

REGULAR SESSION

October 4, 2010

The Union County Board of Supervisors met in regular session on Monday, October 4, 2010. The meeting was called to order at 9:00 AM with the following members present: Tom McCann, Bob Jansen, Ron Riley, Bob Brown and Mike King.

AGENDA: Motion by Brown and seconded by Jansen to approve the agenda. All voting aye, motion carried.

OPEN FORUM: Butch Lauffer expressed concerns about the County Roads Department, and Lois Monday had questions on the Board of Supervisors reimbursement expenses.

BOARD DISCUSSION: The Board discussed the different meeting that they attended last week.

SHERIFF: Motion by Jansen and seconded by Brown to hire Brian Burkhalter as deputy sheriff with a starting wage of \$19.28 an hour and after a 6 months probation period, increase to \$20.55 an hour, per the recommendation of Sheriff Rick Piel. All voting aye, motion carried.

ATTORNEY: RESOLUTION #10: Motion by Riley and seconded by McCann to approve Resolution #10 Fiscal Year 2010-2011 Accepting Easements. NOW on this 4th day of October, 2010, the matter of the voluntary granting of easements to Union County comes to the attention of the Union County Board of Supervisors. WHEREAS, the Union County Board of Supervisors has received a request for the establishment of a special assessment district in Union County, and WHEREAS, the owners of the lands adjacent or abutting the proposed road have executed permanent easements to establish public ownership of the proposed roadways within the special assessment district, and WHEREAS, the owners of the lands adjacent or abutting the connecting roadway have executed permanent easements to establish public ownership of the connecting roadway, and WHEREAS, granting of the easements was a condition of the establishment of the special assessment district and the construction of roadways within the special assessment district, and WHEREAS, Union County has determined that the project will be completed as authorized pursuant to the provisions of Chapter 311 of the Code of Iowa. BE AND IT IS HEREBY RESOLVED that pursuant to Iowa Code Section 565.6, Union County, by and through the Union County Board of Supervisors, does hereby formally accept the Easements filed with the Union County Recorder, to-wit: Dwight K. Conover and Marilyn M. Conover (Book 973, page 63); Paul G. Goldsmith and Leslie B Goldsmith (Book 973, page 106); Todd E. Stofferahn and Suzanne B. Stofferahn (Book 970, page 285); Jerry A. Monday and Lois M. Monday (Book 971, page 56); Danette Miro and Curt Grim (Book 971, page 53); Janet R. Mostek Revocable Trust (Book 970, page 93); Ronald L. Johnson and Bonnie Johnson (Book 969, page 328); L.W. Sander and Sharon Sander (Book 970, page 95); Richard and Gayle Ryan Revocable Trust (Book 970, page 164); Richard and Gayle Ryan Revocable Trust (Book 970, page 167); Stephen D. Stults and Dee Ann Stults (Book 969, page 331); Todd G. Nielsen and Beth D. Nielsen (Book 971, page 86); George H. Ashbury and Joan E. Ashbury (Book 971, page 83); James Anthony and Nancy Anthony (Book 970, page 324); Monte E. Neitzel and Tosha J. Neitzel (Book 970, page 221); Jonathan Head and Aimee Head (Book 970, page 320); Brian A. Gutmann and Mindy A. Gutmann (Book 969, page 338); Michelle Danette Rice (Book 971, page 89). BE AND IT IS FURTHER RESOLVED that this resolution shall be filed with the Office of the Union County Recorder for appropriate filing and distribution to the Union County Auditor and the Union County Assessor. Roll Call Vote McCann aye, Brown aye, Riley aye, Jansen aye, King aye, motion carried. **FINAL HEARING SPECIAL ASSESSMENT DISTRICT:** Final hearing opened up at 10:10 a.m. The estimated cost of the road is at \$509,275.89. Half of this amount will be paid by the 14 property owners with in the special assessment agreement that will have access to the road, and the other half will be paid by the County. Public Hearing closed at 10:18. County Attorney, Tim Kenyon, County Board of Supervisors received no objections from the public and recommends the following Resolution to be passed. Motion by Brown and seconded by Riley to approve Resolution #11 Fiscal Year 10-11 on Special

