERTY TAXES LEVIED
Countywide Levies:		1,161,760,633		1,133,700,521	
General Basic	4,066,162		3.5		3,967,952
+ Cemetery (Pioneer - 331.424B)			0		0
= Total for General Basic	4,066,162				3,967,952
General Supplemental	1,858,817		1.6		1,813,921
Emerg Mgmt Dollars Included Above in Gen Supp-Info Only for Tax Statement	90,000				87,828
County MHDS Fund (from '4M' certification above)	635,390		0.54692		620,043
Debt Service (from Form 703 col. I Countywide total)	459,686	1,201,371,043	0.38263	1,173,310,931	448,944
Voted Emergency Medical Services (Countywide)			0		0
Other (specify)			0		0
Subtotal Countywide (A)	7,020,055		6.02955		6,850,860
All Rural Services Only Levies:		848,942,330		827,456,062	
Rural Services Basic	2,886,404		3.4		2,813,351
Rural Services Supplemental			0		0
Subtotal All Rural Services Only (B)	2,886,404		3.4		2,813,351
Subtotal Countywide/All Rural Services (A + B)	9,906,459		9.42955		9,664,211
GRAND TOTAL (A + B + C)	9,906,459				9,664,211

All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the filing of the FY 2017-18 Secondary Roads Department's Budget, as previously adopted, with the Iowa Department of Transportation. All Ayes

PUBLIC HEARING – First Reading of Proposed Ordinance No. 40 – Private Wastewater Disposal Systems
This being the date and time set to hold a public hearing, and the first reading, of Proposed Ordinance No. 40 – An Ordinance Regulating Private Sewage Disposal systems in Delaware County, Chairperson Madlom opened the hearing at 1:40 pm. The Board members took turns reading the proposed ordinance aloud to those present.

There being no further comments, either written or oral, the hearing was closed at 2:04 pm.

Motion made by Buschmann, second by Helmrichs and carried to approve the following resolution:

RESOLUTION No. 2017-025

BE IT RESOLVED that the first reading of the ordinance entitled, **"AN ORDINANCE REGARDING DELAWARE COUNTY'S PRIVATE SEWAGE DISPOSAL SYSTEMS"** is hereby approved and that said ordinance be further considered for its second and

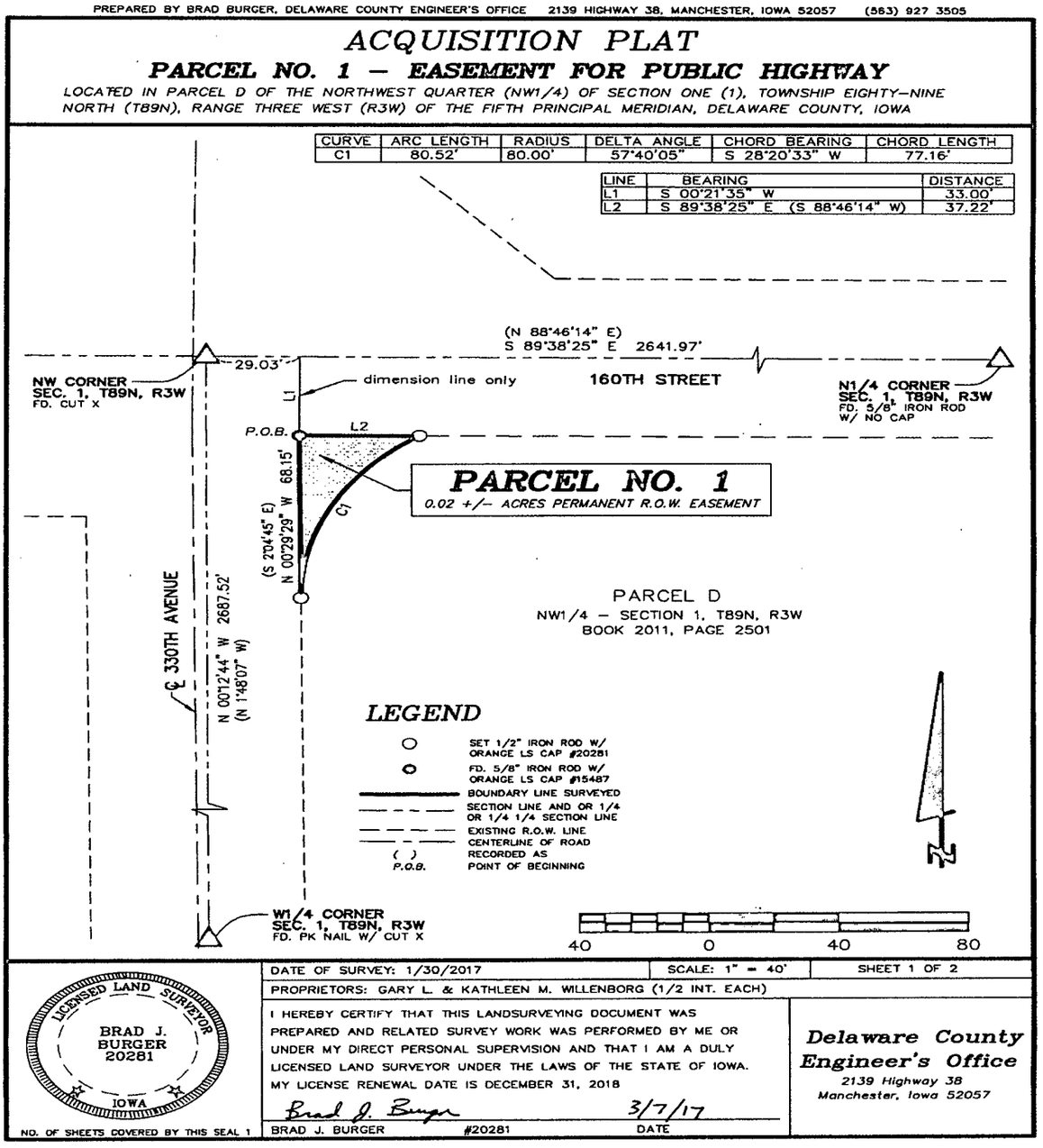
possibly final reading at a meeting to be determined by the Board of Supervisors. At such time and place, all persons interested shall be given the opportunity to be heard concerning said ordinance.
Approve this 13th day of March, 2017 by the Delaware County Board of Supervisors.
/S/ Jeff Madlom, Chairperson
Attest: /S/ Carla K. Becker, County Auditor
All Ayes

Motion made by Helmrichs, second by Buschmann and carried to set March 27th as the second, and possibly final, reading of Proposed Ordinance No. 40 – An Ordinance Regulating Private Sewage Disposal Systems. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the contract with Gary L. and Kathleen M. Willenborg for the purchase of .02 acres of additional right-of-way at the intersection of 160th Street and 330th Ave in Section 1 of Bremen Township in consideration of $1.00 and $300 for future abstracting. The county also vacated approximately .49 acres of excess right-of-way along 163rd Street located within Parcel D in Section 1 of Bremen Township in return for the aforementioned additional .02 acres of road right-of-way. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the easement for public highway across property owned by Gary L. and Kathleen M. Willenborg more particularly described as follows:

Parcel No. 1 – Easement for Public Highway located in Parcel D of the Northwest Quarter (NW1/4) of Section One (1), Township Eighty-nine North (T89N), Range Three West (R3W) of the 5th P.M., Delaware County as outlined on the following acquisition plat



All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the final plans for the C64 (160th St) Paving Project (#LOST-18(01)--73-28) to pave 3.102 miles of roadway from X47 (300th Ave) to X49 (330th Ave) by means of Hot Mix Asphalt (HMA) Resurfacing with Cold In-Place Recycling. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the final plans for the 195th St (Hart Ridge Road-Division I) and the 191st St (Sunset Beach Road-Division II) Paving Project (#LOST-18(02)--73-28). Division I will pave 1.0874 miles of 195th St from 162nd Ave to the Easterly Corporate Limits of Manchester and will include new bridge approaches. Division II will pave .2103 miles of 191st St from 171st Ave to State Hwy 13. Both projects will be by Hot Mix Asphalt Resurfacing (HMA). All Ayes

Motion made by Buschmann, second by Helmrichs and carried to set March 27, 2017 at 1:15 pm as the date and time to receive bids for the C64 Paving Project (#LOST-18(01)--73-28). All Ayes

Motion made by Helmrichs, second by Buschmann and carried to set March 27, 2017 at 1:15 pm as the date and time to receive bids for the 195th St and 191st St Paving Project (#LOST-18(02)--73-28). All Ayes

ENGINEER'S REPORT
Maintenance – Last week the Secondary Roads Maintenance Crew was brush cutting; this week they are plowing snow.

