

Clay County Board of Supervisors Minutes from Meeting 28 held on August 15, 2017

The Clay County Board of Supervisors met pursuant to adjournment August 15, 2017 at 8:30 a.m. in the boardroom with Chairperson Matthews presiding and with the following other members present: Supervisors Anderson, 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: Anderson, Matthews, Skelton, Skow and Swanson. Nays: None. Abstentions: None.

Motion by Swanson, seconded by Skow that the Board meeting agenda for August 15, 2017 be received and placed on file with the County Auditor as approved with the addition of approval of a Certificate of Adjustment relating to taxes payable 2017/2018. Motion carried.

Motion by Skelton, seconded by Anderson that the minutes of the Board Meeting #26 held August 1, 2017 and Board Meeting #27 held August 9, 2017 are hereby approved as submitted. Motion carried.

Motion by Anderson, 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 August 15, 2017. Ayes: Anderson, Matthews, Skelton, Skow, Swanson. Nays: None. Abstentions: None. Resolution adopted.

Publication List by Vendor

A & M Laundry	Grounds Maintenance	145.16
A-1 Portables	Other	56.00
Advanced Systems	Supplies	209.00
Airgas USA	Grounds Maintenance	28.76
Albert Lee Seed	Fertilizer & Seed	71.00
Alliant Energy	Other	320.73
American Legion Post #1	Recreational Supplies	45.00
Arctic Glacier USA	Concessions	74.80
Armstrong Teams	Fuels	239.64
Ann Baschke	Flex	115.00
Black Hills Energy/Assistance	Utilities Payments	44.82
Black Hills Energy	Natural & Lp Gas	897.93
Bomgaars	Shop Equipment	796.94
Kevin Brown	Employee Travel Expenses	14.70
Bud's Service	Parts	742.24
Kristi Busse	Flex	1302.00
Cannon Moss Brygger & Arch	Buildings	180.20
Canon Fin Services	Data Processing Serv.	478.14
Carroll Distributing Accounts	Buildings	122.07
Leah Cauthron	Flex	155.00
Cemcast Pipe & Precast	Materials	12866.32
CenturyLink	Telephone	74.47
Christians Sheet	Construction & Maint.	229.99
Cintas Corp	Safety Supplies	66.41
City of Estherville	Educational	15102.38
City of Everly	Natural & Lp Gas	57.78

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City of Royal	Water & Sewer	33.50
City of Spencer	Comm Center	20275.87
City of Webb	Water & Sewer	80.83
Clay County General Fund	Educational & Train.Serv.	275.00
Clay Co Sec Road Fund	Fuels	1641.61
Audrey Coffman	Flex	984.00
Cooperative Energy Company	Natural & Lp Gas	29326.40
Crown Clinics LLC	Protection/Security Serv.	350.00
Custom Welding & Repair	Engineering Services	698.47
Daily Reporter	Publications	973.38
DASH Medical Gloves	Clothing & Dry Goods	127.80
Dave's Sand & Gravel	Construction & Maint.	169.15
Del's Garden Center	Construction & Maint.	220.50
Maggie DeRocher	Depositions	131.25
Dockendorf Equipment Co.	Buildings	443.04
Ken Ellingson	Rent Payments	520.00
ESRI	Data Processing Serv.	35000.00
Everttek	Telephone	213.09
Fareway Stores	JV Drug Court Meals	44.10
FASTENAL	Construction & Maint.	4.91
FleetPride	Parts	1962.31
Force America Dist	Parts	893.35
Foundation Analytical Lab	Well Testing	347.00
Frank Dunn Company	Cover Aggregate/Sand/Mate	789.00
Galen's Pro-Mow	Buildings	222.40
Goal Kick Sporting Goods	Uniforms	92.07
Graham Tire	Tires & Tubes	151.00
Griffin Construction	Buildings	3970.00
Marc E Gustafson	Flex	95.56
H & N Chevrolet Buick	Parts	898.84
Harrison Truck Centers	Parts	89.64
Hartley Sentinel	Publications	1299.82
Tyler J Heck	Flex	40.00
Hilton Garden Inn	Employee Travel Expenses	288.96
Carissa Huse	Flex	11.50
IA Lakes Electric Coop	Utilities	29.50
IA Lakes Regional Water	Water & Sewer	825.01
IA Law Enforcement Academy	Educational	140.00
IA State Bar Assoc	Dues & Memberships	260.00
ISAC	Educational	200.00
ISSDA	Dues & Memberships	75.00
J&T Rentals	Rent Payments	200.00
Jack's Uniforms & Equipment	Uniforms	143.94
Jacobsen Home Corp	Rent Payments	220.00
Janitors Closet	Custodial Supplies	530.81
Jasper Co Sheriff	Sheriff Fees	10.70
Jennifer Jensen	Custodial	1610.00
Johnston Automotive	Parts	255.64
Kirkham Michael	Engineering Services	2272.00
L&D Ag Service Inc.	Parts	201.09
John C Lawson	Flex	252.91
Sheryl K Lee	Flex	94.36
Lexis Nexis	Periodical	847.96
Lube-Tech & Partners	Parts	392.37
Mac Tools	Hand Tools	359.97
Mar-Lin Business Supply	Office Supplies	193.94
Marco	Copier Charges	135.44
Marcus News	Board Proceedings	1051.31

