Dickinson County Board of Supervisors
October 12, 2021

8:45 A.M. Present are Supervisors Kim Wermersen, Steve Clark, Jeff Thee, Tim Fairchild Vice-Chairperson, and Chairperson Bill Leupold.

The pledge of allegiance to the flag was recited by those present.

Abby Walleck, Attorney for Milford Municipal Utilities, and Brad Willemssen, General Manager for MMU, present to discuss the proposed sale of land in Milford. Walleck stated that they would like to close on the sale of land by June 22, 2021. The board stated they would get back to them with their answer later that day.

Moved by Wermersen, seconded by Clark, to approve the appointment of Teresa Garvey on the Planning and Zoning Commission. Roll call vote: Wermersen-aye, Clark-aye, Thee-aye, Fairchild-aye, and Leupold-aye.

Time for the 9:00 a.m. public hearing for the annexation of lands to DD15. Chairperson Leupold opened the public hearing. Rick Hopper, P.E. for Jacobson Westergard, explained to the board and land owners the information from the annexation report and as well as the cost concerns that land owners also had. Gary Taber, Patricia Ruther and Matt Carstensen explained their concerns to the board and told them their objections for the annexation of lands. Jim Hudson, Drainage Attorney, present telephonically to explain to the landowners the reasons behind the annexation report being done correctly except wanting to add a few things in that would clear up the report to explain why there is benefit to adding in these annexed lands. Hudson also stated that the board should continue the public hearing until the added items for the report are done. Brian Yung, Osceola Drainage Attorney, was present and reiterated his objection letter and disagreed on continuing the hearing, as well as Ed Jones, Osceola Chairperson. Leupold closed the public hearing. Moved by Fairchild, seconded by Wermersen, to continue the public hearing until January 25th, 2022. Roll call vote: Fairchild-aye, Wermersen-aye, Clark-aye, Thee-aye, and Leupold-aye.

Jim and Mike Warburton, Land Owners, Ed Mendering, Fish and Wildlife Service, and Chris Larue, Iowa DNR, present for the discussion on the DNR ponds located in DD30 and DD34. Hopper stated in the report where outlets could be put to ensure that the drainage from the ponds does not affect the landowners property and cause damage to more crops. Mendering stated that the dike that had been put in was to help with those issues but everyone also understood that weather can be the cause of where the water goes. Larue stated as well that weather can cause issues but they are more than willing to help with the best of their abilities. No action was taken.

Moved by Fairchild, seconded by Clark to approve two change orders for 202 DD48 Tile Improvement Project in the amount of $39,051.20 and $44,257.28 to Valley Contracting. Roll call vote: Fairchild-aye, Clark-aye, Wermersen-aye, Thee-aye, and Leupold-aye.

Hopper presented to the board with a preclassification report that was a draft only copy with the amounts that will be due from each parcel owner in DD48. Hopper will be back at a later date after the final report is done.

Time for the 10:00 a.m. public hearing for DD93. Scott Brunsvold, P.E. for Jacobson Westergard, present. Chairperson Leupold opened the public hearing. Leupold stated that in order to establish a drainage district, the petition must have all of the correct verbiage at the time of submitting the petition. Moved by Clark, seconded by Thee, to table this until the correct petition is submitted. Roll call vote: Clark-aye, Thee-aye, Wermersen-aye, Fairchild-aye, and Leupold-aye.

Moved by Clark, seconded by Thee, to approve the October 5, 2021 minutes as presented. Roll call vote: Clark-aye, Thee-aye, Wermersen-aye, Fairchild-aye, and Leupold-aye.

Moved by Wermersen, seconded by Clark, to approve the claims as listed on the October 12, 2021 Claims Register Listing. Roll call vote: Wermersen-aye, Clark-aye, Thee-aye, Fairchild-aye, and Leupold-aye.

Vendor Name	Total Payments
3D LAWNCARE	3334.5
AHLERS & COONEY P.C.	1000
ALLIANT ENERGY	219.68
ALPHA WIRELESS COMM	5686.77
AMAZON CAPITAL SERVICES	669.43
ARNOLD MOTOR SUPPLY	189.26
ARNOLDS PARK LIBRARY	14538
ARNOLDS PARK, CITY OF	750
AT&T MOBILITY	865.33
BAN-KOE COMPANIES	360
BECK ENGINEERING	5937.5
BLACK HILLS ENERGY	1911.45
BLACKSTRAP	2067.49

