

**Dickinson County Board of Supervisors  
February 27, 2018**

Meeting called to order by Chairperson, William Leupold.

9:10 a.m.: Roll call of County representatives:

Present telephonically are: Supervisors Barry Anderson, Burlin Matthews, Dan Skelton, and representing Clay County.

Present are Supervisors: Paul Johnson, Mardi Allen, Tim Fairchild, and Chairperson William Leupold. Vice-Chairperson Pam Jordan present telephonically representing Dickinson County.

Present telephonically are Supervisors Roger Hash, Beverly Juhl, Jeff Quastad, and Tim Schumacher representing Emmet County,

Chair Leupold stated that the meeting was a continuation from the February 13, 2018 Public Hearing on Completion Hearing meeting for Drainage Ditch No. 61 C, D, & E-2016 Open Ditch (Project#E12211).

Chairperson Leupold said that he would like a letter received from James C. Hudson, representing the Hudson Law Firm be read by Deputy Auditor Boots Gross acting as secretary for the hearing. Hudson was consulted in the February 13, 2018 meeting to help with the litigation issue between Cory Jurgens, the contractor for the repairs in the ditch and Iowa Lakes Regional Water line dispute. In that meeting, it was decided to hold the amount of \$15,984.11 for the litigation in retainage. Hudson stated in his present letter that the counties had no liability in the dispute between the contractor and Iowa Lakes Regional Water. Supervisor Quastad questioned the decision about withholding the retainage since the counties had no liability in the litigation and wanted it put to a vote to pay the contractor. It was moved by Supervisor Anderson, seconded by Supervisor Schumacher to pay the remainder of the retainage to Cory Jurgens Construction, LLC in the amount of \$15,984.11. Roll call vote: Supervisors: Anderson-aye, Schumacher-aye, Skelton-aye, Matthews-aye, Hash-aye, Juhl, aye, Quastad-aye, Allen-aye,

Leupold entertained a motion to close the hearing. Several supervisors from Clay County discussed trying to resolve the issue with DNR and trying to get the rest of the silt cleaned out from the end of the drainage ditch to the lake. The drainage ditch has no authority to do anything within the perimeters of the DNR property. There is concern with some of the landowners that if the hearing were to be closed nothing could be done to make sure the DNR property was finished all the way to the lake. Dale Langner, a Clay County resident spoke against closing the hearing. It was suggested that since the problem lies within DNR property, the landowners were also concerned they could not file a new drainage petition to repair the issue, as the property did not fall within the drainage ditch. It was brought up by Supervisor Quastad that Iowa Code allows land to be drained even if it is on public land.

Supervisors from Clay County thought that they needed legal advice from the James Hudson, the drainage attorney, before they closed the hearing. Moved by Supervisor Anderson and seconded by Supervisor Skelton to continue the hearing for Joint Drainage Ditch No. 61 C, D, #E-2016 Open Ditch (Project #E12211). Roll call vote: Supervisors: Anderson-aye, Matthews-nay, Skelton-aye, Hash-aye, Juhl-nay, Quastad-nay, Schumacher-nay, Allen-aye, Fairchild-aye, Leupold-aye, Johnson-nay, Jordan-aye. The meeting will be continued on March 13, 2018 at 9:00 a.m. in the Dickinson County Board Room at 1802 Hill Avenue, Spirit Lake, IA

Moved by Supervisor Anderson, seconded by Supervisor Quastad to pay the claim submitted by KVK Ag Inc. in the amount of \$3117.26 for seeding and fence repairs. Supervisors: Anderson-aye, Quastad-aye, Skelton-aye, Juhl,-aye, Schumacher-aye, Hash-aye, Allen-aye, Johnson-aye, Fairchild-aye, Jordan-aye, Leupold-aye. Supervisor Matthews did not cast a vote as he had stepped out at that time

/s/Dickinson, Clay & Emmet County Board of Supervisor Chairpersons

/s/Dickinson, Clay & Emmet County Auditors