

# Clay County Board of Supervisor's Minutes from Meeting 10 held on March 12, 2019

The Clay County Board of Supervisors met pursuant to adjournment March 12, 2019 at 8:30 a.m. in the boardroom with Chairperson Swanson presiding and with the following other members present: Supervisors Anderson, Hamrick, Matthews, Skelton, Assistant County Attorney Barry Sackett, and Auditor Marjorie Pitts as clerk for the meeting. Chairperson Swanson 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, Hamrick, Matthews, Skelton and Swanson. Nays: None. Abstentions: None.

Motion by Matthews, seconded by Hamrick that the Board meeting agenda for March 12, 2019 be received and placed on file with the County Auditor as approved. Motion carried.

Motion by Skelton, seconded by Anderson that the minutes of the Board Meeting #9 held February 26, 2019 are hereby approved as submitted. Motion carried.

Motion by Anderson, 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 March 12, 2019. Ayes: Anderson, Hamrick, Matthews, Skelton, Swanson. Nays: None. Abstentions: None. Resolution adopted.

### Publication List by Vendor

A & M Laundry	Parts	176.68
A-1 Portables	portapots	63.00
Accurate Controls	service	2416.38
Advanced Network Professionals	monthly backup	100.00
Advanced Systems	Copier charges	112.54
Advanced Systems	Copier charges	341.18
Airgas USA	Supplies	130.77
Alliant Energy	utilities	1128.81
Alpha Wireless Comm	equipment	1848.50
Barry Anderson	Expenses	433.26
Arnold Motor Supply	parts	820.47
Asher Motor Co	Lubricants	35.48
Atlantis Global	Safety	143.20
Ayrshire Farmers Mutual Tele	Telephone	184.78
Black Hills Energy	utilities	6123.43
Blue Lake Websites	service	700.00
Bound Tree Medical	supplies	247.41
Boyer Trucks	Parts	1172.45
Buena Vista Co Treasurer	taxes	755.00
Canon Fin Services	copier charges	478.14
Bill Caskey	Rent Payments	520.00
CenturyLink	Telephone	499.29
Cintas Corporation	Uniforms	60.00
City of Everly	utilities	450.69
City of Spencer	com ctr/utilities	20829.37
Clay Co Fair & Event Center	fair parking	108.00
Clay Co Sec Road Fund	Fuels	406.97
Clay County Capital Projects	entry correction	15034.80

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Clay County Treasurer	Taxes	1940.00
Cooperative Energy Company	Parts	48047.80
Culligan	water	19.70
Daily Reporter	publication	731.93
Denny Dalen	mileage	17.85
Kathleen Day	Twp mileage	8.40
Dockendorf Equipment	Parts	409.75
Electrical Engineering & Equip	Buildings	400.00
Alberto Enciso	Flex	300.00
Everttek	phone/internet/cable	692.42
Fareway Stores Inc	jv ct meal	35.86
FASTENAL	Buildings	310.00
FleetPride	Parts	1525.86
Frank Dunn Company	Cover Aggregate/Sand/Mate	799.00
Galls	Uniforms	22.35
GeoComm Corporation	maint	5610.00
John Goeken	Twp mileage	9.10
Golden Hills RC&D	Recreational Supplies	300.00
Graham Tire Co	tires	237.90
Greg's Repair	Buildings	82.95
John Gross	Twp mileage	11.90
Marc Gustafson	Flex	30.25
Diane Hagedorn	Rent Payments	440.00
Hanson's Plumbing & Heating	Buildings	247.95
Hartley Sentinel Inc	Publications	783.89
Tyler J Heck	Flex	103.29
IA County Atty's Assn	registration	325.00
Iowa Lakes Community College	DHS rent/exp	3097.81
IA Lakes Corridor	Allocation	10000.00
IA Lakes Regional Water	Water & Sewer	526.88
State Medical Examiner	Services	2690.00
IA Prison Industries	Hardware	3180.00
IA State Auditor	Audit charges	625.00
Iowa State University	registration	100.00
ICAP	Tort Liability	1939.22
ICIT	registration	325.00
ISAC	NACO expenses	1158.20
ISSDA	memberships	250.00
ISU	TWP training	500.00
Janitors Closet	Supplies	1239.80
Jaycox Implement	Parts	42.00
Johnston Automotive	Parts	101.16
Jeremy Kelley	Rent Payments	400.00
Knight Protection	Buildings	300.00
Keith Kruse	Twp mileage	8.75
Laurie Saunders	CPR classes	75.00
Angela Lawson	Flex	900.00
Sheryl Lee	Mileage	6.22
Lexis Nexis	law library	889.96
Lube-Tech & Partners	Lubricants	2091.96
Kevin Maassen	registration	15.00
Mail Services	renewals	541.53
MAILFINANCE	Postage mach	419.88
Maintainer Corp	Parts	26.75
Mar-Lin Business Supply	Office Supplies	165.43
Marcus News	Board Proceedings	793.23
Matheson Tri-Gas	Supplies	17.36
Burlin Matthews	Flex	131.84

