

Sibley, Iowa  
May 14, 2021

The Osceola County Board of Supervisors met pursuant to law and adjournment at 8:45 am at the Osceola County Courthouse Courtroom in Sibley, Iowa with the following members present: Jerry Helmers, Mike Schulte, LeRoy DeBoer, Jayson VandeHoef, and Ed Jones. Absent: None.

Helmets moves to approve the May 14, 2021 agenda. Second by DeBoer. All vote aye. Motion carried.

It was moved by Schulte, second by Helmers to approve April 23, 2021 minutes. All vote aye. Motion carried.

Mike O'Connor, operations superintendent informed the board about the broken tile along the abandoned railroad right of way in Section 32 of Fairview Township that needs to be repaired. Once they start digging he will know more of the extent of repairs needed. Helmers moves to repair the tile in section 32 of Fairview Township. Second by Schulte. All vote aye. Motion carried.

The board met with department heads.

At 9:00 am a FY 20/21 budget amendment public hearing was held. With no written or oral comments received the public hearing was closed. It was moved by Schulte, second by VandeHoef to approve the following resolution:

**Resolution#33-20/21  
Budget Amendment**

WHEREAS, the Osceola County Board of Supervisors held a public hearing for a budget amendment, as provided by law;

WHEREAS, objections, if any, were received and considered, after which the Board decided to proceed;

WHEREAS, the Osceola County Board of Supervisors has complied with the requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Osceola County Board of Supervisors hereby adopts a budget amendment as proposed and published in the Ocheyedon Press-Melvin News and Osceola County Gazette-Tribune. Budget amendment as follows:

	<b>Total Budget as Certified Or Last Amended</b>	<b>Adopted Current Amendment</b>	<b>Total Budget After Current Amendment</b>
<b>Expenditures</b>			
Service Area 01	1,982,920	46,175	2,029,095
Dept 04(Attorney) – Consultant Fees \$2,275; Dept. 06(Court)-Court Cost \$2,000; Dept. 28 (Medical Examiner)-Medical Examiner Expenses-\$5,000; Dept. 36(Ambulance) Equipment/Medical Supplies/Health Insurance Premium \$31,900; Dept. 61(Juvenile) Juvenile Services -\$ 5,000			
Service Area 03	261,895	42,007	303,902
Dept. 23(Health Services) – Covid Expenses \$ 42,007			
Service Area 06	1,057,347	18,966	1,076,313
Dept. 22 (Conservation) Purchase Lawn Mower \$14,375; Dept. 99 (Non-Departmental)- Zoning Expenses and Tyler Avenue Paving Project - \$4,591			
Service Area 09	1,538,866	750	1,539,616
Dept. 99(Non-Departmental) Beaver Expenses			
Service Area 10	86,000	6,000	92,000
Dept. 20 (Secondary Road) Bridge Repairs \$6,000			

Roll call vote: Aye – Schulte, VandeHoef, DeBoer, Helmers, Jones. Nay-None. Resolution#33-20/21 is approved and adopted this 14<sup>th</sup> day of May, 2021.

Fuel contract bids were received. Bids identified price margin over Iowa DOT Office of Purchasing weekly Des Moines Terminal Average Fuel Report for 75,000 gallons of diesel and 10,000 gallons of gas. The bid will be approved for one year beginning June 1, 2021 to May 31, 2022 and can be extended up to two 12-month renewals upon mutual agreement with the county engineer and supplier. Coop Energy bid .120 and .105 per gallon based on delivery location; Popkes, Inc .280 per gallon and .280 per gallon; and Producers Coop Co. .169 per gallon and .140 per gallon. Schulte moves to award the bid to Coop Energy. Second by Helmers. All vote aye. Motion carried.

Bids were received for snow equipment as follows: Northern Truck Equipment Corp for \$114,179; Crysteel Truck Equipment for \$114,516; and TBEI for \$112,302.01. It was moved by Helmers, second by DeBoer to award the bid to Northern Truck Equipment Corp. All vote aye. Motion carried.

