

Meeting #3

The Clay County Board of Supervisors met pursuant to adjournment January 17, 2017 at 8:30 a.m. in the boardroom with Chairperson Matthews presiding and with the following other members present: Supervisors Anderson, Matthews, Skow, Swanson, Assistant County Attorney Barry Sackett, and Auditor Marjorie Pitts as clerk for the meeting. Chairperson Matthews led the meeting in the Pledge of Allegiance.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes: Anderson, Matthews, Skow and Swanson. Nays: None. Abstentions: None.

Motion by Anderson, seconded by Skow that the Board meeting agenda for January 17, 2017 be received and placed on file with the County Auditor as approved with the addition of approval of Resolution 2017-09 a resolution of the Clay County Board of Supervisors adopting the procurement policy for federally funded projects. Motion carried.

Motion by Swanson, seconded by Skow that the minutes of the Board Meeting #1 held January 3, 2017 and Board Meeting # 2 held January 13, 2017 are hereby approved as submitted. Motion carried.

Motion by Anderson, seconded by Skow to adopt the following resolution: BE IT HEREBY RESOLVED by the Board of Supervisors approve expenditures and that the County Auditor be hereby authorized and directed to issue warrants, against the various settlement of such claims a allowed January 17, 2017. Ayes: Anderson, Matthews, Skow and Swanson. Nays: None. Abstentions: None. Resolution adopted.

Publication List by Vendor

A & M Laundry	Parts	224.96
A-1 Portables	Sanitation	123.50
Advanced Systems	Copier Contract	343.40
Advanced Systems	Copier Contract	483.64
Airgas USA	Grounds Maintenance	28.76
Alliant Energy	Other	749.39
Alpha Wireless	Radio Equip.	2074.71
Arnold Motor Supply	Parts	53.53
Asphalt Paving	Education	780.00
Atlas Stamp & Seal	Office Supplies	68.95
Safelite Fulfillment	Parts	1060.57
Black Hills Energy	Utilities	4288.20
Bob Barker Company	Supplies	1572.46
Boyer Trucks	Parts	661.66
Bud's Service	Lubricants	647.68
Cannon Moss Brygger	Buildings	9753.00
Canon Fin Services	Copier Contract	163.71
Carpenter Uniform	Uniforms	1060.70
CenturyLink	Telephone	71.63
Children's Square	Detention	1026.30
City of Everly	Utilities	480.18
City of Spencer	Comm Center	35267.10
City of Webb	Water & Sewer	86.84
Clay Co Consv Land	Machinery	5000.00
Clay Co Sec Road Fund	Fuels	3018.40
Cooperative Energy Company	Parts	26034.38
Copper Cottage	Buildings	265.56
Crescent Electric Supply	Buildings	49.83

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Crown Clinics	Inmate Medical	500.00
Crysteel Manufacturing	Construction	94409.12
Crysteel Truck Equipment	Parts	3806.00
Daily Reporter	Publications	647.94
Brian Davis	Flex	400.00
Dist III IACCB	Education	200.00
Don Pierson Ford	Parts	435.20
Empire Plastics	Construction	7080.00
Evertex	Telephone	209.76
Exhaust Pros	Parts	59.90
Fareway Stores	Drug Ct Meals	31.76
FASTENAL	Buildings	50.44
FleetPride	Parts	41.94
Galen's Pro-Mow	Parts	417.80
Galls an Aramark Company	Uniforms	392.72
Graham Tire	Tires & Tubes	220.50
Graves Construction	Roads	15891.86
Brianne E Hanson	Recreational Supplies	38.49
Hartley Sentinal	Publications	657.06
Rich Harves	Well Closure	310.00
Daniel Heissel	Flex	161.20
Thomas Herrig	Mileage	17.60
Hy-Vee	Inmate Meals	4650.03
IA Assoc Co Medical Examiners	Dues & Memberships	100.00
IA Dept Natural Resources	Data Processing Serv.	125.00
Iowa Lakes Community College	Rent/Utilities	3504.64
IA Lakes Electric Coop	Utilities	200.84
IA Lakes Regional Water	Water & Sewer	206.55
IA Narcotics Officers	Other	250.00
IA Negotiation Services	Services	475.00
IA Secretary of State	Office Supplies	30.00
IA Workforce Development	Unemployment	138.14
IDS - Info Dog Security	Office Supplies	45.00
IGL Teleconnect	Other	7560.00
Innovative Rescue Solutions	Buildings	167.45
IA Dept of Trans	Engineering Supplies	135.00
ISAA	Dues & Memberships	680.00
ISAC	Education	865.00
Jack's Uniforms & Equipment	Uniforms	90.60
Janitors Closet	Custodial Supplies	1641.73
Jennifer A Jensen	Custodial	145.00
Johnson County Sheriff	Sheriff Fees	22.99
Kirkham Michael	Engineering Services	5350.09
Scott Knudtson	Safety	50.00
Eldon Larsen	Well Closure	800.00
John Lawson	Office Supplies/Flex	264.96
Sheryl Lee	Mileage	7.28
Legislative Services Agency	Publication	900.00
Lexis Nexis	Publication	823.26
Linn County Sheriff	Sheriff Fees	21.45
Lisa Seaman	Custodial	30.00
Mar-Lin Business Supply	Office Supplies	317.48
Marco	Copier Charges	135.44
Marcus News	Publication	938.39
Matheson Tri-Gas	Grounds Maintenance	84.00
MaxYield Cooperative	Fuels	5739.57
Menards	Custodial Supplies	506.37
Midwest Technology Services	Telephone	112.50