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MaxYield Cooperative	Natural & Lp Gas	2654.52
Menards	Misc Supplies	263.22
Miller Plumbing & Heating	Buildings	396.40
MSC Industrial Supply Co	supplies	280.89
Kathryn Murphy	Mileage	27.71
NACVSO	Training	350.00
National Sheriff's Assoc	Memberships	115.00
Neofunds	Postage	2000.00
New Sioux City Iron	supplies	88.16
Nielsens Tire & Appliance	tires	1568.89
North Central	Parts	610.78
NW IA Planning & Devlpmnt Comm	Rev loan service	200.00
NW IA Youth Emergency Serv Ctr	Detention	525.00
Office Depot	Supplies	78.90
Robin Patrick	CPR classes	75.00
Pitney Bowes	machine	152.34
Polk County Sheriff	Shrf fees	83.20
Premier Communications	phone access	642.92
Presto X Company	Buildings	46.00
Quill	toner	121.99
Remillard Signs	signs	120.00
Cheryl Riley	Flex	35.48
Travis Riley	registration	15.00
Royal Telephone Co	Telephone	30.00
Sac County Zoning/Env Hlth	Supplies	45.00
SCG Consulting Services	service	2500.00
Joseph Schueller	flex	60.00
Secretary of State	notary	30.00
Sherwin Williams	paint	64.61
Michael Skonhovd	registration	15.00
Snap On Tools	Tools	59.25
Solutions, Inc	services	1094.10
Speed Printers	Office Supplies	164.00
Spencer Area Jobs Trust	housing initiative	2500.00
Spencer Auto Parts	Parts	1630.04
Spencer Family Care/Avera Aver	ME Services	125.00
Spencer Hospital	PHN/IDPH funds	298.73
SMU	utilities	14769.63
Spencer Office Supplies	supplies/equipment	1518.80
Sta-Mel Enterprises Inc	Cover Aggregate/Sand/Mate	8783.25
Staples	Supplies	150.32
Star Energy LLC	Fuels	3730.46
Amy Strohman	Supplies	5.49
Terril Telephone Coop	Telephone	8.04
The Nature Conservancy	Memberships	150.00
Mark A Thompson	Flex	40.00
Thrifty White Stores	inmate medication	42.51
Town & Country Disposal	garbage	71.00
US Cellular	cell phones	838.27
Verizon	cell phones	702.50
Marlin Voss	mileage	19.60
Alex Waagmeester	service	5.00
Warner Funeral Home	Services	675.00
Wells Fargo Vendor Fin Serv	payment	577.12
Windstream	line access	41.69
Ziegler Inc	Parts	10824.29
Grand Total		234341.83

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Motion by Skelton, seconded by Anderson to approve drainage expenditure from Joint Drainage District #61 CDE, dated March 1, 2019 totaling \$3,148.00 for engineering services on ditch cleanout payable to Jacobson-Westergard & Associates, Inc., 105 South 6<sup>th</sup> Street, Estherville, IA 51334. County Auditor is instructed to send the billing to Dickinson County for payment after approval. Motion carried.

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

RESOLUTION NO. #2019-10

**ORDER FOR NOXIOUS WEED CONTROL ON ROADSIDE  
PURSUANT TO CHAPTER 317 OF THE IOWA CODE**

BE IT RESOLVED, by the Board of Supervisors of Clay County, Iowa, that pursuant to provisions of Chapter 317 of the Code of Iowa. It is hereby ordered:

A. That each owner and each person in the possession or control of any lands in Clay County, Iowa, shall cut, burn, spray, or otherwise destroy all noxious weeds thereon, as defined in this chapter at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity. Said lands shall be keep free from such growth of any other weeds, as shall render the streets or highways adjoining said lands unsafe for public travel. Noxious weeds shall be cut, burned, sprayed, or otherwise destroyed on or before the following dates and as often thereafter as it is necessary to prevent seed production:

Group 1. June 10, 2019 for Leafy Spurge, Hoary Cress, Sour Dock, Smooth Dock, Red Sorrel, Curly Dock, Musk Thistle.

