

Clay County Board of Supervisors Minutes from Meeting 17 held on May 9, 2017

The Clay County Board of Supervisors met pursuant to adjournment May 9, 2017 at 8:30 a.m. in the boardroom with Chairperson Matthews presiding and with the following other members present: Supervisors Matthews, Skelton, 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: Supervisors Matthews, Skelton, Skow and Swanson. Absent: Supervisor Anderson Nays: None. Abstentions: None.

Motion by Swanson, seconded by Skow that the Board meeting agenda for May 9, 2017 be received and placed on file with the County Auditor as approved. Motion carried.

Motion by Skow, seconded by Skelton that the minutes of the Board Meeting #15 held April 25, 2017 is hereby approved as submitted. Motion carried.

Motion by Skow, seconded by Skelton 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 May 9, 2017. Ayes: Matthews, Skelton, Skow, Swanson. Nays: None. Abstentions: None. Resolution adopted.

Publication List by Vendor

A & M Laundry	Parts	145.16
A-1 Portables	Other	130.00
Advanced Drainage Systems	Engineering Services	130.31
Advanced Systems	Copier Charges	587.53
Advanced Systems	Photographic Supplies	305.64
Alliant Energy	Electric Light & Power	395.56
American Bottling Company	Concessions	292.32
Barry Anderson	Flex	549.14
Arnold Motor Supply	Parts	219.55
Asher Motor Co	Parts	14.00
Atlantic Coca-Cola Bottling	Concessions	418.46
Aurelia Lumber Company	Construction	520.04
Ayrshire Farmers Mutual	Telephone	29.15
Bankers Trust	Bond Interest	364373.76
Barco Municipal Products	Wood & Lumber	1190.52
Black Hills Energy/Assistance	Utilities Payments	30.68
Black Hills Energy	Natural & Lp Gas	70.00
Bomgaars	Shop Equipment	261.31
Boyer Trucks	Parts	69.23
Brandon Deeds Construction	Construction	39960.00
Bud's Service	Lubricants	634.16
Cannon Moss Brygger	Buildings	2093.05
Carpenter Uniform	Wearing Apparel & Uniform	458.06
Central Iowa Distributing	Custodial Supplies	530.90
CenturyLink	Telephone	44.66
Christians Sheet	Buildings	3178.84
City of Everly	Natural & Lp Gas	177.95
City of Spencer	Water & Sewer	21886.69
City of Webb	Water & Sewer	83.83

Clay County Board of Supervisors

May 9, 2017

Clay Co Sec Road Fund	Fuels	3216.65
Clay County Treasurer	Land	110.00
Coffman's Locksmith	Parts	176.82
Contech Engineered Solutions	Steel-Iron-& Relat.Metals	15485.57
Cooperative Energy Company	Parts	16733.77
Crescent Electric Supply	Parts	78.02
Crown Clinics	Inmate Medical	100.00
CTS Language Link	Interpreter	18.04
Culligan	Office Supplies	25.65
Daikin Applied	Buildings	1126.10
Daily Reporter	Official Publications	92.23
Diamond Vogel	Parts	169.56
Dickinson County	Employee Travel Expenses	4106.06
Dickinson County Sheriff	Legal & Ct-Related Serv.	54.00
Dist III Recorders Assn	Dues & Memberships	50.00
Employee Benefit Systems	Emp Grp Health Ins	100.10
Evertex	Telephone	326.76
Fareway Stores	JV Drug Court	29.79
FASTENAL	Hardware	8.58
FleetPride	Parts	1213.43
Galen's Pro-Mow	Parts	40.64
Sandra Geidl	Employee Travel Expenses	227.36
General Traffic Control	Safety	130.00
Graham Tire Co	Parts	231.00
Greer Law Office	Legal Aid	150.00
H & N Chevrolet	Parts	488.22
Halvorson Trane	Buildings	2283.16
John Hargens	Township Official	4.90
Jason Hass	Safety	50.00
Robert Heronemus	Township Official	6.65
Holiday Inn	Employee Travel Expenses	665.28
Hy-Vee	Inmate Meals	14107.70
Iowa Lakes Community College	Buildings - Rental	3306.34
IA Lakes Corridor	Planning	5000.00
IA Lakes Regional Water	Water & Sewer	522.83
IDS - Info Dog Security	Disposal Services	61.00
J & D Lawn Service	Custodial	900.00
J & J Building Contractors	Buildings	100232.50
J&T Rentals	Rent Payments	200.00
Jack's Uniforms & Equipment	Safety	250.69
Janitors Closet	Custodial Supplies	292.43
Jennifer Jensen	Custodial	285.00
Johnston Automotive	Parts	12.61
Jolaneco	Rent Payments	260.00
Hilary Kerrick	Educational	2439.56
Kirkham Michael	Engineering Services	11290.07
Kolb Electric	Construction	871.62
L I P A Lost	Dues & Memberships	25.00
John Lawson	Postage & Mailing	3.84
Mark Lawson	Educational	2042.80
Sheryl Lee	Employee Travel Expenses	10.66
Veronica Lee	Legal Service	1000.00
Lexis Nexis	Periodical	823.26
L-3 Com Mobile Vision	Safety Items	5640.00
Mail Services	Postage	546.02
Marco	Copier Charges	135.44
Marcus News	Board Proceedings	976.77
Martin's Flag Co	Buildings	59.96