NEXT MEETING –The next regular session will be held on Monday, March 20, 2017 at 1:15 p.m.

PUBLIC COMMENTS – None.

Motion made by Helmrichs, second by Buschmann and carried to adjourn the meeting at 2:13 p.m. All Ayes

These minutes have been read and approved for publication.

Jeff Madlom, Chairperson

Carla K. Becker, County Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

March 20, 2017
Manchester, Iowa
10:00 a.m.

The Delaware County Board of Supervisors met in work session this date at 10:00 a.m. with all members present. Also present were Monica Heiserman, Anthony Bardgett, Tom Schuetz, Lori Crosswell, Tonia Osterkomp, and Carla Becker. There were no members of the media. Chairperson Madlom called the meeting to order.

BCBS Medical Insurance Renewal
Lori Crosswell, Wellmark BCBS Representative, presented the Board with their 2017-18 medical insurance renewal rate: a reduction of 2.73%. This was extremely good news. The County was rated in the 101+ category for this year's renewal.

Wellmark will also be migrating over to a new claims platform with the 2017-18 renewal. This will mean new ID numbers for all covered employees and their dependents, new membership cards will be issued, a new naming convention for the individual health plans and a change in the format of the monthly billing statement.

Wellmark also reviewed the County's policy to compare it to today's standards. Ms. Crosswell suggested that the Board consider moving to the new standard for skilled nursing at some point in the future.

Group Services Self-Funding Renewal
Group Services Representative Tom Schuetz addressed the Board regarding the county's partial self-funded component to the medical insurance cost. He does not feel that the proposed reform of the ACA will have much effect on the cost of medical services. Costs for Delaware County are driven by claims and claims are driven by the health of the county's group. Mr. Schuetz believes that employers need to start thinking differently on how they can impact the health of their employees. By rethinking their benefit structure, employers can create an environment structure to help employees become more aware of their bodies and learn how to improve their health for as long as they can.

Wellmark is also looking at built-in incentives for providers based on outcomes rather than numbers. This is currently on a voluntary basis; however, by linking different health care organizations together so physicians can see all of the claims data on their patients, they care able to see the big picture, be proactive and reach out to their patients rather than waiting for patients to get sick and come to them.

On the self-funded side, there has been an increase in outpatient services. The Board will need to increase their Safe-T-Fund budget in order to accommodate this increase in services. Due to the larger amount of monies being held for self-funding purposes, the Board may need to look at creating a subfund to run the self-funded budget through. This will give more county control, accountability and transparency to the monies. This topic will be discussed further when Mr. Schuetz comes back on April 3, 2017 with more information.

The Board thanked everyone for their time.

There being no further business before the Board, the work session was closed at 11:05 pm.

These minutes have been read and approved.

Jeff Madlom, Chairperson

Carla K. Becker, Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

March 27, 2017
Manchester, Iowa
1:15 p.m.

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Jim Jared, Mike Corkery, Daneen Schindler, Gary Weyant, Anthony Bardgett, Carla Becker, and two members of the media. Chairperson Madlom called the meeting to order.

Motion made by Helmrichs, second by Buschmann and carried to approve the agenda with the following timely addition: "Consideration of Approving FY 2015-16 Financial Statement and Audit Report for Filing with State Auditor's Office." All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the minutes from the last meeting. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to acknowledge the following employees to attend their respective out-of-county meetings: Peggy Petlon to attend the Regional MH meeting in Cedar Rapids on March 28th and the TAB meeting in Elkader on March 31st; Supervisors Madlom and Helmrichs to attend the ECIA meeting in Dubuque on March 29th; Supervisor Helmrichs to attend the Maquoketa River Watershed Authority meeting in Monticello on March 28th; and Supervisor Buschmann to attend the BDF meeting in Oelwein on March 28th. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the following claims for payment:

Black Hills Energy	Service	820.20
US Cellular	Telephone Services	52.06
Verizon Wireless	Telephone Services	120.03
Windstream	Telephone Service	377.94

All Ayes

There were no "Applications for Underground Construction on Delaware County Right-of-Way" submitted for consideration at today's meeting.

Motion made by Helmrichs, second by Buschmann and carried to acknowledge receipt of the following manure management updates: 3177, LLC, Corey Voelker, in Section 20 of Hazel Green Township; New Dawn Pork, Top R Farms, LLC, in Dubuque County; J & L Hog Farms, LLC in Section 12 of Richland Township; and Mouw Family Investments, LLC, the Winch Site, in Section 20 of Union Township. All Ayes

The next item was added as a timely addition to the agenda.

Motion made by Buschmann, second by Helmrichs and carried to approve the FY 2015-16 Financial Statements and Audit Report for filing with the State Auditor's Office. All Ayes

PUBLIC HEARING – First Official Reading of Proposed Ordinance No. 40 – Delaware County Private Sewage Disposal Systems

This being the date and time set to hold a public hearing on the first official reading of proposed Ordinance No. 40, an Ordinance Regulating Private Sewage Disposal Systems in Delaware County, Chairperson Madlom opened the public hearing at 1:20 pm. The Board members took turns reading the proposed ordinance aloud.

There being no comments from the public, either written or oral, the public hearing was closed at 1:45 pm.

Motion made by Helmrichs, second by Buschmann and carried to approve the following resolution:

RESOLUTION No. 2017-027

BE IT RESOLVED that the first official reading of Ordinance No. 40 entitled:
"AN ORDINANCE REGARDING DELAWARE COUNTY'S PRIVATE SEWAGE DISPOSAL SYSTEMS"
Is hereby approved and that said ordinance be further considered for its second and final reading at a meeting to be held at the Supervisors Office at the Delaware County Courthouse on Monday, April 3, 2017 at 1:15 pm. At such time and place, all persons interested shall be given the opportunity to be heard concerning said ordinance.
Approved this 27th day of March, 2017 by the Delaware County Board of Supervisors.
/S/ Jeff Madlom, Chairperson
Attest: /S/ Carla K. Becker, County Auditor
All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the following resolution:

RESOLUTION
No. 2017-028
DESTRUCTION OF RECORDS

Pursuant to the 2016 Code of Iowa, Section 331.323 sub section 2d, and Sections 50.19 and 48A.32 of the 2015 Election Laws of Iowa, we do hereby authorize the destruction of the following records in the Delaware County Auditor's Office:

- Claims (Scanned) February 23, 2011 – May 9, 2011
- Tally Lists
- Maquoketa Valley Special School Election – March 11, 1975
- City of Edgewood Special Election – March 21, 1974
- School Election – September 10, 1974
- School Election – September 11, 1973
- School Election – September 12, 1989
- City Election – November 7, 1989
- Special School Election – May 17, 1988
- City of Earlville Special Election – June 28, 1988
- City of Colesburg Special Public Measure Election – July 12, 1988

