

# Clay County Board of Supervisor's Minutes from Meeting 11 held on March 26, 2019

The Clay County Board of Supervisors met pursuant to adjournment March 26, 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 Hamrick, seconded by Skelton that the Board meeting agenda for March 26, 2019 be received and placed on file with the County Auditor as approved with the addition of time for Connie Swan regarding Drainage District #37. Motion carried.

Motion by Anderson, seconded by Matthews that the minutes of the Board Meeting #10 held March 12, 2019 are hereby approved as submitted. Motion carried.

Motion by Matthews, 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 March 26, 2019. Ayes: Anderson, Hamrick, Matthews, Skelton, Swanson. Nays: None. Abstentions: None. Resolution adopted.

### Publication List by Vendor

Advanced Systems	Data Processing Serv.	327.23
Advanced Systems	Miscellaneous	639.06
Alliant Energy	Telephone	197.91
American Legion Post #1	Allocation	1200.00
Barry Anderson	Employee Travel Expenses	2141.63
Arnold Motor Supply	Parts	116.99
Arts on Grand	Allocation	2000.00
Asher Motor Co	Lubricants	35.48
Ann Baschke	Flex	506.20
Black Hills Energy	Utilities	1011.15
LeAnn Black	Employee Travel Expenses	687.12
Blackhawk Sprinklers	Buildings	1120.00
Bomgaars	Buildings	1523.96
Tammy Brown	Flex	80.00
Kristi Busse	Flex	484.53
C & B Operations	Parts	12.44
CenturyLink	Telephone	507.61
Cintas Corporation	Uniforms	20.00
Cintas Corp	Safety Supplies	10.43
City of Spencer	Contract Carriers	7765.00
Clay Co Emerg Mgt Agency	Allocation	7400.67
Clay County Homes	Rent Payments	260.00
Audrey Coffman	Employee Travel Expenses	123.55
Compass Pointe	Outpatient/Counseling	4083.25
Copper Cottage	Buildings	2341.49

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Crescent Electric Supply	Buildings	40.46
Crysteel Truck Equipment	Parts	5638.36
Daily Reporter	Publication	119.51
John Davenport	Flex	300.00
DMACC	Educational	125.00
Elderbridge	Allocation	2894.25
FASTENAL	Buildings	1530.08
Fire Proof Plus	Buildings	392.50
Foundation Analytical Lab	Well Testing	110.65
Fresno Superior Court	Legal Fees	32.50
Galls	Wearing Apparel & Uniform	159.99
H & N Chevrolet Buick	Lubricants	1350.31
Arthur Hamrick	Employee Travel Expenses	563.28
HP Inc.	Office Equip & Furniture	285.00
Hy-Vee	Custodial Supplies	4892.06
IA Lakes Comm College	Educational	269.00
IA Lakes Electric Coop	Electric Light & Power	100.00
IA Lakes Regional Water	Water & Sewer	59.49
IEMSA	Dues & Memberships	30.00
Innovative Monitoring Systems	Safety Supplies	13.00
IA Dept of Trans Cashiers	Engineering Supplies	50.00
ISACA	Dues & Memberships	225.00
ISCTA	Educational	72.00
J&T Rentals	Buildings - Rental	1500.00
Jack's Uniforms & Equipment	Uniforms	332.53
Janitors Closet	Custodial Supplies	933.82
KAPCO Postal Pack & Ship	Postage & Mailing	13.01
Kirkham Michael & Assoc	Engineering Services	9259.54
Robert Kluender	Flex	600.00
Sheryl Lee	Flex	15.00
Kevin Maassen	Flex	98.31
Mar-Lin Business Supply	Office Supplies	144.48
Mastercard	Supplies	5.99
Matheson Tri-Gas Inc	Grounds Maintenance	113.98
Burlin Matthews	Employee Travel Expenses	2301.66
Tammy McKeever	Flex	204.00
Menards - Spencer	Buildings	180.05
Michael Todd & Co	Traffic & St Sign	3732.87
NE District of Assessors	Educational	60.00
NW IA Planning & Devlpmnt	Loan Fees	100.00
NW IA Community College	Educational	105.00
O'Reilly Auto Parts	Parts	330.15
Page Co Sheriff	Sheriff Fees	32.00
Marjorie Pitts	Employee Travel Expenses	161.00
Polk County Sheriff	Sheriff Fees	83.20
Presto X Company	Buildings	135.00
Quill	Office Supplies	167.53
Rage Inc Bubbles Dry Cleaning	Custodial Supplies	122.59
Christopher Raveling	Flex	250.42
Monica Rehnstrom	Flex	68.72
Ricoh USA	Copier Contract	91.08
Glenn Rouse	Flex	83.54
Aaron Rutter	Flex	300.00
Safelite AutoGlass	Parts	74.98
SEAT	Dues & Memberships	400.00