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Mike Wolthuis	Rent Payments	260.00
Murphy Tractor & Equipment	Parts	375.00
NAPA Auto Parts	Parts	145.55
Brett Nelson	Safety	500.00
Nielsens Tire & Appliance	Tires & Tubes	3104.89
Noteboom Implement	Parts	11.79
O'Brien County Sheriff	Uniforms	100.00
Pitney Bowes	Postage & Mailing	417.39
Pitney Bowes Purchase Power	Postage & Mailing	1550.00
Polk County Sheriff	Sheriff Fees	54.84
Premier Communications	Telephone	640.77
Presto X Company	Buildings	165.13
Christopher Raveling	Postage & Mailing	5.83
Ricoh USA	Copier Charges	180.78
Darrel Santage	Flex	370.24
Kathryn Schwarting	Mileage	27.71
Secure Shred Solutions	Shredding	48.00
Sioux Sales	Safety	2391.20
Michael Skonhovd	Flex	252.00
Solutions	Data Processing Serv.	534.99
Spencer Auto Parts	Parts	2609.71
Spencer Family Care	Medical	135.00
Spencer Hospital	Allocation	25205.55
SMU	Utilities	14391.84
Spencer Office Supplies	Office Supplies	1434.61
Spencer Red Power	Parts	44.72
State Steel Supply	Parts	39.35
Terril Telephone	Telephone	9.38
Toft Electric	Buildings	1260.21
Treas - State of Iowa	Sales Tax	345.00
Tri-State EMA	Dues & Memberships	20.00
Underground Vaults & Storage	Data Processing Serv.	294.00
Unity Point Clinic	Medical	111.00
U S Postmaster	Postage & Mailing	300.00
Vander Haag's	Engineering Services	702.37
Verizon	Telephone	290.88
VISA	Fuels	1063.14
Walmart Community	Recreational Supplies	83.95
Sheila Weeks	Flex	200.00
Windstream	Telephone	41.69
Jonathan Winterboer	Safety	80.00
Woolverton	Office Supplies	245.86
Amy Zenor	Flex	300.00
Ziegler	Parts	32433.04
Grand Total		351309.50

Motion by Swanson, seconded by Anderson to approve drainage expenditure from Joint Drainage District #61 CDE, dated January 5, 2017 totaling \$3,087.85 for engineering services on ditch cleanout payable to Jacobson-Westergard & Associates, Inc., 105 South 6th Street, Estherville, IA 51334. County Auditor is instructed to send the billing to Dickinson County for payment after approval. Motion carried.

Motion by Anderson, seconded by Skow to adopt the following resolution: BE IT HEREBY RESOLVED by the Board of Supervisors to approve DRAINAGE expenditures and that the County Auditor be hereby authorized and directed to issue warrants, against the various settlement of such

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claims as allowed March 15, 2016. County Auditor is directed to issue stamped warrants from drainage districts which currently have insufficient funds. Detail on file with the County Auditor's Office. Ayes: Anderson, Matthews, Skow, and Swanson. Nays: None. Abstentions: None.

Resolution adopted.

