

**BOARD OF SUPERVISORS MEETING
THIRTY-SEVENTH MEETING, 2017 SESSION (37)
SEPTEMBER 19, 2017**

The Buena Vista County Board of Supervisors met in regular session, on Tuesday, September 19, 2017 at 8:30 A.M. in the Boardroom, with Chairman Huseman presiding, and the following members present: Altena, Arends, Merten, Ringgenberg, and with Auditor Susan Lloyd as clerk for the meeting.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Altena, Arends, Huseman, Merten, and Ringgenberg. Nays: none. Abstentions: none.

Motion by Ringgenberg, second by Arends, to approve and authorize the Chair to sign the **utility permit** for Iowa Lakes Electric Cooperative, Estherville, IA, to bore under N. Sioux Road for installation of a single primary cable in Barnes, Section 1, to upgrade a current customer. Carried.

Motion by Merten, second by Arends, to approve and authorize the Chair to sign the Final Construction Pay Estimate Report for **Project STP-S-CO11(97)—5E-11**, the C-63 asphalt paving project, in the amount of \$995,049.66 to Blacktop Services. Carried.

Motion by Arends, second by Merten, to approve and authorize the Chair to sign the **Iowa Preconstruction Agreement #2018-C-063** – HMA resurfacing of Hwy 71 from IA 3 to IA 10 East. Carried.

Engineer Bret Wilkinson informed the Board that he spoke with the County Attorney about the damage caused by a landowner in Casino Beach, whether to send a letter and bill to the landowner. The County Attorney was in favor of sending the letter and bill to the landowner. Motion by Huseman, second by Ringgenberg, authorizing the Engineer to sign the letter, and send the invoice for damages, to Wordekempers, regarding **White Cap Road**. Ayes: Altena, Arends, Huseman, Ringgenberg. Nays: None. Abstentions: Merten. Carried.

Engineer Bret Wilkinson informed the Board that he received a request to **vacate** a couple alleys in Sulphur Springs, north of Lake St. and south of Lake St., and a portion of 1st St. north of Lake St. The consensus of the Board was to have Wilkinson move forward with the process to vacate these areas.

Secondary Road Report: The contractor is shouldering along the roadway by Wal-Mart, and Engineer Wilkinson hopes to open up the road today to traffic; the box culvert has been laid on 165th Ave., and the County will be bringing gravel in, as they raised the road a little bit. The contractor will then move to the project on M50; McGowan is at the annual conference this week; the crew is ditch cleaning, spot graveling, working on tile repairs, driveways, hauling to stockpile, and mowing; Engineer Wilkinson is working on the final bill for the Dakota Access Pipeline.

Hear the Public: Env Health/Zoning Director Kim Johnson informed the Board that she has received the draft permit for Wagner Finisher Farm, approved by DNR.

Recorder Shari O'Bannon informed the Board of her **Eagle Imaging project**. Years ago, when documents were scanned, it was done by a separate program, and now by changing to Tyler Technology Eagle, all of the former images have to be converted, and there is an additional cost of \$15,000 for the conversion, which was not planned. The Recorder has a Records Management Fund that could be used for part of this additional cost, but would still be short about \$5,500. Currently, O'Bannon uses \$3,000 per

year for maintenance of the portal, and so there would be \$10,500 funds available to be used towards this project, but there would be an additional \$5,500 needed. Motion by Merten, second by Altena, to approve and authorize the Chair to sign a **contract** with Image Tech for the conversion of the scanned documents to Tyler Technologies Eagle Program, at a cost of \$15,000. Carried.

Motion by Merten, second by Arends, to approve the **minutes** of 9/5/17 and 9/15, as printed, today's **claims approval list**, and the following **reports**: August Sheriff's Report of Fees Collected, Central IA Juvenile Detention Center June minutes-July financials-September agenda, Third Judicial District Income Statement FY'17, Compass Pointe August minutes-July financials-September agenda, BVCS Early Childhood Iowa June minutes-FY'17 Annual reports(2)-July report, September Department Head minutes, North Raccoon River Watershed Management Coalition minutes, September Safety Committee minutes, August BV County Solid Waste Commission minutes, August Auditor's Compilation Report for BV County Solid Waste Commission, June Emergency Management Commission minutes, and August Conservation Board minutes. Carried.

