

BOARD OF SUPERVISOR'S Regular Meeting
June 2, 2015 - 10:00a.m. Board of Supervisors' Room
Webster County Courthouse

The Board of Supervisors met in Session on the above date with the following members present: Singer, Fletcher, Dencklau, Campbell and Leffler. Absent: None.

Moved by Leffler, seconded by Campbell to approve minutes of the May 26, 2015 regular meeting. Motion carried unanimously.

Moved by Campbell, seconded by Singer to receive and place on file drainage repairs for D.D.#12 Webster & D.D.#38 Calhoun and D.D.#4 Main. Motion carried unanimously.

Moved by Campbell, seconded by Singer to receive and place on file Manure Management Plan Updates as follows: Litchfield Realty Company 1 in Section 33 Hardin Township; Litchfield Realty Company 2 in Section 35, Yell Township; Litchfield Realty Company 3 in Section 31, Webster Township; Litchfield Realty Company 4 in Section 27 Yell Township; Litchfield Realty Company 5 in Section 33, Yell Township; Litchfield Realty Company 6 in Section 31, Yell Township; and Litchfield Realty Company 7 in Section 35, Burnside Township. (Copy on file in Auditor's office). Motion carried unanimously.

Moved by Leffler, seconded by Singer to receive and place on file Manure Management Plan Updates for East Finishers in Section 23, Freedom Township, Hamilton County and Nursery Finishers in Section 18, Freedom Township, Hamilton County; and Manure Management Plan for South Site – Alex Alliger in Section 3, Dawson Township, Greene County. (Copy on file in Auditor's office). Motion carried unanimously.

Moved by Singer, seconded by Fletcher to receive and place on file Region V Hazardous Materials Response Commission Auditor Report and Financial Statement for fiscal year ending June 30, 2014. (Copy on file in Auditor's office). Motion carried unanimously.

Moved by Fletcher, seconded by Singer to approve Class C Beer Permit Application for Coalville Stop-n-Shop, effective July 22, 2015. (Copy on file in Auditor's office). Motion carried unanimously.

Ragbrai vendor permitting in the unincorporated area of Webster County was discussed, no further action taken.

Moved by Leffler, seconded by Campbell to approve and authorize Chair to sign utility permit from Midland Power Cooperative to rebuild overhead electric transmission lines along the north side of 370th between Dakota and Easter Avenues and along west side of Easter Avenue between 370th Street and Highway 175 in Gowrie Township. (Copy on file in Engineer's office). Motion carried unanimously.

Moved by Campbell, seconded by Singer to approve request from Brittany Heard, Race Director for Bluff Creek Triathlon to bicycle on 0.5 mile of Route P70 from approximately 8:00 A.M. to 11:00 A.M., Saturday, July 18, 2015, as part of a swimming, biking, and running race originating at Don Williams County Park and place on file certificate of insurance naming Webster County as an additional insured. (Copy on file in Engineer's office). Motion carried unanimously.

At 10:15 A.M Public Hearing was held on the final consideration of Amendment 001 to Ordinance #051 an Ordinance regulating the operation of all-terrain vehicles and off-road vehicles in Webster County, Iowa. No written or oral objections were received; therefore Chairman Dencklau closed the public hearing.

Moved by Singer, seconded by Fletcher to approve final consideration of Amendment 001 to Ordinance #051 as follows and direct the Auditor to publish amendment:

SECTION 1 SHALL BE AMENDED TO READ AS FOLLOWS:
SECTION 1 PURPOSE. This Ordinance shall designate the County secondary roadways upon which all-terrain vehicles and off-road utility vehicles may operate.

SECTION 2 SHALL BE AMENDED TO INCLUDE THE FOLLOWING SUBSECTION (4):

- 3) Reasonable Distance. In order to determine whether a particular distance of travel on a paved County Roadway is reasonable, the following factors may be considered: a) the operators starting location; b) any planned course of travel by the operator and/or any other individuals the operator is riding with; c) the operator's destination; d) the operator's place of residence. The above list is not exhaustive, other factors may be considered by law enforcement.

SECTION 3 SHALL BE COMPLETELY REPLACED WITH THE FOLLOWING LANGUAGE:

SECTION 3 OPERATION ON COUNTY ROADWAYS. A registered all-terrain vehicle or off-road utility vehicle may be operated on unpaved roadways in Webster County pursuant to the restrictions in this ordinance and those restrictions imposed by the Iowa Code. An operator otherwise in compliance with the terms of this Ordinance and any other applicable ordinance, regulation or laws may operate a registered all-terrain vehicle or off-road utility vehicle on paved County owned roadways for a reasonable distance, in order to permit the operator to freely traverse the County's system of unpaved secondary roadways without interruption. Such operation may begin one hour after sunrise and must cease one hour before sunset.

SECTION 4 SHALL BE AMENDED TO INCLUDE THE FOLLOWING SUBSECTION (11):

- 11) On privately owned land without the express consent of the property owner. A violation of this section may be prosecuted under Section 7 of this Ordinance below; however, such a violation may also constitute a violation of Iowa Code Section 716 and may be prosecuted accordingly.

Roll call vote: Ayes – Dencklau, Campbell, Leffler, Singer and Fletcher. Nays – none. Motion carried unanimously.