Clay County Board of Supervisors

May 9, 2017

Burlin Matthews	Employee Travel Expenses	396.10
Janel Maurer	Township Official	16.80
MaxYield Cooperative	Fuels	164.55
Menards	Buildings	328.35
Midwestern Mechanical	Buildings	1258.52
M P H Industries	Radio & Related Equip.	2090.00
Muddy Creek Contracting	Engineering Services	550.00
Nielsens Tire & Appliance	Parts	281.00
No Limits Outdoors	Safety	112.03
North Central Int'l	Parts	3937.06
Northwest Glass Co	Buildings	426.50
Northwest Printing	Office Supplies	80.00
Noteboom Implement	Lubricants	36.09
NW IA Bone-Joint & Sports	Medical	746.40
P & H Fixture Co	Buildings	130.00
Pitney Bowes	Telephone	130.88
Pitney Bowes Purchase Power	Postage & Mailing	1000.00
Plumbing & Heating Wholesale	Construction	343.60
Pocahontas Co Sheriff	Legal	37.62
Premier Communications	Telephone	645.76
Presto X Company	Buildings	122.90
Pro Coop	Fertilizer & Seed	180.00
Rage Inc	Custodial Supplies	89.98
Rainbow Bait	Bait	55.00
Rent-All Center	Machinery & Mech. Equip.	101.65
River Valley Telecom Coop	Telephone	343.71
Alicia Roos	Employee Travel Expenses	25.00
Sanders Inc	Cover Aggregate/Sand/Mate	3433.99
Darrel Santage	Flex	129.42
Casey Schomaker	Township Official	9.80
Kathryn Schwarting	Employee Travel Expenses	29.56
Lisa Seaman	Custodial	55.00
Connie Sefcik	Legal	41.50
Sioux Sales Co	Safety	175.85
Solutions	Data Processing Serv.	2107.15
Spencer Auto Parts	Parts	3944.19
Spencer Hospital	Medical & Health Services	4127.13
SMU	Telephone	11579.19
Spencer Office Supplies	Office Supplies	746.01
Staples	Office Supplies	258.55
Star Energy	Fuels	16.12
State Steel Supply Co.	Construction	16.60
TD Tools	Tools	57.09
Terril Telephone Coop	Telephone	9.44
Thermal Services	Buildings	1575.00
Thrifty White Stores	Medical	1181.35
Titan Machinery	Parts	156.01
Town & Country	Sanitation	69.00
US Cellular	Telephone	1115.09
Verizon	Telephone	73.61
Vermeer Siouxland	Parts	105.00
Walmart	Office Supplies	13.41
Sheila Weeks	Flex	200.00
Windstream	Telephone	41.69
Woodman Controls Company	Buildings	3000.00
James Worm	Flex	367.66
Amy Zenor	Employee Travel Expenses	155.70
Grand Total		685877.55

Clay County Board of Supervisors

May 9, 2017

Motion by Swanson, seconded by Skelton to adopt the following resolution: BE IT HEREBY RESOLVED by the Board of Supervisors approve drainage expenditures and that the County Auditor be hereby authorized and directed to issue warrants, against the various settlement of such claims a allowed May 9, 2017. County Auditor is directed to issue stamped warrants from drainage districts which currently have insufficient funds. Ayes: Matthews, Skelton, Skow, Swanson. Nays: None. Abstentions: None. Resolution adopted.

