

BOARD OF SUPERVISOR'S Regular Meeting
May 3, 2016 - 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 Dencklau, seconded by Leffler to approve the following as the official canvass of the Lehigh Special Election held on April 26, 2016 to fill vacancy on the Council: Phillip Richardson received 71 votes and Melissa Rude received 58 votes, therefore; Phillip Richardson was declared duly elected Council Member for the residue of the term. Motion carried unanimously,

Moved by Dencklau, seconded by Leffler to approve minutes of the April 26, 2016 regular meeting. Motion carried unanimously.

Moved by Leffler, seconded by Singer to receive and place on file the following Drainage Repairs: D.D.#80, D.D.#58 and D.D.#4, Lateral 5. Motion carried unanimously.

Moved by Singer, seconded by Fletcher to accept and place on file the resignation of Paul Keller, Correctional Officer effective May 6, 2016. Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to approve hiring and employment of Brooke Kammerer, Family Support Worker, effective May 9, 2016 per recommendation of Kari Prescott, Director of Public Health. Motion carried unanimously.

Moved by Dencklau, seconded by Leffler to adopt the following:

RESOLUTION TO CORRECT RECORD OF "RESOLUTION TO VACATE ROAD AND REVERSION FOR TAXATION" (INSTRUMENT #2016-01581)

WHEREAS, the Board of Supervisors of Webster County, Iowa, desires to correct the Official Record of Webster County regarding the "Resolution to Vacate and Reversion for Taxation" filed in the Office of the Webster County Recorder on April 14, 2016, at 2:14 p.m., as Instrument #2016-01581 (attached hereto as "Attachment 2"). Said Resolution purported to vacate the following described parcel of secondary road easement:

All that portion of Webster County road right of way originally known as the "Flanagan Road", now known as National Avenue, running northerly and southerly between the Northeast Quarter of Section 7, Township 89 North, Range 28 West Cooper Civil Township, all west of the Fifth Principal Meridian, Webster County, Iowa, being 90 feet in width, containing 1.26 acres more or less and bounded as follows: On the north by the westerly extension of the south line of the easement described in Book 43, Page 384; On the west by the west line of the easement described in Book 59, Page 46A; On the south by the north line of the easement described in Book 166, Page 572; On the east by the east line of the easement described in Book 59, Page 56.

WHEREAS, according to the April 12, 2016, Meeting Minutes of the regular meeting of the Webster County Board of Supervisors (attached hereto as "Attachment 1"), the Resolution was purportedly carried by a two to one vote with Supervisor Leffler abstaining. The Resolution was filed in the Office of the Webster County Recorder on April 14, 2016, at 2:14 p.m., as Instrument #2016-01581.

WHEREAS, Iowa Code Section 331.302(7) states, "Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the supervisors."

WHEREAS, the Board of Supervisors hereby acknowledges the above referenced, purported Resolution was not passed by a majority of the supervisors as required by Iowa Code Section 331.302(7), and is therefore, of no legal force and effect.

BE IT THEREFORE RESOLVED that upon passage of this Resolution to Correct Record of "Resolution to Vacate Road and Reversion for Taxation" (Instrument #2016-01581), it shall be immediately filed with the Webster County Recorder so as to ensure the purported action by the Webster County Board of Supervisors with respect to abutting landowners is corrected and clarified.

ADOPTED this 3rd day of May, 2016.

s/Mark Campbell
Webster County Board of Supervisors

ATTEST: s/Carol Messerly
Webster County Auditor
Date: May 3, 2016

Motion carried unanimously.

Moved by Leffler, seconded by Singer to approve Pay Estimate #7 from Kolacia Construction, Inc. for the Webster County LEC Courtroom Remodel Project in the amount of \$6,656.02. Motion carried unanimously.

Moved by Singer, seconded by Fletcher to accept the Law Enforcement Center Courtroom Remodeling Project as being fully complete and establish the date of acceptance of its completion as of May 3, 2016. Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to approve and authorize Chair to sign Amendment No. One to Engineer Agreement with ISG Field Services, LLC for the County Inspection for Dakota Access Pipeline Project. (Copy on file in Auditor's office). Motion carried unanimously.

Moved by Dencklau, seconded by Leffler to approve Class C Liquor License Renewal Application for Webster County Agricultural Association. Motion carried unanimously.

Moved by Leffler, seconded by Singer to receive and place on file Webster County's Audit and Financial Reports for period ending June 30, 2015. (Copy on file in Auditor's office). Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to receive and place on file Manure Management Plan Update for Brent Odland #2 in Section 17, Eagle Grove Township; Wright County. (Copy on file in Auditor's office). Motion carried unanimously.

No action was taken on Petition pursuant to Iowa Code 357.1B, Combined Water and Sanitary District filed in the Auditor's office on April 28, 2016.

The following bids were reviewed for painting the safety poles in alley between Courthouse and Law Enforcement Center: Evans Painting - \$1,200.00 and Bachman Painting - \$2,750.00.

Moved by Dencklau, seconded by Leffler to approve paint bid for safety poles in alley between Courthouse and Law Enforcement Center from Evans Painting in the amount of \$1,200.00. Motion carried unanimously.

Moved by Singer, seconded by Fletcher to table permit from Iowa Institute for Hydraulic Research, Hydro-science and Engineering, University of Iowa, to install water quality sensor station along east side of River Road in the Southeast Quarter of Section 21, Township 86 North, Range 27 West in Dayton Township and direct Auditor to notify applicant that the board wishes to have face to face discussion with them. Motion carried unanimously.

Moved by Fletcher, seconded by Dencklau to approve and authorize Chair to sign permit from Prairie Energy to trench underground electric through road at 2366 Brushy Creek Road in the Southwest Quarter, Section 11, Township 88 North, Range 27 West in Washington Township. Motion carried unanimously.

Scott Stevenson, D.A. Davidson & Company discussed financing of General Obligation Urban Renewal for Secondary Road Department Maintenance Facility and possible refunding for General Obligation LOSST Bonds.

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

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

s/Carol Messerly
Webster County Auditor

s/Mark Campbell
Chairman, Board of Supervisors