

May 07, 2024

The Winnebago County Board of Supervisors met in session at 9:00 A.M. May 07, 2024 adjourned from April 30, 2024.

Present: Supervisors Durby, Smith and Jensvold

Absent:

On a motion by Jensvold and seconded by Smith the Supervisors moved to approve the minutes for the April 30, 2024 Board Meeting and approve the agenda for May 07, 2024. All voted aye. Motion carried.

Kris Oswald, Auditor discussed drainage matters including a petition for DD 1 Lat 1. A contractor will come up with an estimate. Dan Swearingen called Supervisor Durby regarding an issue in DD 22.

Steve Anderson, Board Member from Gruis Golf Course discussed an invoice for DD 35 Lat 19. There was a repair done due to tree roots. The invoice only has 3 landowners on it and is not equitable for the landowner on the south side of the road. The golf course board will meet to determine what they will pay towards the repair.

Jim Benson and Wayne Johnson, landowners discussed drainage issues on DD 5 Lat 6. There was much discussion. Scott Meinders, Engineer will come up with a proposal for a long term fix.

On a motion by Smith and seconded by Jensvold the Supervisors moved to approve the following Resolution for Drainage District Obstructions. All voted aye. Motion carried.

RESOLUTION NO. 05-07-2024-01

RESOLUTION BY THE WINNEBAGO COUNTY BOARD OF SUPERVISORS, ACTING AS TRUSTEES, REGARDING RESTRICTIONS ON ACTIVITIES WITHIN DRAINAGE DISTRICT RIGHT OF WAY

WHEREAS, the Board of Supervisors, acting as Trustees of individual drainage districts, is responsible for the maintenance and management of the drainage districts, intercounty, and intracounty drainage districts established under Iowa Code chapter 468 (hereafter sometimes referred to as the “Drainage District”); and

WHEREAS, Iowa Code section 468.2 provides: “that drainage of surface waters from agricultural lands and all other lands or the protection of such lands from overflow shall be presumed to be a public benefit and conducive to the public health, convenience and welfare”; and

WHEREAS, drainage districts are funded by the significant investment of benefitted landowners to drain and protect the ground to increase yields; and

WHEREAS, it is the duty of the Trustees to protect the investments made by landowners in drainage districts and lands that would benefit from being drained; and

WHEREAS, Iowa Code 468.27 provides that upon establishment of a district the drainage district is deemed to have acquired by permanent easement all rights-of-way for drainage district ditches, tile lines, settling basins and other improvements; and

WHEREAS, Iowa Code 468.126 provides that when a drainage district has been established and the improvement constructed, the improvement shall be at all times under the supervision of the Trustees, except as otherwise provided for control and management by a board of trustees, which shall keep the improvement in repair; and

WHEREAS Iowa Code 468.138 requires the Trustees to remove any obstructions which interferes with the flow of water, including trees, hedges or shrubbery and the roots thereof; and

WHEREAS, Iowa Code sections 468.148 and 468.149 provide remedies and penalties for any person who shall willfully divert, obstruct or injure any ditch drain or other drainage improvements; and

WHEREAS Iowa Code 468.152 provides that the landowner may have any beneficial use of the land to which the landowner has fee title and which is occupied by the waste banks of an open ditch when such use does not interfere in any way with the easement or rights of the drainage district but requiring the landowner to preserve the berms of such open ditch without depositing any additional dirt upon them; and

WHEREAS, it is in the best interest of the public health, convenience and welfare for the Trustees to establish by resolution specific rules and restrictions prohibiting any person from engaging in activities upon the drainage district’s easement and right-of-way that negatively impacts the performance or lifespan of the district improvement.

NOW THEREFORE BE IT RESOLVED, which in addition to the requirements contained in Iowa Code Chapter 468, the Board of Supervisors of Winnebago County, acting as Trustees, adopts the following rules and restrictions relating to activities in, around and upon the easement and right-of-way for Drainage Districts under its jurisdiction.