Approved this 27th day March, 2017.
/S/ Jeff Madlom, Chairperson
ATTEST: /S/ Carla K. Becker, Delaware County Auditor
All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the following resolution:

RESOLUTION
#2017-029

BE IT HEREBY RESOLVED by the Delaware County Board of Supervisors that the Applications for Family Farm Credit be approved for all applicants with qualifying parcels for **2016** values payable **2017/18**, with the exception of the following:

PARCEL ID#	DEEDHOLDER	SEC/TWP/RANGE	REASON
180-34-00-001-00	Thomas J. Arens	34-89-3	Renting to Non-Family
290-13-00-010-00	Matthew & Angela Christensen	13-87-6	Renting to Non-Family
080-30-00-013-00 080-30-00-013-10	Jason & Suzanne Demmer	30-90-6	Under 10 Acres

240-18-00-016-10	Larry & Susan Diercksen Rev Trust	18-88-5	Under 10 Acres
035-16-00-017-10 035-21-00-017-00	Laura Engelken	16-90-4 21-90-4	Sold Property
240-05-00-028-70 240-08-00-017-00	Ronald & Diane Gienapp	5-88-5 8-88-5	Sold Property
200-20-00-011-00 200-20-00-011-10	Russell & Patricia Jaeger	20-88-3	Sold Property
210-27-00-019-00	James S. Klaren	27-88-3	Sold Property
220-35-00-002-20 220-35-00-002-40 220-27-00-012-20	Ronald Miles	35-88-4 27-88-4	Sold Property
340-32-00-016-10 340-32-00-016-20 340-32-00-016-30	Paul D. Schaul	32-87-5	Renting to Non-Family
365-24-00-005-10	Steven & Mary Sheppard	24-87-5	Sold Property
035-33-00-009-00	Irvin Sperfslage	33-90-4	Renting to Non-Family
050-04-00-018-00 050-04-00-018-10	Thomas & Christal Sullivan	4-90-4	Under 10 Acres
050-04-00-003-10 050-04-00-018-20 050-04-00-018-30	Thomas & Christal Sullivan	4-90-4	Sold Property
060-20-00-013-30	Richard P. Weber	20-90-5	Under 10 Acres
330-06-00-008-00 330-06-00-008-10	Margaret Earlene Houlihan Rev Trust	6-87-5	Renting to Non-Family
220-12-00-003-00 220-13-00-025-00	Osweiler Family Living Trust	12-88-4 13-88-4	Renting to Non-Family
060-32-00-002-10	David R. Wilhelm	32-90-5	Renting to Non-Family
370-23-00-021-10	Robert & Emma Dunkel	23-87-4	Sold Property
365-25-00-014-10 370-30-00-001-10	Duane E. DeShaw, Jr.	25-87-5 30-87-4	Sold Property
050-13-00-003-00	Scott A. Gilles	13-90-4	Sold Property
080-07-00-004-00	John D. Koch	7-90-6	Sold Property

Dated this 27th day of March, 2017.
/S/ Jeff Madlom, Chairperson
Attest: /S/ Carla K. Becker, Auditor
All Ayes

Consideration of Bids – Project #LOST-18(01)-73-31 (C64 Paving Project)
This being the date and time set to receive bids on the C64 Paving Project (LOST-18(01)-73-31), County Engineer Anthony Bardgett read the one bid received aloud as follows:

River City Paving $784,152.52

Mr. Bardgett requested that the Board table final awarding until the April 3rd meeting.

Motion made by Buschmann, second by Helmrichs and carried to acknowledge receipt of the bid for the C64 Paving Project (LOST-18(01)-73-31) and to table the awarding of said bid until the April 3, 2017 meeting. All Ayes

Consideration of Bids – Project #LOST-18(02)-73-31 (191st Street and 195th Street Paving Project)
This being the date and time set to receive bids on the 191st Street and 195th Street Paving Project (LOST-18(02)-73-31), County Engineer Anthony Bardgett read the one bid received aloud as follows:

River City Paving $303,921.75

Mr. Bardgett requested that the Board table final awarding until the April 3rd meeting.

Motion made by Helmrichs, second by Buschmann and carried to acknowledge receipt of the bid for the 191st Street and 195th Street Paving Project (LOST-18(02)-73-31) and to table the awarding of said bid until the April 3, 2017 meeting. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the contract with Top Grade Excavating, Inc. for Phase I of the Quaker Mill Dam Removal and Stream Restoration Project in consideration of $391,080 with a completion date of January 1, 2018. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the following quote for Railroad Tank Culverts for the Bridge Replacement Project on 275th Ave (Hardscrabble Road) in Section 25 of South Fork Township:

Erman – Lake Bluff, IL Two 9' x 47' ½" Culverts $20,000 delivered

The current bridge structure is a 20' bridge with deteriorating substructure. Delaware County Secondary Roads Maintenance Crew will do the installation. All Ayes

ENGINEER'S REPORT
Maintenance – Crews have been doing some light blading and spot rocking on the county gravel roads. The recent rain actually helped to mend the roads.

NEXT MEETING –The next regular session will be held on Monday, April 3, 2017 at 1:15 p.m.

PUBLIC COMMENTS – Jim Jared stated that he owns property on 167th Ave south of Manchester. At the end of his road is a cell tower. He would like something done with the bridge at the end of the roadway. He feels it should be replaced. Anthony Bardgett stated he would take a look at the bridge and get back to Mr. Jared.

There being no further business to come before the Board, Chairperson Madlom called for a motion to adjourn.

Motion made by Buschmann, second by Helmrichs and carried to adjourn the meeting at 1:58 p.m. All Ayes

These minutes have been read and approved for publication.

Jeff Madlom, Chairperson

Carla K. Becker, County Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

April 3, 2017
Manchester, Iowa
10:00 a.m.

The Delaware County Board of Supervisors met in work session this date at 10:00 a.m. with all members present. Also present were Monica Heiserman and Carla Becker. There were no members of the media present. Chairperson Madlom called the meeting to order.

Tom Schuetz with Group Services the current plan design for the self-funded portion of the county's medical insurance. With the recent concerns regarding the Safe-T Fund invoices to cover claims shortages, he is recommending that the self-funding budget be increased to keep a better cash flow throughout the year. He also feels that the FY 2015/16 ending balance as noted by the actuary was erroneous. He will communicate with the actuary to get this corrected before the end of FY 2016/17.

There being no further business before the Board, the work session was closed at 10:35 am.

These minutes have been read and approved.

Jeff Madlom, Chairperson

Carla K. Becker, County Auditor

STATE OF IOWA)
) **Ss:**
DELAWARE COUNTY)

April 3, 2017
Manchester, Iowa
1:15 p.m.

The Delaware County Board of Supervisors met in regular session this date at 1:15 p.m. with all members present. Also present were Mike Corkery, Daneen Schindler, Anthony Bardgett, Carla Becker, and one member of the media. Chairperson Madlom called the meeting to order.

