

MINUTES OF MEETING OF THE IOWA GREAT LAKES  
SANITARY DISTRICT TRUSTEES, FEBRUARY 14, 1953.

The Board of Trustees of The Iowa Great Lakes Sanitary District met in special session at the call of the President, H. B. Dyson, at the City Hall in Spirit Lake, Iowa, at 1:00 o'clock p.m., February 14, 1953. Trustees present were H. B. Dyson, President, presiding, and W. W. Bean. Trustee Thomas was absent, it being reported that he was in Florida. Others present at this meeting were J. P. Mansmith, Mayor of Arnolds Park; W. H. Waimer, Clerk of Arnolds Park; Walter Crowell, Clerk of Okoboji; C. C. LaDoux, Mayor of Spirit Lake; Loth and Vander Steeg, attorney representing petitioners in litigation, and K. B. Welty, attorney for the district.

President Dyson appointed W. W. Bean Clerk Pro tem in the absence of Thomas.

Mr. W. H. Waimer, as Chairman of the joint sewer board, opened the discussions by stating that since their meeting February 5, the several towns had been endeavoring to ascertain where they could get funds with which to make the repairs presently needed as discussed and outlined in the meeting February 5. Mr. Loth, petitioner's attorney, stated that none of the cities had ample funds for this purpose and consent to the transfer of funds had not been obtained. It was explained that the litigation being a class action, any agreement which might be worked out would have to be done on order of Court. ~~Mr. Loth criticized the Court for not sooner ruling on the Motion filed by the District.~~

After considerable discussion, it was proposed that the petitioners and the trustees agree now and consent to the entry of an Order permitting the use of some of the taxes collected by the 5-mill levy for the purpose of making repairs and that the group agree to an early trial. The trustees objected to the entry of any Order permitting or even condoning the use of any of the avails of the 5-mill tax levy for the reason that it had been levied and pledged for a fixed and definite purpose and proposed that if such an Order was to be agreed upon it would have to be to the effect that the release of any funds at this time be from the avails of the 2-mill levy as it had been and was being paid by taxpayers for this very purpose.

After discussing the details of a proposed Court order, it was moved by trustee Bean, seconded by trustee Dyson, that the trustees agree to the entry of an Order of Court as is next herein set out and authorize the district's attorney to approve it in form and present it to the court for that purpose. The following proposed Court Order was then read:

"BE IT REMEMBERED that on this 14 day of February, 1953 an oral motion and application of counsel of record for all parties herein, it is now ORDERED ADJUDGED AND DECREED by the court as follows:

"1. The suit is dismissed against the defendants Russell Brady and Forrest Croxson individually; and Fred K. Thomas, H.B. Dyson and W. W. Beane, the present trustees of the District are substituted as defendants herein as such trustees.

"2. The County Treasurer shall pay to the Trustees, from the funds collected for the District in 1952, on the requisitions of the President and Secretary of the Board of Trustees, sums not to exceed Seven Thousand Five Hundred (\$7500.00) Dollars, as a special fund to be requisitioned and used solely for the purpose of promptly purchasing the following items, and having same installed under the direction of Harlan C. Rix: 3 Heavy Duty 25gpm Sump Pumps; One VOS Sewage Pump capacity 1300 gallons per minute, TDH 59.0', 25 H. P.; one VOS sewage pump, capacity 950 gpm, TDH 38.5', 15 H.P.; One VOS Sewage Pump, capacity 550 gpm, TDH 86.5', 20 HP; One VOS Sewage Pump, capacity 475 gpm TDH 46.5'; 10 H.P.; sixty feet Stainless Steel Tubing, 2 $\frac{1}{2}$ " O.D. 1/16" thick; 180 feet R&S Straght Line Skudge Collector chain; 1 Electric starter switch, capacity 1- HP, three pole; Six Universal Joints for pump shafts; Bearings, ball type, thrust, radial, pillor block. No plaintiff or defendant shall be liable for the payment and expenditure of said funds, as above. If the 2-mill levy for 1951 is upheld, these payments will come from it.

"3. Defendants withdraw their motion, as amended, heretofore submitted to Judge Hudson; and they shall answer the Substituted Petition herein before March 15, 1953, and plaintiffs shall have 10 days to reply to said answer after it is filed. Said answer may raise all issues of law or fact appropriate to answers.

"4. There shall be a single trial in equity on all issues of law and fact, treating the Division of the Petition which is in the nature of quo warranto as consolidated for trial with the other divisions; which trial shall be at Spirit Lake at 10 AM on the 28 day of *April* 1953; and neither side will apply for further continuance or delay.

"5. This order and the payments and expenditures under clause 2 shall not affect, prejudice or improve any substantial right of either party, nor affect the final decree herein as to any such rights.

Judge 14th Judicial District of Iowa

After further discussion, upon roll call, the trustees

voted as follows:

Ayes: Bean and Dyson.

Nays: None.

Thereupon the President declared the Motion carried and adopted and ordered that it be spread upon the minutes.

There being no further business, upon motion duly made, seconded and carried, the meeting was adjourned at 4:00 o'clock p.m.

  
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President, Board of Trustees

ATTEST:

  
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Clerk pro tem