

**Dickinson County Board of Supervisors
February 19, 2019**

9:00 A.M. Present are Supervisors Kim Wermersen, Steve Clark, Pam Jordan (telephonically), and Vice-Chairperson Tim Fairchild.

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

Moved by Clark, seconded by Jordan, to approve the February 12, 2019 minutes as presented. Roll call vote: Clark-aye, Jordan-aye, Wermersen-aye, and Fairchild-aye.

Erin Reed present to discuss the resurfacing of Iowa Great Lakes Spine Trail. Asphalt overlay from 15th street in Spirit Lake in Spirit Lake north to Hill Avenue and from 140th street in Orleans north to 125th street. This maintenance project will be paid 80% by the Federal Recreational Trails Program and 20% by DC Trails Maintenance Fund. Project must be bid out by October 2019. Moved by Wermersen, seconded by Clark to approve the Iowa DOT agreement Number 2020-NRT-008 for Federal Recreation Trails Program project number NRT-C030 (057)—9G-30. Roll call vote: Wermersen-aye, Clark-aye, Jordan-aye, and Fairchild-aye.

Moved by Wermersen, seconded by Clark, to approve the letter/ questionnaire to Lakes Regional Healthcare, Dickinson County Hospital that pertains to hospital financing of the new addition provided by Piper Jaffrey. Roll call vote: Wermersen-aye, Clark-aye, Jordan-aye, and Fairchild-aye.

Moved by Wermersen, seconded by Clark, to approve the FY '20 SHIELD Agreement between Dickinson County and NW IA Planning and Development Commission. Roll call vote: Wermersen-aye, Clark-aye, Jordan-aye, and Fairchild-aye.

9:30 a.m. The Board, with Emmet County joining telephonically, held the public hearing on joint drainage district ED#3 (Emmet and Dickinson County). Present were Rick Hopper and Derek Behrens Engineering Intern, from Jacobson-Westergard & Associates, Inc. Also present was Vincent Baack, Director of Finance from New Fashion Pork (NFP), and several landowners within this drainage district. Hopper stated that what we are doing today is having a public hearing on the Preliminary Engineering Report. The petition to establish this ditch was done in 1920. The main difference between Options 1 and 2 are the size of the tiles with a ¼" coefficient versus the ½" coefficient. Option 3 was improving the entire main tile system below 250th St. The options are summarized in the Report. There were no written objections received by either County. These options are using concrete tile.

Hopper stated that NFP/BWT put in a tile line in Section 19 and the tile goes diagonally to 250th St. Hopper stated that I believe you, as the Board, will want to take that over as part of this drainage tile system. NFP/BWT paid for this tile, it helped the existing system, and if absorbed, they would like to be paid back for the cost of this on the adjacent property owner's land; approximately \$49,000. They are not asking for any reimbursement for any of the tile on NFP/BWT's land. Hopper stated he would prepare a Resolution to take care of this. Vincent Baack, Director of Finance from NFP, explained to both Boards about the tile lines that they had installed, stating it served a dual purpose; it helped everyone upstream and us (NFP/BWT) on the Main. Pluth stated that NFP were putting the patterned tile in when we were in the process of looking at this drainage system and had visited with a couple members of the Board of Supervisors prior to installing this tile. The cost of reimbursing NFP/BWT will be in addition to the options on the Engineering report. Dickinson had questions on this setting a precedence for future projects. Pluth explained the process that they went through before NFP/BWT ever did the pattern tiling, and Dickinson County was agreeable then after hearing the procedure that was taken. It was reiterated again that there will be no reimbursement for any of NFP/BWT property's drainage tile.

Jacobson-Westergard will look into crossing the highway also per a landowner's suggestion; Behrens stated that this additional cost would be minimal. After they topo (topography) the area, they will have more answers.

Pluth stated that the agreement is that we will bid Option No. 2, and bid using concrete tile and plastic tile. In addition, we will get a Resolution from Jacobson-Westergard & Associates to get the private tile included in this district project, so that NFP can be reimbursed for tiling they did for adjacent owners.

It was moved by Quastad, seconded by Hash to close the public hearing. All ayes, motion carried.

Moved by Jordan, seconded by Wermersen, to approve the letter to send to Governor Kim Reynolds and resolution 2019-3 petitioning the Governor and Legislature of Iowa to revise Iowa Code 53.17(2) pertaining to absentee ballots. Roll call vote: Jordan-aye, Wermersen-aye, Clark-aye, and Fairchild-nay.

**RESOLUTION 2019-3 A RESOLUTION PETITIONING THE GOVERNOR AND
LEGISLATURE OF IOWA TO REVISE IOWA CODE 53.17(2) PERTAINING TO
ABSENTEE BALLOTS**

WHEREAS, county commissioners of elections receive absentee ballots after polls close on Election Day; and

WHEREAS, to be counted, said absentee ballots must be “clearly postmarked by an officially authorized postal service or bear an intelligent mail barcode traceable to a date of entry into the federal mail system not later than the day before the election and received by the commissioner not later than noon on the Monday following the election” (Iowa Code 53.17(2)); and

WHEREAS, the federal mail system is outside jurisdiction of Iowa Law and cannot guarantee either prescribed method of authentication as basis for qualifying such absentee ballots for counting (acknowledged in Iowa Administrative Code 721-21.6303(53)); and

WHEREAS, absent prescribed evidence of registration in the federal mail system, said absentee ballots are disqualified from lawful counting; and

WHEREAS, disqualified and uncounted absentee ballots in close races cast doubt among voters as to the legitimacy of election results; and

WHEREAS, such disqualified and uncounted absentee ballots have been cause to contest election results in district court and the Iowa House of Representatives.

NOW, THEREFORE, BE IT RESOLVED BY THE DICKINSON BOARD OF SUPERVISORS:

The Dickinson County Board of Supervisors do hereby petition the Governor and Legislature of Iowa to simplify the standard for counting absentee ballots by revising Iowa Code 53.17(2) as follows:

In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day ~~or be clearly postmarked by an officially authorized postal service or bear an intelligent mail barcode traceable to a date of entry~~

~~into the federal main system not later than the day before the election and received by the commissioner not later than noon on the Monday following the election.~~

PASSED AND ADOPTED this 19 day of February, 2019.

10:30 a.m. Time for the bid letting for Drainage District #25. It was moved by Wermersen, seconded by Clark to open the Bid Letting. Dallas Heikens present to open the bids: B & B Farm Drainage of Wallingford, IA in the amount of \$456,586.90, McCarty Custom of Linn Grove, IA in the amount of \$647,531.75, Reutzel Excavating of Burt, IA in the amount of \$498,577.00, Holland Contracting of Forest City, IA in the amount of \$608,830.00, and Cory Jurgens Construction, LLC of Estherville, IA in the amount of \$541,461.00. Moved by Clark, seconded by Wermersen to table the bid letting with no action being taken. Jacobsen Westergaard will be presenting the lowest bids to the board again at a later date after discussed with Rick Hopper. It was moved by Clark, seconded by Wermersen, to close the bid letting. Roll call vote: Clark-aye, Wermersen-aye, Jordan-aye, and Fairchild-aye.

The Board gave their board and committee reports and continued into general discussion. There being no further items presented to the board, it was moved by Jordan, seconded by Clark, to adjourn. All voted aye. The meeting adjourned to the call of the Chairperson at 10:44 a.m.

_____ William Leupold, Chairperson

_____ Lori Pedersen, Auditor