Motion made by Buschmann, second by Helmrichs and carried to approve the agenda as posted. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the minutes from the last meeting. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to acknowledge the following employees to attend their respective out-of-county meetings: Peggy Petlon to attend the Regional MH meeting in Cedar Rapids on April 6th, visit Chatham Oaks in Iowa City on April 7th, attend the IACP meeting in Des Moines April 18th & 19th, attend the TCM meeting in Des Moines April 20th & 21st, and attend the Regional MH meeting in Cedar Rapids on April 27th; Peggy Petlon and Raylynn Lee to attend the VA school in Des Moines April 10th – 13th; Supervisors Madlom and Helmrichs to attend the Regional MH meeting in Cedar Rapids on April 6th; and Anthony Bardgett to attend the Asphalt Paving Association meeting in Cedar Rapids on April 5th. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the following claims for payment, including the May 31st payroll in the amount of $177,726.80 warrant #14733 - #14839:

Advanced Systems Inc	Maint-Off Equip/Furniture	32.20	Iowa LTAP	Roads	900.00
Alliant Energy	Service	3880.08	IA Prison Industries	Traffic & St Sign	182.16
Altorfer Inc	Construction/Maint Equip	1246.36	ISAC	Education & Training	320.00
Bard Materials	Roads	11694.85	ISAC Group Unemployment	Unemployment Comp	3484.29
BL Murray Co	Custodial Supplies	36.70	ISACA Treasurer	Dues & Memberships	225.00
Black Hills Energy	Service	241.63	Jones Co Sheriff	Legal-Court Related	25.13
Bodensteiner Implement	Repair/Maint-Const Equip	136.35	JP Cooke Co	Stationery/Supplies	527.95
R Ried Boom MD	Medical & Health Services	35.00	L&L Murphy Consulting	Planning-Consulting	2000.00
BP	Fuels	593.79	Leader Publications	Board Proceedings	1325.87
Burrington Group Inc	Buildings-Repair/Maint	4637.75	Jill Lewis	Buildings-Repair/Maint	150.00
Canon Solutions America Inc	Maint-Off Equip/Furniture	11.27	M&M Snow Removal	Buildings-Repair/Maint	1420.00
Cedar Cross Overhead Door	Buildings	131.00	Loel J Madlom	Employee Mileage/Subs	239.63
Central Iowa	Water Use & Sewer	51.79	Mail Services LLC	Postage & Mailing	572.68
Cintas	Safety Items	151.42	Manchester Press	Legal Notice	42.00
City Laundering Co	Custodial Supplies	180.64	City of Manchester	Water Use & Sewer	278.31
Dash Medical Gloves, Inc	Medical & Lab Supplies	99.80	Mediacom LLC	Data Processing	431.80
Dearborn Ntnl Life Insurance	Life Insurance	393.19	Midwest Business Products	Office Equipment	166.66
Del Co Public Health	Refund/Reimburse	16313.31	Monkeytown	Supplies	449.99
Delaware Soil & Water	Agric/Hort Services	2500.00	MPH Industries Inc	Radio & Communications	1899.00
Diamond Mowers Inc	Construction/Maint Equip	227.55	Office Express	Stationery/Supplies	172.58
DJ Repair	Repair/Maint- Vehicle	45.46	Palmer Hardware	Minor Equip & Hand Tools	72.57
Dubuque County Sheriff	Legal-Court Related	80.00	Premier Parts Inc	Construction/Maint Equip	249.56
E Central Dist of Assessors	Dues & Memberships	750.00	Racom Corp	Repair/Maint-Radio Equip	2371.00
Eastern Iowa Tire Inc	Tires	3814.18	Rite Price Office Supply	Supplies	473.32
Edgewood Oil Co	Lubricants	2765.20	Ritter Tool Sales Inc	Minor Equip & Hand Tools	900.00
Edgewood Saw & Supply	Construction/Maint Equip	45.72	RTL Equipment Inc	Construction/Maint Equip	76.04
Jody Elgin	Custodial Supplies	147.00	Schaul Housing	Rent Payments	225.00
Tina Elgin	Custodial	500.00	Schneider Corporation	Data Processing	12790.00
Erman Corporation Inc	Steel-Iron- Metals	20200.00	Silveredge Cooperative	Fuels	1030.05
Fastenal Company	Minor Equip & Hand Tools	309.42	Simmons Perrine Moyer et al	Legal-Court Related	3786.25
The Fish Shack	Public Education Items	3.38	Solutions Inc	Data Processing	351.81
Forensic Assessments LLC	Legal-Court Related	4366.65	Stetson Building Products	Minor Equip & Hand Tools	412.56
Ginter Tools LLC	Minor Equip & Hand Tools	254.91	Summit Companies	Buildings-Repair/Maint	185.50
GNB Bank	Stationery/Supplies	45.00	Three Rivers FS	Fuels	7362.46
GreatAmerica Financial Svcs	Office Equipment/Furniture	81.46	Truck Country of Iowa	Construction/Maint Equip	59.86
Group Services Inc	Insurance	24753.78	Vanguard Appraisals Inc	Appraisal Services	3530.00
Harter Custom Pumping Inc	Buildings	565.00	VISA / Mastercard	Education & Training	3887.35
Heather Andregg	Buildings-Repair/Maint	200.00	Walmart	Custodial Supplies	299.89
Hopkinton Municipal Utilities	Electrical Power	83.45	Weber Paper Company	Custodial Supplies	414.67
IA Co Recorders Assn	Education & Training	20.00	Windstream	Telephone Service	462.31
Iowa DOT	Minor Equip & Hand Tools	50.00	Windstream	Telephone Service	1899.94
IA Law Enforcmnt Academy	Education & Training	320.00			

All Ayes

There were no "Applications for Underground Construction on Delaware County Right-of-Way" submitted for consideration at today's meeting.

Motion made by Buschmann, second by Helmrichs and carried to acknowledge receipt of the following manure management updates: McDonald Acres, Thomas P. McDonald, in Section 23 of Hazel Green Township; Delaware Finishers, James Dolan, in Section 30 of Prairie Township; P & D, Jeff State, in Section 7 of Honey Creek Township; Zumbach Finishers, Pork Chop Ranch, Inc., in Section 31 of Union Township; R & D Livestock in Section 32 of Honey Creek Township; and Nick Eike in Section 3 of Hazel Green Township. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the appointment of DeAnn Althoff as a non-resident member of the Delhi Public Library Board of Trustees. Ms. Althoff will serve until July 1, 2019 to fill out the remainder of the term made vacant by the resignation of Marcia Russ. Ms. Russ was serving as a resident member of said Board. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the appointment of Dr. Courtney Messerly as an additional Deputy Medical Examiner for Delaware County. In order to keep with the current rotation, Dr. Messerly's initial term will expire on December 31, 2017. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the renewal premiums from Wellmark Blue Cross and Blue Shield effective July 1, 2017 through June 31, 2018 as follows: Single $414.60; EE/Spouse $849.10; EE/Children $784.84; and Family $1,272.41. This is a decrease of 2.73% from the FY2016-17 rates. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve increasing the employee life insurance coverage from $10,000 to $25,000 effective July 1, 2017. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve sending an official request to Wellmark Blue Cross Blue Shield to release the medical insurance renewal rates in January of each year instead of the current policy of releasing them in early March. The Board discussed the pros and cons of making this request. Board members felt it was a definite advantage to have the rates early to allow for their usage in both the budgeting and collective bargaining processes. The request will be sent to the Wellmark underwriters for consideration. All Ayes

Pam Klein joined the meeting.

PUBLIC HEARING – Second and Final Reading of Proposed Ordinance No. 40 – Delaware County Private Sewage Disposal Systems

This being the date and time set to hold a public hearing on the second and final reading of proposed Ordinance No. 40, an Ordinance Regulating Private Sewage Disposal Systems in Delaware County, Chairperson Madlom opened the public hearing at 1:33 pm. The Board members took turns reading the proposed ordinance aloud. There being no comments from the public, either written or oral, the public hearing was closed at 1:55 pm.