Group 2. June 24, 2019 for Canada thistle, Russian Knapweed, Buckhorn Plantain, Wild Mustard, Buckthorn.

Group 3. July 15, 2019 for Field Bindweed, Wild Carrot, Poison Hemlock, Multiflora Rose, Horse nettle, Perennial Sow thistle, Quack grass, Velvetleaf, Puncturevine, Cocklebur, Bull Thistle, Purple Loosestrife, Shatter cane, Tall Thistle, Wild Sunflower, and Teasel.

B. That each owner and each person in the possession or control of any lands in Clay County, Iowa, infested with any noxious weed shall adopt a program of weed destruction, in accordance with this notice, that may be expected to destroy and will immediately keep under control any such infestation of said noxious weeds.

C. That if the owners or persons in possession or control of any land in Clay County, Iowa, fail to comply with any order of the Weed Commissioner for the destruction of weeds in accordance with this notice, the weed commissioner shall cause the weeds to be destroyed and the expense of said work, including cost of serving notice and other costs to be assessed against the real estate. To the total of all sums expended, shall be added an additional 25% to compensate for the cost of supervision and administration.

D. That the County Auditor be and is hereby directed to cause notice of the making and entering of the foregoing order by one publication in each of the official newspapers of the county.

E. Clay County uses Milestone herbicide within the road right-of-ways for the control of noxious weeds. For individuals who harvest grass from the county right-of-ways, please go online and read the label for Milestone and its haying and grazing restrictions.

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F. The weed commissioner is Marc L. Gustafson, 420 10<sup>th</sup> Avenue SE, Spencer, Iowa 51301. Telephone 712-262-2187; Cell 712-240-2148.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa, this 12<sup>th</sup> day of March 2019 and the vote thereon being as follows:

Ayes: Anderson, Matthews, Skelton, Hamrick, and Swanson.

Nays: None.

Abstentions: None.

/s/Randy Swanson, Chairperson Clay County Board of Supervisors

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

Motion by Skelton, seconded by Anderson to accept and authorize Sheila Weeks, County Recorder to sign the lease agreement with Advanced Systems, Inc., 207 10<sup>th</sup> Street SW, Spencer, Iowa 51301 for a Canon imageRUNNER c3535i copier for the County Recorder's office. The term of the agreement is 63 months at \$215.14 per month. Motion carried.

Motion by Anderson, seconded by Matthews to authorize the chairperson to sign an amended 28E agreement for Northwest Care Connections to remove Lyon County from the agreement. This administrative contract reflects the relationship with county employees who provide administrative functions for Clay County and four other northwest Iowa counties (Dickinson, O'Brien, Osceola and Palo Alto) to address the regional administration of mental health and disability services (MH/DS). Motion carried.

**8:50 a.m. Tammy McKeever – Zoning, Envir Health, Safety Dept and EMS Director**

Motion by Skelton, seconded by Hamrick to appoint Lois McCarty, 1240 480<sup>th</sup> Street, Peterson, IA 51047 to fill the vacancy on the Clay County Planning & Zoning Commission pursuant to Code of Iowa Chapter 335.8 for the residue of the three (3) year term expiring December 31, 2020. Motion carried.

Director McKeever reminded the Board of the upcoming EMS Appreciation Banquet at the Oneota Park Cabin on Saturday, March 16, 2019.

**9:00 a.m.** Emergency Management Director Eric Tigges spoke with the Board regarding the FY2020 budget hearing and passage that was conducted by his Commission. The Commission authorized Tigges to prepare a FY2019 budget amendment to purchase a truck and to develop a five year capital improvements plan.

**9:30 a.m. Fiscal Year 2020 Budget Hearing**

This being the time and place for the hearing upon the budget estimate for fiscal year 2020. There was present a quorum as required by law. Thereupon the board investigated and found that the notices of the time and place of hearing have, according to law and as directed by the Board, been published on February 28, 2019 in the Spencer Daily Reporter, Everly-Royal News and the Peterson Patriot, official newspapers, in said county, and the affidavits of said publications are on file with the Clay County Auditor. There were no written objections and the Board Chair allowed oral

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comments to be heard. After due consideration and discussion Supervisor Matthews made a motion, seconded by Supervisor Anderson to adopt the budget as published.

