

November 20, 2017

Chairman Rasmussen called the regular meeting of the Wright County Board of Supervisors to order at 9:00 a.m. Member present were Rasmussen, Helgevold, and Watne.

Minutes of the previous regular meeting were read and approved.

Approved claims for payment.

Courtney Stewart, Wright County Transit Coordinator, presented information concerning a transit van that has been continually broke down and now has an electrical issue that a mechanic has not been able to track down. After much discussion there was a motion by Watne and seconded by Helgevold to approve the purchase of the like kind match through MIDAS in this fiscal year for a new van. Motion carries unanimously.

Peggy Schluttenhofer and Jen Sheehan updated the board on the Live Healthy Iowa 10 week challenge. The cost is \$22 per person to join the challenge. Peggy and Jen are requesting for the county to pay \$11 per person for employees to join. The county needs participation in order to get a discount on the county health insurance premium. Motion by Rasmussen and seconded by Watne to approve the assistance in funding of the program of \$11.00 per person. Motion carries.

Jason Schluttenhofer, Wright County Sheriff, updated the board on the Belmond Site for the Radio Tower. The Belmond Site has been approved by the FAA with a determination of no hazard to air navigation. Schluttenhofer then explained that he has been working with the County Attorney concerning the purchase of the 6.73 acres FAA Tower site near Eagle Grove. He has the paperwork to purchase the land for \$49,999.00 and all the equipment on the site for \$1.00 for a total of \$50,000.00. Motion by Watne and seconded by Helgevold to approve the quit claim deed for a tract of land located in the S ½ of the SE ¼ of Section 7, Township 91 North, Range 25 West of the 5<sup>th</sup> P.M., in Wright County, Iowa in the amount of \$49,999.00 for 6.73 acres more or less and to approve the Bill of Sale for the equipment for \$1.00 and have the Chairman sign. Motion carries unanimously.

Motion by Helgevold and seconded by Watne to approve the land Lease with United States of America Department of Transportation Federal Aviation Administration for the lease of the Government owned building (10 feet X 16 feet) on the above mentioned property and have the Chairman sign. Motion carries unanimously.

Bryce Davis, Wright County Economic Development Director, presented an amended Wastewater Treatment Facility Financial Support Agreement. The agreement with the Eagle Grove Utility Board amends the timing of the total amount the county will contribute towards the treatment plant. Motion by Helgevold and seconded by Watne to approve the Amended Wright County Eagle Grove Utility Board Wastewater Treatment Facility Financial Support Agreement. Motion carries unanimously. Eagle Grove will send over their signed copy for our board to sign.

Motion by Helgevold and seconded by Watne to approve Resolution 2017-41 on \$4,046,000 State Revolving Fund Taxable General Obligation Sewer Improvement Bonds. By roll call vote: Ayes – Helgevold, Watne, and Rasmussen; nays – none. Resolution 2017-41 duly passes and reads as follows:

**RESOLUTION NO. 2017-41**

Resolution approving and authorizing a Loan and Disbursement Agreement and providing for the issuance of \$4,046,000 Taxable General Obligation Sewer Improvement Bonds and providing for the levy of taxes to pay the same.

WHEREAS, the County of Wright County, State of Iowa, has heretofore proposed to enter into a General Obligation Sewer Improvement Loan and Disbursement Agreement (the "Agreement") and to borrow money thereunder in a principal amount not to exceed \$4,100,000 pursuant to the provisions of Section 331.402 and 331.441(2)(b)(4) of the Code of Iowa for the purpose of paying the cost, to that extent, of planning, designing and constructing improvements and extensions to works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner in the County (the "Project"), and pursuant to law and a notice duly published, the Board of Supervisors has held a public hearing on such proposal on October 23, 2017; and

WHEREAS, it is necessary at this time to authorize and approve the Agreement with the Iowa Finance Authority, an agency and public instrumentality of the State of Iowa as lender (the "Lender") and to make provision for the issuance of \$4,046,000 Taxable General Obligation Sewer Improvement Bonds, Series 2017 (the "Bonds") in evidence of the obligation of the County under the Agreement.