Motion made by Buschmann, second by Helmrichs and carried to approve the following resolution adopting Proposed Ordinance No. 40:

RESOLUTION No. 2017-30

WHEREAS, the second reading of Proposed Ordinance #40, "AN ORDINANCE REGULATING PRIVATE SEWAGE DISPOSAL SYSTEMS IN DELAWARE COUNTY, IOWA" was held today, Monday, April 3, 2017 at 1:15 pm, and
WHEREAS, there were no comments received, either written or oral, for or against the passage of said ordinance.
NOW, THEREFORE, BE IT RESOLVED that the second and final reading of the ordinance entitled:
"AN ORDINANCE REGULATING PRIVATE SEWAGE DISPOSAL SYSTEMS IN DELAWARE COUNTY, IOWA"
Is approved as read and that said Ordinance is hereby adopted on this 3rd day of April, 2017.
We furthermore direct the Delaware County Auditor to publish said ordinance, in its entirety, in all three official newspapers of the county.
Approved this 3rd day of April, 2017 by the Delaware County Board of Supervisors.
/S/ Jeff Madlom, Chairperson
/S/ Pete Buschmann
/S/ Shirley E. Helmrichs
Attest: /S/ Carla K. Becker, County Auditor

The full test of Ordinance No. 40 is as follows:

ORDINANCE NO. 40
DELAWARE COUNTY PRIVATE SEWAGE DISPOSAL SYSTEMS

That Delaware County On-site Wastewater Treatment and Disposal Systems, Ordinance No. 19, was duly published on the 15th day of December, 1998, and was referred to as Delaware County Ordinance No. 19, On-site Wastewater Treatment and Disposal Systems.

Ordinance No. 19 is hereby repealed and this ordinance is adopted in lieu thereof.

1. **APPLICATION OF RULES.** These rules are applicable only to private sewage disposal systems. Anyone repairing or constructing a private sewage disposal system is required to have a valid permit issued prior to the start of work.
2. **DEFINITIONS**
   - A. **"Administrative authority"** means the Delaware County Board of Health or its designee, the Delaware County Sanitarian.
   - B. **"Private sewage disposal system"** means any system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than 16 individuals on a continuing basis, including domestic waste, whether residential or nonresidential, but not including industrial waste of any flow rate except as provided for in Iowa Administrative Code 567—68.11 (455B). This includes, but is not limited to, septic tanks, holding tanks for waste, chemical toilets, impervious vault toilets, and portable toilets.
   - C. **"POTW"** or **"publicly owned treatment works"** means any device or system used in the treatment of municipal sewage or industrial wastes of a liquid nature which is owned by a municipal corporation or other public body created by or under Iowa law and having jurisdiction over disposal of sewage, industrial wastes or other wastes, or a designated and approved management agency under Section 208 of the Act.
   - D. **"Transfer"** means the transfer or conveyance by sale, exchange, real estate contract, or any other method by which real estate and improvements are purchased, if the property includes at least one but not more than four dwelling units, unless exempt under Iowa Code Section 455B.172.
3. **GENERAL**
   - A. No private sewage disposal system shall be installed, repaired, or rehabilitated where a publicly owned treatment works (POTW) is available within 200 feet.
   - B. When a POTW becomes available within 200 feet of any building or any exterior drainage facility connected thereto, any building then served by a private sewage disposal system shall be connected to said POTW within a time frame or under conditions established by the administrative authority.
4. **PERMIT PROCEDURE**:
   - A. No private sewage disposal system shall be installed, altered, or repaired unless a construction permit has been issued by the administrative authority.
   - B. Applications: Any person, firm, or corporation desiring a permit for a private sewage disposal system must file an application with the DELAWARE COUNTY SANITATION INSPECTOR. The permit purchased by the property owner or contractor shall state such pertinent information as required.
     - a. Effective July 1, 2017, all private sewage disposal systems shall be installed, altered, repaired, or maintained by an approved contractor. An applicant must identify an approved contractor when applying for a permit.

i. An approved contractor must meet the following requirements:
   1. Must be a holder in good standing of an Iowa Onsite Wastewater Association (IOWWA) certification as a certified installer of private sewage systems, either basic or advanced levels; and
   2. Be onsite at all times during the system installation, repair, alteration, or maintenance.

ii. The administrative authority will verify a contractor's certification is in good standing with the IOWWA prior to issuing a permit.

b. Site evaluation: A site evaluation shall be conducted prior to the issuance of a construction permit. Consideration shall be given, but not be limited, to the factors set forth in Iowa Admin. Code 567—69.3 (455B).

c. The administrative authority may require the submission of a design plan prepared by an engineer prior to issuing a construction permit.

C. Fees: Upon approval of this application by the Delaware County Sanitarian, the permit will be issued upon payment of the required fees.

Sewer permit	$150.00
Alteration	$150.00
Repair of a previously approved, permitted system	$0.00

D. Permit: The permit must be readily available upon request by administrative authority.

E. Validity: Permits shall be valid for a maximum of twelve (12) months from the date of issuance. If the system is not completed during this time frame, another permit is required.

F. Denial: The Delaware County Sanitarian has the authority to deny an application for a permit based upon conformance with this ordinance and reasonable consideration for the public health. A denial shall be in writing, state the grounds for the denial, and inform the applicant of the rights of appeal.
No permit which requires as a precondition the granting of an easement or variance shall be granted until the applicant has recorded the necessary easement or variance document in the office of the County Recorder.

5. INSPECTIONS

A. The Delaware County Sanitarian must be notified orally one calendar day before the work is to be inspected or tested. Inspections are conducted during normal working hours.

B. No part of any private sewage disposal system shall be used, covered, or so constructed as to deny the mandatory final inspection by the administrative authority. This includes alteration in or repair of an existing system.

C. Whenever the administrative authority has reasonable grounds to believe that a violation of this regulation exists, it may enter upon and make any inspection of such premises, dwelling or other building, and gather other necessary information, including water samples or other necessary specimens for the purpose of laboratory analysis, or introduce into the system necessary testing materials for tracing the source of any apparent sewage discharge to the surface of the ground. The owner or occupant of such premises shall permit the administrative authority to enter such premises, make such inspection, and obtain such samples.

D. Inspection by the administrative authority shall be made between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday and at other times with the consent of the occupant or in case of emergency. The provisions of this section apply to all premises, buildings or dwellings, whether vacant or occupied. The administrative authority may make as many additional inspections of such premises as are deemed necessary to determine the compliance with this regulation. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee access onto any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this regulation or with any lawful regulation or any lawful order issued pursuant to the provisions of this regulation.

E. Refusal of admittance. In the event the administrative authority, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, an application shall be made to the court for an administrative search warrant. Such warrant shall be executed by an employee of the Delaware County Sanitarian between the hours of sunrise and sunset. During entry onto the property pursuant to an administrative search warrant, only those activities necessary to carry out the provision of this regulation shall be allowed.

6. TIME OF TRANSFER INSPECTIONS

A. A building where a person resides, congregates, or is employed that is served by a private sewage disposal system shall have the sewage disposal system serving the building inspected prior to any transfer of ownership of the building, unless specifically exempted by law.

B. All inspections shall be conducted by a DNR certified inspector and in accordance with the provisions outlined for such inspections within IAC Chapter 69. All costs shall be the responsibility of the property owner or transferor. Following an inspection, a DNR inspection report form and any related reports shall be provided to the Department of Health, the DNR, and the County Recorder. Any deficiencies identified within the inspection report shall be remedied by written mandate of the Department of Health. The Department of Health shall issue a repair permit for mandated improvements upon receipt of the required fee and shall perform a compliance inspection.

C. If the original owner or transferor fails to have the property inspected as required, such failure shall constitute a violation of this ordinance.