The vote upon final adoption of the budget was as follows: Ayes: Anderson, Hamrick, Matthews, Skelton, and Swanson. Nays: None. Abstentions: None. Motion adopted.

The County Auditor was thereupon directed to properly certify the budget as adopted and file as required by law.

It was moved by Supervisor Anderson, seconded by Supervisors Matthews to adopt the following resolution:

**RESOLUTION NO. #2019-11**

**RESOLUTION APPROVING THE RECOMMENDATION OF THE CLAY COUNTY COMPENSATION BOARD**

**WHEREAS**, Iowa Code §331.907(20) requires the County Board of Supervisors to review and act upon the county compensation board’s recommended compensation schedule for the new fiscal year which begins July 1, 2018; and

**WHEREAS**, the Clay County Compensation Board met on November 30, 2017 with recommendations of the following:

- 4% increase for the Clay County Sheriff and Clay County Attorney
- 3% increase for all other Elected County Officials

And,

**WHEREAS**, the Board of Supervisors acknowledges receipt of this recommendation and has given consideration to this recommendation;

**NOW, THEREFORE, BE IT RESOLVED**, by the Clay County Board of Supervisors, that it hereby grants the recommended increase during FY19/20. With this resolution, the FY19/20 salaries of Clay County elected Officials as follows:

<b>OFFICIAL</b>	<b>FY 19/20 SALARIES</b>
Attorney	\$100,394.04
Auditor	\$64,887.00
Recorder	\$64,262.73
Sheriff	\$87,721.55
Supervisors	\$29,414.78
Treasurer	\$64,262.73

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa, this 12th day of March 2019 and the vote thereon being as follows:

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

/s/Randy Swanson, Chairperson Clay County Board of Supervisors  
ATTEST: /s/Marjorie A. Pitts, County Auditor

**10:00 a.m. Cara Elbert-NW Planning & Development & Eric Tigges-EMA Director-Adoption of Clay County's 2019 Hazardous Mitigation Plan**

It was moved by Supervisor Anderson seconded by Supervisor Skelton to adopt the following resolution:

**RESOLUTION NO. #2019-12**

**A RESOLUTION OF THE COUNTY BOARD OF SUPERVISORS OF CLAY COUNTY, IOWA  
ADOPTING THE 2019 CLAY COUNTY, IOWA MULTI-JURISDICTIONAL HAZARD MITIGATION  
PLAN**

WHEREAS, the Clay County Board of Supervisors (Board) recognizes the threat natural hazards pose to people and property within Clay County; and

WHEREAS, the Board has prepared a multi-hazard mitigation plan, hereby known as the "2019 Clay County, Iowa Multi-Jurisdiction Hazard Mitigation Plan" in accordance and requirements of the Disaster Mitigation Act of 2000; Stafford Act and Title 44 Code of Federal Regulations (CFR) 201.6; and

WHEREAS, the United States Congress passed the Disaster Mitigation Act of 2000 emphasizing the need for pre-disaster mitigation of potential hazards; and

WHEREAS, the Clay County Board of Supervisors participated in the hazard mitigation planning process to prepare the 2019 Multi-Jurisdictional Hazard Mitigation Plan for Clay County, Iowa; and

WHEREAS, an approved and adopted local hazard mitigation plan is required as a condition of future funding for future mitigation projects under multiple Federal Emergency Management Agency (FEMA) pre-disaster mitigation grant programs; and

WHEREAS, an approved and adopted local hazard mitigation plan is required as a condition of future funding for certain types of financial disaster assistance following a Presidential Disaster Declaration under Federal Emergency Management Agency (FEMA); and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, the "2019 Clay County, Iowa Multi-Jurisdiction Multi-Hazard Mitigation Plan" identifies mitigation goals and actions to reduce or eliminate long-term risks to people and property in Clay County from the impacts of future hazards and disasters; and

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WHEREAS, Iowa Homeland Security and Emergency Management (IHSEMD) and FEMA have reviewed the 2019 Multi-Jurisdictional Hazard Mitigation Plan for Clay County, Iowa, and approved it on March 1, 2019 contingent upon this official adoption by the participating governing body; and

WHEREAS, adoption by the Board demonstrates commitment to the mitigation of hazards and achieving the goals and objectives outlined in the 2019 Clay County, Iowa Multi-Jurisdiction Multi-Hazard Mitigation Plan”; and

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors of Clay County, Iowa, herewith approves and adopts the 2019 Clay County, Iowa Multi-Jurisdiction Multi-Hazard Mitigation Plan” as an official plan for the Clay County, Iowa.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa, this 12th day of March, 2019 and the vote thereon being as follows:

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

Resolution adopted.

