

Clay County Board of Supervisors Minutes from Meeting 10 held on February 27, 2018

The Clay County Board of Supervisors met pursuant to adjournment February 27, 2018 at 8:30 a.m. in the boardroom with Chairperson Anderson presiding and with the following other members present: Supervisors Anderson, Matthews, and Skelton, Assistant County Attorney Barry Sackett, and Auditor Marjorie Pitts as clerk for the meeting. Chairperson Anderson 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, and Skelton. Nays: None. Abstentions: None.

Motion by Skelton, seconded by Matthews that the Board meeting agenda for February 27, 2018 be received and placed on file with the County Auditor as approved. Motion carried.

Motion by Matthews, seconded by Skelton that the minutes of the Board Meeting #8 held February 13, 2018 and Board Meeting #9 held February 22, 2018 are hereby approved as submitted. Motion carried.

Motion by Skelton, seconded by Matthews 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 February 27, 2018. Ayes: Anderson, Matthews, and Skelton. Nays: None. Abstentions: None. Nays: None. Abstentions: None. Resolution adopted.

Publication List by Vendor

Advanced Door Systems	Buildings	197.00
Advanced Systems	Copier Contract	213.15
Advanced Systems	Copier Contract	658.44
Alliant Energy	Utilities	25.36
Barry Anderson	Employee Travel Expenses	127.68
Arnold Motor Supply	Parts	47.17
Atlas Stamp & Seal Co	Office Supplies	52.65
Ann Baschke	Employee Travel Expenses	57.81
Black Hills Energy	Natural & Lp Gas	288.00
Brianne Blom	Recreational Supplies	47.96
Bomgaars	Supplies	1079.37
Boyer Trucks	Parts	178.24
Mike Brungardt	Witness Fees	32.50
Kristi Busse	Other Premiums	2023.63
Calibre Press	Education	149.00
Jacob Carr	Protection	60.00
CenturyLink	Telephone	17.03
Lucas Christensen	Flex	300.00
City of Peterson	Education	4887.00
City of Spencer	Tires & Tubes	40.00
Clay Co Clerk of Court	Recording	10.00
Clay Co Emerg Mgt Agency	Allocation	8752.00
Clay Co Sec Road Fund	Fuels	3413.82
Copper Cottage	Buildings	1039.53
Corn Belt Manufacturing	Parts	1050.00

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Crawford County Assessor	Education	350.00
Crysteel Truck Equipment	Parts	353.00
Custom Welding & Repair	Engineering Services	215.63
Daily Reporter	Board Proceedings	949.42
DAS-IA Dept Admn Services	Deferred Comp Fee	50.00
DASH Medical Gloves	Clothing & Dry Goods	212.70
Barry DeLoss	Rent Payments	610.00
Dist III IACCB	Dues & Memberships	200.00
Neal Eisenbacher	Education	180.00
FASTENAL	Hardware	275.82
FleetPride	Parts	233.69
Force America Dist	Parts	2748.26
Galls an Aramark Company	Uniform	101.75
John Goeken	Mileage	9.80
Graham Tire Co	Lubricants	60.95
Greer Law Office	Legal Aid	75.00
Marc Gustafson	Flex	24.00
H & N Chevrolet Buick	Tires & Tubes	30.00
Hanson's Plumbing & Heating	Buildings	624.48
Hartley Sentinal	Board Proceedings	716.09
Holiday Inn	Employee Travel Expenses	512.90
Carissa Huse	Flex	4.00
Hy-Vee	Inmate Meals	5688.25
Iowa Lakes Community College	Buildings - Rental	3513.20
IA Lakes Electric Coop	Electric Light & Power	535.37
IA Lakes Regional Water	Water & Sewer	61.77
IA Public Health Association	Education	185.00
IA State Auditor	Audit Fees	625.00
ID Zone	Office Supplies	160.50
IDS - Info Dog Security	Disposal Services	61.00
Interstate Battery	Parts	113.95
Iowa DNR	Education	25.00
Iowa State University	Engineering Services	955.00
ISAC	Education	190.00
ISSDA	Education	250.00
J&T Rentals	Buildings - Rental	1500.00
Jacobsen Home Corp	Rent Payments	225.00
Janitors Closet	Custodial Supplies	452.10
Jaycox Implement	Parts	32.00
James Joenks	Safety	50.00
Kirkham Michael & Assoc, Inc	Engineering Services	172.12
Merlyn Kriens	Mileage	5.60
Keith Kruse	Mileage	5.60
Roger Kruse	Mileage	25.20
Marcia Larson	Mileage	18.20
Sheryl Lee	Flex	54.94
Kevin Maassen	Other Premiums	98.32
Mar-Lin Business Supply	Office Supplies	198.93
Marcus News	Board Proceedings	712.43
Mastercard	Employee Travel Expenses	662.87
Burlin Matthews	Employee Travel Expenses	280.47
MaxYield Cooperative	Natural & Lp Gas	1530.56
Menards - Spencer	Custodial Supplies	528.69
Michael Todd & Co	Supplies	372.48
Miller Plumbing & Heating	Buildings	96.28

