

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

Chairman Callanan convened the meeting at 10:00 a.m. Watts moved with Latham seconding, to approve the minutes from the July 17th, 2018 regular session and today's agenda. Motion passed unanimously.

Watts moved with Latham seconding, to **adopt Resolution 2018-67, RESOLUTION APPROVING PETITION AND WAIVER.** WHEREAS, a Petition and Waiver has been duly executed by the owner of property agreeing thereby to be assessed for the full cost of street, storm sewer and associated work, the same being attached hereto; and; WHEREAS, upon investigation it is found that the holders of all liens and encumbrances against the benefited property to be assessed pursuant to the Petition and Waiver have not executed and agreed to and have not subordinated their liens to the provisions of same; and; WHEREAS, the following action is deemed appropriate. NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CERRO GORDO COUNTY, STATE OF IOWA:

Section 1. That the aforesaid Petition and Waiver attached hereto be and the same is hereby approved and accepted for and on behalf of this County.

Section 2. The improvements shall be and are hereby included in the project designated as the Kingbird Avenue Improvements. Motion passed unanimously.

Latham moved with Watts seconding, to **adopt Resolution 2018-68, RESOLUTION OF NECESSITY FOR THE KINGBIRD AVENUE IMPROVEMENTS, ORDERING CONSTRUCTION OF THE PROJECT, APPROVING PRELIMINARY PLAT AND SCHEDULE OF ASSESSMENTS AND ESTIMATE OF COST, TENTATIVE APPROVAL OF PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND FINAL ESTIMATE OF COST, AND FIXING A DATE FOR A PUBLIC HEARING ON FINAL ADOPTION OF PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST AND A DATE CONSTRUCTION BIDS WILL BE RECEIVED FOR THE PROJECT.** WHEREAS, this Board deems it advisable and necessary that Portland cement concrete paving, storm sewer, and associated work, generally described as the Kingbird Avenue Improvements, be constructed within Cerro Gordo County, Iowa, which improvements are more particularly described in detail hereafter; and; WHEREAS, it is proposed that the improvements be constructed under the authority granted in Division IV of Iowa Code Chapter 331 and Division IV of Iowa Code Chapter 384; and; WHEREAS, a petition and waiver agreement relating to the proposed improvements has been signed by the property owner to be benefited by the construction of the work and the petition and waiver agreement has been officially filed in the office of the County Auditor and by resolution adopted by the Board, approved and accepted for and on behalf of the County; and; WHEREAS, pursuant to the terms of the petition and waiver agreement, the benefited property owner has waived any and all legal requirements covering the construction of the improvements and the normal special assessment procedure to be followed for a project of this type, and has requested therein that the County proceed with the letting of the construction contract and the construction of the work at the earliest possible date; and; WHEREAS, Mary K. Kelly, P.E. of Cerro Gordo County, Iowa, has caused to be prepared a preliminary plat and schedule of assessments and estimate of cost and also plans, specifications, form of contract and other contract documents for the project, which items have been examined by this Board and are deemed suitable for the purpose intended and are now officially on file in the office of the Auditor for public inspection; and; WHEREAS, before the work, covered by the petition and waiver agreement, may be contracted for and the plans, specifications, form of contract and estimate of cost finally adopted, it is necessary to hold a public hearing thereon and a public letting for the taking of construction bids.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CERRO GORDO COUNTY, STATE OF IOWA:

Section 1. That the petition and waiver agreement, hereinabove referred to, was approved and accepted for and on behalf of the County by resolution of the Board of Supervisors adopted on July 24, 2018.

Section 2. That this Board hereby determines that it is necessary and advisable to construct Portland cement concrete paving, storm sewer and associated work, generally described as the Kingbird Avenue Improvements, and as described in further detail hereafter in Section 3 of this Resolution, and also as set forth in the plans, specifications and other contract documents above referred to.

Section 3. That the proposed improvements to be constructed are described as follows:
KINGBIRD AVENUE IMPROVEMENTS

Grade and pave of Kingbird Avenue from the south edge of Highway 122 approximately 1400 feet south to the south property line of Parcel A. 22' Wide PCC paving (Rural Section) on modified subbase with 4' granular shoulders. Work shall include replacement of roadway and entrance culverts.