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Shred-It USA	Shredding	61.00
Daniel Skelton	Employee Travel Expenses	2572.11
Snap On Tools Corp	Tools	28.75
Solutions	Data Processing	5626.05
LeRoy Spears	Fuels	23.40
Spencer Hospital	Educational	1195.25
Spencer Office Supplies	Office Supplies	4029.93
Spencer Trophy & Awards	Safety Supplies	139.80
Sta-Mel Enterprises	Cover Aggregate/Sand/Mate	14266.00
Randy E Swanson	Flex	20.00
Upper DesMoines O E O	Allocation	6525.00
US Cellular	Telephone	100.42
Verizon	Telephone	318.57
VISA	Recreational Supplies	479.30
Warren Meier Electric	Buildings	290.00
Sheila Weeks	Employee Travel Expenses	505.51
Wheeler Lumber	Supplies	22350.00
Jeffrey Wiemann	Employee Travel Expenses	19.66
Winther Stave & Co	Auditing	1225.24
Zalaznik Equipment Corp	Parts	17.00
Loree Zwemke	Flex	89.62
Grand Total		135731.20

Motion by Anderson, seconded by Matthews to approve the payment of drainage claims for postage to Neofunds from various ditches located in Clay County and the Drainage Revolving Fund #51999 totaling \$435.52. Details on file at the county auditor's office. Motion carried.

Motion by Skelton, seconded by Hamrick to approve postage payback payment of \$34.25 to the Drainage Revolving Fund #51999 for drainage postage claims previously paid by the Drainage Revolving Fund. Details on file at the county auditor's office. Motion carried.

The Board discussed the method to replenish the Drainage Revolving Fund at their April 28, 2015 meeting. Drainage Districts that had funds available at that time paid \$.30 per acre to the Drainage Revolving fund. Several of the other drainage districts now have funds available to pay their \$.30 per acre levy to the Drainage Revolving fund. Motion by Anderson, seconded by Hamrick to direct the Clay County Auditor to issue warrants for the specified amounts from these individual drainage districts payable the Drainage Revolving fund. Detail by drainage districts available in the Clay County Auditor's office. Motion carried.

Motion by Skelton, seconded by Anderson to approve drainage expenditure from Joint Drainage District #61 CDE, Branch 61 dated February 1, 2019 totaling \$296.70 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 Matthews, 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 is hereby authorized and directed to issue warrants, against the various settlement of such claims as allowed March 26, 2019. The County Auditor is directed to issue stamped warrants from

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drainage districts which currently have insufficient funds. Ayes: Anderson, Matthews, Skelton Hamrick and Swanson. Nays: None Abstentions: None.

Bolton & Menk Inc., 1960 Premier Dr, Mankato, MN 56001-5900

DD #37 Survey, Study; Wetland/Environ Rules \$ 16,827.00 Stamped

DD#80 Construction Eng Services thru Completion \$ 3,191.00 Stamped

Goodman Law Office, 311 W Lincoln Way, Suite 1, Ames, IA 50010

DD #37 Legal Fees for Improvement Issues \$ 4,911.75 Stamped

Total Drainage Warrants: \$ 24,929.75

Resolution adopted.

