

Supervisors Room, Courthouse
Pocahontas, IA September 20, 2016

The Board of Supervisors of Pocahontas County, IA met in regular session pursuant to adjournment.

Members present: Chairman Jeffrey K. Ives, Clarence Siepker, JoAnn Peters, Louis Stauter, Ed Dewey.

The minutes of September 13, 2016 were approved as presented on motion of Stauter, seconded by Siepker. Ayes all, motion carried.

The tentative agenda was approved as amended on motion of Siepker, seconded by Peters to include consider filed grievance with closed session, remove drainage levies, Jim Hudson – discuss D.D. 112. Ayes all, motion carried.

The board considered the Resolution for full time County Attorney position. Ann Beneke, County Attorney is present. It was moved by Dewey, seconded by Siepker to approve the Resolution. The Chair called for discussion. The board had several questions regarding full time vs part-time. Can we start with part-time and move to full time; which way is best to advertise, what if we do not get any applications, etc. Ann reminded the board that they have the 60 days to contend with if they decide to move to full time status. If there are no applicants the board can hire another county attorney to do the work until a new person is appointed or elected. The board called the question with the following recorded vote: Siepker, Peters, Stauter, Dewey, Ives – Nay; Ayes – none Whereby the resolution fails to be adopted.

John Torbert, IDDA Director is present to provide his annual report. Gary Atherton, Drainage Clerk is also present. Torbert noted he has been with IDDA for 15 years. He noted the association was started with Pocahontas County and this is where he begins his annual reporting each year. Torbert advised he formerly was Director of ISAC many years ago. John noted the board has not paid their annual dues and wondered if there was some concern. There are concerns of how the funding for the Des Moines Waterworks lawsuit is being handled and the accountability of those monies. Torbert explains there were some issues at the start when IDDA wanted to be a part of the lawsuit and we jumped in. There was no agreement to do that. The three counties had sent out their funding requests and at nearly the same time IDDA sent out a letter as well. These issues were resolved. IDDA has collected money from counties and Torbert handout was provided indicating who had paid into the fund. There were some donors who wanted to remain confidential; however other sources wanted this information disclosed. This did not involve IDDA we provide complete disclosure. The funding IDDA receives is fully accounted for by our accounting firm. Our attorney Doug Struyke is providing legal counsel to county's attorneys for drainage for which IDDA has recouped \$35,000.00 from the fund to pay for his services. There has been \$233,000 raised and \$170,000 distributed to the three counties for their expenses. There are two persons representing the three counties and two persons from IDDA that review the bills and determine how the money is distributed. This was started approximately a year ago and has worked well. IDDA initially wanted to be a part of the law suit. Intervention makes us a direct party of the lawsuit and we become actively involved after requesting and receiving approval from the judge. The three counties did not want this and we backed off. It is also very expensive to be a part of the suit. We are now working behind the scenes on requests and answering member questions.

The discussion turned to the publication of monthly board minutes and the process of appointments of the board members. Torbert advised they have their annual meeting at 9:00 a.m. before the annual meeting begins each December. There are seven board members and they are appointed or reappointed through a nominating committee of one at large member and two from the IDDA board. We also take nominations from the floor. The nominees are appointed at the annual meeting with the are three year terms being staggered. Minutes are posted on our IDDA website.

Gary Atherton, Drainage Clerk presented a map of D.D. 112. Chairman Ives noted there was a motion last week to appoint an engineer with the petition presented. Atherton explained a bid letting was done to clean out $\frac{3}{4}$ mile of ditch and private landowners have negotiated a price with the contractor also to clean the private ditch. The ditch will only be cleaned out to the first 40 acres east of HWY 4. Supervisor Stauter noted it would have been helpful to have this information last week with the petitions as it looked like a new project with the petition. It was moved by Stauter, seconded by Peters to rescind the motion of last week to appoint an engineer to do a study. Ayes all, motion carried.

Drainage attorney Jim Hudson advised he prepared his letter regarding D.D. 112 based on conversations with landowners and not as a result of any action here in the courthouse. He just visited extensively with Mike Crotty in the auditor's office and he states that all landowners are in agreement to pay for cleaning of the private ditch, I believe there are six people involved. It is only a dipping out of the silt so as not to deepen, widen, improve or change the channel in any way.

A petition is specific in new establishment, everything else does not require specifics. A petition is the jumping off point for the board to appoint a civil engineer to investigate the district for necessary repairs. It is mandatory, and cannot be side stepped. You are using Gary to do some good things, however annexation is easily challenged. It is rare for a landowner to petition for an annexation. Hudson noted you can do one of two things, you have the petition and you can appoint County Engineer Moellering to oversee the project or approve the project and appoint Bolton & Menk, Inc. It was moved by Stauter, seconded by Peters to appoint Bolton & Menk, Inc of Spencer for both petitions and note the board has approved a dipping out with the contractor on site and to concentrate on the annexation of lands. Ayes all, motion carried.