Clay County Secondary Roads, 300 West 4th Street, Spencer, IA:

DD #11	Tile Repair	\$ 200.34
DD #37	Tile Repair	\$ 291.41
DD #37	Tile Repair	\$2,244.10
DD #57	Tile Repair	\$ 502.92

LA Carlson Contracting, 20984 C43, Merrill, IA 51038

DD #2	Est #12 Drainage District Improvements	\$2,031.26	Stamped
-------	--	------------	---------

Hagedorn Excavating, Inc., 315 Main Street, PO Box 274, Royal, IA 51357

DD #26	Est #3 Tile Improvements	\$5,799.49	Stamped
--------	--------------------------	------------	---------

KMA Trucking & Excavating, LLC, 22050 277th Avenue, LeClaire, IA 52753:

DD #23	Est #4 Drainage District Improvements	\$218,023.54	Stamped
--------	---------------------------------------	--------------	---------

Bolton & Menk, Inc., 1960 Premier Drive, Mankato, MN 56001

DD #113	Jurisdictional Wetlands Admin	\$77.50	Stamped
DD #108	Engineering Services Thru Hearing	\$2,270.00	Stamped
DD #26	Engineering Services Thru Compl Hring	\$1,320.00	Stamped
DD #23	Engineering Services	\$6,214.00	Stamped
DD #2	Engineering Services	\$790.00	Stamped
DD #2	Annexation & Reclassification	<u>\$260.00</u>	Stamped

Drainage Claims Total: \$240,024.56

Motion by Skelton, seconded by Skow to authorize the Chairperson to sign Change Order 001 submitted by Bolton & Menk, Inc on behalf of contractor Hagedorn Excavating, Inc regarding the Drainage District No. 26 Tile Improvement in the amount decreased by \$33,927.48 resulting in a contract price with all approved change orders of \$226,336.28. Motion carried.

Motion by Skelton, seconded by Swanson to authorize the Chairperson to sign Change Order 006 submitted by Bolton & Menk, Inc on behalf of contractor LA Carlson Contracting, Inc. regarding the Drainage District No. 2 Project 11.106852 in the amount decreased by \$3,477.60 resulting in a contract price with all approved change orders of \$589,034.58. Motion carried.

Motion by Skelton, seconded by Swanson to approve the Clay County Pioneer Cemetery Board By-laws submitted by Pioneer Cemetery Board that dictates governance and powers. Bylaws are on file for review in the Clay County Auditor's office. Motion carried.

Motion by Skow, seconded by Skelton to approve the hiring of William D. Rabenberg P.E. as the Clay County Engineer and authorize the Chairperson to sign the Employment Contract. Motion carried.

Motion by Swanson, seconded by Skelton to adopt the following resolution:

RESOLUTION NO. #2017-17
 Clay County Board of Supervisors
 May 9, 2017

BE IT RESOLVED by the Board of Supervisors of Clay County, Iowa, that William D. Rabenberg, the County Engineer of Clay County, Iowa be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said county to execute the certificate of completion of work and final acceptance thereof in accordance with the plans and specifications thereof in connection with all Farm to Market construction projects in the county.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa this 9th day of May 2017 and the vote there on being as follows:

Ayes: Matthews, Skelton, Skow, Swanson.

Nays: None. Abstentions: None.

Resolution adopted.

/s/Burlin H. Matthews, Chairperson

ATTEST: /s/Marjorie A. Pitts, County Auditor

Motion by Swanson, seconded by Skelton to accept and authorize the Chairperson to sign the Employee Payroll Request for the County Engineer for full time status at a yearly rate of \$105,200 including four weeks of vacation effective June 05, 2017. Motion carried.

Motion by Skow, seconded by Skelton to accept and authorize the Chairperson to sign the Employee Payroll Requests from the Conservation Department for the following individuals for Part-time/Temporary Status for summer employment.

Employee:	Hourly Wages:	Starting Date:
Norb Manwarren	\$10.50	April 21, 2017
Cody Huckfelt	\$10.50	May 08, 2017
Cal Noah	\$10.00	May 22, 2017
Jacob Pingle	\$10.00	May 22, 2017
Becky Conley	\$ 9.50	May 26, 2017
Julie Hansen	\$ 9.25	May 26, 2017
Karen Bauermeister	\$ 9.25	May 26, 2017
Ryan Nemmers	\$ 9.25	May 26, 2017
Teresa Martindale	\$ 9.25	May 26, 2017

Motion carried.

Motion by Skelton, seconded by Swanson to accept and authorize the Chairperson to sign the Employee Payroll Requests from the Secondary Roads Department for Weston Glienke and Nathanael Adolf for Part-time/Temporary Status for summer employment at \$12.50 per hour starting May 22, 2017. Motion carried.