Section 4. That the proposed assessment district to be benefited and subject to assessment, is set out in the preliminary plat and schedule of assessments hereinabove referred to.

Section 5. That the preliminary plat and schedule of assessments and estimate of costs, hereinabove mentioned are hereby adopted and approved as the proposed plat and schedule and estimate of cost for this project.

Section 6. That the cost of the improvements will be assessed to the properties within the boundaries of the assessment district, pursuant to the proposed plat and schedule for the project.

Section 7. That, if any difference remains between the amount which is derived from cash payments made by property owners after the assessments are levied and the proceeds to be received from the sale of special assessment bonds issued against any unpaid assessments and the total cost of the improvement project, such difference shall be paid for from the proceeds to be derived from the issuance and sale of general obligation bonds of the County and/or from such other funds of the County as may be legally used for such purposes

Section 8. That the action of this Board in this Resolution shall constitute the action the Board would normally take in adopting a preliminary resolution ordering construction of the project, approving the preliminary plat and schedule of assessments and estimate of costs, introducing and adopting a resolution of necessity, ordering preparation of detailed plans, specifications, contract documents, and estimate of cost, and any and all other preliminary Board action on a special assessment project.

Section 9. That the amount of the security to accompany each bid shall be in an amount which shall conform to the provisions of the notice to bidders hereby approved as a part of the specifications.

Section 10. That the Auditor be and is hereby directed to post a notice to bidders once in each of the following: (i) a relevant contractor plan room service with statewide circulation; (ii) a relevant construction lead generating service with statewide circulation; and (iii) on an internet site sponsored by either the County or a statewide association that represents the County. Posting shall be not less than thirteen clear days nor more than forty-five days prior to August 21, 2018, which is hereby fixed as the date for receiving bids. The bids are to be filed prior to 9:30 A.M., on such date.

Section 11. That the Auditor be and is hereby directed to publish notice of hearing once in the Mason City Globe Gazette, a legal newspaper, printed wholly in the English language, published at least once weekly and having general circulation in this County. Publication to be not less than four clear days nor more than twenty days prior to the date hereinafter fixed as the date for a public hearing on the plans, specifications, form of contract and estimate of costs for the project.

Section 12. That this Board meet in the Board Room, County Courthouse, 220 North Washington, Mason City, Iowa, at 10:05 o'clock A.M., on August 21, 2018, for the purpose of conducting a public hearing on plans, specifications, form of contract and estimate of costs for the improvements and for the purpose of acting on the bids to be received for the construction thereof in accordance with the Notice to Bidders to be posted as herein provided. Motion passed unanimously.

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

Watts moved with Latham seconding, to **adopt Resolution 2018-69,** Whereas, the following payroll change requests were submitted to the Board of Supervisors for review; and, Whereas, the Board of Supervisors of Cerro Gordo County, has reviewed and considered the change requests as follows:

Department	Name
Pay Change	Effective Date
Veteran's Affairs	Alyssa N. Paulsen
\$14.50/hourly	08/01/2018

Therefore, Be It Resolved, that the Board of Supervisors of Cerro Gordo County does hereby approve the requests as shown above and directs the Auditor to make the necessary adjustments to the payroll. Motion passed unanimously.

Watts moved with Latham seconding, to **approve Class C 5 Day Liquor License for Amber & Toby Anderson Wedding at Diamond Oak.** Motion passed unanimously.

Latham moved with Watts seconding, to **approve Federal Excise Tax Return Form 720 for the PCORI fees.** Motion passed unanimously.

Chairman Callanan opened the public portion of the hearing on change of zone for Hofstrand.

Latham moved with Watts seconding, to **close the public portion of the hearing on change of zone for Hofstrand.** Motion passed unanimously.