DeBoer moves to adopt the new DOT Drug and Alcohol Policy for Secondary Roads CDL- required employees. Second by VandeHoef. All vote aye. Motion carried.

It was moved by Schulte, second by Jones to approve the following resolution:

**RESOLUTION #34 -20/21 FOR INSTALLATION OF FIELD ENTRANCES AND ACREAGE DRIVEWAYS**

Field entrances and acreage driveways may be constructed by a contractor, property owner, occupant, or by Osceola County upon written approval by the County Engineer.

An approved Entrance Permit shall be obtained prior to constructing or widening any entrance. This entrance permit shall be processed by the County Engineer, who shall determine the diameter of pipe required. Work shall be completed as per instructions on the Entrance Permit. There will be no fee charged to process this permit.

If Osceola County constructs the entrance, a fee will be charged, based upon the fill and size of pipe required for the entrance. **Driveways will be built by the County when it fits the County schedule.** The County Engineer will indicate on the approved entrance permit the *estimated* fee due for the entrance.

If the Contractor, property owner, or occupant constructs the entrance, he/she will be responsible for the full cost of the entrance, including the installation of a pipe culvert of a size (diameter) determined by the County Engineer. **Plastic pipe is not allowed to be used in County Right-of-Way.** The minimum diameter of pipe culvert shall be 15". All construction must meet final approval by the County Engineer.

Gravel surfacing is provided by Osceola County on all entrances along paved roads and occupied building sites on gravel roads that are built by Osceola County. If an entrance is built by a landowner or contractor, gravel can be furnished from Osceola County at a cost of \$100 per truckload (~12T). Landowner is responsible for granular surfacing on all animal confinement driveways.

Payment for the drive must be received before the entrance will be constructed. Fees charged will be according to the following schedule:

A \$150.00 credit on unpaved and \$250 credit on paved will be given for removal of an existing drive not used. (must be within 2 miles of driveway being constructed)

**NOTE: Length of pipe will be longer than the driveway top.**

Install Entrance <u>With</u> pipe:	Gravel Road	Paved Road
(Price per foot of pipe)		
15" Diameter	\$62.00	\$111.00
18" Diameter	\$64.00	\$114.00
24" Diameter	\$69.00	\$118.00

Contact Engineer's office on prices for larger pipe sizes

Install Entrance Without pipe: \$48.00 \$92.00

Minimum extension length will be 10' Corrugated Metal Pipe or 8' Reinforced Concrete Pipe

The County will supply extra pipe to comply with a 6:1 slope requirement as necessary on paved roads.

Materials Only-----	Pipe Band	Pipe only/ft. delivered
15" Diameter	\$28.00	\$16.00
18" Diameter	\$35.00	\$20.00
24" Diameter	\$46.00	\$24.00

\*To increase pipe size greater than existing pipe when moving a drive, landowner must pay the difference in "pipe only" cost and scheduled price of dirt.

\*Furnish and placing of gravel on field entrances along unpaved roads may be done by Osceola County at a cost to landowner of \$100 per truckload (approximately 12T)

**All pipe culvert, whether installed by the contractor, property owner, occupant of Osceola County shall be new metal pipe purchased from the County. All pipe culvert shall conform to the current standards for entrance pipe of the Iowa Department of Transportation.**

Ayes- Schulte, Jones, DeBoer, Helmers, VandeHoef. Nay- None. Motion carried.

Helmers moves to approve the ambulance write-off of \$595.00 due to the patient is deceased with no estate. Second by Jones. All vote aye. Motion carried.

It was moved by VandeHoef, second by Schulte to enter into closed session per Iowa Code 21.5 (1)(c) to discuss potential claim against service vender with counsel. All vote aye. Motion carried.

VandeHoef moves to enter into regular session. Second by Helmers. All vote aye. Motion carried.

