

The Board of Supervisors of Cerro Gordo County, Iowa, met in regular session pursuant to adjournment. Present: Chairman Casey Callanan, Supervisor Jay Urdahl, Supervisor Phil Dougherty and various members of the public.

Urdahl made a motion, with Dougherty seconding, to **approve the minutes from the August 30, 2016 regular session and today's agenda.** Motion passed unanimously.

Urdahl made a motion, with Dougherty seconding, to **approve claims.** Motion passed unanimously.

Dougherty made a motion, with Urdahl seconding, to **approve payroll warrant register for the period ending September 3, 2016.** Motion passed unanimously.

Urdahl made a motion, with Dougherty seconding, to **adopt Resolution 2016-71,** Whereas, the following payroll change requests were submitted to the Board of Supervisors for review; and Whereas, the Board of Supervisors of Cerro Gordo County, has reviewed and considered the change requests as follows:

Department	Name
<u>Pay Change</u>	<u>Effective Date</u>
Case Management	Katie Paulson
\$17.07/hourly	10/03/2016

Therefore, Be It Resolved, that the Board of Supervisors of Cerro Gordo County does hereby approve the requests as shown above and directs the Auditor to make the necessary adjustments to the payroll. Motion passed unanimously.

A conference call with Floyd County was held to discuss Joint Drainage District 6/56. Present: Joint Chairman Callanan, Supervisor Urdahl, Supervisor Dougherty, Supervisor Schwickerath, Supervisor Kamm and Supervisor Kuhn.

Supervisor Kamm made a motion, with Supervisor Urdahl seconding, to **award bid for Joint Drainage District 6/56 to Cole Excavating of Greene, Iowa in the amount of \$232,586.65.** Motion passed unanimously.

Dougherty made a motion, with Urdahl seconding, to **close the public hearing on proposed Wetland Restoration Easement in Drainage District 1.** Motion passed unanimously.

Urdahl made a motion, with Dougherty seconding, to **adopt Resolution 2016-72,** Whereas, the Drainage District Board of Trustees are responsible for the maintenance and management of Drainage Districts located with Cerro Gordo County established under Chapter 468 of the Iowa Code; and, Whereas, Cerro Gordo County drainage districts have been established and constructed with the presumption the drainage of surface water from agricultural lands and all other lands, for the protection of such lands from overflow, is conducive to the public health, convenience and welfare; and, Whereas, certain programs of the State of Iowa and the United States Government have been established to create wetlands within the State of Iowa. The creation of these wetlands is also conducive to the public health, convenience and welfare; and, Whereas, some wetlands may be located within a Drainage District and the creation of the wetlands may potentially compromise the efficiency of the Drainage District improvements; and, Whereas, a procedure is required to promote the establishment of the wetlands and yet protect the improvements of a drainage district; and, Whereas, the Drainage District Board of Trustees shall be the exclusive governing body to make the decisions affecting the maintenance and management of drainage districts within Cerro Gordo County; and, Now Therefore, Be It Resolved, a landowner who proposed to establish a wetland in an area in which drainage district improvements are located, shall file with the Cerro Gordo County Auditor a Statement of Intent containing the following information:

- 1) The name of the landowner and farm tenant, if any.
- 2) A plat of the wetland identifying any drainage district improvement within the proposed wetland.
- 3) A report from the engineer who designed the wetland setting forth any proposed manipulation or destruction of drainage district improvements and the resulting effects on existing drainage of lands within the drainage district.