At 10:30 A.M. a Public Hearing to vacate five parcels of platted streets and/or alleys in the unincorporated Town of Roelyn, Iowa lying in the Southwest Quarter of Section 21, Township 88 North, Range 30 West of the Fifth Principle Meridian, Webster County, Iowa. **PARCEL NO. 1:** Main Street east from the northwesterly extension of the easterly line of Lot 7 of Block 8 to the east lines of Lot 1 of block 6 and Lot 1 of Block 9, and the north half of Main Street lying north of Block 10, all in the Town of Roelyn, Iowa; **PARCEL NO. 2:** First Street from the South line of Main Street to the North line of Fulton Avenue in the Town of Roelyn; **PARCEL NO. 3:** Second Street north from the north line of Main Street to the westerly extension of the north line of the alley in Block 7 of the Town of Roelyn; **PARCEL No. 4:** The west 50.0 feet of the alley in Block 7 in the Town of Roelyn; and **PARCEL NO. 5:** The alley in Block 9 of the Town of Roelyn. No written or oral objections were received; therefore Chairman Dencklau closed the public hearing.

Moved by Fletcher, seconded by Leffler to adopt the following resolution:

RESOLUTION TO VACATE ROAD AND REVERSION FOR TAXATION

RESOLUTION to vacate the following five described parcels of platted streets and/or alleys in the unincorporated Town of Roelyn, Iowa lying in the Southwest Quarter of Section 21, Township 88 North, Range 30 West of the Fifth Principle Meridian, Webster County, Iowa, to wit:

PARCEL NO. 1: Main Street east from the northwesterly extension of the easterly line of Lot 7 of Block 8 to the east lines of Lot 1 block 6 and Lot 1 of Block 9, and the north half of Main Street lying north of Block 10, all in the Town of Roelyn, Iowa; **PARCEL NO. 2:** First Street from the South line of Main Street to the North line Fulton Avenue in the Town of Roelyn; **PARCEL NO. 3:** Second Street north from the north line of Main Street to the westerly extension of the north line of the alley in Block 7 of the Town of Roelyn; **PARCEL No. 4:** The west 50.0 feet of the alley in block 7 in the Town of Roelyn; and **PARCEL NO. 5:** The alley in block 9 of the Town of Roelyn.

WHEREAS, on May 5, 2015 a resolution to initiate vacation of the above described parcels was passed by the Webster County Board of Supervisors and in accordance with Chapter 306 of the Code of Iowa, a date was set for a hearing by the Webster County Board of Supervisors and legal action was served on all interested parties and said notice did state the hearing date was set for 10:30 A.M., June 2, 2015, in the Board of Supervisor's Room of the Webster County Courthouse, Fort Dodge Iowa 50501, and the Board of Supervisor's Room of the Webster County Courthouse, Fort Dodge Iowa 50501, and

WHEREAS, said hearing was held on the above-mentioned date and no written objections were filed and no oral concerns were presented.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Webster County, Iowa, does hereby vacate the above five described parcels of road right of way, subject to the right of utility association, company, or corporation to continue in possession of a right of way in use at the time of the vacation.

BE IT FURTHER RESOLVED, that the County Attorney's Office shall take any action necessary to convey the County's interest in the above described parcels to the appropriate, adjoining property owners of each parcel as permitted by Iowa Code.

Attest: s/Carol Messerly
Auditor, Webster County

s/Keith Dencklau
Chairman, Board of Supervisors

Date: June 2, 2015

Motion carried unanimously.

At 10:45 A.M. the following bids were received for three bridge replacement projects: L-700560—73-94 on 280th Street 2200 feet west of Carter Avenue over Drainage Ditch #70; L-791620—73-94 on 300th Street 1100 feet east of Indiana Avenue over Drainage Ditch #5 and L-803307—73-94 on Carter Avenue 1800 feet north of 280th Street over Drainage Ditch #7:

| Bidder | L-700560--73-94 | L791620--73-94 | L-803307--73-94 | Tied Total | Project |
|-----------------------------|------------------------|-----------------------|------------------------|-----------------------|----------------|
| Midwest Contracting | \$105,020.00 | \$104,970.00 | \$97,875.00 | \$307,865.00 | |
| Peterson Contractors Inc | \$107,175.00 | \$109,840.00 | \$96,115.00 | \$313,130.00 | |
| Progressive Structures | \$100,342.00 | \$102,343.00 | \$89,350.00 | \$292,035.00 | |
| Reilly Construction | \$133,650.00 | \$137,505.00 | \$117,270.00 | \$388,425.00 | |
| Rognes Bros. Excavating | \$109,364.00 | \$112,038.00 | \$98,648.00 | \$320,050.00 | |

Moved by Campbell, seconded by Singer to approve and authorize Engineer to send contracts to the contractor with apparent low bid submitted by Progressive Structures for the following three bridge replacement projects: L-700560—73-94 on 280th Street 2200 feet west of Carter Avenue over Drainage Ditch #70; L-791620—73-94 on 300th Street 1100 feet east of Indiana Avenue over Drainage Ditch #5 and L-803307—73-94 on Carter Avenue 1800 feet north of 280th Street over Drainage Ditch #7, all subject to Engineer's final review. Motion carried unanimously.

Moved by Campbell, seconded by Leffler to allow claims. Motion carried unanimously.

Moved by Leffler, seconded by Singer to adjourn the meeting. Motion carried unanimously.

s/Tina Eldal
Webster County Deputy Auditor

s/Keith Dencklau
Chairman, Board of Supervisors