Motion by Skow, seconded by Swanson to accept and authorize the Chairperson to sign Employee Payroll Request from the Clay County Sheriff for Molly Deiber for full time status as a jailer at an hourly rate of \$15.25 per hour effective May 15, 2017. Molly is current with her jail certifications with ILEA. Motion carried.

Motion by Swanson, seconded by Skow to accept with regret the resignation of Redge Berg from the Clay County Civil Service Board and appoint Kristine K. Willrett, 4545 180th Ave, Linn Grove, IA to fill the vacancy with a term ending December 31, 2017. Motion carried.

The Chairperson recessed the Regular Board meeting at 8:50 a.m. to act as Trustees of Drainage District #118 and Drainage District #2.

Drainage District #118 West Assessment Meeting

Motion by Skelton, seconded by Skow to appoint Supervisor Matthews as Chairperson and Clay County Auditor Marjorie Pitts as Secretary for this meeting. Motion carried.

Motion by Swanson, seconded by Skelton to use 12" plastic perforated tile on the repair on Laterals 5 & 6 in the west assessment of Drainage District #118 for an estimated cost of \$30,374.00. Motion carried.

The Chairperson recessed the drainage meeting at 8:52 a.m. to convene as Trustees of Drainage District 2.

Drainage District #2 Meeting

The Board of Supervisors convened as the Board of Trustees for Drainage Ditch #2 at 8:52 a.m., Tuesday, May 9, 2017. Members present: Supervisors Matthews, Skelton, Skow, Swanson, and Clay County Auditor, Marjorie Pitts. Attendees: Bolton & Menk, Engineer Dan Eckhart, DD Technician Aaron Rutter, Atty James Hudson

Motion by Swanson, seconded by Skelton to appoint Supervisor Burlin Matthews as Chairperson and Marjorie Pitts, Clay County Auditor as Secretary for this meeting. Motion carried.

Motion by Skow, seconded by Swanson to schedule a completion hearing for Drainage District 2 Open ditch repairs and improvement project at 1:30 p.m. in the Clay County Administration Board room on June 6, 2017. Motion carried.

9:00 a.m. Drainage District #2 Annexation Schedule Hearing

This being the time and place for the public hearing on the annexation of benefited lands not now included in Drainage District No. 2 consisting of 1,231.73 acres. The Board determined that notice of the public hearing was published in the Spencer Daily Reporter on April 13, 2017 pursuant to Iowa Code.

Engineer, Jonathan P. Rosengren, P.E. gave the Board background and updates on the engineering report from the annexation report. Drainage Attorney James Hudson spoke with the attendees explaining definitions and terminology related to the annexation hearing process. IA Code 468.119 states if parcels benefits from the district repair or improvement can be annexed.

Comments/Objections: Written objections from Charles N. Selzer, Robert Krogh, and Richard Kirksey.

After much discussion and many comments, Trustee Skow made a motion, seconded by Trustee Swanson to adopt the annexation of benefited lands not now included in Drainage District No. 2 consisting of 1,231.73 acres. Motion carried.

The Public Hearing was closed 9:25 a.m.

9:45 a.m. Drainage District #2 Classification Report Hearing

This being the time and place for the public hearing on the re-classification of lands in Clay County Drainage District No. 2. The Board determined that notice of the public hearing was published in the Spencer Daily Reporter on April 13, 2017 pursuant to the Iowa Code.

Drainage Attorney James Hudson gave attendees an explanation of differences to the annexation and reclassification process of assessment schedule. Engineer Jonathan P. Rosengren, P.E gave the Board and attendees' background and updates on the engineering report from the classification report. Reclassification factors of use, proximity, soil wetness, needs, and flood adjustment were referenced. Parcel totals with dollars per acre was furnished to attendees.

Comments/Objections: Written objections from Charles N. Selzer, Robert Krogh, and Richard Kirksey. Drainage Attorney Hudson read each objection followed by discussion.

After much discussion and many comments, Trustee Skow made a motion, seconded by Trustee Swanson to adopt the revised classification schedule fixing the percentage of actual benefits and making an equitable apportionment of the costs and expenses of the repair and improvements required for Drainage Ditch #2. Motion carried.

The Public Hearing was closed at 10:52 a.m.

The Chairperson recessed the Drainage District #2 meeting at 10:52 a.m.
The regular board meeting was re-convened at 10:52 a.m.

10:53 a.m. Peace officers Memorial Day & Law Enforcement Officers Week Proclamation

Motion by Swanson, seconded by Skelton to authorize the Chairperson to sign the Peace Officers Memorial Day and Law Enforcement Officers Week Proclamation to be held May 14-20, 2017 honoring the officers for their dedicated service to their communities and to pay respect to the survivors of our fallen heroes. Motion carried.