D. All private sewage disposal systems that discharge wastewater are not in compliance with the minimum standards set forth in this ordinance and IAC Chapter 69. Such systems shall be brought into compliance prior to closing of the property transfer, unless arrangements have been made whereby the system will ultimately be brought into compliance at a later date based upon a schedule approved by the Department of Health. Systems that discharge untreated wastewater to any source are illegal and may not be transferred and left "as is" under any circumstance.

E. Any private sewage disposal system that was installed under County permit or passed a certified inspection within two (2) years prior to the sale or transfer is exempt from further inspection until the next change of ownership.

7. PURPOSE. The purpose of this ordinance is to promote and encourage public health and sanitation. Delaware County does not guarantee the workmanship and quality of any work a private contractor performs on any private sewage disposal system located within Delaware County. Rather, Delaware County recognizes the need for properly permitted and installed private sewage disposal systems. These systems are approved and certified by trained personnel from the Delaware County Sanitation Department. The Delaware County Board of Health and the Delaware County Board of Supervisors will establish and enforce such rules as necessary to ensure compliance with the permit and installation procedures for private sewage disposal systems within Delaware County.
In accordance with Section 331.302 (4A) of the 2015 Code of Iowa, Sections 455A.6, 455B.171, and 455B.173(3) and (8) concerning Water Quality are incorporated into this ordinance by this reference insomuch as these sections relate to Private Sewage Disposal Systems. The provisions of Iowa Administrative Code 567—69, Private Sewage Disposal Systems, or revisions therein, are adopted by reference and made a part of this ordinance.

8. 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 County Sanitarian, 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 Rules of Civil Procedure 1.305, 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 1.313 and subject to the conditions of Iowa Rule of Civil Procedure 1.310.

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; that 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 in the amount set forth in Iowa Code Section 331.307, or if the violation is a repeat offense, a civil penalty not to exceed the amount set forth in Section 331.307 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 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 property where the violation occurred, or both.

J. If a respondent willfully violated 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 magistrate, 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 ensuing 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.

9. **APPEAL**. Any person who feels aggrieved by any notice or order made by the Board of Health or its designee shall have the right to appeal to the Board of Health within twenty (20) days of the date of such order. Said appeal shall be in writing and shall state his/her reasons for requesting that the notice or order be rescinded or modified. The Board of Health may, by majority vote, modify, withdraw, or order compliance with said notice or order.
   An appeal from any order of the Board of Health may be taken to the Board of Supervisors within twenty (20) days. Said appeal shall be in writing and shall state his/her reasons for requesting that the notice or order be rescinded or modified.
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 this ordinance conflicts with a state law or a state administrative code rule, the more stringent standards shall be controlling.
13. **REPEAL**. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Ordinance No. 19 is hereby repealed in its entirety upon the effective date of this ordinance.
14. **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.
15. **EFFECTIVE.** That this ordinance shall become effective following passage by the Board of Supervisors and publication as specified in section 331.302(8) of the 2015 Code of Iowa.
    Dated this 3rd day of April, 2017.

All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve the following resolution regarding county depositories:

RESOLUTION 2017-031
NAMING DEPOSITORIES

BE IT HEREBY RESOLVED, that the Delaware County Board of Supervisors of Delaware County, Iowa, approves the following list of financial institutions to be depositories of Delaware County funds in conformance with all applicable provisions of Chapter 12C of the 2015 Iowa Code. The County Treasurer and other county officers, as shown below, are hereby authorized to deposit the Delaware County funds in amounts not to exceed the maximum approved for each respective financial institution as set out below:

Depository Name	**Location of Home Office**	**Maximum Balance (Prior Resolution)**	**Maximum Balance (This Resolution)**
Treasurer:			
GNB Bank (Manchester)	Grundy Center	$ 12,000,000	$ 15,000,000
Farmers & Merchants Savings Bank	Manchester	5,000,000	5,000,000
Heritage Bank of Delhi	Marion	1,500,000	1,500,000
Farmers Savings Bank	Colesburg	5,000,000	5,000,000
Citizens State Bank	Monticello	8,000,000	8,000,000
Community Savings Bank	Edgewood	8,000,000	8,000,000
Auditor:			
GNB Bank (Manchester)	Grundy Center	20,000	20,000
Recorder:			
GNB Bank (Manchester)	Grundy Center	100,000	150,000
Sheriff:			
Farmers & Merchants Savings Bank	Manchester	750,000	750,000
Board of Supervisors:			
Citizens State Bank	Monticello	100,000	100,000

Farmers & Merchants Savings Bank	Manchester	100,000	100,000
GNB Bank (Manchester)	Grundy Center	150,000	150,000
Community Savings Bank	Edgewood	100,000	100,000
Clerk of Court:			
Farmers & Merchants Savings Bank	Manchester	750,000	2,000,000

This resolution is being adopted at a meeting of the Board of Supervisors of Delaware County, duly called and held on this 3rd day of April, 2017, a quorum being present, as said resolution remains of record in the minutes of said meeting and is now in full force and effect.
Delaware County Board of Supervisors
/S/ Jeff Madlom, Chairperson
/S/ Pete Buschmann
/S/ Shirley E. Helmrichs
Attest: /S/ Carla K. Becker, Delaware County Auditor
All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve the following Investment Policy for Delaware County:

INVESTMENT POLICY
FOR DELAWARE COUNTY

I. INVESTMENT AUTHORITY

A. Description of Funds

The County Governmental and various Agency Funds (hereinafter "the Funds") are under the direct authority of the Delaware County Treasurer (hereinafter "County Treasurer") and contain monies of Delaware County and various agencies not currently needed for operating expenses.

B. Applicable Law

1. **Grant of Authority:** Section 12B.10 of the Iowa Code provides that each County Treasurer is responsible for the investment of funds not needed for operations.
2. **Statutorily Permitted Investments and Constraints on Investments:** Section 12B.10 of the Iowa Code specifies which investments are authorized for county funds. Deposits are governed by Chapter 12C. Furthermore, Section 12B.4 prohibits the County Treasurer from making loans.

C. Fund Management and Oversight

1. **Responsible Persons:**
The Delaware County Board of Supervisors (hereinafter "the Board") and the County Treasurer.

a). The County Treasurer shall report, when possible, on a quarterly basis to the Board of Supervisors as to the monitoring of fund performance, to discuss potential risks to the Funds' principal or income, to determine investment strategies and risk and return parameters, and to discuss investment issues. The Treasurer and Board may include in its deliberations such topics as: economic outlook, portfolio diversifications and maturity structure. The Board shall also approve financial and investment entities with which the County Treasurer intends to do business with.

b). The County Treasurer shall conduct all investment duties associated with the Funds. Contracts with financial or investment entities on behalf of the Funds shall be signed by the County Treasurer.

2. **Reporting and Communications:**
The County Treasurer shall provide a monthly report to all Board members.
a) Monthly Activity: The report shall disclose all investment balances of the prior month.
b) Summary by Category: The monthly report shall describe the investment portfolio by security type, issuer, rate of return and maturity.
c) Market Conditions: The report shall summarize recent market conditions and economic developments and may summarize expected market conditions and economic developments that the County Treasurer feels may be of interest to the Board.
d) Concerns: The report shall highlight any areas of risk or investment concern and any suggested revisions to currently employed investment strategies.
3. **Policy Review:**
The Investment Policy shall be formally reviewed by the Board not more than 60 days prior to the end of the fiscal year and approved by the Board at the first meeting held at the beginning of each fiscal year beginning July 1, 2013.

II. INVESTMENT OBJECTIVES

The following investment objectives are consistent with the needs and goals of the Funds.