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Kathryn Murphy	Flex	300.00
Northwest Glass Co	Buildings	169.00
Northwest Printing Co	Office Supplies	47.50
Marjorie Pitts	Employee Travel Expenses	377.86
Prairie Meadows	Employee Travel Expenses	887.04
Presto X Company	Buildings	44.00
Quill	Office Supplies	279.90
Rage Inc	Custodial Supplies	211.21
Christopher Raveling	Postage & Mailing	16.85
Rent-All Inc	Construction & Maint.	515.00
Alice Roghair	Mileage	4.90
Alicia Roos	Flex	300.00
Glenn Rouse	Other Premiums	86.42
Safety-Kleen Systems Inc.	Parts	523.82
Safran MorphoTrak	Data Processing Serv.	1550.00
Garret Seaman	Safety	104.54
Secure Shred Solutions	Shredding	48.00
Setpoint Mechanical Services	Buildings	2646.00
Daniel Skelton	Employee Travel Expenses	253.26
Snap On Tools Corp	Tools	179.00
Solutions, Inc	Data Processing Serv.	1801.17
Spencer Area Jobs Trust	Local Housing	2500.00
Spencer Hospital	Medical & Health Services	20419.02
SMU	Education	814.99
Spencer Office Supplies	Office Supplies	180.78
Sta-Mel Enterprises	Cover Aggregate/Sand/Mate	1633.60
State Industrial Products	Custodial Supplies	210.79
Spencer Taylor	Witness Fees	145.80
Thrifty White Stores	Protection/Security Serv.	37.12
Toft Electric	Buildings	678.80
Tool Depot	Minor Equip & Hand Tools	324.00
U S Postmaster	Postage & Mailing	171.00
Vander Haag's	Parts	1385.41
Verizon	Telephone	245.28
VISA	Employee Travel Expenses	2236.72
Sheila Weeks	Flex	221.00
Kevin White	Mileage	8.40
Winther Stave & Co	Audit Fees	1190.94
Woodward Youth Corporation	Detention	1492.80
Grand Total		96912.58

Motion by Matthews, seconded by Skelton to approve drainage expenditure from Joint Drainage District #61 CDE, dated February 27, 2018 totaling \$42.11 for the completion hearing publication to the Spencer Daily Reporter, PO Box 197, Spencer, IA 51301. County Auditor is instructed to send the billing Emmet County and then to Dickinson County for payment after approval. Motion carried.

Motion by Skelton, seconded by Matthews to approve drainage expenditure from Joint Drainage District #61 CDE, dated February 27, 2018 totaling \$36,821.69 for partial final payment to payable 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 Matthews, seconded by Skelton 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 February 27, 2018. County Auditor is directed to issue stamped warrants from drainage districts which currently have insufficient funds. Ayes: Anderson, Matthews, and Skelton. Nays: None. Abstentions: None. Resolution adopted.

