

Floyd County and Cerro Gordo County Board of Supervisors  
Acting as Trustees for Drainage District #6 (Floyd)/#56 (Cerro Gordo) Meeting  
October 5, 2016, 2:00 PM

UNAPPROVED MINUTES

The Cerro Gordo and Floyd County Board of Supervisors met in the Board Room of each of the respective Courthouses with the following in attendance: Floyd County Board of Supervisors Mark Kuhn, Roy Schwickerath, and Doug Kamm and Cerro Gordo County Board of Supervisors Casey Calanan and Jay Urdahl.

Schwickerath/Kamm moved to approve the agenda as presented. Motion carried 4-0.

The Trustees discussed project plans and hiring legal counsel for district representation on Case #EQCV030873, filed by the Iowa Northern Railway. Kent Rode, I&S Engineer, commented that he has visited with the contractor and subcontractor regarding work on the project which is planned to start next week. Work outside of the railroad right of way could proceed but the boring through the railroad right of way would likely need to be halted. Pipe has been ordered and may need to be paid for and contracts may need to be extended beyond the December 15 original completion date.

Supv Urdahl joined the meeting.

Both counties have received letters from their prospective insurance companies regarding coverage of legal counsel for the case.

Jim Hudson, Hudson Law Firm attorney, joined the meeting.

Hudson provided a summary of the difficulties in dealing with the railway, notice sent to them regarding their option for construction, and no response of intent to proceed with construction so the district followed the process to seek bids for the project. Hudson contacted Robert Goodwin, attorney he anticipated the district would hire because of his drainage law experience. Hudson has not returned a call to the railway's attorney since he will not be the attorney named in the case. Hudson has talked with Judge Drew regarding a hearing this week and informed him that the boring could be delayed 60-90 days rather than filing a temporary injunction. The district's attorney will need to file an answer and appearance for the temporary injunction, respond to the main lawsuit including resistance to the case, and file countersuit that would cover costs such as additional engineering, contracting, and attorney fees. Hudson recommends the district hire Robert Goodwin rather than using council procured by either county's insurance panel.

Kamm/Urdahl moved to hire Bob Goodwin to represent Drainage District #6/#56 with respect to Case #EQV030873. Motion carried 5-0.

Schwickerath/Urdahl moved to adjourn. Motion carried 5-0.

ATTEST: \_\_\_\_\_

Gloria A. Carr  
Floyd County Auditor

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Mark A. Kuhn, Chair  
Floyd County Board of Supervisors