Upon receipt of the Statement of Intent, the district shall schedule a public meeting before the Board of Trustees to be held not less than 20 days after the date of receipt. The Trustees may continue this meeting from time to time. The Auditor shall provide notice of the public meeting to affected landowners as directed by the Drainage District Board of Trustees. Prior to the public meeting, the plat of the wetland and engineer's report will be reviewed by the District's Engineer who shall determine the effect to the District if the wetland is created. The Engineer shall consider and address maintenance access, the potential effect upon the ability of the District to make further improvements, the effect upon the ability of the neighboring landowner(s) to connect to the facility, the effect upon drainage capabilities available to all landowners, future ownership and maintenance issues which should be addressed in an agreement, potential benefits to lands in the District, and other related issues the Trustee deem important. This requirement for an engineer's review can be waived by a majority vote of the Board. The creation of the wetland shall not reduce the coefficient of drainage for any landowner with the Drainage District. The Drainage District shall incur no costs for the investigation and hearing. The landowner or other entity shall pay the costs of these proceedings, including the costs of engineering, legal costs and providing notice. The wetland shall retain the classification established by Section 468.38 through 468.40 of the Code of law. In the event the owners of the property no longer wishes to use the property as a wetland, the owner shall restore the system of drainage that was in place prior to the establishment of the wetland or as otherwise allowed by the District. Ownership, control and maintenance of facilities constructed to convey waters of the District located upstream and downstream of the pool and outlet structure shall be the District's. The landowner is responsible to maintain the pool area, including the excavation of accumulated sediment, the outlet structure, and all other facilities not assumed by the District. (The District may agree to assume part or all of the maintenance responsibilities of the owner.) If the landowner fails to perform maintenance activities as required under this agreement, the Drainage District may enter the property and perform maintenance seven or more days after giving notice to the landowner to do the maintenance. If the Trustees deem the maintenance to be an emergency, the District may immediately perform the maintenance. The costs thereof shall be assessed to the landowner. The landowner's request may be approved upon completion of the above conditions, if the Drainage District trustees are convinced the drainage within the Drainage District will not be adversely affected and the Drainage District will not incur any costs. If such approval is given, the Drainage District Trustees and the landowners shall enter into an agreement incorporating the conditions within this resolution, any other issues the Trustees deem worthy. Motion passed unanimously.

Dougherty made a motion, with Urdahl seconding, to **approve Class C liquor license for PM Park.** Motion passed unanimously.

Urdahl made a motion, with Dougherty seconding, to **approve the Clerk's monthly report of fees.** Motion passed unanimously.

Dougherty made a motion, with Urdahl seconding, to **abate Drainage Assessment Ditch 831B Lateral 1 Upper Tile totaling \$2304.00 for United States of America as follows: \$187.00 on Parcel 09-27-100-001-00, \$149.00 on Parcel 09-27-100-002-00, \$186.00 on Parcel 09-27-100-003-00, \$176.00 on Parcel 09-27-100-004-00, \$202.00 on Parcel 09-27-200-001-00, \$112.00 on Parcel 09-27-200-003-00, \$313.00 on Parcel 09-27-300-001-00, \$300.00 on Parcel 09-27-300-002-00, \$445.00 on Parcel 09-27-300-003-00, \$150.00 on Parcel 09-27-300-004-00, \$ 38.00 on Parcel 09-27-400-001-00, \$ 46.00 on Parcel 09-27-400-003-00. Abate Drainage Assessment Ditch 831H Lateral 1-L totaling \$881.00 for United States of America as follows: \$116.00 on Parcel 09-26-100-001-00, \$134.00 on Parcel 09-26-100-002-00, \$163.00 on Parcel 09-26-100-003-00, \$173.00 on Parcel 09-26-100-004-00, \$137.00 on Parcel 09-27-200-002-00, \$59.00 on Parcel 09-27-200-004-00, \$70.00 on Parcel 09-27-400-002-00, \$9.00 on Parcel 09-27-400-003-00, \$ 20.00 on Parcel 09-27-400-004-00, abate Drainage Assessment Ditch 26 totaling \$111.00 for United States of America as follows: \$5.00 on Parcel 09-23-300-002-00 and \$ 21.00 on Parcel 09-23-400-005-00, \$49.00 on Parcel 09-23-400-008-00, \$36.00 on Parcel 09-23-400-009-00.** Motion passed unanimously.

Urdahl made a motion, with Dougherty seconding, to **approve the elimination of the Application Development and Data Manager Position.** Motion passed unanimously.

Dougherty made a motion, with Urdahl seconding, to **approve the resignation of employment and release agreement with Tim Berneman.** Motion passed unanimously.

Urdahl made a motion, with Dougherty seconding, to **direct staff to participate in oral argument before the Environmental Protection Commission on behalf of the County.** Motion passed unanimously.

Urdahl made a motion, with Dougherty seconding, to **close the public portion of the hearing on change of zone for Dirksen.** Motion passed unanimously.