BOMGAARS SUPPLY	698.43
BUENA VISTA CO SHERIFF	36.5
C & B OPERATIONS	982.57
CARD SERVICE CENTER	2675.97
CENTURYLINK	512.57
CINTAS CORPORATION	234.05
CLAY COUNTY SHERIFF'S DEPT	104
CLAY PAVELKO	200
CLERK OF COURT WALWORTH COUNTY	6.25
COOPERATIVE FARMERS ELEVATOR	403.6
COPPER COTTAGE	314.82
DAVE KUKER TRUCKING	314.83
DAVID L KOHLHAASE	362.32
DICK COUNTY HIST SOCIETY	24350
DC SECONDARY ROAD	1004
DC AG SOCIETY	45000
DC SHERIFF	257.53
DC TREASURER	2999.68
DC TREASURER	50
DC TREASURER	11001.74
DC PUBLIC HEALTH	16333.33
DC ANIMAL CLINIC	169.98
DISCOVERY HOUSE	1650
FICK'S ACE HARDWARE	383.06
FLEET PRIDE	981.64
FRANK DUNN	1658
FULLER & SONS BLACKTOP PAVING	63826.34
GRAVES CONSTRUCTION	139355.5
GREEN ACRES HOMES	225
HALLETT MATERIALS	28167.51
HURLBURT TOOLS	245.3
IA DIVISION OF LABOR SERVICES	175
IA LAKES REGIONAL WATER	169.04
IA WORKFORCE DEVELOPMENT	32.55
ICIT	50
IEHA	150
IMWCA	6818
INTERSTATE ALL BATTERY CENTER	122.96
INTERSTATE ALL BATTERY CENTER	28.6
IOWA DNR STORM WATER COORDINATOR	350
IP PATHWAYS	2892.62
ISAA	325
ISAC	660
JACK'S OK TIRE SERVICE	3623.92
JACOBSON WESTERGARD	3879.6
JAYCOX IMPLEMENT	6370
JENNINGS TOW & REPAIR	79.57
JERRY WAGENER	7.49
JORDAN MOYER	124.32
KELTEK	491.54
KIM WERMERSEN	313.6
KUOO RADIO	1663.2
LAKE PARK AUTO REPAIR	47.12
LAKE PARK MUN UTILITIES	275.12
LAKE PARK PUBLIC LIBRARY	12462
LAKE PARK, CITY OF	400
LAKES LAWN	2082
LAKES NEWS SHOPPER	186.3
LEE SORENSON	110.91
LIFTOFF	20814
LISA ARROWOOD	12885.35
LUBE-TECH & PARTNERS	2652.72
M & K BRIDGE CONSTRUCTION	15595
MAIL SERVICES	703.88
MAINSTAY SYSTEMS	354
MARCO TECHNOLOGIES	2157.06
MARSHALL & SWIFT	656.2

MEDIACOM	1358.24
MILFORD COMMUNICATIONS	139.58
MILFORD LIBRARY	16614
MILFORD MUN UTILITIES	349.03
MOTOR INN OF SPIRIT LAKE	25700
MOTOROLA SOLUTIONS	226621.8
MUESKE ELECTRIC	540
NEW COOPERATIVE	608.61
NEWMAN SIGNS	18802.23
ORLEANS, CITY OF	1000
PENGUIN MANAGEMENT	2058
PERFORMANCE CAR & TRUCK	1105.82
PITNEY BOWES-RESERVE ACCOUNT	3000
PREMIER COMMUNICATIONS	1876.38
QUADIENT FINANCE USA	2000
ROGER VIGDAL	140
RON BOUMA	260
SAM WEDEKING EXCAVATING	278.2
SANDY LAW FIRM	146.44
SCHUCHERT-LENTZ FUNERAL HOME	1500
SECRETARY OF STATE	60
SECURE BENEFITS SYSTEMS	9495.86
SOCIETY OF LAND SURVEYOR	160
SPENCER AUTO PARTS	1168.04
SPIRIT LAKE PUBLIC LIBRARY	26998
SPIRIT LAKE, CITY OF	2499.47
STATE MEDICAL EXAMINER	1900
SUPERIOR, CITY OF	350
T & C TREE SERVICE	7950
TAZEWELL COUNTY SHERIFF'S OFFICE	20.5
TEAM SERVICES	1385.3
TERRIL LIBRARY	12462
TERRIL TELEPHONE	287.97
TERRIL, CITY OF	442
TK ELEVATOR CORPORATION	545.61
TRANS SOURCE	83
TRUAX COMPANY	20461.28
TRUE VALUE-MILFORD	59.98
UPPER DES MOINES OPP	4725
US BANK	827.96
VANGUARD APPRAISALS	16900
VERIZON WIRELESS	247.69
WASTE MANAGEMENT CORP SERVICES	49.38
WEDEKING PIT & PLANT	507.92
WEX BANK	5442.45
WILLIAM C. LEUPOLD	1115.17
WITTROCK HOLDINGS	135.04
TOTAL PAYMENTS	902120.55

Moved by Clark, seconded by Fairchild, to approve DD23 claim to Jacobson Westergard in the amount of $2,282.15. Roll call vote: Clark-aye, Fairchild-aye, Wermersen-aye, Thee-aye, and Leupold-aye.

Moved by Fairchild, seconded by Thee, to approve DD48 claim to Jacobson Westergard in the amount of $3,646.00. Roll call vote: Fairchild-aye, Thee-aye, Wermersen-aye, Clark-aye, and Leupold-aye.