Assessment District. NOW on this 4th day of October, 2010, the matter of the final hearing for the Special Assessment District for Ryan Roads comes to the attention of the Union County Board of Supervisors. WHEREAS, Chapter 311 of the Code of Iowa authorizes the Union County Board of Supervisors to establish a special assessment district in Union County to levy and collect a special assessment for the payment of not less than fifty percent (50%) of the total estimated cost of the improvements of roads for a special assessment district, and WHEREAS, the owners of the lands adjacent or abutting the proposed roads have executed permanent easements to establish public ownership of the proposed roadways within the special assessment district, and WHEREAS, the owners of the lands adjacent or abutting the connecting roadway have executed permanent easements to establish public ownership of the connecting roadway, and WHEREAS, more than seventy-five percent (75%) of the owners of the lands within the special assessment district (which owners also constitute seventy-five (75%) of the owners of the lands adjacent or abutting the proposed roads have petitioned the Board of Supervisors requesting the improvements be approved and authorized, and WHEREAS, the Union County Board of Supervisors has received and approved an estimate for the project in the amount of \$509,275.89 and construction of said project has been approved, and WHEREAS, the Union County Board of Supervisors has conducted a hearing on this matter on or about April 26, 2010, which was adjourned as authorized by Section 311.15 of the Code of Iowa, and WHEREAS, the Union County Board of Supervisors has held a final hearing on this date and determined that fifty percent (50%) of the total estimated cost of the project should be taxed to the owners of property within the special assessment district. BE AND IT IS HEREBY RESOLVED that Union County, by and through the Union County Board of Supervisors, pursuant to the provisions of Chapter 311 of the Code of Iowa, does hereby establish the following area as the Ryan Roads Special Assessment District, to-wit: Lots Numbered 24 through 36 (inclusive); Lots Numbered 47 through 60 (inclusive); and Lots Numbered 77 and 78 of a Plat of all that part of the Northwest Quarter (NW ¼) of Section 11, Township 72 North, Range 31 West of the 5th P.M., in Union County, Iowa, lying Westerly of property owned by the City of Creston, Iowa, which plat was recorded on December 26, 1973 in Book 2 at Page 50A of records of the Union County Recorder, commonly known as "Ryan's Subdivision" (sic). BE AND IT IS FURTHER RESOLVED that pursuant to the provisions of Iowa Code Section 331.20 that the cost of the project shall be fixed at \$509,275.89. BE AND IT IS FURTHER RESOLVED that, pursuant to the provisions of Chapter 311 of the Code of Iowa, that fifty percent (50%) of the total cost (Two Hundred Fifty-four Thousand Six Hundred Thirty-seven dollars and Ninety-five cents -- \$254,637.95) be and is hereby assessed to the owners and lands within the Ryan Roads Special Assessment District, to-wit: Danette Miro and Curt Grim (Lots 24, 25, and 26); Janet R Mostek Revocable Trust (Lots 27, 28, 29 and 30); Ronald L. Johnson and Bonnie Johnson (Lots 31 and 32); L. W. Sander and Sharon Sander (Lots 33 and 34); Richard and Gayle Ryan Revocable Trust (Lots 35, 36 and 78); Todd E Stofferahn and Suzanne B. Stofferahn (Lot 60); Stephen D. Stults and Dee Ann Stults (lot 59 and portion of Lot 58); Todd G. Nielsen and Beth D. Nielsen (Lot 57 and portions of Lots 56 and 58); George H. Ashbury and Joan E. Ashbury (Lot 55 and a portion of Lot 56); James Anthony and Nancy Anthony (Lot 54); Monte E. Neitzel and Tosha J. Neitzel (Lots 52 and 53); Jonathan Head and Aimee Head (Lots 49, 50, and 51); Brian A. Gutmann and Mindy A. Gutmann (Lots 47 and 48); Michelle Danette Rice (Lot 77) of a Plat of all that part of the Northwest Quarter (NW1/4) of Section 11, Township 72 North, Range 31 West of the 5th P.M., in Union County, Iowa, lying Westerly of property owned by the City of Creston, Iowa, which plat was recorded on December 26, 1973 in Book 2 at Page 50A of the records of the Union County Recorder, commonly known as "Ryan's Subdivision" (sic). BE AND IT IS FURTHER RESOLVED that each owner shall be assessed a one-fourteenth (1/14) share in the amount of Eighteen Thousand One Hundred Eighty-Eight dollars and Forty-three cents (\$18,188.43) and that said assessment shall be levied upon the real estate owned by said persons which lies within said Ryan Roads Special Assessment District. Said amount is due and payable within twenty days of this date as authorized by statute. BE AND IT IS FURTHER RESOLVED that pursuant to the provisions of Iowa Code Section 311.17, the owners of said real estate may agree to said assessment and request the opportunity to make installment payments for said assessment for a period of ten (10) years. Roll Call Vote Jansen aye, Riley aye, Brown aye, McCann aye, King aye, motion carried.

