

February 2, 2015

Sixth Day

The Worth County Board of Supervisors met pursuant to adjournment with Ken Abrams and Dave Haugen present.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Haugen, and Abrams. Nays: none. Abstentions: none. Absent: none

Motion by Haugen, second by Abrams, carried to approve the January 26, 2015 board minutes.

The board canvassed and certified the votes for the January 27, 2015 Special Worth County Election.

Merlin Bartz was sworn in by Jacki Backhaus as new county supervisor.

Motion by Haugen, second by Bartz, carried to approve Resolution #02.02.2015 WHEREAS, on April 19, 2004, the Iowa Legislature passed House File 2302, which the Governor signed into law on May 6, 2004. WHEREAS, House File 2302 amends Iowa Code 99F.13(2003) and provides that the Board of Supervisors of each county where gambling operations are conducted, must select a certified public accountant, licensed within the state, to conduct the annual audit of certain licensed gambling establishments within the county, specifically providing, "99F.13 ANNUAL AUDIT OF LICENSEES OPERATIONS Within ninety days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's total gambling operations, including an itemization of all expenses and subsidies. All audits shall be conducted by certified public accountants registered or licensed in the State of Iowa under Chapter 542 who are selected by the Board of Supervisors of the County in which the licensee operates." WHEREAS, the certified public accounting firm of Deloitte Touche Tohmatsu, commonly known as Deloitte & Touche, is experienced in performing audits of gambling operations, is registered and/or licensed to perform such services in the State of Iowa and is currently performing such audits for licensees in Worth County. NOW THEREFORE BE IT RESOLVED, that the Worth County Board of Supervisors hereby appoints the Deloitte & Touche, certified public accounting firm to conduct the annual audit for Peninsula Gaming, LLC, d/b/a Diamond Jo Worth Casino in Worth County. IT IS FURTHER RESOLVED that this appointment of the Deloitte & Touche firm shall remain in effect and renew automatically each year until the Board of Supervisors receives a request from Peninsula Gaming, LLC d/b/a Diamond Jo Worth Casino to appoint another certified public accounting firm to perform the annual audits contemplated under Iowa Code 99F.13. Resolution adopted this 2<sup>nd</sup> day of February, 2015. Kenneth J. Abrams, Chairperson Attest: Jacki A. Backhaus, County Auditor

Motion by Haugen, second by Abrams, carried to approve the quarterly sheriff's report.

Motion by Bartz, second by Haugen, carried to approve payroll eligibility verification for Austin Walk at \$30,000/year as submitted by the conservation department.

Motion by Haugen, second by Bartz, carried to approve the Class C Liquor License for Joe Siems d/b/a Thirsty Dog Lounge.

Motion by Bartz, second by Haugen, carried to amend Resolution 02.02.2015A to include "may choose to" in paragraph three.

Motion by Bartz, second by Haugen, carried to approve Resolution 02.02.2015A as amended: Resolution No. 02.02.2015A **Regarding the Mitigation of Converted Farmed Wetlands in Benefited Areas of Drainage District Improvement Projects in Worth County** WHEREAS the Board of Supervisors is charged under the law to conduct studies and to consider at public hearing, together with the owners of the benefited lands, the adoption of drainage improvements by and for drainage districts in the county.

WHEREAS drainage district improvements may be found by the USDA to cause the conversion of farmed wetlands subject to wetland conservation rules of the federal farm program and thereby cause the owners of the converted wetlands to be subjected to heavy penalties for violations of the program rules.

WHEREAS the Board believes it is important to establish a balanced and consistent policy that supports the inclusion of mitigation for converted farmed wetlands in drainage district projects and provides that drainage districts may choose to share the costs of mitigation with the owners of the converted farmed wetlands.

WHEREAS the Board anticipates that several drainage districts will in 2015 and later consider improvements which will, if approved at public hearing, result in the conversion of farmed wetlands in the benefited areas and the Board has learned that there is no affordable converted wetland mitigation currently available, but that mitigation is also anticipated to be available in the future.