1. No person shall modify, change or alter any portion of an open drainage ditch, including but not limited to the ditch bottom, side slopes or banks.
2. No person may alter the vegetation within the drainage district easement or right-of-way without the written permission of the Drainage District.
3. No person shall take any action which serves to adversely affect the flow of water in an open drainage ditch and which reduces the performance of the drainage ditch from its intended design.
4. No person shall perform any excavation within a Drainage District easement or right-of-way without written permission from the Drainage District.
5. No person shall dump, empty or deposit any waste, junk, chemicals, or other materials, whether organic, natural or man-made, within a Drainage District easement or right-of-way.
6. Adjoining landowners, connected by fence line or any other means, shall be responsible to remove any vegetation, including trees and root systems, outside the drainage district easement and right-of-way which adversely affects any open drainage ditch and to repair any damage to the drainage ditch and/or tile lines at both landowner's cost.
7. No person shall allow tree or shrubbery to grow within tile lines. The Trustees shall reserve the right to levy any removal to individual landowners.
8. Violation of these rules and restrictions shall constitute an injury or obstruction to the Drainage District improvement for purposes of sections 468.148 and 468.149 of the Iowa Code and the Drainage District shall be entitled to pursue any remedy, legal or equitable, available pursuant to Chapter 468, any other applicable statute or common law.


Terry Durby, Chairperson

Attest: 
Karla Weiss, County Auditor

Scott Meinders, Engineer and Ethan Schutter, Maintenance Superintendent discussed Secondary Road matters including resurfacing gravel and repairing the 2005 motor grater.

On a motion by Smith and seconded by Jensvold the Supervisors moved to approve the 2024 County Five Year Program Resolution 0.1. All voted aye. Motion carried.

2024 County Five Year Program Resolution 0.1

Winnebago County Secondary Roads

Unforeseen circumstances have arisen since adoption of the approved Secondary Road Five Year Program and previous revisions, requiring changes to the sequence, funding, and timing of the proposed work plan.

The Board of Supervisors of Winnebago County, Iowa, in accordance with Iowa Code section 309.22, initiates and recommends modification of the following project(s) in the accomplishment year (State Fiscal Year 2024), for approval by the Iowa Department of Transportation (Iowa DOT), per Iowa Code 309.23 and Iowa DOT Instructional Memorandum 2.050.

The following projects shall be MODIFIED as follows:

Project Number Name Project ID	Project Location Description of Work	AADT Length Bridge ID	Type of Work Fund	Modifications	Total
L-J29WX1--73-95 J-29-WX1 Bridge Replacement 50871	On 135TH AVE, Over TWISTER BRANCH, from 355th St N .4 miles to Existing Structure S29 T98 R24	10 0.000 miles 366170	331 Pipe Culverts Local	added 100,000 Local dollars to 2024 removed 100,000 Local dollars from 2028	\$100,000


Fund	Accomplishment Year		Net Change
	Previous Amount	New Amount	
Local	\$50,000	\$150,000	\$100,000
Farm-to-Market	\$0	\$0	\$0
Special	\$0	\$0	\$0
SWAP	\$0	\$0	\$0
Federal Aid	\$550,000	\$550,000	\$0
Totals	\$600,000	\$700,000	\$100,000

Recommended


 County Engineer

5-7-24
 Date

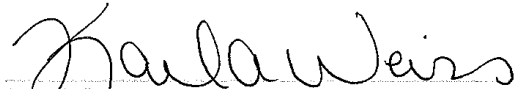
Approved


 Chair Board of Supervisors

5-7-24
 Date

Attested

I, Karla Weiss, Auditor in and for Winnebago County, Iowa, do hereby certify the above and foregoing to be a true and exact copy of a resolution passed and approved by the Board of Supervisors of Winnebago County, Iowa, at its meeting held on the 7th day of May, 2024


 County Auditor

On a motion by Smith and seconded by Durby the Supervisors moved to set the FY 2024 Budget Amendment for May 21, 2024 at 9:00 A.M. All voted aye. Motion carried.

The Supervisors discussed ARPA funds. They had questions regarding the Conservation Building and will need to rewrite the ARPA Resolution.

On a motion by Smith and seconded by Jensvold the Supervisors moved to approve Pay Application #7 to Larson Contracting for the Public Health Addition. All voted aye. Motion carried.