Claims dated January 17, 2017:

Bolton & Menk, Inc., 1960 Premier Drive, Mankato, Min 56001		
Construction Engineer Service	D.D. #2	\$ 3,308.50 Stamped
Construction Engineer Service	D.D. #26	\$ 298.00 Stamped
Construction Engineer Service	D.D. #23	\$ 2,033.50 Stamped
Survey/Study/Hearing Report	D.D. # 80	\$ 1,928.00 Stamped
Construction Engineer Service	D.D. #108	\$ 1,070.00 Stamped
Goodwin Law Office, 311 W Lincoln Way, Suite 1, Ames, IA		
Review Email/Tel Conf	D.D. #23	\$ 231.25 Stamped
L.A. Carlson Contracting, 20984 C43, Merrill, IA		
Est. #11 Drainage District Improvements	D.D. # 2	\$50,478.00 Stamped
KMA Trucking & Excavating, LLC, 22050 277 th Ave, LeClaire, IA		
Est. #2 Drainage District Improvements	D.D. #23	<u>\$78,879.44 Stamped</u>
Total Drainage Warrants:		\$134,918.27

Motion by Skow, seconded by Anderson to accept and authorize the Chairperson to sign the 2016 Weed Commissioner's Report. After signature the County Auditor is to send the signed report to the State Weed Commissioner, 2230 South Ankeny Blvd, Ankeny, IA. Motion carried.

Motion by Anderson, seconded by Swanson to accept County Auditor's Report of Fees Collected for quarter ending December 31, 2017 totaling \$331.50 with detail on file at the County auditor's office. Motion carried.

Motion by Anderson, seconded by Skow to accept the December 31, 2016 Sheriff's Quarterly Report of Fees collected in the amount of \$29,382.42 with detail found in the County Auditor's office. Motion carried.

Motion by Swanson, seconded by Anderson to accept the December 31, 2016 Sheriff's Quarterly Commissary Account Report with September 30, 2016 beginning account balance of \$2,947.75; total deposits of \$12,939.21; total disbursements of \$9,738.35 and ending bank balance of \$253.11. Full account detail on file in the County Auditor's office. Motion carried.

Motion by Anderson, seconded by Skow to accept County Recorder's Report of Fees Collected for period ending December 31, 2016 totaling \$42,418.69 with detail on file at the auditor's office. Motion carried.

Motion by Swanson, seconded by Skow to accept the County Treasurer's Semi-Annual Report for period ending December 31, 2016 with detail on file at the auditor's office. Motion carried.

Motion by Skow, seconded by Anderson to approve the Clay County Clerk's Report of Fees Collected for the quarter ending December 31, 2016 totaling \$20,460.96 for surcharge, county ordinance

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finer, court cost and reimbursement of sheriff fees, depositions, filing fees, and blood test. Detail on file at the auditor's office. Motion carried.

9:00 a.m. Kelly McCarty – New Revolving Fund Loan

Motion by Skow, seconded by Swanson to approve the application for funding submitted by Boji Builders. Inc. 3150 17th Avenue, Spencer, Iowa from Clay County Revolving Loan Fund of \$50,000.00 for a period of five (5) years at 4.75% interest. Motion carried.

9:30 a.m. 2nd & Final Hearing for Jake Brake Ordinance Amendment

The time having arrived for the second and final hearing and reading on the proposed Amendment to the Clay County Ordinance Prohibiting the Unlawful Use of Engine and Compression Brakes. The purpose of this ordinance is to prohibit the excessive, loud, unusual or explosive use of engine and compressed air braking devices within designated areas in Clay County. The purpose of this amendment is to include two additional designated areas in Clay County. They are: 365th Street between M38 & Hwy 71 to city limits of City of Spencer & 200th Avenue from 365th Street North to B24. The Board determined that proper notice of the public hearing was accomplished and finding there to be no oral or written objections. The Chairperson opened the hearing to oral comments and discussion of the proposed ordinance. After discussion by Board members, it was moved by Supervisor Anderson, seconded by Supervisor Skow to close the hearing, place the proposed ordinance amendment on file and read it for the second and final time.

The Clay County Ordinance Prohibiting the Unlawful Use of Engine and Compression Brakes was read and voted upon by the Board of Supervisors for the second and final time, and it passed by a vote of the majority of the Board of Supervisors. Those voting for passage: Supervisors Matthews, Swanson, Anderson, and Skow. Those voting against passage: None.

Board Member Skow introduced the following resolution and moved its adoption, seconded by Board Member Swanson.

Resolution 2017-07

WHEREAS, the Clay County Board of Supervisors deems it necessary for the purposes of promoting the health, safety, and general welfare of Clay County, Iowa and its citizens to enact this ordinance, and

WHEREAS, the Clay County Board of Supervisors have made recommendations in relation to the Amendment to the Clay County Ordinance Prohibiting the Unlawful Use of Engine and Compression Brakes, and

WHEREAS, the Board of Supervisors has considered the proposed ordinance and has held public hearings thereon the 3rd day of January, 2017 and the 17th day of January 2017; and

WHEREAS, the Clay County Board of Supervisors supports the adoption of the proposed amendment to the ordinance;

NOW THEREFORE BE IT ENACTED AND ORDAINED:

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Supplement No. #5 Amendment to Ordinance No. 5.2

CLAY COUNTY ORDINANCE PROHIBITING THE UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKES
("Jake Brake Ordinance")

SECTION 1. The purpose of this ordinance is to prohibit the excessive, loud, unusual or explosive use of engine and compressed air-braking devices within designated areas in Clay County.