Motion by Matthews, seconded by Anderson to approve license renewal application pending dram shop insurance for Class B Beer Permit presented by legal owner: Rebecca Rouse, 3299 335<sup>th</sup> Ave, Ruthven, IA doing business as Becky's Corner Store & Cafe, 3299 335<sup>th</sup> Avenue, Ruthven, IA 51358. Permit term is for twelve (12) months with effective date of April 1, 2019 and expires March 31, 2020. Motion carried.

Motion by Skelton, seconded by Anderson to approve Class C Native Wine Permit for InnSpiration Bed & Breakfast and Vineyards located at 5079 180<sup>th</sup> Avenue, Linn Grove, Iowa 51033 and submitted by Paul and Sheila Thompson, pending dram shop certification. Permit term is for twelve (12) months with effective date of May 10, 2019 and expires May 9, 2020. Motion carried.

Motion by Anderson, seconded by Hamrick to approve the proposal of \$8,120.00 to furnish labor and material to replace the acoustical ceiling tile in the Clay County Administration Building in the first-floor hallway, board room & conference room and basement hallway from Covenant Tile of Brandon, SD. The quote includes removing existing tile, placing in owner provided dumpster and includes \$150.00 allowance to repair grid. Motion carried.

Motion by Matthews, seconded by Skelton to approve the proposal of \$12,790.00 from the Iowa State Association of Counties, 5500 Westown Parkway, West Des Moines, IA 50266 to replace fourteen (14) Precinct Atlas election laptops. Pricing includes HP Probook 450 GS laptops and cloning with election software. Motion carried.

Motion by Anderson, seconded by Hamrick to approve the maintenance agreement from Electrical Engineering & Equipment Company, 1808 Delaware Avenue, Des Moines, IA 50317 for service two times per year at a total price of \$1,300.00 for preventative maintenance to the Clay County Sheriff's Office & Jail Kohler generator. Motion carried.

Motion by Skelton, seconded by Hamrick to approve the estimate of \$2,750.00 from North Star Insulation, 203 North 18<sup>th</sup> Street, Estherville, IA 51334 to insulate chilled water lines, valves and any misc. items that go with the chilled lines that have condensation in the basement mechanical rooms and penthouse mechanical rooms in the Clay County Courthouse. Motion carried.

Motion by Anderson, seconded by Matthews to accept and authorize the Chairperson to sign the Employee Payroll Request from the Veterans Affairs Department for Jone Lewis as a new part-time employee at an hourly rate of \$14.00 starting March 20, 2019. Motion carried.

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Motion by Skelton, seconded by Matthews to accept and authorize the Chairperson to sign the Employee Payroll Requests from the Secondary Roads Department for Brad Day and Maurice Hansen for a change in hourly wages to \$23.06 effective April 14 and April 17, 2019. The change is due to longevity increase for five years of continued service. Motion carried.

Motion by Anderson, seconded by Hamrick to acknowledge the removal of Bankers Trust Company, 453 7<sup>th</sup> St, Des Moines, IA as the Trustee, Escrow Agent and/or Paying Agent for the General Obligation County Refunding Bonds, Series 2016A associated with the Clay County Law Enforcement and Jail and assign the Trustee, Escrow Agent responsibilities to UMB Bank of Kansas City, MO. The effective date of closing is anticipated to occur on or about June 10, 2019. Motion carried.

**9:10 a.m.** Assistant County Attorney Barry Sackett gave the Board a departmental update from the civil division of the County Attorney's office.

**9:30 a.m. William Rabenberg – County Engineer**

Motion by Anderson, seconded by Hamrick to review and approve FY2019-2020 Clay County Secondary Roads Budget and authorize the Chairperson to sign. Motion carried.