It was moved by VandeHoef, second by Helmers to authorize the county attorney to obtain records from the service vendor. All vote aye. Motion carried.

Schulte moves to enter into closed session 21.5(1)(c) discuss potential litigation. Second by DeBoer. All vote aye. Motion carried.

It was moved by DeBoer, second by Helmers to enter into regular session. All vote aye. Motion carried.

The board received two bids for the ambulance as follows: Gerard Janssen - \$627.00 and B R Enterprize, LLC for \$1,060. Helmers moves to award bid to B R Enterprize, LLC for \$1,060. Second by DeBoer. All vote aye. Motion carried.

It was moved by Helmers, second by Schulte to approve the pay raise for Connie Byers as dispatcher/jailer to \$42,323. All vote aye. Motion carried.

DeBoer moves to approve the appointment for Nyron Moore, Sr. as deputy/jailer for \$59,358. Second by VandeHoef. All vote aye. Motion carried.

It was moved by VandeHoef, second by Schulte to approve to re-appoint John Schmidt to the Zoning Commission. All vote aye. Motion carried.

DeBoer moves to approve the re-appoint Sue Krogman to the Board of Adjustment. Second by Helmers. All vote aye. Motion carried.

It was moved by Schulte, second by DeBoer to appoint Ed Jones to the Northwest Iowa Regional Housing Authority representative until end of Jones' term as supervisor which will be December 31, 2024. All vote aye. Motion carried.

Helmers moves to approve the down payment of \$103,050.45 for courthouse window replacement project. Second by Schulte, All vote aye. Motion carried

Jones informed the board that he talked with our insurance agent about the insurance coverage for the buildings at the fairgrounds. Since the prices of materials have increased we are under insured for the buildings at the fairgrounds. The board will have the insurance agent give the board a quote for increasing insurance at the fairgrounds.

The board discussed the appointing the temporary redistricting commission. The board decided to have a 5-member commission. The board has to appoint 3 members and the board received a letter from the Osceola County Democratic Party with 2 nominations to the commission. They also will be compensating the commission \$50 per meeting plus .45 cents per mile. It was moved by Schulte, second by Jones to approve the following resolution:

**RESOLUTION # 35-20/21**

**ESTABLISHING A TEMPORARY REDISTRICTING COMMISSISON**

WHEREAS, the United States Department of Commerce conducts the Unites States Census every ten years; and

WHEREAS, Iowa Code Section 331.201A requires that a Temporary Redistricting Commission be established to adopt the County's precinct boundaries.

NOW, THEREFORE, BE IT RESOLVED by the Osceola County Board of Supervisors that the following named individuals shall be appointed to the Osceola County Temporary Redistricting Commission:

Linda Fick, Ty Schultz, Maurice Heilman, Tim Tillotson, and Peggy Monier.

BE IT ALSO RESOLVED that the Commission members will be paid \$50 per meeting and will be reimbursed for mileage to and from meetings at \$0.45/mile plus other necessary expenses incurred in performing their duties.

Roll call vote: Ayes: Schulte, Jones, Helmers, DeBoer, VandeHoef. Nay: None. Motion carried.

PASSED AND APPROVED this 14<sup>th</sup> day of May, 2021.

VandeHoef moves to approve the Business Property Tax Credit applications. Second by Helmers. All vote aye. Motion carried.

It was moved by Schulte, second by Helmers to approve the following resolution:

**Resolution#36-20/21**  
**Operating Transfers**

WHEREAS, it is desired to transfer monies from the Amended Ethanol TIF-Green/Yellow to Amended Ethanol TIF P & I;

WHEREAS, said operating transfer is in accordance with Section 331.432, Code of Iowa;

NOW, THEREFORE be it resolved by the Board of Supervisors of Osceola County, Iowa as follows:

Section 1. The sum of \$8,990.52 is ordered to be transferred from the Amended Ethanol TIF-Green/Yellow (Fund#40030) to Amended Ethanol TIF P & I (Fund#45000) effective May 14, 2021.