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MaxYield Cooperative	Fuels	2703.64
Menards	Buildings	1640.04
Midwest Radar & Equipment	Safety Items	440.00
Ryan Nemmers	Custodial	115.00
New Sioux City Iron	Hand Tools	52.79
Nielsens Tire & Appliance	Tires & Tubes	1311.29
Darrell Noll	Safety Supplies	500.00
North Central Int'l	Parts	1347.76
Northwest Glass Co	Construction & Maint.	313.00
NW IA Chimney Sweeping	Buildings	1875.00
NW IA Youth Emergency Serv Ctr	Transport Charges	503.00
Performance Car & Truck	Parts	11.50
Pitney Bowes Purchase Power	Postage & Mailing	1850.00
Plumbing & Heating Wholesale	Engineering Services/Cont	3322.24
Premier Communications	Telephone	643.30
Presto X Company	Buildings	44.00
Proforma	Office Supplies	514.87
Prosecuting Aty Training	Supplies	28.00
Rage	Custodial Supplies	133.79
Rainbow Bait	Concessions	55.00
Ruthven Rocks	Construction & Maint.	4283.79
Safeguard Business Systems	Uniforms	114.03
Sanders	Cover Aggregate/Sand/Mate	6832.17
Darrel Santage	Employee Travel Expenses	76.80
Schwan's Home Service	Concessions	163.38
Kathryn Schwarting	Employee Travel Expenses	32.40
Lisa Seaman	Custodial	170.00
Secure Shred Solutions	Shredding	48.00
Sherwin Williams	Construction & Maint.	79.98
Sioux County Sheriff	Sheriff Fees	45.00
Solutions	Data Processing Equipment	5382.71
Spencer Auto Parts	Shop Equipment	2289.88
Spencer Family Care Med Exam	Medical & Health Services	104.20
Spencer Family Care	Safety Supplies	25.00
Spencer Hospital	Medical & Health Services	52624.67
SMU	Utilities Payments	11027.61
Spencer Office Supplies	Office Supplies	410.51
Spencer Red Power	Parts	747.84
Temple Apartments	Rent Payments	460.00
Terril Telephone Coop	Telephone	9.41
The Nature Conservancy	Dues & Memberships	150.00
Thrifty White Stores	Safety Supplies	145.82
Town & Country	Sanitation	795.58
Unity Point Clinic	Medical & Health Services	37.00
U S Postmaster	Postage & Mailing	168.00
Van Diest Supply	Chemicals & Gasses-Herb.	5224.50
Vander Haag's	Parts	65.02
Verizon	Telephone	332.76
VISA	Supplies	566.10
Walmart	Supplies	274.43
Kathryn Weber	Depositions	9.50
Sheila Weeks	Flex	200.00
Woodbury County Sheriff	Sheriff Fees	45.00
Ziegler	Parts	6425.60
Grand Total		264173.69

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Motion by Skow, seconded by Swanson to approve the following drainage expenditures from Joint Drainage District #61 CD & E of \$8,488.80 for engineering services on ditch cleanout payable to Jacobson-Westergard & Associates, Inc., 105 South 6th Street, Estherville, IA 51334; \$69,947.93 for Estimate No. 6 for open ditch clean out to Cory Juergens Construction, LLC, 219 West 2nd Street South, 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 Skelton to approve the drainage expenditure from Joint Drainage District #61 CD & E of \$69.82 for public hearing notice on ditch improvements payable the Spencer Daily Reporter, PO Box 197, Spencer, Iowa. County Auditor is instructed to send the billing to Emmet County for approval and then to Dickinson County for approval. Motion carried.