Mark Tewes, 1935 400 th Street, Spencer, IA 51301		
Crop Damages	DD#118 WB	\$ 1,478.57 Stamped
Robert Runchey, 310 2 nd Avenue NW, West Bend, IA 50597		
Crop Damages	DD#118 WB	\$ 1,478.56 Stamped
Bolton & Menk, Inc., 1960 Premier Drive, Mankato, MN 56001		
Annexation/Reclassification Services	DD#26	\$ 4,180.00 Stamped
Survey/Study/Report-Public Hearing	DD#37	\$ 2,103.50 Stamped
Survey/Annexation & Reclassification	DD#80	\$ 3,173.00 Stamped
Annexation/Reclassification Services	DD#108	\$ 3,388.00 Stamped
Annexation/Reclassification Services	DD#113	\$ 576.00 Stamped
Total Drainage Warrants:		\$ 16,377.63

Motion by Skelton, seconded by Matthews to accept with regret the resignation of Robert Alderman from the Clay County Commission to Assess Damages Board. Motion carried.

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

RESOLUTION NO. #2018-06

BOARD OF SUPERVISORS OF CLAY COUNTY, IOWA, RESOLVES TO SUPPORT THE HIGHWAY 18 SUPER TWO COALITION

WHEREAS, the Board of Supervisors of Clay County, Iowa, recognizes that highways have been and will continue to be a vital element in our transportation system and a key to our continued economic growth; and

WHEREAS, the Board of Supervisors of Clay County, Iowa, recognizes that it is vital for the rural economic development of our communities to improve Highway 18 due to increased vehicle and large truck travel; and

WHEREAS, the Board of Supervisors of Clay County, Iowa, is in full support of the newly formed Highway 18 Super Two Coalition,

NOW, THEREFORE, Be it resolved that the Board of Supervisors of Clay County, fully supports the Highway 18 Super Two Coalition in their efforts to improve Highway 18.

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

Passed this 27th day of February 2018, and approved on this 27th day of February, 2018.

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/s/Barry Anderson, Chairman
ATTEST: /s/Marjorie Pitts, Auditor

8:50 a.m. Assistant County Attorney Barry Sackett

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

9:00 a.m. The Board spoke with GIS Coordinator James Worm regarding the costs required from companies requesting to purchase real estate parcel data. Currently the cost requested is 10 cents per parcel. The Board asked Worm to obtain information from other counties as to their pricing structure for real estate data.

9:10 a.m. The Board met by conference call as Trustees for the Jt. D.D. #61 CDE along with Emmet and Dickinson County Trustees for a continuation of the meeting adjournment from February 13, 2018.

Meeting called to order by Chairperson, William Leupold.

9:10 a.m.: Roll call of County representatives:

Present telephonically are: Supervisors Barry Anderson, Burlin Matthews, Dan Skelton, and representing Clay County.

Present are Supervisors: Paul Johnson, Mardi Allen, Tim Fairchild, and Chairperson William Leupold. Vice-Chairperson Pam Jordan present telephonically representing Dickinson County. Present telephonically are Supervisors Roger Hash, Beverly Juhl, Jeff Quastad, and Tim Schumacher representing Emmet County.

Chair Leupold stated that the meeting was a continuation from the February 13, 2018 Public Hearing on Completion Hearing meeting for Drainage Ditch No. 61 C, D, & E-2016 Open Ditch (Project#E12211).