A. General Objections

1. **Safety of Principal:**
Safety of principal is the foremost objective of the Funds. Each transaction shall seek to first insure that capital losses are avoided, whether from erosion of market value or from defaults.
2. **Liquidity:**
The investment portfolio will remain sufficiently liquid to enable the County and various agencies to meet all operating requirements that are reasonably anticipated.
3. **Income:**
The investment portfolio shall be invested with a goal of income to be a fair rate of return, taking into account the County Treasurer's investment risk constraints, cash flow characteristics of the Funds, and the restrictions imposed by State Law.
4. **Growth:**
Growth shall not be an investment objective of the Funds.

B. Investments Permitted

The following investments are authorized for purchase by the County Treasurer for the Funds:
1. Collateralized time deposits, certificates of deposits, and demand deposits of approved Iowa financial institutions, with branch office located within Delaware County, Iowa, secured in the manner prescribed by Iowa Law, must be limited to investments that mature within 397 days.
2. Obligations issued or guaranteed by the United States Government.
3. Obligations issued or guaranteed by agencies or instrumentalities of the United States Government.
4. Collateralized, perfected repurchase agreements that comply with statutory requirements, are documented by a written agreement, and are delivered to an independent third-party custodian.
5. Investment pools approved by board which meet the above investment standards such as I.P.A.I.T.

C. Risk Tolerance/Avoidance

The County Treasurer recognizes that investment risks can result from issuer defaults, market price changes or conditions leading to temporary illiquidity. The following practices shall be followed to avoid the referenced risks:
1. **Institutional Default and Illiquidity Risk – Selection of Banks and Securities Dealers:**
a) Broker-Dealer Default: To avoid broker-dealer default risks, the County Treasurer shall only invest with broker-dealers with whom the County Treasurer has obtained a contract and all transactions shall be on a delivery-versus payment basis. In addition, it shall be the goal of the County Treasurer to utilize primary dealers and other qualified dealers within Iowa. Tri-party arrangements shall not be utilized without the approval of the County Attorney and the Board.

The County Treasurer shall only use broker-dealers which are registered with the U.S. Securities and Exchange Commission as well as the Securities Division of the State of Iowa. Moreover, the County Treasurer shall also annually investigate each broker-dealer's registration and regulatory history through the State Securities Division.

b) Bank Default: To avoid default risks with banks with which the County Treasurer deposits the Funds monies, the County Treasurer shall determine, in advance of deposit, that each depository bank in which monies of the Funds are to be placed is an Approved Depository for the purpose of Chapter 12 C of the Iowa Code.

2. Market and Transactional Risks – Investment/Trading Practices:

a) There shall be no speculation or swap trading.

3. Exposure to Risk-Diversification of Fund Portfolio:

No investment or trading strategy which risks the total Funds shall be employed. The Funds' investments shall be diversified to avoid substantial exposure to any one risk, whether determinable or unforeseen.

III. ADMINISTRATION

A. Custody

All assets of the Funds shall be secured through the use of a third-party custodial institution, or held in the County Treasurer's vault. Safekeeping procedures shall be reviewed annually.

B. Settlement

All purchases and sales of investment securities shall be on a delivery-versus-payment basis.

C. Personnel

The County Treasurer shall employ competent, qualified personnel to manage the Funds, and shall create procedures to assure efficiency and safety in the Funds management.

Effective this 3rd day of April, 2017.
Delaware County Board of Supervisors
/S/ Jeff Madlom, Chairperson
/S/ Pam Klein, Delaware County Treasurer
Attest: /S/ Carla K. Becker, Delaware County Auditor
All Ayes

Motion made by Helmrichs, second by Buschmann and carried to award the bid for the C64 Paving Project (LOST-18(01)-73-31) to River City Paving, as recommended by County Engineer Anthony Bardgett, in consideration of their bid of $784,152.52. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to award the bid for the 191st Street and 195th Street Paving Project (LOST-18(02)-73-31) to River City Paving, as recommended by County Engineer Anthony Bardgett, in consideration of their low bid of $303,921.75. All Ayes

Motion made by Helmrichs, second by Buschmann and carried to approve setting Monday, April 17, 2017 at 1:15 pm as the date and time to received bids for a Tandem Dump Truck Chassis for the Secondary Roads Department. All Ayes

Motion made by Buschmann, second by Helmrichs and carried to approve setting Monday, April 17, 2017 at 1:15 pm as the date and time to receive bids for two ½ ton regular cab 2wd pickup trucks for the Secondary Roads Department. All Ayes

ENGINEER'S REPORT

Quaker Mill Dam and Stream Realignment – a preconstruction meeting was held with the contractor, Top Grade Excavating, for Phase I of the project. The contractor is anticipating to begin removal of the dam in approximately 2 weeks.

NEXT MEETING –The next regular session will be held on Monday, April 10, 2017 at 1:15 p.m.

PUBLIC COMMENTS – None

There being no further business to come before the Board, Chairperson Madlom called for a motion to adjourn.

Motion made by Helmrichs, second by Buschmann and carried to adjourn the meeting at 2:05 p.m. All Ayes

These minutes have been read and approved for publication.

Jeff Madlom, Chairperson

Carla K. Becker, County Auditor

STATE OF IOWA
DUBUQUE COUNTY SS:

CERTIFICATE OF PUBLICATION

I, Linda L. Vorwald, of Woodward Communications, Inc., an Iowa corporation, publisher of the Dyersville Commerical, a newspaper of general circulation published in the City of Dyersville, County of Dubuque and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following dates Apr. 12, 2017, and for which the charge is $ 225.11.

Subscribed to before me, a Notary Public in and for Dubuque County, Iowa, this 27th day of April 2017.

LINDA L. VORWALD
Commission Number 702799
MY COMM. EXP. 4-18-18

Linda L. Vorwald

Notary Public in and for
Dubuque County, Iowa

LEGAL NOTICE
DELAWARE COUNTY BOARD OF SUPERVISORS
COUNTY ORDINANCE No. 40
DELAWARE COUNTY PRIVATE SEWAGE DISPOSAL SYSTEMS

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DELAWARE COUNTY:

That Delaware County On-site Wastewater Treatment and Disposal Systems, Ordinance No. 19, was duly published on the 15th day of December, 1998, and was referred to as Delaware County Ordinance No. 19, On-site Wastewater Treatment and Disposal Systems.

Ordinance No. 19 is hereby repealed and this ordinance is adopted in lieu thereof.

1. APPLICATION OF RULES. These rules are applicable only to private sewage disposal systems. Anyone repairing or constructing a private sewage disposal system is required to have a valid permit issued prior to the start of work.

2. DEFINITIONS

A. "Administrative authority" means the Delaware County Board of Health or its designee, the Delaware County Sanitarian.

B. "Private sewage disposal system" means any system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than 16 individuals on a continuing basis, including domestic waste, whether residential or nonresidential, but not including industrial waste of any flow rate except as provided for in Iowa Administrative Code 567—68.11 (455B). This includes, but is not limited to, septic tanks, holding tanks for waste, chemical toilets, impervious vault toilets, and portable toilets.

C. "POTW" or "publicly owned treatment works" means any device or system used in the treatment of municipal sewage or industrial wastes of a liquid nature which is owned by a municipal corporation or other public body created by or under Iowa law and having jurisdiction over disposal of sewage, industrial wastes or other wastes, or a designated and approved management agency under Section 208 of the Act.

D. "Transfer" means the transfer or conveyance by sale, exchange, real estate contract, or any other method by which real estate and improvements are purchased, if the property includes at least one but not more than four dwelling units, unless exempt under Iowa Code Section 455B.172.

3. GENERAL

A. No private sewage disposal system shall be installed, repaired, or rehabilitated where a publicly owned treatment works (POTW) is available within 200 feet.

B. When a POTW becomes available within 200 feet of any building or any exterior drainage facility connected thereto, any building then served by a private sewage disposal system shall be connected to said POTW within a time frame or under conditions established by the administrative authority.

