

COUNCIL PROCEEDINGS City of Eagle Grove • Aug. 14, 2023

**SPECIAL Council Meeting
Monday August 14th 2023**
Mayor McGrath called the meeting to order at 6:30p.m. With Council Members Lorenzen, Limerick(via phone), Pamperin, Jergens and Vandewater. Absent: Wieland. Also present: City Administrator Davis and City Attorney Legvold
A motion was made by Jergens and seconded by Lorenzen to ap-

prove Resolution 2023-68: A Resolution authorizing a Settlement Agreement and Mutual Release. Roll Call Vote: all ayes
Department Reports were given.
A motion was made by Jergens and seconded by Pamperin to adjourn the meeting at 6:45pm. Roll Call: all ayes
Mayor
City Administrator

Published in the Eagle Grove Eagle on Thursday, Aug. 24, 2023

PUBLIC NOTICE Eagle Grove Community School District

NOTICE OF CONSIDERATION OF PROPOSAL TO CONTINUE PARTICIPATION IN THE INSTRUCTIONAL SUPPORT PROGRAM FOR THE EAGLE GROVE COMMUNITY SCHOOL DISTRICT

Notice is hereby given that the Board of Directors of the Eagle Grove Community School District, in the Counties of Wright, Humboldt, and Webster, State of Iowa, will hold a hearing upon its Resolution to Consider Continued Participation in the Instructional Support Program. The hearing will be held in the Board Room at the Emerson Building, 325 North Commercial, Eagle Grove, Iowa, on September 11, 2023, at 6:00 P.M.

The Board of Directors is considering continued participation in the Instructional Support Program as provided in Sections 257.18 through 257.21, Code of Iowa, for a period of ten years, commencing with the fiscal year ending June 30, 2027.

Additional funding for the Instructional Support Program for a budget year will be determined annually by the Board of Directors and will not exceed ten percent (10%) of the

total regular program district cost for the budget year and moneys received under Section 257.14, Code of Iowa, as a budget adjustment for the budget year.

Moneys received by the District for the Instructional Support Program may be used for any general fund purpose.

The Instructional Support Program shall be funded by instructional support state aid and a combination instructional support property tax levied annually upon the taxable property within the School District commencing with the levy of property taxes for collection in the fiscal year ending June 30, 2027, and an instructional support income surtax imposed annually, the percent of income surtax to be determined by the Board for each budget year, but which shall not exceed seven percent (7%), to be imposed upon the state individual income tax of each individual income taxpayer resident in the School District on December 31, 2026, and each year thereafter.

EAGLE GROVE COMMUNITY SCHOOL DISTRICT
Teresa Sadler
Secretary of the Board of Directors

Published in the Eagle Grove Eagle on Thursday, Aug. 24, 2023

ORIGINAL NOTICE EQCV025190

IN THE IOWA DISTRICT COURT OF WRIGHT COUNTY
U.S. Bank Trust National Association, as Trustee for LB-Ranch Series V Trust
Plaintiff,
vs.
Ada Martin a/k/a Ada Eileen Martin; Donald R. Martin, Jr. a/k/a Donald Roy Martin, Jr.; Unknown Spouse, if any, of Donald R. Martin, Jr.; Parties in Possession; Hauge Associates, Inc.; OneMain Financial Group, LLC, et al.
Defendants.
EQUITY NO: EQCV025190
ORIGINAL NOTICE FOR PUBLICATION

You are notified that a petition has been filed in the office of this court naming you as a defendant in this action. The petition was filed on July 19, 2023, and prays for foreclosure of Plaintiffs Mortgage in favor of the Plaintiff on the property described in this notice and judgment for the unpaid principal amount of \$53,076.86, with 7.516% per annum interest thereon from October 1, 2020, together with late charges, advances and the costs of the action including (but not limited to) title costs and reasonable attorney's fees, as well as a request that said sums be declared a lien upon the following described premises from January 7, 2008, located in Wright county, Iowa:

LOT 1, BLOCK 8, RAILROAD ADDITION TO CLARION, WRIGHT COUNTY, IOWA, commonly known as 502 S Main St, Clarion, IA 50525 (the "Property")
The petition further prays that the Mortgage on the above described real estate be foreclosed, that a special execution issue for the sale of as much of the mortgaged premises as is necessary to satisfy the judgment and for other relief as the Court deems just and equitable. For further details, please review the petition on file in the clerk's office. The Plaintiffs attorney is Andrea Dyar, of SouthLaw, P.C.; whose address is 4601 Westown Pkwy, Suite 250, West Des Moines, IA 50266.

NOTICE
The plaintiff has elected foreclosure without redemption.

Published in the Eagle Grove Eagle on Thursday, Aug. 17, Aug. 24, and Aug. 31, 2023

BOARD PROCEEDINGS Wright County Board of Supervisors • Aug. 7, 2023

**Wright County
Board of Supervisors
August 7, 2023**

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

Motion by Helgevoid and seconded by Rasmussen to approve the tentative agenda with tabling item number 9, considering Resolution 2023-33, and item number 10, second and final reading of proposed Ordinance #66, to August 14th. Supervisor Rasmussen and Adam Clemons, Wright County Engineer, will meet with Summit Carbon Solutions and Gold-Eagle Corp to discuss crossings. Motion carries with Kluss opposing.

Minutes of the previous regular meeting of July 31, 2023 and special meeting of August 2, 2023 were read and approved.

Approved claims for payment. In open forum, Betty Ellis and Bob Ritter, spoke about the concerns with tabling items 9 and 10 on the agenda.

Tonee Nicholas, Wright County Assessor, presented additional Homestead Credits and 65+ Homestead Exemptions for approval/denial. These were post marked before July 1st and were received at the end of July. Motion by Rasmussen and seconded by Helgevoid to approve or disapprove upon the Assessors recommendations on the Homestead Credits and 65+ Homestead Exemptions. Motion carries.

The board, acting as trustees of the drainage district, met to review and act on tabled agenda item from July 31st to receive an update on a Petition for Repair in DD 36, Sub 1 Lateral A involving Railroad property and take possible action. Kluss began the discussion by stating a

notice has been prepared and discussion is ongoing with Drainage Attorney, David Johnson, as to what documents need to be included and how notice should be served.

Motion by Kluss and seconded by Helgevoid to table discussion and place it on the agenda for August 14, 2023 to allow for further discussion with Drainage Attorney, David Johnson, prior to action being taken. Motion carries.

Clemons presented the 2023 standing corn snow fence policy. The policy will reflect the higher of the two cooperatives in Wright County on August 1st. Gold-Eagle Cooperative had a price of \$5.89 average on August 1st plus \$2.00 per bushel premium. The average yield was pulled from the USDA Wright County average with 209.7 bushels an acre. Motion by Rasmussen and seconded by Helgevoid to approve the 2023 standing corn snow fence

for 210 bushels/acre at \$7.89/bushel. Motion carries.

Clemons gave an update on the Secondary Roads. There were 27 work orders completed last week with 14 being service on vehicles. Mowing of the granular routes is now complete. Year 3 scheduled gravel has 104 of the 126 segments completed. Crews are crack sealing on R59 while the road is closed for a bridge replacement. Construction is continuing on the R59 bridge replacement with the curtain walls and the west side floor being poured.

Motion by Rasmussen and seconded by Helgevoid to adjourn the meeting. Motion carries.

Dean Kluss, Chairman
Wright County
Board of Supervisors
Betty Ellis, Wright County Auditor

Published in the Eagle Grove Eagle on Thursday, Aug. 24, 2023

BOARD PROCEEDINGS City of Eagle Grove Utility Board • Aug. 16, 2023

**Utility Board Meeting Minutes
Wednesday August 16th, 2023
at 7:00am**

Council Chambers 210 E. Broadway, Eagle Grove Iowa 50533
The meeting was called to order with trustees Peterson, Rethman and Ryerson. Absent: Bisson. Also in attendance: City Administrator Davis, Wastewater Superintendent Brockman and Public Works Director Lunda.