SECTION 2. For the purposes of this ordinance the following words and phrases are defined as follows:

1. "Engine retarding brake" means a "Dynamic Brake," "Jake Brake," "Jacobs Brake," "C-Brake," "Paccar Brake," transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression.

SECTION 3. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within designated areas in the unincorporated areas of the County of Clay State of Iowa, any engine brake, Compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger. Such prohibition shall be applicable only to those public highways or portions specifically below:

- a. 240th Avenue, Spencer (Highway 71 bypass)
- b. State Highway 10 and 125th Avenue, Peterson
- c. 440th Street and 430th Street, Gillet Grove.
- d. 365th Street between M38 & Hwy 71 to city limits of Spencer
- e. 200th Avenue from 365th Street North to B24

SECTION 4. Signs stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" may be installed at locations deemed appropriate by the Board of Supervisors to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" shall be installed on a state highway without a permit from the Iowa Department of Transportation. The provisions of this ordinance shall be in full force and effect even if no signs are installed.

SECTION 5. Emergency vehicles shall be exempt from the application of this ordinance.

SECTION 6. This ordinance is deemed to be a county infraction. It shall be enforced pursuant to Chapter 1 of Clay County's Code of Ordinances.

SECTION 7. Should any part of this ordinance be held invalid, the remaining part shall be severable and shall continue to be in full force and effect.

SECTION 8. If any section, part or provision of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 9. This ordinance shall take effect and be in full force and effect after its passage and publication as required by law.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa, 17th day of January, 2017 and the vote thereon being as follows: Ayes: Anderson, Matthews, Skow and Swanson. Nays: None. Abstentions: None.

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ATTEST:

Marjorie A. Pitts, County Auditor

Burlin H. Matthews, Chairperson

It was moved by Skow, seconded by Anderson to adopt the following resolution:

Resolution 2017-08

WHEREAS, on June 25, 2013, the Clay County Board of Supervisors approved and ordained the Clay County Code of Ordinances;

WHEREAS, new ordinances or regulations and/or amendments to ordinances or regulations continue to be adopted by the Clay County Board of Supervisors which require the Code of Ordinances to be supplemented;

WHEREAS, the new ordinances or regulations and amendments to ordinances or regulations may be copied as a supplement to the Clay County Code of Ordinances and become a part of the Code by resolution pursuant to Iowa Code §331.302(9).

NOW, THEREFORE BE IT RESOLVED that the Resolution 2017-07 attachment hereto be approved and adopted as addition to the Clay County Code of Ordinances.

BE IT FURTHER RESOLVED that the Clay County Auditor is directed to copy and distribute Supplement No. 5 to the Clay County Code of Ordinances.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa this January 17, 2017 and the vote thereon being as follows: Ayes: Anderson, Matthews, Skow and Swanson. Nays: None. Abstentions: None.

Burlin H. Matthews, Chairperson
Clay County Board of Supervisors

ATTEST:

I, Marjorie A. Pitts, Clay County Auditor, hereby certify that this supplement to the Clay County Code of Ordinances was adopted on the 17th day of January, 2017.

Marjorie A. Pitts, Clay County Auditor

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9:45 a.m. Scott Rinehart – County Engineer – Dept Update

Motion by Anderson, seconded by Swanson to accept the quote to purchase two (2) new tandam trucks from Boyer Trucks out of Sioux Falls, SD for \$106,496.00 each for a total of \$212,992.00. Motion carried.

Motion by Skow, seconded by Anderson to accept the quote to purchase two (2) new sets of snow equipment from J-Craft out of Lake Crystal, MN for \$94,409.12 each for a total of \$188,818.24. Motion carried.

Engineer Rinehart gave the Board a departmental update regarding weather related equipment issues.

10:00 a.m. Royal Shed Public Hearing The time having arrived for the public hearing to consider the adoption of plans, specifications, form of contract and estimate of cost of construction of said improvements on the Clay County Maintenance Facility, Royal, Iowa.