10:55 a.m. Correctional officers & Employees Week Proclamation

Motion by Skelton, seconded by Swanson to authorize the Chairperson to sign the Correctional Officers and Employees Week Proclamation to be held May 7 through May 13, 2017. The National Correctional Officers and Employee Week honors the work of correctional officers and correctional personnel for their service with honor, respect, and integrity. Motion carried.

10:58 a.m. Tammy Mc Keever - Emergency Medical Services Proclamation

Motion by Skow, seconded by Swanson to authorize the Chairperson to sign the proclamation that designates the week of May 21-27, 2017 as the Emergency Medical Services week to recognize the value and accomplishments of emergency medical services providers within Clay County. Motion carried.

Clay County Board of Supervisors

May 9, 2017

10:45 a.m. Engineer Dan Eckert gave the Board an update on the FEMA second appeal scheduled for June 2, 2017.

11:00 a.m. Apex Clean Energy, Incorporated Presentations:

Brenna Gunderson, Apex Senior Development Manager began the presentations by introducing the presenters. Gunderson has been developing wind projects since 2015 and there are approximately 115 landowners that are participating. Christopher Ollson, PH.D Senior Environmental Health Scientist for Ollson Environmental Health Management spoke to wind turbine impacts on health and safety. Dave Phillips, Apex Director of Environmental and Wildlife permitting, addressed concerns about the bald eagle populations' potential to be negatively affected. Attorney Jim Prey, Environmental/energy law siting attorney for APEX from the Brown Winick Attorneys at Law. Prey stated he had reviewed the setback ordinances in Clay County and found APEX to be in full compliance with the ordinance. During this Board segment, Debbie Jepsen presented the Board with a petition signed by nearly 100 people in support of the APEX Upland Prairie Wind Project from citizens in the area.

11:45 a.m. Reverend Brad Wallace of the Faith Pentecostal Church and David Ellenwood spoke with the Board regarding the Proclamation issued by Governor Terry Branstad encouraging all Iowans to join in the historical Iowa 99 County Bible Reading Marathon to take place June 30th through July 3rd, 2017 in front of all 99 courthouses. Reverend Wallace indicated their only need was for access to electricity. The Board directed the County Auditor and custodial staff to accommodate the needs of Reverend Wallace as requested.

12:00 Noon: Clay County resident Janna Swanson and board member of the Coalition for Rural Property Rights spoke with the Board to share information regarding wind turbines and wind energy concerns including infrasound, efficient aerial application concerns and set back distances.

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

Motion by Skelton, seconded by Skow to certify the cost of \$15,066.65 for March 7, 2017 Special County Supervisor & Spencer Ward 4 Council Member Election and bill the City of Spencer \$967.45 for their share of the election costs. Motion carried.

Motion by Swanson, seconded by Skelton to approve and authorize the County Auditor to sign the proposal of \$8,620.96 from Thermal Services, 11241 Aurora Avenue Building 6, Urbandale, IA 50322 to replace the failed compressor and inverter board on the Daikin VRV system on the first floor unit in Clay County Administration Building. Motion carried.

Motion by Skow, seconded by Skelton to approve the disallowances as recommended by the County Assessor for the Family Farm Credit Applications for Kristin M & Scott A Shelton, 2427 Riverway Oak Drive, Kingwood TX 77345 for property located in Section 24 of Riverton Township due to transferred ownership and no longer being classed as ag land and Leona E. Larson, 4295 310th Avenue, Dickens, IA 51333 for property located in Section 21 of Logan Township due to transferred ownership no longer being classed as ag land. Motion carried.

Motion by Skow, seconded by Swanson to approve the disallowance as recommended by the County Assessor for the military credit application for fiscal year 2016-2017 from Michael D & Rosemary J Schoning, 2465 280th Street, Spencer, IA 51301 pursuant to Iowa Code Chapter 426 due to the dissolution of marriage. Motion carried.

Motion by Skelton, seconded by Swanson to move \$5000.00 expense spending power from Targeted Case Management fund to the Mental Health Services Department fund in Area 4. The net result is zero change to Service Area 4 for fiscal year 2017. Motion carried.

The Chairperson adjourned the meeting at 1:19 p.m. to convene at the next Auditor's called meeting May 23, 2017 at 8:30 a.m.

/s/Marjorie A. Pitts, County Auditor

/s/Burlin H. Matthews, Chairperson