A motion was made by Ryerson and seconded by Rethman to approve the consent agenda, July 19th 2023 minutes and claims Roll Call: all ayes

AUTOMATIC SYSTEMS CO., SCADA PC ALARM DIALING ...8,678.70
BLACK HILLS ENERGY, NATURAL GAS-PRESTAGE LIFT50.21
BOLTON & MENK INC, ENGINEERING SVCS-PRESTAGE/LEG41,988.25
CINTAS, SAFETY SUPPLIES...81.87
EAGLE TRENCHING LLC, REPAIRS 414416 N IOWA.....840.00
EOSI, BULK MICRO-C...48,167.20
FERGUSON WATERWORKS #2516, METER PARTS ...7,660.58
HACH CO., TESTING LLC, REPAIRS/SUPPLIES1,597.91
HAWKINS INC, CHEMICALS25,540.22
HUPP ELECTRIC MOTORS INC, MOTOR REPAIRS.....3,851.84
IOWA DEPARTMENT OF NATURAL RES, ANNUAL NPDES FEE...1,275.00
MICROBAC LABORATORIES INC, TESTING-WRF5,227.50

MISSISSIPPI LIME CO., STANDARD QUICKLIME.....6,646.08
N.C. LABORATORIES, LAB SUPPLIES171.28
OLDSON'S INC., AC REPAIRS-SEWER ELEC HOUSE135.00
PACKARD ELECTRIC INC, ELEC WORK-RAS PUMP1,209.66
PAXXO (USA) INC, LONGOPAC CASSETTES545.52
POK-A-DOT PLUMBING & WELDING, BFP TESTING.....287.50
PRAIRIE ENERGY COOPERATIVE, ELECTRICITY-PRESTAGE LIFT STA.....1,863.80
SERVICE TECH OF CENTRAL IOWA, HYDRANT REPAIRS3,995.50
SEWER REVENUE BOND SINKING, MONTHLY TSF110,000.00
SHUTTLEWORTH & INGERSOLL PLC, LEGAL FEES-PRESTAGE3,968.00
STATE HYGIENIC LABORATORY, TESTING SVCS216.50
TREASURER STATE OF IOWA, SALES TAX-INDUSTRIAL.....11,866.30
TREASURER STATE OF IOWA, 082023 WET TAX4,257.45
VAN-HOF TRUCKING INC, HAULING QUICKLIME2,488.25
VESSCO INC., WATER CONTROL VALVE REBUILD735.00
WESTRUM LEAK DETECTION INC, 2023 LEAK DETECTION SURVEY2,900.00
WOODRUFF CONSTRUCTION, INC, PAY APP #2145,468.75
WULFEKHLE INJECTION &

PUMPING, HAULING SLUDGE19,177.67
POSTMASTER, POSTAGE FOR UT BILL.....439.54
3 ANGELS LLC, UB Refund ...155.42
ADAM T BALUCZYNSKI, UB Refund.....123.00
LOIS JEAN MCIVER, UB Refund...60.48
MAURA HERNANDEZ MEJIA, UB Refund.....180.06
ALICIA RUZICH, UB Refund ...28.92

FUND TOTALS288.59
GENERAL40,499.39
WATER547.88
METER DEPOSIT FUND ...224,981.10
SEWER31,619.00
SEWER CAPITAL IMPROVEMENT7,825.50
SEWER - CDBG.....156,117.50
SEWER SYSTEM IMPROV PRJ.....

A motion was made by Ryerson to table purchasing spare shaft for the Industrial lift station pump. No action taken due to lack of second.

A motion was made by Rethman and seconded by Peterson on purchasing spare shaft for the Industrial lift station pump. Roll Call: Ayes-Rethman and Peterson. Nays- Ryerson.