Section 2. The auditor is directed to make the appropriate transfer and to notify the Treasurer of this operating transfer, accompany the notification with a copy of this resolution.

Roll call vote: Ayes: Schulte, Helmers, DeBoer, VandeHoef, Jones. Nays: - None. Motion carried.

THEREFORE, the above foregoing resolution was approved and adopted by the Board of Supervisors of Osceola County, Iowa on May 14, 2021.

It was moved by Helmers, second by DeBoer to approve the following resolution:

**Osceola County Resolution #37-20/21**

**Resolution and Order for Program of Weed Destruction**

All property owners are hereby notified that on May 14, 2021, the Board of Supervisors of Osceola County, Iowa adopted a program of weed destruction, pursuant to Iowa Code Chapter 317 (2021). Said program of weed destruction requires:

1. That each owner and each person in possession or control of any real estate in Osceola County, Iowa shall cut, burn (pursuant to a valid permit should said property be in a Right of Way) or otherwise destroy all noxious weeds thereon in such manner as will control and prevent such weeds from blooming or coming to maturity as required by Iowa Code 317.10. Noxious weeds shall be cut, burned, or otherwise destroyed as often thereafter as necessary to prevent seed production.
2. That each owner and/or each person in possession or control of any real estate including Right of Way, in Osceola County, Iowa, which is infested with noxious weeds as referenced above, shall adopt a summer program of weed destruction prescribed by the County Weed Commissioner, which in five (5) years may be expected to destroy, and will immediately bring under control, such infestation of said noxious weeds.
3. That each owner and/or person in possession or control of any real estate and/or Right of Way in Osceola County, Iowa, shall keep said real estate free from any growth of any weeds, as shall render the streets or highways adjoining said real estate unsafe for public travel. Also, the first mowing of one full swath along the edge of each public roadway shall take place by July 15 of each year. In addition, one additional full swath along the edge and/or shoulder of each public roadway shall be mowed by Nov. 1 of each year. These are minimum guidelines for weed control and destruction, however, owners and/or persons in possession or control of real estate subject to this Resolution are hereby notified and reminded that weather and other conditions may cause weeds to grow to maturity several weeks in advance of typical maturity time frames, which may necessitate earlier, and more intensive, control measures.
4. If any owner and/or persons in possession or control of any real estate in Osceola County, Iowa fails to comply with the foregoing Resolution, the County Commissioner shall cause the requirements of said Resolution to be properly carried out, and the expenses of said work, including costs, serving notice of violation and said costs, as well as other costs, may, in the discretion of the Board of Supervisors, be assessed against the land and owners thereof. In Addition, the Weed Commissioner may, in his/her discretion, levy a fine of \$10.00 per day, for up to ten (10) days, against the owner and/or possessor of said land.
5. To the extent that this Resolution is silent or inconclusive regarding the application and execution of the above-described program of weed destruction, Iowa Code Chapter 317 (2017), shall, to the extent permitted by law, inform and control the resolution of any question relating to said weed destruction. Specifically, all owners and/or persons in possession or control of any real estate in Osceola County, Iowa, are notified that any and all weed species listed in Iowa Code 317.1A are subject to this Resolution, as well as any additional weed species designated by the Secretary of Agriculture as permitted by Iowa Code 317.17.
6. That upon passage of this Resolution, the County Auditor is and hereby shall be directed to cause notice of the making, passage, and entry of the foregoing Resolution to be published in the official papers of the County. Hereinafter, the Weed Commissioner and/or his/her designee may, in his/her discretion, cause notice to be published in said papers regarding imminent applications of weed control chemicals.

**PLEASE TAKE NOTICE AND GOVERN YOUR ACTIONS ACCORDINGLY  
OSCEOLA COUNTY BOARD OF SUPERVISORS**

Roll call vote: Ayes: Helmers, DeBoer, Schulte, VandeHoef, Jones. Nays: - None. Motion carried.