WHEREAS farm program rules allow the owners and tenants of farmed wetland converted by drainage districts to avoid program penalties and retain eligibility if they do not crop the area of the converted farmed wetland.

WHEREAS the Board believes it is important for drainage districts to continue to support mitigation of farmed wetlands converted by drainage district improvement projects when affordable mitigation is not available so that the projects may be considered for approval and, if approved, be constructed all in a timely manner.

IT IS HEREBY RESOLVED that for all proposed drainage district improvements projects in the county that will hereafter be considered for adoption at public hearing in the county and which are under the sole jurisdiction of the Board, and subject to the following conditions, the drainage district will provide, from the drainage district's funds, a mitigation offset fee or credit of up to \$7,500 per farmed wetland acre to each owner of farmed wetland that will be converted by the drainage district project, the funds then to be used toward the owners' independent pursuit of compensatory mitigation if so desired.

- Condition 1. The drainage district determines either through a jurisdictional determination of the Corps of Engineers or by the opinion of the drainage district's appointed engineer that the farmed wetland is not subject to regulation under Section 404 of the federal Clean Water Act. [Note: If a farmed wetland is subject to Clean Water Act jurisdiction then the drainage district will be directly responsible for the regulatory agency project permits and associated mitigation requirements and no mitigation offset fee or credit will be provided under this policy.]
- Condition 2. An owner of a farmed wetland that may be converted by the proposed project must timely provide to the drainage district a copy of a USDA issued or approved certified wetland determination for land in the benefited area. So that the added cost of the mitigation offset may be included in the board's considerations, this documentation must be placed on file with the county before the time that the board finalizes its decision at public hearing to approve the construction of drainage improvements in the district. If the farmed wetland documentation is not timely provided then no mitigation offset fee or credit will be provided by the drainage district.
- Condition 3. The owner of a farmed wetland must exhaust the reasonable options available through the local or area USDA staff to minimize the size of the farmed wetland as may be available to them at or after the time of their receipt of the notice of the public hearing. If this is not done the Board reserves the option to independently assess the accuracy of the claimed farmed wetland acres and to reduce or eliminate the mitigation offset fee or credit provided for under this policy.
- Condition 4. Before credits or payments for a mitigation offset will be released to a farmed wetland owner the owner must provide a statement in writing from the USDA that the farmed wetland will be converted by the drainage district project and that continued cropping of the farmed wetland after it is converted will affect the owner's farm program eligibility. This statement is required even if the landowner is currently not a farm program participant.
- Condition 5. If a project is not completed and federal or state laws or regulations change prior to the release of the mitigation offsets provided for herein, and it has been determined that the drainage

district may no longer transfer compensatory mitigation responsibilities to the farmed wetland owners in the manner provided for under this policy, then the mitigation offsets will be canceled. [Note: This will trigger a reevaluation of the mitigation needs of the project.]

The Board may alter this policy for each drainage district project as may be needed to accomplish the intent of the resolution, to account for unusual circumstances, to comply with changing laws and regulations, and to promote fairness. Adopted and approved this 2<sup>nd</sup> day of February 2015. Kenneth J. Abrams, Chairman, Board of Supervisors, Worth County, Iowa; ATTEST: Jacki A. Backhaus, Worth County Auditor

Motion by Bartz, second by Haugen, carried to approve the destruction of claims and warrants through FY2009.

Motion by Abrams, second by Haugen, carried to appoint Merlin Bartz to the following: Alternate Representative - North Iowa Mental Health Center – Mason City (1 year term), Alternate Delegate - North Iowa Juvenile Detention Services (term expires 12/31/2016), Alternate to Board of Directors – Second Judicial District Department of Correctional Services (1 year term), Advisory on Board of Health(2 year term), Alternate – North Central Regional Emergency Response Commission (term expires 12/31/2016), Delegate – NIACOG (1 year term), Delegate – North Iowa Vocational Center, Inc. (2 year term), Delegate – Regional II Transit Advisory Committee (term expires 12/31/2016).

The meeting adjourned until 9:00 A.M., February 9, 2015.

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Auditor

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Chairperson