Motion by Skelton, seconded by Anderson 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 claims as allowed August 15, 2017. County Auditor is directed to issue stamped warrants from drainage districts which currently have insufficient funds.

The Daily Reporter, PO Box 197, Spencer, IA 51301			
DD #80	Notice of Public Hearing	\$ 75.69	Stamped
Marcus News, Inc., PO Box 637, Paullina, IA 51047			
DD #80	Notice of Public Hearing	\$ 44.69	Stamped
The Hartley Sentinal-Everly-Royal News, PO Box 456, Ocheyedan, IA			
DD#80	Notice of Public Hearing	\$ 78.56	Stamped
Bolton & Menk Inc., 1960 Premier Drive, Mankato, MN 56001			
DD#108	Constr Engineering/Annex/Reclass	\$ 2,492.50	Stamped
DD #80	Survey/Study/Report/Annex/Reclass	\$ 5,039.00	Stamped
DD#37	Survey/Study & Report-Public Hearing	\$ 9,408.00	Stamped
DD#23	Constr Engineer	\$ 1,480.00	Stamped
DD#26	Constr Engineer/Annex/Reclass	\$ 2,023.50	Stamped
Total Claims		\$20,641.94	

Ayes: Anderson, Matthews, Skelton, Skow and Swanson. Nays: None. Abstentions: None. Resolution adopted. Resolutions adopted.

Motion by Skow, seconded by Swanson to approve the reimbursement agreement between Clay County and Deputy Sheriff Blaine Johnson to provide training reimbursement to the City of Estherville for their expense in Deputy Johnson attending and successfully completing the Iowa Law Enforcement Academy training. Motion carried.

The Clay County Board of Supervisors recessed their regular board meeting at 8:47 a.m. to act as trustees of Drainage District 113.

Drainage District #113 Meeting – Appoint Commissioners for Reclassification

The Clay County Board of Supervisors met as trustees of Drainage District #113 on Tuesday, August 15, 2017 at 8:47 a.m. Members present: Supervisors Anderson, Matthews, Skelton, Skow and Swanson.

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

Motion by Swanson, seconded by Skelton to authorize, pursuant to Iowa Drainage Code 468.38, the Clay County Auditor to appoint David Simington and Bernard Campbell as two (2) freeholders of the county as commissioners to classify and assess the open ditch repairs and improvement project. Compensation for the commissioners shall be \$100 per half day plus mileage. Motion carried.

The Chairperson adjourned the Drainage District 113 meeting at 8:49 a.m.

The Board reconvened the regular board meeting at 8:49 a.m.

Motion by Skow, seconded by Anderson to set the date and time of August 29, 2017 at 9:15 a.m. at the Clay County Administration Building board room for the public hearing of the DNR Construction Permit Application to build a new confinement building for Bluejay Farms 1, LLC, 824 Brooks Road, Iowa Falls, IA 50126 located in SW ¼ of SE ¼ of Section 14 of Lincoln Township, Clay County, Iowa. Motion carried.

No date was set by the Board for a public hearing of the DNR Construction Permit Application to build a new confinement feeding building for Old Fashion Pork, LLC, located in the NW of the NW of section 34 Sioux Township, Clay County, Iowa as the DNR determined that no public hearing was required for this application.

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

RESOLUTION NO. 2017-30

A RESOLUTION TO AFFILIATE WITH THE NORTHWEST IOWA REGIONAL HOUSING TRUST FUND AS A PARTICIPATING COUNTY

WHEREAS, The Northwest Iowa Regional Housing Trust Fund (NWIRHTF) is a certified Regional Housing Trust Fund, whose mission and purpose is to address the affordable housing needs within its nine-county region through coordination and long term planning; including securing and allocating resources to address the unmet housing needs that exist within the region.

WHEREAS, The Clay County Board of Supervisors understands that an opportunity exists to join the Northwest Iowa Regional Housing Trust Fund, Inc.

WHEREAS, The Clay County Board of Supervisors desires to affiliate with the Northwest Iowa Regional Housing Trust Fund as a participating county to assist us in addressing the unmet housing needs within our county.

THEREFORE, BE IT RESOLVED that Clay County does hereby request to affiliate with the Northwest Iowa Regional Housing Trust Fund as a participating county beginning Fiscal Year 2018.