4. PERMIT PROCEDURE:

A. No private sewage disposal system shall be installed, altered, or repaired unless a construction permit has been issued by the administrative authority.

B. Applications: Any person, firm, or corporation desiring a permit for a private sewage disposal system must file an application with the DELAWARE COUNTY SANITATION INSPECTOR. The permit purchased by the property owner or contractor shall state such pertinent information as required.

a. Effective July 1, 2017, all private sewage disposal systems shall be installed, altered, repaired, or maintained by an approved contractor. An applicant must identify an approved contractor when applying for a permit.

i. An approved contractor must meet the following requirements:

1. Must be a holder in good standing of an Iowa Onsite Wastewater Association (IOWWA) certification as a certified installer of private sewage systems, either basic or advanced levels; and

2. Be onsite at all times during the system installation, repair, alteration, or maintenance.

ii. The administrative authority will verify a contractor's certification is in good standing with the IOWWA prior to issuing a permit.

b. Site evaluation: A site evaluation shall be conducted prior to the issuance of a construction permit. Consideration shall be given, but not be limited, to the factors set forth in Iowa Admin. Code 567—69.3 (455B).

c. The administrative authority may require the submission of a design plan prepared by an engineer prior to issuing a construction permit.

C. Fees: Upon approval of this application by the Delaware County Sanitarian, the permit will be issued upon payment of the required fees.

Sewer permit	$150.00
Alteration	$150.00
Repair of a previously approved, permitted system	$0.00

D. Permit: The permit must be readily available upon request by administrative authority.

E. Validity: Permits shall be valid for a maximum of twelve (12) months from the date of issuance. If the system is not completed during this time frame, another permit is required.

F. Denial: The Delaware County Sanitarian has the authority to deny an application for a permit based upon conformance with this ordinance and reasonable consideration for the public health. A denial shall be in writing, state the grounds for the denial, and inform the applicant of the rights of appeal.

No permit which requires as a precondition the granting of an easement or variance shall be granted until the applicant has recorded the necessary easement or variance document in the office of the County Recorder.

5. INSPECTIONS

A. The Delaware County Sanitarian must be notified orally one calendar day before the work is to be inspected or tested. Inspections are conducted during normal working hours.

B. No part of any private sewage disposal system shall be used, covered, or so constructed as to deny the mandatory final inspection by the administrative authority. This includes alteration in or repair of an existing system.

C. Whenever the administrative authority has reasonable grounds to believe that a violation of this regulation exists, it may enter upon and make any inspection of such premises, dwelling or other building, and gather other necessary information, including water samples or other necessary specimens for the purpose of laboratory analysis, or introduce into the system necessary testing materials for tracing the source of any apparent sewage discharge to the surface of the ground. The owner or occupant of such premises shall permit the administrative authority to enter such premises, make such inspection, and obtain such samples.

D. Inspection by the administrative authority shall be made between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday and at other times with the consent of the occupant or in case of emergency. The provisions of this section apply to all premises, buildings or dwellings, whether vacant or occupied. The administrative authority may make as many additional inspections of such premises as are deemed necessary to determine the compliance with this regulation. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee access onto any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this regulation or with any lawful regulation or any lawful order issued pursuant to the provisions of this regulation.

E. Refusal of admittance. In the event the administrative authority, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this regulation, shall be refused entry, an application shall be made to the court for an administrative search warrant. Such warrant shall be executed by an employee of the Delaware County Sanitarian between the hours of sunrise and sunset. During entry onto the property pursuant to an administrative search warrant, only those activities necessary to carry out the provision of this regulation shall be allowed.

6. TIME OF TRANSFER INSPECTIONS

A. A building where a person resides, congregates, or is employed that is served by a private sewage disposal system shall have the sewage disposal system serving the building inspected prior to any transfer of ownership of the building, unless specifically exempted by law.

B. All inspections shall be conducted by a DNR certified inspector and in accordance with the provisions outlined for such inspections within IAC, Chapter 69. All costs shall be the responsibility of the property owner or transferor. Following an inspection, a DNR inspection report form and any related reports shall be provided to the Department of Health, the DNR, and the County Recorder. Any deficiencies identified within the inspection report shall be remedied by written mandate of the Department of Health. The Department of Health shall issue a repair permit for mandated improvements upon receipt of the required fee and shall perform a compliance inspection.

C. If the original owner or transferor fails to have the property inspected as required, such failure shall constitute a violation of this ordinance.

D. All private sewage disposal systems that discharge wastewater are not in compliance with the minimum standards set forth in this ordinance and IAC Chapter 69. Such systems shall be brought into compliance prior to closing of the property transfer, unless arrangements have been made whereby the system will ultimately be brought into compliance at a later date based upon a schedule approved by the Department of Health. Systems that discharge untreated wastewater to any source are illegal and may not be transferred and left "as is" under any circumstance.

E. Any private sewage disposal system that was installed under County permit or passed a certified inspection within two (2) years prior to the sale or transfer is exempt from further inspection until the next change of ownership.

7. PURPOSE. The purpose of this ordinance is to promote and encourage public health and sanitation. Delaware County does not guarantee the workmanship and quality of any work a private contractor performs on any private sewage disposal system located within Delaware County. Rather, Delaware County recognizes the need for properly permitted and installed private sewage disposal systems. These systems are approved and certified by trained personnel from the Delaware County Sanitation Department. The Delaware County Board of Health and the Delaware County Board of Supervisors will establish and enforce such rules as necessary to ensure compliance with the permit and installation procedures for private sewage disposal systems within Delaware County.

In accordance with Section 331.302 (4A) of the 2015 Code of Iowa, Sections 455A.6, 455B.171, and 455B.173(3) and (8) concerning Water Quality are incorporated into this ordinance by this reference insomuch as these sections relate to Private Sewage Disposal Systems. The provisions of Iowa Administrative Code 567—69, Private Sewage Disposal Systems, or revisions thereto, are adopted by reference and made a part of this ordinance.

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8. 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 County Sanitarian, 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 Rules of Civil Procedure 1.305, 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 1.313 and subject to the conditions of Iowa Rule of Civil Procedure 1.310.

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; that 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 in the amount set forth in Iowa Code Section 331.307, or if the violation is a repeat offense, a civil penalty not to exceed the amount set forth in Section 331.307 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 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 property where the violation occurred, or both.

J. If a respondent willfully violated 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 magistrate, 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 ensuing 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.

9. APPEAL. Any person who feels aggrieved by any notice or order made by the Board of Health or its designee shall have the right to appeal to the Board of Health within twenty (20) days of the date of such order. Said appeal shall be in writing and shall state his/her reasons for requesting that the notice or order be rescinded or modified. The Board of Health may, by majority vote, modify, withdraw, or order compliance with said notice or order.

An appeal from any order of the Board of Health may be taken to the Board of Supervisors within twenty (20) days. Said appeal shall be in writing and shall state his/her reasons for requesting that the notice or order be rescinded or modified.

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 this ordinance conflicts with a state law or a state administrative code rule, the more stringent standards shall be controlling.

13. REPEAL. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Ordinance No. 19 is hereby repealed in its entirety upon the effective date of this ordinance.

14. 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.

15. EFFECTIVE. That this ordinance shall become effective following passage by the Board of Supervisors and publication as specified in section 331.302(8) of the 2015 Code of Iowa.

Passed this 3rd day of April, 2017.

Delaware County Board of Supervisors

/S/ Jeff Madlom, Chairperson

ATTEST: /S/ Carla Becker, Delaware County Auditor

First Reading: March 27, 2017

Second and Final Reading: April 3, 2017

Approved: April 3, 2017

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