ENGINEER: Steve Akes, County Engineer, presented and discussed the weekly maintenance and activity report, and updated the Board on construction projects, and the road reclassification hearing. **Payment Voucher:** Motion by Jansen and seconded by Riley to approve payment voucher #5 for \$73,818.50 to Henningsen Construction Inc, Atlantic, IA. for the STP-S-C088 (42)-5E-88. All voting aye, motion carried.

TREASURER: RESOLUTION #12 Fiscal Year 10-11 Motion by McCann and seconded by Jansen to approve **Resolution #12 Fiscal Year 10-11** as recommended by Union County Treasurer Kelly Busch as follows:

BE IT RESOLVED that the Union County Board of Supervisors of Union County, Iowa approves the following list of financial institutions to be depositories of the Union County funds in conformance with all applicable provisions of Iowa Code Chapters 452 and 453 (1983) as amended by 1984 Iowa Acts, S.F. 2220. The Recorder, Treasurer, Sheriff, Auditor is hereby authorized to deposit the Union County funds in amounts not to exceed the maximum approved for each respective financial institution as set out below:

LOCATION AND NAME OF DEPOSITORY OFFICE	MAXIMUM BALANCE IN EFFECT UNDER PRIOR RESOLUTION	MAXIMUM BALANCE IN EFFECT UNDER THIS RESOLUTION
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RECORDER:

IA St Savings Bank	Creston	150,000.00	150,000.00
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TREASURER:

Great Western Bank	Creston	3,000,000.00	3,000,000.00
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State Savings Bank	Creston	1,000,000.00	1,000,000.00
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First Nat'l Bank	Creston	5,000,000.00	6,000,000.00
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la St Savings Bank	Creston	7,000,000.00	8,000,000.00
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First Federal	Creston	2,000,000.00	2,000,000.00
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la Public Agency	Des Moines	1,000,000.00	1,000,000.00
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% Norwest Bank

SHERIFF:

First Nat'l Bank	Creston	350,000.00	350,000.00
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First Federal	Creston	100,000.00	100,000.00
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la St Savings Bank	Creston	25,000.00	25,000.00
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AUDITOR:

First Nat'l Bank	Creston	25,000.00	25,000.00
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First Federal	Creston	25,000.00	25,000.00
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Roll Call Vote: Jansen aye, Riley aye, Brown aye, McCann aye, King aye, motion carried

HANDWRITTEN CLAIMS: Motion by Brown and seconded by McCann to pay the following handwritten claims: Union County Health Insurance for \$617.00, US Post Office for \$400.00 and \$119.00. All voting aye, motion carried.

AUDITOR'S COLLECTED FEES REPORT: Motion by Riley and seconded by Brown to accept the Auditors Collected Fees Report as presented by Union County Auditor Sandy Hysell. All voting aye, motion carried.

MINUTES: Motion by Jansen and seconded by McCann to approve the minutes from September 27, 2010. All voting aye, motion carried.

CLOSED SESSION: Motion by McCann and seconded by Brown to go in to closed session at 11:18 A.M. per Iowa Code Section 21.5(1) (c) matters in litigation. Roll Call Vote: McCann aye, Riley aye, Jansen aye, Brown aye, and King aye, motion carried. Closed Session ended at 1:02 P.M.

ADJOURNMENT: There being no further business the meeting adjourned at 1:02 P.M.

ATTEST: _____ **BY:** _____
SANDY HYSELL, AUDITOR **MICHAEL KING, CHAIR BOARD OF SUPERVISORS**