Chairperson Leupold said that he would like a letter received from James C. Hudson, representing the Hudson Law Firm be read by Deputy Auditor Boots Gross acting as secretary for the hearing. Hudson was consulted in the February 13, 2018 meeting to help with the litigation issue between Cory Jurgens, the contractor for the repairs in the ditch and Iowa Lakes Regional Water line dispute. In that meeting, it was decided to hold the amount of \$15,984.11 for the litigation in retainage. Hudson stated in his present letter that the counties had no liability in the dispute between the contractor and Iowa Lakes Regional Water. Supervisor Quastad questioned the decision about withholding the retainage since the counties had no liability in the litigation and wanted it put to a vote to pay the contractor. It was moved by Supervisor Anderson, seconded by Supervisor Schumacher to pay the remainder of the retainage to Cory Jurgens Construction, LLC in the amount of \$15,984.11. Roll call vote: Supervisors: Anderson-aye, Schumacher-aye, Skelton-aye, Matthews-aye, Hash-aye, Juhl, aye, Quastad-aye, Johnson-aye, Allen-aye, Fairchild-aye, Jordan-aye, and Leupold-aye.

Leupold entertained a motion to close the hearing. Several supervisors from Clay County discussed trying to resolve the issue with DNR and trying to get the rest of the silt cleaned out from the end of

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the drainage ditch to the lake. The drainage ditch has no authority to do anything within the perimeters of the DNR property. There is concern with some of the landowners that if the hearing were to be closed nothing could be done to make sure the DNR property was finished all the way to the lake. Dale Langner, a Clay County resident spoke against closing the hearing. It was suggested that since the problem lies within DNR property, the landowners were also concerned they could not file a new drainage petition to repair the issue, as the property did not fall within the drainage ditch. It was brought up by Supervisor Quastad that Iowa Code allows land to be drained even if it is on public land.

Supervisors from Clay County thought that they needed legal advice from the James Hudson, the drainage attorney, before they closed the hearing. Moved by Supervisor Anderson and seconded by Supervisor Skelton to continue the hearing for Joint Drainage Ditch No. 61 C, D, #E-2016 Open Ditch (Project #E12211). Roll call vote: Supervisors: Anderson-aye, Matthews-nay, Skelton-aye, Hash-aye, Juhl-nay, Quastad-nay, Schumacher-nay, Allen-aye, Fairchild-aye, Leupold-aye, Johnson-nay, Jordan-aye. The meeting will be continued on March 13, 2018 at 9:00 a.m. in the Dickinson County Board Room at 1802 Hill Avenue, Spirit Lake, IA.

Moved by Supervisor Anderson, seconded by Supervisor Quastad to pay the claim submitted by KVK Ag Inc. in the amount of \$3117.26 for seeding and fence repairs. Supervisors: Anderson-aye, Quastad-aye, Skelton-aye, Juhl-aye, Schumacher-aye, Hash-aye, Allen-aye, Johnson-aye, Fairchild-aye, Jordan-aye, Leupold-aye. Supervisor Matthews did not cast a vote as he had stepped out at that time.

9:30 a.m. NWIPDC Executive Director Ted Kourousis and the City of Spencer Parks and Recreation Director Delray Bredehoeft spoke with the Board regarding the Iowa Great Lakes Trail Connection project from 300th Street to 270th Street in Summit Township through Fostoria. Kourousis presented a preliminary opinion of probable cost to extend the Iowa Great Lakes Trail project from 300th Street to 270th Street in Clay County. The deadline to file an application for the regional TAP grant is March 16, 2017 and requires the Board Chair signature and a 20% match commitment. The preliminary estimate includes excavation, grading, concrete, erosion control, seeding, signs, and a 10% contingency, engineering costs of \$134,300, construction phase services, and legal fees totaling \$1,342,782 of which the county would commit \$268,556. The Board consensus was to direct Kourousis to move forward and a formal Board action item would be considered at their next regular board meeting to be held on March 13, 2018.

10:00 a.m. William Rabenberg – County Engineer

Motion by Skelton, seconded by Matthews to accept the low bid for Bridge Deck Overlay & Bridge Floor Repair, Project Number LFM-2018DO--7X-21 from Cramer & Associates of Grimes, Iowa in the amount of \$478,144.35 which include Bridge # B10-2, EB14-1, BB23-1, FB18-1, FB34-2 and MB15-2 and authorize the Chairperson to sign the contracts. Motion carried.