No action taken purchasing a spare mixer for Anoxic zones in OD's.

A motion was made by Rethman and seconded by Ryerson to approve proposal from PKG Contracting to complete a construction cost opinion for the replacement of the Industrial Lift Station. Roll Call: all

ayes

A motion was made by Ryerson and seconded by Rethman to approve Pay application no. 02 from Woodruff Construction, Inc. in the amount of \$145,468.75 for the Chemical Building Project. Roll Call: all ayes

Daybreak Foods representative Rick Roedel provided an overview and requested a 45-day extension request.

A motion was made by Ryerson and seconded by Rethman to approve Daybreak Foods 45-day extension request. Roll Call: all ayes

A motion was made by Rethman and seconded by Ryerson to approve entering closed session at 8:19am pursuant to Iowa Code Chapter 21.5(c) of the Iowa Code to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Roll Call: all ayes

A motion was made by Rethman and seconded by Peterson to approve exiting closed session at 8:42am. Roll Call: all ayes

Department reports were given.

A motion was made by Rethman and seconded by Ryerson to adjourn at 8:47am. Roll Call: all ayes

City Administrator

Published in the Eagle Grove Eagle on Thursday, Aug. 24, 2023

PUBLIC NOTICE Summary of Wright County Ordinance No. 66

SUMMARY OF WRIGHT COUNTY ORDINANCE NO. 66, AN ORDINANCE REPEALING AND REPLACING WRIGHT COUNTY ORDINANCE NO. 18, AN ORDINANCE TO PROTECT AND REGULATE SECONDARY ROAD RIGHT-OF-WAY, AND ENACTING A NEW RIGHT-OF-WAY CONTROL ORDINANCE TO REGULATE CERTAIN OCCUPANCIES AND USES OF COUNTY RIGHT-OF-WAY

The Board of Supervisors of Wright County, Iowa, passed and adopted Wright County Ordinance No. 66 on August 14, 2023. Pursuant to Iowa Code § 331.302(8), a summary of said ordinance is hereby published for its effectiveness.

A copy of Ordinance No. 66 is available for inspection at the Wright County Auditor's office, located at the Wright County Courthouse, 115 North Main Street, Clarion, Iowa, and keeping the following business hours: Monday thru Friday, 8:00 A.M. to 4:00 P.M.

Ordinance No. 66 shall become effective immediately upon this publication of a lawful summary thereof. The following is a summary of newly enacted Wright County Ordinance No. 66.

The title of Ordinance No. 66 is: AN ORDINANCE REPEALING AND REPLACING WRIGHT COUNTY ORDINANCE NO. 18, AN ORDINANCE TO PROTECT AND REGULATE SECONDARY

ROAD RIGHT-OF-WAY, AND ENACTING A NEW RIGHT-OF-WAY CONTROL ORDINANCE TO REGULATE CERTAIN OCCUPANCIES AND USES OF COUNTY RIGHT-OF-WAY.

A synopsis of the essential elements of the Ordinance No. 66 is as follows.

Ordinance No. 66 ("Ordinance") repeals and replaces existing Wright County Ordinance No. 18, An Ordinance to Protect and Regulate Secondary Road Right-of-Way, with a new right-of-way control ordinance to regulate certain occupancies and uses of County right-of-way, as the Board of Supervisors maintain jurisdiction and control over the County's secondary roads and accompanying road and highway rights-of-way.

This Ordinance makes legislative findings recognizing the importance of County road and highway rights-of-way, the primary purpose of County road and highway rights-of-way, the need to properly manage County road and highway rights-of-way, and the availability of County road and highway right-of-way for partial occupancy and use by various private, non-vehicular facilities.

The Ordinance sets forth its intended purpose, including establishing County road and highway right-of-way policies and procedures for managing occupancy and use of said rights-of-way, recovering and allocating costs associated

with road and highway right-of-way occupancy and use, as well as providing for enforcement of the County's right-of-way control ordinance, among others.