Dougherty made a motion, with Urdahl seconding, to **adopt Resolution 2016-73, Amendment No. 358 to Ordinance No. 15, Article 5.2.** Whereas, the Cerro Gordo County Planning & Zoning Commission, after study, has recommended that the change of zoning classification of a certain area hereinafter described, upon the application of David & Mary Dirksen be made, and; Whereas, the final public hearing has been held with notice as required by law. Now, Therefore, Be It Resolved by the Cerro Gordo County Board of Supervisors that Ordinance No. 15, Article 5.2, of the Zoning Ordinance of Cerro Gordo County, Iowa, is hereby amended by changing the district boundaries thereof so as to change the classification of the following described property from A-1 Agricultural District to A-2 Agricultural Residence District on the following described real estate, to-wit: County Auditor's Parcel Letter 'A-1' located in the Southeast Quarter (SE¼) of Section Thirty-four (34), Township Ninety-four (94), North, Range Twenty-two (22) West of the 5<sup>th</sup> P.M., Cerro Gordo County, Iowa, more particularly described as follows: Commencing at the South Quarter Corner of said Section 34; thence South 89°33'11" East, 624.40 feet along the south line of said Southeast Quarter to the Southwest Corner of County Auditor's Parcel 'A' as surveyed in County Recorder's Doc. #0304856 (said point also being the point of beginning); thence South 89°33'11" East, 834.39 feet along said south line; thence North 00°01'21" West, 281.60 feet; thence North 89°41'01" West 446.31 feet; thence North 06°23'26" East, 95.34 feet to a corner of said Parcel Letter 'A'; thence South 89°35'19" West, 394.62 feet along a north line of said Parcel Letter 'A' to a Northwest Corner thereof; thence South 00°36'48" West, 369.48 feet along the west line of said Parcel letter 'A' to the point of beginning, containing 6.19 acres total including 0.63 acres existing right of way. Subject to easements. Note: For the purposes of this survey, the south line of said Southeast Quarter was determined to bear South 89°33'11" East using GPS. This Resolution shall be in full force and effect from and after its passage. Motion passed unanimously.

Dougherty made a motion, with Urdahl seconding, to **close the public portion of the hearing on Dean Second Subdivision and change of zone.** Motion passed unanimously.

Urdahl made a motion, with Dougherty seconding, to **adopt Resolution 2016-74, A Resolution Approving Final Plat For "Dean Second Subdivision, Cerro Gordo County, Iowa"** Whereas, the Planning and Zoning Commission of Cerro Gordo County, Iowa, on the 1st day of September, 2016, duly approved the Final Plat for "Dean Second Subdivision, Cerro Gordo County, Iowa," and; Whereas, said Plat appears to comply with all statutes of Iowa and ordinances of Cerro Gordo County relative to plats of additions and subdivisions. Now, Therefore, Be It Resolved by the Board of Supervisors of Cerro Gordo County, Iowa; That there should be and hereby is approved the Final Plat for "Dean Second Subdivision, Cerro Gordo County, Iowa," which Plat is attached hereto and by this reference made a part thereof. Motion passed unanimously.

Urdahl made a motion, with Dougherty seconding, to **adopt Resolution 2016-75, Amendment No. 359 to Ordinance No. 15, Article 5.2.** Whereas, the Cerro Gordo County Planning & Zoning Commission, after study, has recommended that the change of zoning classification of a certain area hereinafter described, upon the application of Shirley H. Dean and Douglas L. & Kristie R. Huber, be made, and; Whereas, the final public hearing has been

held with notice as required by law. Now, Therefore, Be It Resolved by the Cerro Gordo County Board of Supervisors that Ordinance No. 15, Article 5.2, of the Zoning Ordinance of Cerro Gordo County, Iowa, is hereby amended by changing the district boundaries thereof so as to change the classification of the following described property from A-2 Agricultural Residence District to A-1 Agricultural District on the following described real estate, to-wit: Lot 2, Dean Second Subdivision, Cerro Gordo County, Iowa. This Resolution shall be in full force and effect from and after its passage. Motion passed unanimously.

Dougherty made a motion, with Urdahl seconding, to **adopt Resolution 2016-76**. Whereas, it is desired to transfer monies from the E-911 Surcharge Fund to the E-911 Operations Fund; and, Whereas, said operating transfers are in accordance with Section 331.432, Code of Iowa; and, Now Therefore, Be It Resolved by the Board of Supervisors of Cerro Gordo County, Iowa, as follows: The sum of Seventy-seven thousand seven hundred 00/100 (\$77,700.00) dollars is ordered to be transferred from the E-911 Surcharge Fund to the E-911 Operations Fund, effective September 13, 2016. (Transfer #1358). The Auditor is directed to correct his books accordingly and to notify the Treasurer of this operating transfer. Motion passed unanimously.

Dougherty made a motion, with Urdahl seconding, to adjourn at 10:55 a.m.

Various tabulations, reports, correspondence and other documents that were presented at today's meeting are placed on file with the supplemental minutes.

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Chairman Casey Callanan  
Board of Supervisors

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Kenneth W. Kline, County Auditor  
Cerro Gordo County