

May 14, 2012

The Winnebago County Board of Supervisors met in session at 9:00 A.M. May 14, 2012, adjourned from May 7, 2012.

Present: Supervisors Stensrud, Durby and Wubben  
Absent:

On a motion by Wubben and seconded by Stensrud the Supervisors moved to approve the minutes for the May 7, 2012 Board Meeting and approve the agenda for the May 14, 2012 meeting. All voted aye. Motion carried.

On a motion by Stensrud and seconded by Wubben the Supervisors moved to approve the use of the Courthouse lawn for the summer SWING concert series on the following Saturdays: June 2, 2012, July 7, 2012 and August 4, 2012. All voted aye. Motion carried.

On a motion by Stensrud and seconded by Wubben the Supervisors moved to cancel the following warrants. All voted aye. Motion carried.

<i>Fund</i>	<i>Date</i>	<i>Ck #</i>	<i>Amount</i>	<i>Vendor</i>	<i>Expense Number</i>	<i>Revenue Number</i>
<i>General Basic</i>	<i>1/19/2010</i>	<i>604517</i>	<i>\$17.00</i>	<i>Cerro Gordo Co Sheriff</i>	<i>0001-67-1120-000-42500</i>	<i>0001-1-67-1000-440000</i>
<i>Rural Basic</i>	<i>10/5/2010</i>	<i>607927</i>	<i>\$8.00</i>	<i>Paul Abele</i>	<i>0011-54-8020-000-49500</i>	<i>0011-1-00-0055-820000</i>
<i>Public Health</i>	<i>11/16/2010</i>	<i>608625</i>	<i>\$20.00</i>	<i>Vicki Saben</i>	<i>0043-23-3010-000-30800</i>	<i>0043-1-23-3040-847000</i>
<i>Assessor</i>	<i>5/18/2010</i>	<i>606067</i>	<i>\$17.80</i>	<i>Terry Durby</i>	<i>4100-90-0500-000-10105</i>	<i>4100-1-90-0055-820000</i>
<i>Trustee DD 88</i>	<i>2/2/2010</i>	<i>604781</i>	<i>\$5.00</i>	<i>John Johnson</i>	<i>60DA-80-0500-000-60100</i>	<i>60DA-1-80-0500-259100</i>

On a motion by Stensrud and seconded by Wubben the Supervisors moved to approve the following Auditor's Transfers: #3482 from Rural Basic to Secondary Roads for \$54,457.48 and #3483 from Rural Basic to Winnebago County Fair Association for \$2,066.52. All voted aye. Motion carried.

**RESOLUTION**

**05-14-2012-12-01**

**Resolution of Public Purpose for Precinct Election Officials**

Whereas, precinct election officials have substantial responsibilities for the conduct and integrity of elections in Winnebago County; and,

Whereas, the County Auditor has recommended that recognizing the public service of the precinct election officials is in the public interest; now,

Therefore, we find that recognition of public service on behalf of the precinct election officials in the form of expenditures for food, beverages, and tokens of service such as election pins, coffee mugs, and items of a similar nature are a public purpose.

Motion was made by Supervisor Wubben and seconded by Supervisor Stensrud to adopt the foregoing resolution. Vote taken thereon resulted as follows:

Ayes: Durby, Wubben and Stensrud

Nays: None

Absent/Not Voting: None

Passed and approved this 14<sup>th</sup> day of May, 2012.

(Signed) \_\_\_\_\_  
Chairman Terry Durby  
Board of Supervisors

ATTEST:

(Signed) \_\_\_\_\_  
Karla Niederkofler  
County Auditor and Commissioner of Elections

On a motion by Stensrud and seconded by Wubben the Supervisors moved to approve the following agreement. All voted aye. Motion carried.

**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**

This Indemnification and Hold Harmless Agreement (the ~~%~~Agreement+) is entered into on this 14th of May, 2012 (the ~~%~~Effective Date+), by and between Julie Harris,

James Nehring, Joel Rohne, Gabe Johanns, Micah Van Maanen, in their capacities as volunteers on team of technology professionals (collectively, the "Team") and Winnebago County (the "County").

WHEREAS, the County desires to have the Team perform a technology review for Winnebago County and Winnebago County desires the Team to perform a technology review (the "Technology Review"); and

WHEREAS, the Team is only willing to perform the Technology Review if the County indemnifies and holds the Team harmless for any damage or risk that may occur directly or indirectly as a result of the Technology Review.

NOW THEREFORE, for good and valid consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Indemnification: To the extent allowed by law, the County agrees to defend, indemnify, and hold harmless the Team from and against any and all loss, cost, damage or liability, including attorneys fees and costs, incurred in connection with any claim by a third party arising from the Technology Review. Each party shall give reasonable notice of any such claim to the other party. The County shall have the right to control and direct the defense and settlement of such claim. The Team, either as a group or individually, may participate in the defense by counsel of its own choosing. When reasonably requested by the County, the Team and its individual members shall provide relevant evidence in any Team member's control and shall otherwise cooperate in the defense so long as Employee reimburses the Team member's actual expenses occurred during such cooperation. This indemnification provision shall not be deemed to waive or limit any other rights.