The Ordinance defines certain terms used within its provisions, including "facility or facilities." Within the Ordinance, facility or facilities means: Any tangible asset in the road or highway right-of-way used to provide or otherwise transport sanitary sewage or storm water, gas, hazardous liquid, electricity, water, or communication/information services, including any cables, conduits, wire, pipe, casing pipe, supporting poles, guys, and other material and equipment used for the provision or transportation of such goods or services.

The Ordinance provides that all persons seeking to place or maintain facilities within the County's road or highway right-of-way, with an exception to its applicability for public utilities, as defined therein, must obtain proper permission to do so. The Ordinance requires such persons to obtain a Right-of-Way Occupancy and Use Permit from the County. All non-permitted occupancies and uses of County road or highway right-of-way, as falling within the scope of the Ordinance, are prohibited, along with the creation of obstructions, as defined therein, within the right-of-way.

Section 10 of the Ordinance establishes the requirements and

procedures for obtaining a Right-of-Way Occupancy and Use Permit from the County, including the following: application requirements, application review, application approval, permit duration, permit fees, and permit issuance or denial, permit revocation, orders to remove facilities, and associated notices, hearings, and appeals, among others. The Ordinance addresses the failure of an applicant to secure a Right-of-Way Occupancy and Use Permit or the failure of a permittee to renew or comply with a permit or the Ordinance, including the obligation to correct a failure or violation and the authority of the County to remove or disconnect a facility at the permittee's cost. Under the Ordinance, Right-of-Way Occupancy and Use Permits may not be transferred without the Board of Supervisors' approval. Further, a permittee may not change its intended use of its permitted facilities without reapplying for a new permit. Amendments to permits may be made with Board approval.

The Ordinance requires a holder of a Right-of-Way Occupancy and Use Permit to notify the County Engineer of any non-emergency work or construction in advance in writing. Upon notification, the County Engineer directs the permittee to request a Work Permit, if applicable. The County Engineer is responsible for administering Work Permits, including fees and the granting of

any waivers. All permittees conducting work in the County's road and highway right-of-way must adhere to the construction standards established by the Ordinance, if applicable. These standards include worksite practices, requirements related to other facilities, nearby structures, and other uses of the right-of-way, a construction season, necessary work inspections and reports, excavation, backfilling, and boring requirements, a construction schedule requirement, and project coordination and administration requirements, among others.

The Ordinance establishes various requirements for persons placing facilities within the County's road or highway right-of-way, as well as requirements for relocating facilities within the County's road or highway right-of-way. The Ordinance imposes obligations upon a holder of a Right-of-Way Occupancy and Use Permit to restore the County's road and highway rights-of-way disturbed or damaged during a permittee's work, and the consequences for failing to complete such restoration. Additionally, the Ordinance requires applicants for and permittees of a Right-of-Way Occupancy and Use Permit to reimburse the County for various costs, such as consultant costs in connection with a permit application or emergency response costs incurred as a result of a permitted facility, among others, when appli-

cable. The Ordinance also imposes certain insurance requirements on permittees owning and operating facilities in the County's road or highway right-of-way.

The Ordinance allows for the waiver of Right-of-Way Occupancy and Use Permit requirements by the Board of Supervisors when a requesting party meets certain criteria.

The Ordinance also provides for its enforcement through county infractions, injunctions, or other remedies available at law. If a party were found to have violated the Ordinance in a county infraction proceeding, the Ordinance sets the following civil penalty:

Any person found to have violated the provisions of this Ordinance shall be fined up to \$250. Each twenty-four-hour period is a separate and distinct violation.

Finally, the Ordinance requires permittees to indemnify and hold harmless the County against any and all claims, demands, or suits in connection to the permittee's occupancy and use of County road and highway right-of-way.

Specific requirements are included within the Ordinance's complete text.

(End of Summary)

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