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Wright County, Iowa, as follows:

Section 1. It is hereby determined that the County shall enter into the Agreement with the Lender. The Agreement shall be in substantially the form as has been placed on file with the County and shall provide for a loan to the County in the amount of \$4,046,000, for the purpose as set forth in the preamble hereof.

The Chairperson and County Auditor are hereby authorized and directed to sign the Agreement on behalf of the County, and the Agreement is hereby approved.

Section 2. The Bonds are hereby authorized to be issued in evidence of the obligation of the County under the Agreement, in the aggregate principal amount of \$4,046,000, to be dated the date of delivery to or upon the direction of the Lender, and bearing interest from the date of each advancement made at the rate of 1.75% per annum pursuant to the Agreement, until payment thereof, as set forth in Exhibit A attached to the Agreement.

The Bonds may be in the denomination of \$1,000 each or any integral multiple thereof and, at the request of the Lender, shall be initially issued as a single bond in the denomination of \$4,046,000 and numbered R-1.

The County Auditor is hereby designated as the Registrar and Paying Agent for the Bonds and may be hereinafter referred to as the "Registrar" or the "Paying Agent".

Payment of the principal of and interest on the Bonds and premium, if any, shall be payable at the office of the Paying Agent to the registered owners thereof appearing on the registration books of the County. All such payments, except full redemption, shall be made to the registered owners appearing on the registration books at the close of business on the fifteenth day of the month next preceding the payment date. Final payment of principal shall only be made upon surrender of the Bond or Bonds to the Paying Agent.

In addition to the payment of principal of and interest on the Bonds, the County also agrees to pay the Initiation Fee and the Servicing Fee (defined in the Agreement) in accordance with the terms of the Agreement.

The Bonds shall be subject to optional redemption by the County at a price of par plus accrued interest (i) on any date with the prior written consent of the Lender, or (ii) in the event that all or substantially all of the Project is damaged or destroyed. Any optional redemption of the Bonds by the County may be made from any funds regardless of source, in whole or from time to time in part, in inverse order of maturity upon not less than thirty (30) days' notice of redemption by e-mail, facsimile, certified or registered mail to the Lender (or any other registered owner of the Bonds). The Bonds are also subject to redemption as set forth in Section 5 of the Agreement.

The Bonds shall be executed on behalf of the County with the official manual or facsimile signature of the Chairperson and attested with the official manual or facsimile signature of the County Auditor, and shall be fully registered bonds without interest coupons. In case any officer whose signature or the facsimile of whose signature appears on the Bonds shall cease to be such officer before the delivery

of the Bonds, such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

The Bonds shall be fully registered as to principal and interest in the names of the owners on the registration books of the County kept by the Registrar, and after such registration, payment of the principal thereof and interest thereon shall be made only to the registered owners or their legal representatives or assigns. Each Bond shall be transferable without cost to the registered owner thereof only upon the registration books of the County upon presentation to the Registrar, together with either a written instrument of transfer satisfactory to the Registrar or the assignment form thereon completed and duly executed by the registered owner or the duly authorized attorney for such registered owner.

The record and identity of the owners of the Bonds shall be kept confidential as provided by Section 22.7 of the Code of Iowa.

Section 3. The Bonds shall be executed as herein provided as soon after the adoption of this resolution as may be possible, and thereupon they shall be delivered to the Registrar for registration and delivery to the Lender, upon receipt of the loan proceeds (the "Loan Proceeds"), and all action heretofore taken in connection with the Agreement is hereby ratified and confirmed in all respects.

Section 4. The Bonds shall be in substantially the following form: (see form in Auditor's office)

Section 5. The Loan Proceeds shall be held by the Lender and disbursed for costs of the Project, as referred to in the preamble hereof. The County shall keep a detailed and segregated accounting of the expenditure of the Loan Proceeds.