Motion by Matthews, seconded by Hamrick to review and approve the Clay County 2020 5-Year Construction Program and authorize the Chairperson to sign. Motion carried.

Motion by Skelton, seconded by Hamrick to review and approve the Resolution #2019-13 opposing Senate Study Bill 1045 and Senate File 184 passed by the Senate Committee on Transportation. Motion carried.

RESOLUTION NO. #2019-13

**A RESOLUTION OPPOSING SENATE STUDY BILL 1045 AND SENATE FILE 184 PASSED BY THE SENATE COMMITTEE ON TRANSPORTATION**

WHEREAS, the Transportation Committee in the Iowa Senate has passed House Study Bill 1045 (SF 184) which would amend and make changes to Iowa Code Chapter 321 related to transportation of indivisible loads and raw forestry products on primary and non-primary highways, and:

WHEREAS, Clay County owns and maintains nonprimary highways, and is fiscally and legally responsible for the nonprimary highways within the County, and;

WHEREAS, many of the bridges owned by Clay County are aging and structurally deficient or functionally obsolete, and;

WHEREAS, Clay County owns and maintains 137 structures classified as bridges by the National Bridge Inspection Standards, and;

WHEREAS, many of the bridges owned by Clay County are aging and structurally deficient or functionally obsolete, and;

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WHEREAS, current funding is not adequate to replace or rehabilitate these bridges at the rate their conditions are deteriorating, and;

WHEREAS, the nonprimary roads and bridges owned by Clay County serve a critical need for residents, agricultural users, businesses, schools, post offices, and emergency responders, and;

WHEREAS, the proposed bill would allow the Iowa Department of Transportation to issue annual permits to forestry industry haulers for loads up to 130,000 pounds on nonprimary highways throughout Iowa, without knowledge of or notice given to the agencies which own these highways and the structures thereon, and;

WHEREAS, bridges within Clay County have been designed for loads that were legal on Iowa roads at the time of their construction, and bridges have only been rated or posted with weight restrictions for loads that are currently legal on roads, and;

WHEREAS, each bridge within Clay County is unique based on its age, design, and current condition, and;

WHEREAS, load rating to ensure safe passage of loads greater than 80,000 pounds would be unique for each load on each individual bridge, and;

WHEREAS, the traversing of Clay County bridges by loads up to 130,000 pounds without the County being afforded the knowledge of or the ability to restrict each occurrence, would result in gradual and possibly sudden failure of bridges within the County, and;

WHEREAS, Clay County would likely bear legal and financial liability for subsequent failure of its bridges, even if such failures are caused by loads they did not permit, and;

WHEREAS, Clay County is not financially able to repair, or replace bridges which would be subject to accelerated deterioration by increased loads, and;

WHEREAS, Clay County and its residents, farmers, businesses, schools, post offices, and emergency responders, would be subjected to undue operational and economic hardships by further degradation of its road system and the structures thereon;

THEREFORE BE IT RESOLVED, that the Clay County Board of Supervisors strongly urges all Iowa lawmakers to vote in opposition to this legislation.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa, this 26th day of March 2019 and the vote thereon being as follows:

AYES: Supervisors Swanson, Skelton, Anderson, Matthews, and Hamrick.

NAYES: None.

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

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

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**9:45 a.m.** M50 Culvert Bid Letting

Motion by Anderson, seconded by Hamrick to accept the low bid of \$266,806.00 from Midwest Contracting LLC out of Marshall, Minnesota for Culvert Replacement on 240<sup>th</sup> Avenue – ½ mile N. of Co. Road B-24, Project Number LFM-2019C-1—7X-21, and Authorize the Chairperson to sign the contract. Motion carried.

**10:00 a.m.** Spencer Community Theatre (SCT) Board Chair Kristi Busse and Interim Executive Artistic Director Liz McNea spoke with the Board regarding their request for local funding in fiscal year 2020. The Spencer Community Theatre is a non-profit organization that does not regularly receive local tax dollars for its continued operation. SCT has customarily received yearly grant money from the Iowa Department of Cultural Affairs for special projects and general operations. However, their application was declined for the 2019 three-year cycle. For this reason, there is an increased need and value to a local allocation. The Board confirmed that a \$1,500 allocation has been appropriated for the 2020 fiscal year.