2. Waiver: The County hereby waives, and exempts, releases, and discharges the Team, both as individuals and collectively, from any and all claims, demands, and actions for such injury, loss, damage, or any other type of liability, arising out of or in any way related to the Technology Review, whether or not caused by the act, omission, negligence, or other fault of the Team or its individual members, or by any other cause, excepting only the willful and wanton conduct of the Team or its individual members.

3. Survival: The provisions of this Agreement shall be indefinite, and shall survive the completion of the Technology Review.

IN WITNESS WHEREOF, the undersigned parties have caused their duly authorized representatives to execute this Agreement, effective as of the Effective Date.

Winnebago County

By: (Signed) \_\_\_\_\_

Its: Board Chairman \_\_\_\_\_

On a motion by Wubben and seconded by Stensrud the Supervisors moved to approve the Community Mental Health Center Affiliation. All voted aye. Motion carried.

On a motion by Wubben and seconded by Stensrud the Supervisors moved to approve signing the 28E agreement with Central Iowa Juvenile Detention Center. All voted aye. Motion carried.

On a motion by Stensrud and seconded by Wubben the Supervisors moved to approve moving the May 28, 2012 meeting to May 29, 2012 due to the Memorial Day Holiday. All voted aye. Motion carried.

Jim Witt discussed secondary road and drainage district matters.

On a motion by Stensrud and seconded by Wubben the Supervisors moved to approve the petition for clean out of DD 102. All voted aye. Motion carried. The Auditor's office will notify Trustee Drain 64 of the upcoming project.

Brenda Moretz with NRCS discussed the project in Section 22 of Mount Valley. On a motion by Stensrud and seconded by Wubben the Supervisors moved to leave the decision regarding the tile up to Mark Hanna, Brenda Moretz, Valere Holtan and any other land owner the project affects with the approval of Jim Witt before the work is done and to give the ability to change the existing plan regarding DD 89. All voted aye. Motion carried.

There was a bid letting for the box culverts for Section 20, Norway Township, between Section 9 and 10 Buffalo Township, between Section 25 and 26, and Section 13, Mount Valley. The bids were as follows: Hancock Concrete \$260,591.25 and Cretex Concrete Products \$343,782.80. On a motion by Stensrud and seconded by Wubben the Supervisors moved to approve the bid from Hancock Concrete in the amount of \$260,591.25. All voted aye. Motion carried.

At 10:00 A.M. on a motion by Wubben and seconded by Stensrud the Supervisors moved to open the Public Hearing to consider approval of the Winnebago

County Amendment of Current County Budget FY 2011/2012. All voted aye. Motion carried. Present: Board of Supervisors Durby, Wubben and Stensrud, Karla Niederkofler, County Auditor, Kris Wempen, Kenneth M. Peterson, Sam Jefson and Jim Witt. Chairman Durby presented the proposed budget amendment and opened the floor to questions. There was discussion about the budget amendment. On a motion by Stensrud and seconded by Wubben, the Supervisors moved to close the Public Hearing. All voted aye. Motion carried.

On a motion by Wubben and seconded by Stensrud the Supervisors moved to approve the Winnebago County Amendment of Current County Budget for FY 2011/2012 and approve the following Resolution. All voted aye. Motion carried.

**RESOLUTION 05-14-2012-01-01**  
**RESOLUTION TO APPROPRIATE MONEY FOR THE**  
**FY2011-2012 BUDGET AMENDMENT**

**WHEREAS**, on May 14, 2012, the Winnebago County Board of Supervisors did adopt the County Budget Amendment for the Fiscal Year 2011-2012; and

**WHEREAS**, the Board of Supervisors shall appropriate the amounts deemed necessary for each of the county officers and departments during the ensuing fiscal year, as provided by Section 331.434(6) of the Code of Iowa.

**NOW THEREFORE BE IT RESOLVED** by the Winnebago County Board of Supervisors that the following amounts are hereby appropriated to the various departments for the Fiscal Year 2011-2012.

Department	Original or Previously Appropriated by Resolution	Change of	(100%) Appropriated To
Debt Service	\$799,798	\$184,000	\$983,798
Public Safety	\$1,534,765	\$17,550	\$1,552,315

Passed and approved this 14th day of May, 2012.

(Signed) \_\_\_\_\_  
Chairperson Board of Supervisors

ATTEST \_\_\_\_ (Signed) \_\_\_\_\_  
County Auditor

The session was adjourned until 9:00 A.M. May 21, 2012.

Attest: \_\_\_\_\_  
Karla Niederkofler, Auditor

\_\_\_\_\_  
Terry Durby, Chairperson