

PROCEEDINGS OF THE BOARD OF SUPERVISORS
October 24, 2017

The Board of Supervisors of Cerro Gordo County, Iowa, met in regular session pursuant to adjournment. Present: Vice Chairman Chris Watts, Supervisor Tim Latham and various members of the public. Absent: Chairman Casey Callanan.

Vice Chairman Watts convened the meeting at 10:00 a.m. Latham moved with Watts seconding, to approve the minutes from the October 17, 2017 regular session, the October 19, 2017 special session and today's agenda. Motion passed.

Latham moved with Watts seconding, to approve the final plans for the bridge replacement on S25 over Bailey Creek (N-19-B- 21) and B65 over Drainage Ditch No. 70 (N-19-C-6) both in the Town of Thornton. Motion passed.

Latham moved with Watts seconding, to approve claims. Motion passed.

Latham moved with Watts seconding, to approve the payroll warrant register for the week ending October 14, 2017. Motion passed.

Latham moved with Watts seconding, to approve payroll change request for Grant Echelberger in the Engineering Department to \$16.11/hourly, effective October 17, 2017. Motion passed.

Vice Chairman Watts opened the public portion of the public hearing for consideration of road reclassification of Ulmus Avenue between 110th Street and 120th Street from a Level B to Level A Service Level.

Latham moved with Watts seconding, to close the public portion of the public hearing for consideration of road reclassification of Ulmus Avenue between 110th Street and 120th Street from a Level B to Level A Service Level. Motion passed.

Latham moved with Watts seconding, to adopt Resolution 2017-103, WHEREAS, pursuant to Chapter 309.57 of the Iowa Code, the Board of Supervisors has the authority, after consultation with the County Engineer, to classify the area service system into three classifications termed area service "A", area service "B" and area service "C". WHEREAS, the following road is currently classified as a "B" level road and; WHEREAS, traffic pattern changes and the construction of a new confinement operation being built along the roadway, have resulted in the Board receiving a petition to change the classification of a portion of the road from level "B" to level "A", and; NOW THEREFORE BE IT RESOLVED, that the following road segment remain classified as Area Service System "B": That portion of 110th Street located 33 feet on either side of the Section line between Section 28-T94N-R19W and Section 29-T94N-R19W, from 110th Street to 120th Street. Motion passed.

Watts opened the public portion of the hearing for the disposal of interest in real estate by easement to One Vision for improvements to Winter Garden Park.

Latham moved with Watts seconding, to close the public portion of the public hearing for the disposal of interest in real estate by easement to One Vision for improvements to Winter Garden Park. Motion passed.

Latham moved with Watts seconding, to adopt Resolution 2017-104, RESOLUTION OF THE CERRO GORDO COUNTY BOARD OF SUPERVISORS GRANTING TO ONE VISION, AN IOWA NONPROFIT CORPORATION, EASEMENTS TO DRAIN WATER ONTO WINTER GARDEN PARK. WHEREAS, One Vision, is an Iowa Nonprofit Corporation, and is the titleholder to the following described real estate located in Cerro Gordo County, Iowa: THE NORTH HALF (N 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) SECTION ELVEN (11), TOWNSHIP NINETY-SIX (96) NORTH RANGE TWENTY-TWO (22) WEST OF THE 5TH P.M., CERRO GORDO COUNTY, IOWA (the "One Vision Real Estate"); and; WHEREAS, Cerro Gordo County is the titleholder to the following described real estate which is located adjacent to the north and east of the One Vision Real Estate:

ALL OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION ELEVEN (11), TOWNSHIP NINETY-SIX (96) NORTH, RANGE TWENTY-TWO (22) WEST OF THE 5TH P M WHICH LIES EAST OF COUNTY ROAD "B"; EXCEPT THE PROPERTY LOCATED IN THE AUDITOR'S PLAT OF SUNSET DRIVE ADDITION TO CERRO GORDO COUNTY, WHICH PLAT WAS DATED JULY 20, 1960, AND FILED FOR RECORD JULY 21, 1960, IN THE OFFICE OF THE CERRO GORDO COUNTY RECORDER IN BOOK 6 AT PAGE 418 (WHICH INCLUDES SUNSET DRIVE AS WELL AS THE NUMBERED LOTS IN SAID ADDITION); AND EXCEPT THE LOT DESCRIBED AS "BEGINNING AT A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION ELEVEN (11), TOWNSHIP NINETY-SIX (96) NORTH, RANGE TWENTY-TWO (22) WEST OF THE 5TH P M, WHICH POINT IS 261.6 FEET WEST OF THE NORTHEAST CORNER OF THE SAID SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) AND ON THE CENTER LINE OF COUNTY TRUNK ROAD 'B', THENCE EAST 363.3 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) AND THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION ELEVEN (11), THENCE SOUTH 22°30' E 264 FEET, THENCE WEST 359.4 FEET, PARALLEL TO THE NORTH LINE OF THE SAID SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) TO THE CENTER LINE OF COUNTY TRUNK ROAD 'B', THENCE NORTHWESTERLY ALONG THE CENTER LINE OF COUNTY TRUNK ROAD 'B' TO THE POINT OF BEGINNING" (WHICH IS THE LOT CONVEYED BY THE WARRANTY DEED WHEREIN GEORGE F. GERK, WIDOWER, WAS GRANTOR AND HERBERT L. GARLOCK AND DOROTHY O. GARLOCK, HUSBAND AND WIFE, WERE GRANTEEES, SAID DEED BEING DATED OCTOBER 31, 1957, AND FILED FOR RECORD DECEMBER 18, 1957, IN THE OFFICE OF THE CERRO GORDO COUNTY RECORDER IN BOOK 115 AT PAGE 705); AND EXCEPT THE LOT DESCRIBED AS "COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION ELEVEN (11), TOWNSHIP NINETY-SIX (96) NORTH, RANGE TWENTY-TWO (22) WEST OF THE 5TH P M, THENCE WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION ELEVEN (11) 261.6 FEET TO THE CENTER LINE OF COUNTY TRUNK ROAD 'B'; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID COUNTY TRUNK ROAD 'B' 265.35 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG THE CENTER LINE OF SAID COUNTY TRUNK ROAD 'B' 132.0 FEET; THENCE EAST 359.4 FEET, PARALLEL TO SAID NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION ELEVEN (11), THENCE NORTH 17°27' W 132.0 FEET, THENCE WEST PARALLEL TO THE SAID NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION ELEVEN (11) 359.4 FEET TO THE POINT OF BEGINNING" (WHICH IS THE LOT CONVEYED BY THE WARRANTY DEED WHEREIN GEORGE F. GERK, A WIDOWER, WAS GRANTOR AND D. L. ROWSON AND KATHRYN H. ROWSON, HUSBAND AND WIFE, AS JOINT TENANTS, WERE GRANTEEES, SAID DEED BEING DATED OCTOBER 27, 1958, AND FILED FOR RECORD NOVEMBER 14, 1958, IN THE OFFICE OF THE CERRO GORDO COUNTY RECORDER IN BOOK 117 AT PAGE 3), ("Winter Garden Park"); and; WHEREAS, One Vision desires to drain water from the One Vision Real Estate to Winter Garden Park; and; WHEREAS, the Cerro Gordo County Conservation Board, which is responsible for the management of Winter Garden Park and other conservation areas in the County, desires that One Vision drain the One Vision Real Estate onto Winter Garden Park for its retention and use by the County. WHEREAS, the Cerro Gordo County Conservation Board has passed a resolution recommending that the Cerro Gordo County Board of Supervisors grant to One Vision easements across Winter Garden Park, granting the right to ingress and egress, construction of improvements, and drainage of One Vision's water on Winter Garden Park. WHEREAS,

the Board of Supervisors of Cerro Gordo County, Iowa adopted resolution 2017-100 setting forth the proposal to grant easements on real estate owned by Cerro Gordo County, Iowa and ordering public hearing upon the proposed easements pursuant to 331.361 of the Iowa Code. WHEREAS, a public hearing was held upon the proposal at 10:20 a.m. on the 24th day of October, 2017 following publication of notice of hearing as required by law. NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors for Cerro Gordo County, Iowa: Section 1: That easements are granted to One Vision over, across, and onto Winter Garden Park for: i. Ingress and egress and for the testing, installation, and construction of improvements at the cost of One Vision consistent with the direction or guidance of the Cerro Gordo County Conservation Board and its Executive Director for the establishment of a pond, marsh, or other facility; ii. The installation, maintenance, and repair of a tile main running from the One Vision Real Estate onto and through Winter Garden Park; iii. Drainage onto Winter Garden Park, where said water and runoff will be retained by the County for the aforementioned pond, marsh, or other facility. Section 2: That the Cerro Gordo County Conservation Board and Executive Director are authorized to work with One Vision for the construction of and improvements to Winter Garden Park for the pond, marsh, or other facility to retain water from the One Vision Real Estate. Section 3: That the easements reflected herein shall effective immediately, shall be permanent and perpetual and shall be covenants running with the lands referenced herein, and shall be binding upon and inure to the benefit of successors and assigned of the owners of the aforementioned real estate. Section 4: The Chairman of the Board of Supervisors and the Cerro Gordo County Auditor shall be and they are hereby authorized and directed to execute the Easement Document and all other documents associated with said Easement Document. Section 5: The executed Easement Document shall be delivered to One Vision Real Estate for execution after the expiration of thirty (30) days from date of this resolution unless an appeal of this action has been made to the Iowa District Court. Section 6: The County shall record the Resolution Setting Forth the Proposal to Dispose of an Interest in Real Estate by Granting an Easement; the Proof of Publication of Notice of Hearing; the Resolution Approving the Disposal of an Interest in Real Estate by Easement; and the Easement Document following execution by One Vision Real Estate. The cost of recording shall be paid by One Vision Real Estate. The recorded Resolutions, Easement Document, and Proof of Publication shall be retained by County following recording with its official records. Motion passed.

Latham moved with Watts seconding, to approve reports from the Zoning Director and Environmental Health Service Manager concerning the Manure Management Plan filed by Christensen Farms Site #59540 and HE Trettin, Inc. Finisher 3 Site #62244, with Vice Chairman noting the increase of 279 acres and forward them to the DNR. Motion passed.

Latham moved with Watts seconding, to approve the County Attorney's appointment of Nicole Rognes Olson to the Compensation Board. Motion passed.

Latham moved with Watts seconding, to write a letter of support for Habitat for Humanity. Motion passed.

Latham moved with Watts seconding, to adjourn at 10:36 a.m.

Various tabulations, reports, correspondence and other documents that were presented at today's meeting are placed on file with the supplemental minutes.

Vice Chairman Chris Watts
Board of Supervisors

Kenneth W. Kline, County Auditor
Cerro Gordo County