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BE IT FURTHER RESOLVED that Clay County agrees to appoint two individuals to represent the County on the Northwest Iowa Regional Housing Trust Fund Board. Clay County understands that one representative will be from the public sector and one representative will be from the private sector.

APPROVED AND ADOPTED this 15th day of August, 2017 and the vote thereon being as follows:
Ayes: Anderson, Matthews, Skelton, Skow and Swanson. Nays: None. Abstentions: None.
Resolution adopted.

/s/ Burlin H. Matthews, Chairperson, Clay County Board of Supervisors
ATTEST: /s/ Marjorie A. Pitts, Auditor

9:00 a.m. Jake Brake Ordinance Amendment 1st Public Hearing

The time having arrived for the first hearing and reading on the proposed Amendment to the Clay County Ordinance for 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 amend Section 6 of the Ordinance as follows:

SECTION 6. Any violation of this section shall be a simple misdemeanor.

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. Sheriff Raveling gave comment on the burden of proof would be upon the witness. It was moved by Supervisor Anderson, seconded by Supervisor Skow to close the hearing and place the proposed ordinance on file and read it for the first time.

The Amendment to 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 first time, and it passed by a vote of the majority of the Board of Supervisors. Those voting for passage: Supervisors Skelton, Swanson, Anderson, Skow, and Matthews. Those voting against passage: None.

9:15 a.m. Public Hearing

The time having arrived for the public hearing to receive and consider any objections and other comments to the application of Grant & Jaime Brecher for a change in zoning from A-1 Agricultural to Commercial for a property located at 2440 365th St., Spencer, IA. The Board determined that proper notice of the public hearing was accomplished and all adjourning landowners were notified. Finding there to be no oral or written objections the Chairperson opened the hearing to oral comments and discussion. Attendee Frank Lehman asked if a home could be built in a commercial zone. Zoning Administrator McKeever's answer was no. It was then moved by Supervisor Anderson, seconded by Supervisor Skow to accept the recommendation of the Clay County Zoning Commission presented by the Clay County Zoning Administrator, Tammy McKeever. Motion carried.

9:30 a.m. Brady Follon Construction Permit Hearing for Section 27 of Waterford Twp, Clay County, IA This being the time and place for the public hearing for one new 2400 head deep pit swine finishing confinement building at an existing swine confinement facility in Clay County

submitted by Brady Follon, 1330 310th Street, Everly, Clay County, Iowa. The Board determined that notice of the public hearing was published in the Spencer Daily Reporter pursuant to the Iowa Code. Sanitarian McKeever has notified, by letter, the landowners within one mile of the application location. After County Sanitarian Tammy McKeever reviewed with the Board the Master Matrix scoring. The Board asked for comments of the attending audience. After discussion regarding location concerns related to Drainage District #2 tiling the Board suggested Sanitarian McKeever prepare a letter to the Iowa DNR stating location concerns and requesting a mitigation plan for potential spills. The public hearing was closed by the Chairperson at 9:37 a.m.

It was moved by Supervisor Anderson, seconded by Supervisor Skelton to adopt the following resolution with the continence of a favorable report from the Iowa DNR site inspection:

RESOLUTION NO. #2017 - 25
Recommending approval of the Brady Follon
New 2400 Head Deep Pit Swine Finishing Confinement Building
Application to the Iowa Dept. of Natural Resources.

WHEREAS, the Clay County Board of Supervisors has adopted the Master Matrix for the purpose of scoring CAFO construction applications to provide an opportunity for local input, and

WHEREAS, a construction application for a new 2400 Head Deep Pit Swine Finishing Confinement Building by Brady Follon; and

WHEREAS, the Clay County Environmental Health Director, has reviewed the application using the Master Matrix, finding a score of 455 points, and has verified all of the elements of the application for accuracy; and

WHEREAS, the minimum score set by the DNR is 440 points.

WHEREAS, the Board of Supervisors published a notice of public hearing in the Daily Reporter as required, and, held said public hearing in the Public Meeting Room at the Clay County Administration Building on July 28, 2017 for the purpose of receiving public comment; and

WHEREAS, the Board of Supervisors, has assembled their comments and those of the public for submission to the DNR;

NOW THEREFORE BE IT RESOLVED that the Clay County Board of Supervisors hereby recommends approval of the construction application of Brady Follon.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa, this 15th day of August, 2017 and the vote thereon being as follows:

Ayes: Anderson, Matthews, Skelton, Skow and Swanson. Nays: None. Abstentions: None.