Moved by Clark, seconded by Wermersen, to approve DD31 claim to Beck Engineering in the amount of $973.75. Roll call vote: Clark-aye, Wermersen-aye, Thee-aye, Fairchild-aye, and Leupold-aye.

Time for the 11:00 a.m. ED3 public hearing. At 11:02 a.m. the Dickinson County Board of Supervisors joined the meeting telephonically via Zoom along with Rick Hopper of Jacobson Westergard and Chairman Quastad opened the Public Hearing on the Amended Annexation of Lands for Joint Drainage District ED#3. Emmet County Auditor, Amy M. Sathoff and a member of the media were present in Emmet County.

Dickinson County Board Members in attendance were William Leupold, Steve Clark, Tim Fairchild, Kim Wermersen and Jeffrey Thee. Jordan Moyer from the Dickinson County Auditor’s Office along with the Dickinson County Attorney was also on the call. The Dickinson County Engineer, Dickinson County Assistant Engineer and two members of the media were also on the Zoom. Drainage Attorney, James Hudson also joined the meeting via Zoom.

Rick Hopper of Jacobson Westergard addressed the Boards regarding their differences in opinion on the original annexation and the amended annexation reports.

Dickinson County agrees with the original Annexation and Emmet County disagrees with the original Annexation.

Drainage Attorney, James Hudson said that if no water leaves the lake than it should not be annexed but if it water does leave the lake than it should be included with the annexation.

Supervisor Pluth asked if a precedent would be set and James Hudson said there is no precedent in drainage.

Hopper's Professional opinion is that the lake should be included in the annexation and believes that there is a material benefit to the District. The Boards discussed their differences on the annexation issue.

No written comments or complaints were received by the Dickinson or Emmet County Auditor's offices.

Motion by Pluth (Emmet), second by Fairchild (Dickinson) to close the public hearing. Ayes: All. Nays: None. Motion carried.

Motion by Pluth (Emmet), second by Glasnapp (Emmet) to exclude DD115 and the Lake from the ED#3 Annexation. Roll Call Vote: Ayes: Schumacher, Hansen, Quastad, Glasnapp and Pluth (Emmet) and Leupold, Clark (Dickinson). Nays: Fairchild, Wermersen and Thee (Dickinson). Motion carried.

At 12:01 p.m. the Joint Boards opened the Public Hearing on the Reclassification of Joint Drainage District ED#3.

No written comments or complaints were received by the Dickinson or Emmet County Auditor's offices.

Motion by Schumacher (Emmet), second by Hansen (Emmet) to close the public hearing. Roll Call Vote: Ayes: All. Nays: None. Motion carried.

Motion by Glasnapp (Emmet), second by Pluth (Emmet) to approve the Amended Reclassification of ED#3 as presented by Jacobson Westergard in the report dated August 2021 excluding the annexation of DD115 and the lake. All ayes, motion carried.

Moved by Fairchild, seconded by Wermersen, to make a recommendation to approve a letting date of November 9, 2021 at 10:00 a.m. for Project Number MP21-01 which is the Bridge Strengthening Project in various locations throughout the county. Roll call vote: Fairchild-aye, Wermersen-aye, Clark-aye, Thee-aye, and Leupold-aye.

Moved by Clark, seconded by Fairchild, to approve DD23 repair work for Wade Roach in Section #22 of Superior Township. The repair should cost less than $500. Roll call vote: Clark-aye, Fairchild-aye, Wermersen-aye, Thee-aye, and Leupold-aye.

All voted aye to go into closed session Pursuant to Iowa Code 21.5.1 (j) Sale of Real Estate Property.

Moved by Clark, seconded by Thee, to go out of closed session. All voted aye.

Moved by Fairchild, seconded by Clark, to revise the real estate contract with an end date of June 30, 2023 or a 90 day notice after June 30th, 2022. Roll call vote: Fairchild-aye, Clark-aye, Wermersen-aye, Thee-aye, and Leupold-aye.

Moved by Fairchild, seconded by Thee, to approve pay application #2 to Wicks Construction for Tatonka Ska Trace- Phase IV(a), NRT-C030(062)- -9G-30 in the amount of $22,438.04. Roll call vote: Fairchild-aye, Thee-aye, Wermersen-aye, Clark-aye, and Leupold-aye.

Moved by Wermersen, seconded by Clark, to approve the final pay application #6 to Beck Excavating, Inc and Change Order #3 for Tatonka Ska Trace—Phase II, NRT-C030(53)- -9G-30 in the amount of $1,897.60. Roll call vote: Wermersen-aye, Clark-aye, Thee-aye, Fairchild-aye, and Leupold-aye.

The Board gave their board and committee reports and continued into general discussion. There being no further items presented to the board, moved by Wermersen, seconded by Thee, to adjourn. All voted aye. Meeting adjourned to the call of the Chairperson at 1:27 p.m.

_____William Leupold, Chairperson

_____ Lori Pedersen, Auditor