There being no further business, the Board went into recess at 10:00 a.m. until 2:00 p.m., at which time the Board will meet in the Fonda Community Center with Supervisors from Pocahontas County, for the Jt. DD #18-42 Completion Hearing.

At 2:00 p.m., the Board of Supervisors from Pocahontas and Buena Vista County, as Trustees for **Jt. DD 18-42**, convened at the Fonda City Hall for a Completion Hearing.

Trustees present: Pocahontas: Jeffrey Ives, Louis Stauter, Clarence Siepker, and JoAnn Peters; Buena Vista: Tom Huseman, and Paul Merten. Also present: Jon Rosengren and Jared Schoelerman, Bolton & Menk Engineers; Jim Hudson, Drainage Attorney, Sue Lloyd, Buena Vista County Auditor; and Kelly Jepsen, Pocahontas County Auditor. Landowners: Mike Christiansen; Travis Johnson; Dennis Waddle; and Chance Wells.

Rosengren gave a review of the project explaining the tile improvement was completed June 1, 2017 with a final construction cost of \$1,253,146.15. No liquidated damages are due as the work was completed prior to the deadline. \$125,314.61 in retainage is being held.

Rosengren explained the recommendation for crop damages. During the review, changes were made as follows: The Ryan L Burkhart's parcel name was changed to Beverly Parish. Brian Wise's 0.660 acres of pasture was changed to corn, increasing the damages from \$198.00 to \$464.51 and his total amount due from \$790.80 to \$1057.31. The Ryan Family Limited Partnership's name was changed to Ryan Family Farm LLC and their total acres damaged were increased from 6.408 acres to 10 acres, as they had a delayed planting. This increased Ryan Family Farm LLC total damage claim from \$5903.37 to \$7038.00. New total of all damages due to landowners in Jt. DD 18-42 is \$36,985.34.

Next, Rosengren let the Trustees know that the majority of the acres NRCS originally considered to be wetlands have been removed. There were originally three wetland determined on the Ryan Family Farm LLC. The NRCS has already removed 1.6 acres but they are still waiting on the appeal on 8.6 acres and 2.7 acres. Travis Johnson, Farm Manager for the Ryan's, questioned if the appeal does not go well for them, do they need to put in a claim right now for those acres they cannot harvest. Rosengren recommended that the Trustees wait to take action until they see what the actual damages will be. Johnson also pointed out that part of the appeals process involved them paying a contractor \$750.00 to dig up existing tile to prove that there was tile there. He questioned if that should be submitted for damages. Rosengren feels that since the District has been helping with these appeals, it would be appropriate to submit the \$750.00 claim now as that \$750.00 investment will probably save the District about \$750,000.00 in mitigation resolutions.

It was moved by Stauter, seconded by Ives, to appoint Paul Merten as Chairman and Sue Lloyd as Secretary. Ayes all, motion carried.

It was moved by Ives, seconded by Siepker, to approve Bolton & Menk's recommendations with the changes that were presented today (\$36,985.34) as well as the \$750.00 expense the Ryan's incurred to expose the tile. The Trustees are aware that there are several outstanding possible wetland conversions that may need to be addressed at a later date. Ayes all, motion carried.

It was moved by Peters, seconded by Ives, to appoint Eldon Sullivan as a Commissioner representing Pocahontas County and Brain Waldstein or Marlowe Feldman as Commissioner representing Buena Vista County. Ayes all, motion carried.

There being no further business the Board adjourned at 2:47 p.m. on motion of Stauter, seconded by Huseman. Ayes all, motion carried. (The complete minutes of JT DD 18-42 are in the drainage file of the district)

There being no further business, motion by Merten, second by Huseman, to adjourn the meeting at 2:47 p.m. until Tuesday, September 26, at 8:30 a.m. for a special session. Carried.