Section 6. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the County the following direct annual tax for collection in each of the following fiscal years, to-wit:

Section 7. A certified copy of this resolution shall be filed with the County Auditor of Wright County, and said Auditor shall be and is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Pursuant to the provisions of Section 76.4 of the Code of Iowa, each year while the Bonds remain outstanding and unpaid, any funds of the County which may lawfully be applied for such purpose, may be appropriated, budgeted and, if received, used for the payment of the principal of and interest on the Bonds as the same become due, and if so appropriated, the taxes for any given fiscal year as provided for in Section 6 of this Resolution, shall be reduced by the amount of such alternate funds as have been appropriated for such purpose, and evidenced in the County's budget.

Section 8. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current funds on hand in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced.

Section 9. All resolutions or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 10. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

To read Resolution 2017-41 in its entirety, please contact the auditor's office.

Held public hearing on the Engineers Report for Joint DD #125-49-1. Joining the Wright County Board of Supervisors was the Hancock County Supervisors Jerry Tlach, Ron Sweers and drainage clerk Ann Hinders.

Present on video conference were: Franklin County – Supervisors Mike Nolte, Corey Eberling and Gary McVicker. Also on video conference were: Julie Pralle (auditor pro tem), Art Cady (drainage attorney) and Sandy Eckhardt (drainage clerk).

Landowners and interested parties present were: Loren Payne, Vaughn Pals, Loren Mennenga, Marianne Payne, Harold L Buseman, Delbert Pals, Thomas Shileny (NRCS), Al Hansen, Lawrence Ziller, Curt Pals, Janice Fekkers, Roger Fekkers, Margaret Mennenga, Daren Mennenga, Bob Cullinan, Mark Cullinan, Chadd Mennenga, Mark Cramer, Audrey VanHorn, Vernon VanHorn, DuWayne Barkema, David Barkema and Donald Goeman.

Rasmussen opened the meeting with introductions then asked Lee Gallentine to proceed.

Gallentine went through the reports briefly going over the location and history. He then explained the investigation and methods of repair and improvements. He then described the cost estimates, saying that the open ditch repair has an estimated cost of \$264,792.00 and the estimated costs for the lateral 60 improvements are as follows:

- Option 1 – install a tile parallel to the existing tile: \$339,762.50
- Option 2 – create an open ditch along the same route as the existing tile: \$144,787.50
- Option 3 – create an open ditch re-routed to follow the road: \$200,595.31
- Option 4 – create a grassed waterway: \$71,775.00.

Further discussion was then held regarding the need of reclassifying and classifying the entire district. A question was posed as to who determines the benefit. Gallentine explained the board will appoint at least three commissioners, one being an engineer. Since this is a tri joint district, the board will appoint one commissioner from each county per Iowa Code Section 468.283.

Deb Lukes then stated that there were seven (7) letters of objection to the improvements. She went on to say that 99.9% of the letters state that the landowner is in favor of cleaning out the main open ditch, but opposed to any improvements to the Lateral 60 tile.

Motion by Rick Rasmussen of Wright County and seconded by Jerry Tlach of Hancock County to approve proceeding with the open ditch clean out and direct Lee Gallentine of Ryken Engineering to produce construction specifications and bid materials. Motion carries.

Motion by Stan Watne of Wright County and seconded by Mike Nolte of Franklin County to hold off on any improvements to Lateral 60, and keep the engineers report on file for 10 years as per Iowa Code 468.126. Motion carries.

Motion by Stan Watne of Wright County and seconded by Ron Sweers of Hancock County to direct Lee Gallentine of Ryken Engineering to prepare a reclassification of the entire district and classifications for each of the laterals. Motion carries.

Motion by Stan Watne of Wright County and seconded by Corey Eberling of Franklin County to adjourn the drainage hearing. Motion carries.

Motion by Watne and seconded by Helgevold to adjourn the meeting. Motion carries.