The following claims are approved and ordered to be paid:

Access Systems	Services	\$552.65
Acstar Insurance Co	Services	\$136,496.86
Advanced Drainage System Inc	Supplies	\$146.64
Albert Lea Tribune	Advertising	\$157.62
Alliant Energy	Utilities	\$571.10
Allison Rice	Mileage	\$145.86
Amazon Capital Services	Supplies	\$16.75
Arnold Motor Supply	Supplies	\$432.67
Austin Office Products	Supplies	\$54.63
Barb Wolf	Mileage	\$147.40
Black Hills Energy	Utilities	\$983.41
Brightree Home Health	Services	\$3,141.83
Business Forms & Systems Co	Supplies	\$364.10
Chelsea Miller	Mileage	\$92.46
Christianson Interiors LLC	Services	\$3,560.00
Cintas Corp	Supplies	\$888.90
City of Forest City	Utilities	\$4,977.56
City of Lake Mills	Utilities	\$260.77
City of Thompson	Utilities	\$157.59
Column Software PBC	Advertising	\$1,069.18
Connections Inc EAP	Services	\$341.76
Core & Main	Supplies	\$4,483.79
Cresco Shopper	Advertising	\$418.50
Crysteel Truck Equipment	Parts	\$160.51
Devries Lumber	Supplies	\$18.00
Duncan Heights Inc	Services	\$378.00
Eric Hythecker	Reimbursement	\$40.00
Fastenal	Supplies	\$601.11
Fisher Painting Services	Services	\$2,353.32
Five Star Cooperative	Fuel	\$29.59
Healthcare First	Services	\$111.02
Huber Supply Co	Supplies	\$235.90
IP Pathways	Services	\$2,883.54
ISAC	Education	\$110.00
IT Savvy LLC	Services	\$288.70
Jack's Ok Tire Service	Parts	\$5,947.32
Jaclyn Koeppen	Mileage	\$155.44
Jennifer Johnson	Mileage	\$505.39
Julie Sorenson	Mileage	\$129.78
KC Nielsen Ltd	Services	\$452.88
Keltek Inc	Supplies	\$143.50
Kimball Midwest	Supplies	\$154.80
KIOW	Advertising	\$1,310.00

Koru Group PLLC	Services	\$5,780.00
Krystal Wempen	Mileage	\$719.58
La Crosse Graphics Inc	Advertising	\$2,177.07
LaHarv Const Co Inc	Crushed Concrete	\$6,339.78
Lake Mills Graphic Inc	Advertising	\$138.00
Lake Mills Lumber Co	Supplies	\$214.00
Mail Services	Services	\$419.56
Marion Co Treasurer	Education	\$100.00
Medline Industries Inc	Supplies	\$38.35
Melissa Vaudt	Mileage	\$695.67
Melissa Warren	Mileage	\$221.40
Motorola Solutions Inc	Services	\$36,376.00
Napa Auto Parts	Supplies	\$36.60
Next Generation Technologies	Services	\$4,907.75
North Central Iowa	Dues	\$400.00
NSB Bank	Payment	\$133,128.03
Randee Lindeman	Mileage	\$470.34
Rhonda Schriever	Mileage	\$216.62
River City Glass	Repairs	\$380.00
Singelstad Hardware	Supplies	\$1,164.41
Sonja Alamsya	Mileage	\$223.32
T-Mobile	Telephone	\$25.80
Truck Center Companies	Parts	\$1,652.08
Verizon Wireless	Telephone	\$207.50
Visa	Supplies	\$1,382.93
Warner Plastics & Liners Inc	Parts	\$2,460.00
Waste Mgmt Corporate Services	Services	\$173.29
WCTA	Telephone	\$4,146.02

On a motion by Jensvold and seconded by Smith the Supervisors moved to approve the payroll claims. All voted aye. Motion carried.

The following Manure Management plan was received by the Auditor's office: John Eilertson in Winnebago County, Iowa.

The session was adjourned until 9:00 A.M. May 14, 2024.

Terry Durby, Chairperson

Attest: _____
Karla Weiss, Auditor