**10:15 a.m.** The Board met with Mrs. Connie Swan, a rural land owner in Drainage District #37. Mrs. Swan was accompanied by Robert Swan, Dale Langner, and Alan and Cindy McGranahan. Mrs. Swan gave the Board a copy of Iowa Code Section 468: Subchapter 1: Part 1, Section 10 regarding appointing a disinterested and competent civil engineer. Mr. Robert Swan also spoke to the Board. The Board, under advice of Counsel, did not discuss any of the comments brought forward due to pending litigation filed by Robert Swan, Alan McGranahan, and David Wyatt vs. the Clay County Board of Supervisors, and the Clay County Drainage District #37.

**10:30 a.m. County Government Month Proclamation for April 2019**

Motion by Anderson, seconded by Matthews to authorize the Chairperson to sign the 2019 County Government Month Proclamation to be celebrated in April 2019. Each year since 1991, the National Association of Counties has encouraged counties across the country to actively promote programs and services to the public we serve that provide essential services to create healthy, safe, vibrant and economically resilient communities. Motion carried.

**10:45 a.m.** County Sheriff Chris Raveling and Chief Deputy Zach Larsen discussed new personnel changes for their department. Raveling has plans to establish and promote two deputies to the rank of sergeant this fiscal year. The promotions are feasible within both the current budget and the budget for fiscal year 2020. They would be in charge of their own team of three deputies. There was no Board action taken and Supervisor Matthews suggested that no Board action would be necessary.

**11:00 a.m.** The Board met with Denise Ballard and Cindy Allen representing the Iowa Governmental Health Care Plan (IGHCP) that provides health benefits to the employees of Clay County and Todd Ackerman from Employee Benefit Systems (EBS) that administers the County's partial self-funding component. The annual renewal for fiscal year 2020 was discussed. The fully insured partially self-funded health plans have had a change in total premium rates averaging 3.1% percent annually since entering the IGHCP Trust in 2005.

Motion by Matthews, seconded by Hamrick to approve and authorize the Chairperson to sign recommendations for IGHCP Health Renewal for the fiscal year 2020 health and dental insurance

rates for the County. The projected fiscal year 2020 county cost of health care will be \$96,003 over FY2019 or a total of \$1,467,818 for FY2020. Motion carried.

**11:30 a.m.** The Board met with Brooke Sievers, PE and Bryan Paulsen, representing ISG Architects of Storm Lake, IA. The Board wishes to have a thorough site and facilities assessment of the County Administration Building, the County Courthouse, and the Government Services Center. ISG proposed the assessment would focus on areas such as building conditions, interior conditions, mechanical systems and controls, electrical and lighting systems, energy savings opportunities relative to windows, doors, etc., building code and accessibility considerations and the flexibility for integrating new technologies. The Board will act on the proposal at their next regular meeting Tuesday, April 9, 2019.

Supervisor Anderson leaves the meeting at 12:30 p.m.

Supervisors discuss/share information from committees and boards they have attended. Supervisor Swanson reported on the Clay County Visitor Bureau Board meeting and the Emergency Medical Services meeting. Supervisor Skelton reported on the Law Emergency Planning Committee (LEPC) and the Iowa State Association of Counties (ISAC) Conference. Supervisor Matthews reported on the ISAC Conference, the Season's Center Board meeting, and the RIDES Board meeting. Supervisor Hamrick reported on the Northwest IA Planning and Development Council Board meeting.

The Chairperson adjourned the meeting at 12:55 pm to convene at the next Auditor's called meeting March 29, 2019 at 215 p.m.

/s/Marjorie A. Pitts, County Auditor

/s/ Randy Swanson, Chairperson