Latham moved with Watts seconding, to **adopt RESOLUTION #2018-70, AMENDMENT NO. 379 TO ORDINANCE NO. 15, ARTICLE 5.2.** WHEREAS, the Cerro Gordo County Planning & Zoning Commission, after study, has recommended that the change of zoning classification of a certain area hereinafter described, upon the application of Suzanne Hofstrand, be made, and; WHEREAS, the final public hearing has been held with notice as required by law. NOW, THEREFORE, BE IT RESOLVED by the Cerro Gordo County Board of Supervisors that Ordinance No. 15, Article 5.2, of the Zoning Ordinance of Cerro Gordo County, Iowa, is hereby amended by changing the district boundaries thereof so as to change the classification of the following described property from A-1 Agricultural District to A-2 Agricultural Residence District on the following described real estate, to-wit: That part of the Fractional Southwest Quarter of Section 19, Township 96 North, Range 20 West of the 5th P.M., Cerro Gordo County, Iowa described as follows: Beginning at the Northwest Corner of said Fractional Southwest Quarter; thence S 00° 00' 00" W, 315.00 feet along the West line of said Fractional Southwest Quarter; thence N 89° 44' 42" E, 513.00 feet along a line parallel with the Northerly line of said Fractional Southwest Quarter; thence N 00° 00' 00" E, 315.00 feet along a line parallel with said West line to a point on said Northerly line; thence S 89° 44' 42" W, 513.00 feet along said Northerly line to the Point of Beginning, said Parcel A containing 3.71 acres subject to existing public right of way across the West 55.00 feet and also subject to any other easements recorded or unrecorded. This Resolution shall be in full force and effect from and after its passage. Motion passed unanimously.

Latham moved with Watts seconding, to **adopt Ordinance 62- AN ORDINANCE SETTING THE HOTEL/MOTEL TAX FOR THE COUNTY OF CERRO GORDO, IOWA.** WHEREAS, on the 10th day of April, 2018, the County of Cerro Gordo submitted the following question to the qualified electors: "Shall the County of Cerro Gordo, Iowa be authorized to impose a Local Hotel and Motel Tax at the rate of seven percent (7%) in the unincorporated areas of Cerro Gordo County, effective July 1, 2018, with at least fifty percent (50%) of the revenues derived from the Local Hotel and Motel Tax to be used for the acquisition, of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls, and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the county for those recreation, convention, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and convention business in the county and surrounding areas; and the remaining

revenues derived from the Local Hotel and Motel Tax be used for all other purposes permitted by Chapter 423A of the Code of Iowa", and; WHEREAS, said public measure was adopted. NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Cerro Gordo, Iowa: Section 1: For the purpose of this Ordinance, the following terms, phrases, words, and derivations shall have the meaning given herein and shall apply in the interpretation and the enforcement of this Ordinance:

(A) Hotel and Motel rooms: any and all rooms, apartments, or sleeping quarters in any hotel, motel, inn, public lodging house, rooming house, or manufactured or mobile home which is tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals; except it does not include the gross receipts from the renting of sleeping rooms in dormitories and in memorial unions at all state of Iowa universities and colleges or the gross receipts for lodging that is rented by the same person for a period of more than thirty-one consecutive days.

Section 2: A tax of seven percent (7%) shall be levied against any and all hotel/motel rooms within the unincorporated areas of Cerro Gordo County, Iowa.

Section 3: This ordinance shall be in full force and effect on July 1, 2018

Section 4: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6: If any section, provision, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section thereof, or part thereof, not adjudged invalid or unconstitutional.

Section 7: This ordinance shall be in full force and effect upon its final passage, approval and publication as required by law.

First Consideration: July 10, 2018

Second Consideration: July 17, 2018

Third & Final Consideration: July 24, 2018

Motion passed unanimously by roll call vote.

Watts moved with Watts seconding, to approve reports from the Zoning Director and the Environmental Health Service Manager concerning Manure Management Plans filed by JCT Site #58441, Kuhlemeier West #65997, and DHP Poultry#69077 and forward them to the DNR with the notation of 23.7 acre increase on Kuhlemeier's West. Motion passed unanimously.

Latham moved with Watts seconding, to adjourn at 10:13 a.m.

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

Casey Callanan, Chairman
Board of Supervisors

ATTEST:

Becky Kirchgatter, Deputy County Auditor
Cerro Gordo County