After due consideration and discussion, Supervisor DeBoer introduced the following resolution and moved its adoption, seconded by Supervisor Schulte. The Chairperson put the question upon the adoption of said resolution, and the roll being called, the following Supervisors voted:

Ayes: DeBoer, Schulte, Jones. Nays: None. Abstain: Helmets, VandeHoef (due to a conflict of interest).

Whereupon, the Chairperson declared the resolution duly adopted, as hereinafter set out.

#### RESOLUTION NO 38 20/21

##### Resolution Consenting to Assignment of Development Agreement and Tax Increment Payments

WHEREAS, the Board of Supervisors of Osceola County, Iowa (the "County"), has established the 2003 Urban Renewal District 1 (Spirit Lake Ethanol, LLC a.k.a. Otter Creek Ethanol, LLC) (the "Urban Renewal Area"); and

WHEREAS, the County previously authorized and entered into a development agreement (the "Development Agreement") with JRJ Hospitality Group, L.L.C. (the "Developer Assignor"), dated September 15, 2015, in connection with the development, construction and operation of a hotel in the Urban Renewal Area; and

WHEREAS, under the Development Agreement, assignment of rights and responsibilities thereunder was made subject to prior consent of the contracting parties; and

WHEREAS, the Developer Assignor has requested that the County consent to the assignment of all of its rights and responsibilities under the Development Agreement to JRJ Hotel Group, LLC (the "Developer Assignee"); and

WHEREAS, it is now necessary for the County to provide consent to the assignment of the Development Agreement;

NOW, THEREFORE, IT IS RESOLVED by the Board of Supervisors, as follows:

Section 1. The County hereby consents to the request by the Developer Assignor that all of its rights, including its rights to receive incremental property tax payments, and responsibilities under the Development Agreement be assigned to the Developer Assignee, and the assignment is hereby consented to and approved. The Chairperson and the County Auditor are hereby authorized and directed to execute and deliver any additional documentation and to make any changes thereto as are deemed necessary to carry out the assignment of the Development Agreement to Developer Assignee.

Section 2. Subject to due authorization, execution and delivery of the Assignment between Developer Assignor and Developer Assignee; the Developer Assignor is hereby released from all remaining duties to be performed under the Development Agreement, and all remaining communications and payments to be made with respect to the Development Agreement shall exclusively be directed to the Developer Assignee. The Developer Assignee shall in all ways be substituted into the Development Agreement on the same terms and basis as the Developer Assignor.

Section 3. Nothing contemplated herein shall be interpreted as interfering with the division of incremental property tax revenues and the payments to be funded therefrom as contemplated in the Agreement regardless of the future recipient of such payments.

Section 4. All resolutions or parts thereof in conflict herewith, are hereby repealed, to the extent of such conflict.

PASSED AND APPROVED this May 14, 2021.

VandeHoef moves to approve the Nyhart Contract for GASB 75 actuarial services. Second by Jones. All vote aye. Motion carried.

The board received an application for the engineer's position. An interview will be set up with the applicant.

The board received a legal opinion from the county's drainage attorney Brian Yung regarding a possible drainage district annexation with Dickinson County. It was the attorney's opinion that the statutory requirements for annexation has not been demonstrated and does not appear to be permissible. It was moved by VandeHoef, second by Jones to notify Dickinson County that Osceola County is opposed to the possible annexation. All vote aye. Motion carried.

Helmets moves to approve claim #4282 to Bosma Water Service and claim # 4304 to JRJ Hotel Group, LLC. Second by Jones. Ayes-Helmets, Jones, Schulte, DeBoer. Nay- None. Abstain-VandeHoef. It was moved by DeBoer, second by Jones to approve the remainder of the claims submitted by the auditor's office. All vote aye. Motion carried.

Payroll registers from May 4<sup>th</sup>, 5<sup>th</sup> and 7<sup>th</sup> were reviewed.

Jones updated the board from Early Childhood Iowa. Helmets gave an update on Public Safety.