/s/Randy Swanson, Chairperson Clay County Board of Supervisors  
ATTEST: /s/Marjorie A. Pitts, County Auditor

**10:10 a.m.** The Board met with John Hansen from Midwest Construction Consultants. Hansen gave the background of his relationship with Clay County during the construction of the Law Enforcement Facility and discussed solutions or alternatives to several ongoing construction issues.

Motion by Matthews, seconded by Anderson to approve Transfer #392 of \$2,500 from LOSST-Any Lawful Use to fund the Quality Housing Initiative fund for Krukow. Motion carried.

Motion by Skelton, seconded by Hamrick to approve the estimate of \$2,360.00 from Warren Meier Electric, 526 W 7<sup>th</sup> Street, Spencer, IA 51301 to replace the four corner roof lights on the courthouse with 220-watt LED floods that shine on the clock bell tower. The estimate includes all labor and materials. Motion carried.

Motion by Matthews, seconded by Anderson to accept and authorize the chairperson to sign the Employee Payroll Request from Secondary Roads for Jeff Wiemann for a change in hourly wages to \$26.95 effective March 22, 2019 due to a longevity increase for twenty years of continued service. Motion carried.

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

Motion by Matthews, seconded by Anderson to accept the Business Property Tax Credit Applications filed by July 1, 2018 for the 2018 Assessment Year. Motion carried.

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Motion by Anderson, seconded by Matthews to accept the recommendation of the Clay County Assessor of two additional disallowed family farm credit claims filed prior to November 1, 2018 pursuant to Iowa Code Section 425A.4. Motion carried.

The Board met with property owner Josh Nelson regarding the recent request to change the Dead Horse Canyon Road from a level B maintenance to a level C maintenance road. The discussion involved illegal trespass and dumping on property by non-residents of the area. The Board remarked to the number of county residents that were not in favor of changing the maintenance level of the road for a wide range of reasons. The Board did not feel that changing to a level C road would deter the illegal trespass or dumping in the area.

**11:00 a.m.** Ted Kourousis, Executive Director of the NW Iowa Planning & Development Council met with the Board to update them on the Iowa Great Lakes connection Trail – Phase II funding application from the Federal Recreational Trails (FRT) fund. There were forty-one applications requesting a total of \$14,154,302 in FRT funds. Our project requesting \$289,318 did not receive funding. Director Kourousis plans to submit a grant application to the Region 3 Regional Planning Affiliation for Transportation Alternatives Program funding in the coming weeks. The Board gave consensus to go forward with the application and return in April for further actions to be taken by the Board.

**11:30 a.m. William Rabenberg – County Engineer**

Motion by Matthews, seconded by Skelton to approve Maintenance Agreement for the City of Everly and authorize the Chairperson to sign the agreement. Motion carried.

Motion by Anderson, seconded by Matthews to approve Maintenance Agreement for the City of Gillett Grove authorize the Chairperson to sign the agreement. Motion carried.

Motion by Matthews, seconded by Anderson to approve Federal Project submittal for Regional Planning Authority and authorize chairperson to sign the application. Motion carried.

Engineer Rabenberg and the Board had further discussion on changing the maintenance level of 270<sup>th</sup> Ave. (Dead Horse Canyon Road). At this time, the Board is not in favor of making any changes to the classification of this road. The Board also discussed a proposal to upgrade equipment, the legislative proposal Senate File 184, and the signing of County Road M50 east beltway plan sheets.

**12:05 p.m.** Assistant County Attorney Barry Sackett gave the Board a departmental update from the civil division of the County Attorney's office.

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

Supervisor Swanson gave updates on the Clay County Visitor's Bureau and Clay County Foundation's Meeting Awards. Supervisor Skelton gave updates on NACO and the legislative conference. Anderson gave updates on NWIACC, Lakes Corridor, NACO and Safety Dept-Head meetings. Supervisor Matthews gave updates on NACO and the conservation board meeting. Supervisor Hamrick gave updates on E-911 board meeting, Early Childhood Board Meeting, Custodial meetings and the Third Judicial board meeting.

The Chairperson adjourned the meeting at 12:48 p.m. to convene at the next Auditor's called meeting March 26, 2019 at 8:30 a.m.

/s/Marjorie A. Pitts, County Auditor

/s/Randy Swanson, Chairperson