The Board determined that proper notice of the public hearing was accomplished and finding there to be no oral or written objections. After discussion by Board members, it was moved by Supervisor Anderson, seconded by Supervisor Swanson to close the hearing, place the proposed Royal Maintenance Facility plans on file and vote on acceptance of the plans as submitted. The vote being as follows: Ayes: Anderson, Matthews, Skow and Swanson. Nays: None. Abstentions: None.

10:15 a.m. Assistant County Attorney Barry Sackett gave the Board a departmental update from the civil division of the County Attorney's office.

10:30 a.m. Marjorie Pitts – County Auditor

Motion by Swanson, seconded by Anderson to set the March 7, 2017 Special County Supervisors & City of Spencer-Ward 4 Council Member Election Canvass for March 14 at 9:00 a.m. in the board room of the Clay County Administration Building, 300 West 4th Street, Spencer, Iowa 51301. Motion carried.

Motion by Skow, seconded by Anderson to accept and authorize the Chairperson to sign the Employee Payroll Request from Secondary Roads for Lon Peterson for temporary status at an hourly wage of \$15.68 per hour effective January 11, 2017 for on-call snow plow operators. Motion carried.

Motion by Anderson, seconded by Skow to accept and authorize the Chairperson to sign the Employee Payroll Request from the Clay County Conservation Board for Brianne Hanson for full time status as naturalist at an hourly rate of \$17.24 per hour for 2088 hours per year effective January 4, 2017. After six month probation, effective July 1st, 2017, the hourly wage will increase to \$18.27. Motion carried.

11:00 a.m. Tammy McKeever spoke with the Board regarding the National Flood Insurance program in Clay County. Currently rural residents are in the emergency flood insurance program that allows limits coverage to \$30,000. There are approximately 85 buildings and owners that could be effected by Clay County implementing the next phase of national flood insurance. The

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Board consensus was to inform the effected owners of the situation and request their input on the decision. McKeever also discussed the opportunity for employees of Clay County to take part in the Live Healthy Wellness Program. It was the consensus of the Board that the \$20.00 program registration fee would be paid for by the County.

Motion by Skow, seconded by Swanson to authorize the Chairperson to sign the OSHA 300A Form Log that will be posted February 1, 2017. Motion carried.

Motion by Swanson, seconded by Skow to approve Resolution 2017-09 adopting the procurement policy for federally funded projects.

RESOLUTION NUMBER 2017-09

A RESOLUTION OF THE CLAY COUNTY BOARD OF SUPERVISORS ADOPTING THE PROCUREMENT POLICY FOR FEDERALLY FUNDED PROJECTS

WHEREAS, the Clay County received a Hazard Mitigation Grant Program Grant from the Federal Emergency Management Division (FEMA) and Iowa Homeland Security Emergency Management Division (IHSEMD) to assist with the update of the Clay County Hazard Mitigation Plan; and

WHEREAS, a requirement of the grant award is to prepare a Procurement Policy describing the procedures, and standards by which the program will be managed; and

WHEREAS, staff has prepared a procurement policy, including evaluation criteria and a code of conduct in compliance with the guidelines and requirements established for the receipt of federal funds; and

WHEREAS, said Procurement Policy is in the best interests of Clay County Hazard Mitigation Pre Disaster Mitigation Grant and other Federal funded project;

NOW THEREFORE BE IT RESOLVED that the Clay County Board of Supervisors does hereby approve and adopt the attached Procurement Policy for the Clay County Hazard Mitigation Pre Disaster Mitigation Grant and for other future federally funded projects. The Clay County Grant Procurement Policy is on file in the Clay County Auditor’s office.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa this January 17, 2017 and the vote thereon being as follows:

Ayes:

Nays: None.

Abstentions: None.

Burlin H. Matthews, Chairperson
Clay County Board of Supervisors

ATTEST:

Marjorie A. Pitts, Clay County Auditor

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11:30 a.m. The Board discussed revisions to the County Employee Policy Handbook.

Supervisors discussed and shared information from committees and boards they have attended since their last regular board meeting. Supervisor Anderson reported on the Compass Pointe meeting, the EMS meeting, and the Early Childhood meeting. Supervisor Swanson updated the Board on the Clay County Visitors Bureau meeting and the Jobs Trust Board meeting. Supervisor Skow updated on the County Safety and Department Head meetings. Supervisor Matthews reported on the Conservation Board meeting, the Airport Board meeting, the IA Lakes Corridor Board meeting, and a visit with RDG Planners for the Spencer Riverfront Project.

The Chairperson adjourned the meeting at 11:54 a.m. to convene at the next Auditor's called meeting January 23, 2017 at 8:30 a.m.

Marjorie A. Pitts, County Auditor

Burlin H. Matthews, Chairperson