/s/Burlin H. Matthews, Chairperson, Clay County Board of Supervisors

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

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Sanitarian Tammy McKeever discussed the Clay County Board of Health request that McKeever provide lead inspections to eight (8) counties for one year instead of the current five (5) currently served.

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

10:15 a.m. Closed Session pursuant to Iowa Code 21.5(j) - Real Estate

Motion by Swanson, second by Skelton to enter into closed session at 10:15 a.m. Motion carried.

Motion by Skow, second by Skelton to exit closed session at 10:55 a.m. Motion carried.

11:00 a.m. Clay County Conservation Executive Director Dan Heissel and Roadside Manager Marc Gustafson spoke with the Board regarding the County Noxious Weed Policy. Discussion related to the methods of bringing residents into compliance with the policy. Consideration of the NRCS rules were discussed. Heissel and Gustafson will bring policy revisions to the Board when completed.

Motion by Anderson, second by Skelton to accept the 2017 Clay County Employee Handbook revisions and direct the County Auditor to distribute handbooks to all county employees. Motion carried.

Motion by Skow, seconded by Swanson to approve the Certificate of Adjustment #2279 of \$276.00 on receipt # 13643 for Dick & Hoa Baccam on a property located at 710 6th Avenue East, Spencer, IA for fiscal year 2016/2017 and payable 2017/2018. Landowner qualifies for suspension. Motion carried.

Motion by Anderson, seconded by Skelton to rescind the July 18, 2017 motion to void warrant #161845 in the amount of \$500.00 due to incorrect warrant amount. Motion carried.

Motion by Swanson, seconded by Skelton to approve the voiding of warrant #161845 for \$800.00 to Luke Jorgenson, 4070 Hwy 71, Spencer, IA 51301 from fiscal year 2015-2016. Warrant is still outstanding after three (3) letters were sent to Jorgenson. Motion carried.

Motion by Anderson, seconded by Skelton to approve the quotation from Fastenal, 1001 2nd Avenue SE, Spencer, IA 51301 of \$716.88 for a secure gas storage cabinet. Quote includes shipping and handling. Motion carried.

Motion by Skelton, seconded by Swanson to accept and authorize the chairperson to sign the Employee Payroll Request from the Secondary Roads department to increase the hourly rate of Matt Dehrkoop to \$23.78 due promotion to Road Construction Foreman. Motion carried.

Motion by Swanson, seconded by Skelton to approve Certificate of Adjustment #2280 on receipt #13782 for Mitzi K Wagner, 821 E 7th Street, Spencer, Iowa 51301 on a property located on Block 12 Lot 11 2nd College Addition, Spencer, IA for fiscal year 2016/2017 and payable 2017/2018. Adjustment made necessary due to request by owner to reinstate military exemption and homestead credit due to attorney administrative error. Total to deduct \$222.00. Motion carried.

Supervisors discuss/share information from committees and boards they have attended.

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Supervisor Swanson reported on the Clay County Visitor's Bureau meeting. Supervisor Skelton will be attending an Upper Des Moines Opportunity meeting next week. Supervisor Skow updated the Board on the County Safety and Department Head meetings.

11:18 a.m. Break for Lunch

1:00 p.m. Drainage District #80 Public Hearing

Guests: Attorney Jim Hudson, Attorney Morey Newnon, Jon Rosengren and Bolton & Menk employees Joel Schoelerman and Jacob Hagen.

1:00 p.m. The time having arrived for the public hearing to review the Bolton and Menk Engineer's investigative report of proposed improvements for Drainage District #80 including discussions regarding annexation and reclassification.

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

Attorney Jim Hudson spoke to the attendees regarding drainage district projects and procedures.

Jonathon Rosengren, P.E. from Bolton and Menk, 1900 Highway Blvd, Spencer, Iowa presented the engineer's report that spoke to the intended topics of the public hearing.

Written objections and a letter of support was read and discussed. Motion by Skow, seconded by Anderson to direct the engineers of Bolton & Menk, Inc. to proceed with plans and specifications for the Drainage District 80 Improvement Project. Motion carried.

Chairperson Matthews closed the public hearing and adjourned the meeting of Drainage District #80 at 2:43 p.m.

The Chairperson adjourned the meeting at 2:45 p.m. to convene at the next Auditor's called meeting August 29, 2017 at 8:30 a.m.

/s/Marjorie A. Pitts, County Auditor

/s/Burlin H. Matthews, Chairperson