There was discussion for the need of a bond for such clean outs. Atherton noted he had not required a bond. The contractor has one million in liability coverage. Hudson noted that will not likely cover any damages the contractor might do to a drainage facility. Not saying this will happen, just making certain everything is covered.

Jack Moellering, County Engineer noted the utility permit in question does not involve a drainage facility and will not require board action.

The resolution for the Laurens Trail Crossing with the IDOT was not placed on the agenda Moellering noted. Moellering noted the trail is outside the city limits and the IDOT is requesting the county grant approval of the trail crossing being in the right of way. The board is adamant they do not want to be responsible as this was to be approved before the trail was started. This will be checked out and considered again next week.

Don Cirks, Road Superintendent advised they have a 2003 Sterling truck and a 1994 Ford truck that they would like to trade in to Reese Truck and Tractor. The auctions are getting somewhat soft and we can get \$35,000 for the two trucks as trade-ins. It was moved by Dewey, seconded by Stauter to approve the trade in of these two trucks. Ayes all, motion carried.

The board recessed for a 5 minute break.

The board reconvened to take up the grievance of the Sheriff's Union. Auditor Bunda noted Renee VonBokern, Union Negotiator advised the board will consider the grievance in closed session as in view of potential litigation and strategies. It was moved by Peters, seconded by Siepker to enter closed session at 11:45 a.m. this date, September 20, 2016 pursuant to Chapter 21.5 (C) for possible litigation. Members present: Supervisors Siepker, Peters, Stauter, Dewey, Ives; and Auditor Bunda and Renee VonBokern, Union Negotiator telephonically. Roll call vote:Ayes – Siepker, Peters, Stauter, Dewey, Ives; nays – none.

At 12:10 p.m. it was moved by Peters, seconded by Dewey to go out of closed session on this date, September 20, 2016 with no action taken and to acknowledge receipt of the grievance filed by Brian Larsen. The chairman called the question with the following recorded vote: ayes – Siepker, Peters, Stauter, Dewey, Ives; nays – none. Motion carried.

The Board recessed for lunch at 12:15 p.m.

The Board reconvened at 1:30 p.m.

The Joint Drainage District Trustees of Calhoun and Pocahontas Counties met to receive the bids for Jt. Drainage District No. 43-72. Members present: Calhoun County – Supervisors Nicholson, Jacobs; Auditor Judy Howrey; Pocahontas County – Supervisors Siepker, Peters, Stauter, Dewey, Ives; Auditor Bunda; Gary Atherton, Drainage Clerk. Drainage Engineer Jon Rosengren conducted the bid opening. There were three bids received – Shekar Engineering of Des Moines bid - \$227,832.00; Rognes Bros of Lake Mills bid - \$347,078.60; L A Carlson of Merrill bid - \$278,527.80 each acknowledged the addendum and provided the 5% bid bond. Rosengren completed the bid tabulations and found no errors. Shekar Engineering is the low bidder. Rosengren acknowledged he is not familiar with the contractor. He will do some investigation and advise the board in one week on awarding the bid. Shekar representative advised they have teamed up with Tristan Novak of Manson, IA for the construction process and Shekar provides the bids, financing and man power if necessary. It was moved by Stauter, seconded by Jacobs to tentatively accept the low bid of Shekar with ITS of Manson as the contractor if references are satisfactory. Ayes all, motion carried.

It was moved by Peters, seconded by Nicholson to approve the following claims for this district: Bolton & Menk, Inc - \$9,969.50; Bolton & Menk, Inc. - \$370.00 and \$118.00 for work on the district project. Ayes all, motion carried.

It was moved by Stauter, seconded by Jacobs to approve the following claims for Jt. Drainage District No. 9-13: Pocahontas County Secondary Roads - \$237.20 for repairs in Section 27, Colfax Township. The claims for \$733.49 and \$261.12 need further clarification. Ayes all, motion carried.

The board returned to their regular board meeting to complete the agenda. Supervisor Ives noted he has visited with the state auditor regarding the drainage district comment of the \$33,331.00 corrections to various funds from previous FEMA drainage projects. Auditor Bunda advised she has not seen this documentation and will review it and report back to the board in the future.

Supervisor Ives commented there is unused equipment in the basement in addition to the old generator to be disposed of. He was contacted by a fella who offered \$500.00 for the generator to be removed by himself and will take the additional items also. Auditor Bunda advised the generator is not junk and needs to be properly advertised. Supervisor Ives will manage this process.

Supervisors Weekly Reports: Ives, Peters, and Siepker had no meetings. Stauter attended the YES Center board meeting. Supervisor Dewey has left the meeting.

There being no further business the chair adjourned the meeting.

Jeffrey K. Ives, Chairman

Margene A. Bunda, County Auditor