No Board action taken to approve Federal-aid Agreement with the Iowa Department of Transportation and Clay County for project HSIP-S-CO21(139)--6C-21 and authorize the Chairperson to sign agreement. Motion carried.

Engineer Rabenberg gave the Board an update on Utility permits for a R-O-W electrical permit, a pole and power meter permit, an overhead line permit, and an underground power link permit.

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Rabenberg also furnished information regarding procedures followed by Iowa One Call during construction projects and future secondary roads staffing opportunities.

10:45 a.m. The Board participated in the Annexation Consultation with the City of Spencer and Riverton Township Clerk Mike Johnson regarding the voluntary annexation of a parcel of approximately 10.4 acres owned by Green & Yellow, LLC which they have requested to be annexed into Spencer, Inc. The County and the Township may make written recommendations for modification to the proposed annexation within seven (7) business days following the consultation. The Board is to adopt a resolution not later than thirty (30) days after the consultation, stating whether or not it supports the application or whether it takes no position. The County resolution is to also consider its Comprehensive Land Use Plan and be filed with the City to be considered by the City Council. After discussion it was requested that a resolution be prepared for consideration at the next regular Board of Supervisor meeting to be held on March 13, 2018.

11:15 a.m. Tammy McKeever – Zoning Dept.

Motion by Skelton, seconded by Matthews

to accept with regret the resignation of Sharon McKeever, 1942 350th Avenue, Spencer, Iowa 51301 from the Clay County Zoning Board. Motion carried.

Motion by Matthews, seconded by Skelton to accept with regret the resignation of John Olson, 4670 200th Avenue, Sioux Rapids, Iowa 50585 from the Clay County Zoning Board of Adjustment. Motion carried.

Tammy McKeever gave the Board a departmental update regarding future zoning applications, the process of selecting new members to the Zoning Board and Zoning Board of Adjustments, and an application by Trade Winds for a substation location.

Motion by Matthews, seconded by Skelton to approve move of spending power in amount of \$12,000 to account 01000-0910-632-51-176 from seven separate spending accounts with the same Service Area 9, Dept. 51 expense budget for fiscal year 2018. Motion carried.

Motion by Skelton, seconded by Matthews to approve Transfer #373 of \$2,500 from LOSST-Any Lawful Use to fund the Quality Housing Initiative fund for James & Mary Jeppesen. Motion carried.

Motion by Matthews, seconded by Skelton to approve the proposal of \$35,592 from Henry Adkins & Son, 331 Independence Ave., Clinton, MO. 64735 for updating the present ADA voting system with mini-central scan unit for absentee precinct and Freedom Vote tablets for assessability per Iowa Code 52.2 and the federal Help America Vote Act relating to disabled voters. Motion carried.

Motion by Skelton, seconded by Matthews to accept the recommendation from the Clay County Assessor to disallow Business Property Tax Credit Applications. Motion carried.

Motion by Skelton, seconded by Matthews to accept the Business Property Tax Credit Applications filed by July 1, 2017 for 2017 Assessment Year. Motion carried.

Auditor Pitts discussed potential payment of custodial fees to designated election polling locations and the desire of the Board to define county-owned cell phone usage.

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Supervisors discuss/share information from committees and boards they have attended. Supervisor Anderson updated the Board on the Drug Court meeting and the NWIA CC Board meeting. Supervisor Matthews reported on the RIDES Board meeting, the IGHCP Board meeting, the Iowa Lakes Corridor meeting and the Season's Board meeting. Supervisor Shelton had no report at this time.

The Chairperson adjourned the meeting at 11:43 a.m. to convene at the next Auditor's called meeting March 13, 2018 at 8:30 a.m.

/s/ Barry Anderson, Chairperson
/s/Marjorie A. Pitts, County Auditor