

Clay County Board of Supervisor's Minutes from Meeting #17 held on June 4, 2020

The Clay County Board of Supervisors met pursuant to adjournment June 4, 2020 at 8:30 a.m. in the boardroom with Chairperson Skelton presiding and with the following other members present: Supervisors Swanson, Anderson, Matthews, Assistant County Attorney Barry Sackett, and Auditor Marjorie Pitts as clerk for the meeting. Absent: Art Hamrick. Chairperson Skelton led the meeting in the Pledge of Allegiance.

Due to the protective measures taken by the Clay County Board of Supervisors from the COVID-19 Pandemic the Board of Supervisor members and guests are attending the meeting in combination of in person and via video conferencing.

Unless otherwise indicated, all of the motions offered at this meeting were carried with the following vote: Ayes: Swanson, Anderson, Matthews, Hamrick, and Skelton. Nays: None. Abstentions: None.

Motion by Anderson, seconded by Swanson that the Board meeting agenda for June 4, 2020 be received and placed on file with the County Auditor as approved. Motion carried.

Motion by Matthews, seconded by Swanson that the minutes of the Board Meeting #16 held May 19, 2020 are hereby approved after correction on page 5 related to the Daybreak Foods construction permit. 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 June 4, 2020. Ayes: Anderson, Matthews, Skelton, Swanson. Nays: None. Abstentions: None. Resolution adopted.

Publication List by Vendor

Alliant Energy	Electric Light & Power	299.26
American Legion Post	Recreational Supplies	45.00
Arnold Motor Supply	Parts	146.77
Asher Motor Co	Tires	772.90
ASP Promotions	Uniform	315.30
Atlas Stamp & Seal Co	Office Supplies	16.90
Ayrshire Farmers Mutual	Telephone	28.79
B & B Farm Drainage	Engineering Services	425.00
Black Hills Energy	Natural & Lp Gas	38.16
Bomgaars	Buildings	1770.27
Bound Tree Medical	Safety Supplies	378.89
C & B Operations	Construction & Maint.	1646.81
Campus Cleaners & Launderers	Custodial Supplies	109.69
Central Iowa Distributing	Safety Supplies	276.80
CenturyLink	Telephone	442.46
Cintas Corporation	Uniform	60.00
City of Royal	Water & Sewer	98.77
Clay County Recorder	License	22.75
Clay Co Sec Road Fund	Fuels	106.19
Coffman's Locksmith	Buildings	70.00
Crescent Electric Supply	Parts	19.82
Culligan of Spencer	Office Supplies	55.40

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Dave's Sand & Gravel	Construction & Maint.	222.33
DetectaChem	Safety Supplies	101.64
Dickinson County Sheriff	Sheriff Fees	34.00
Dixon Construction	Roads	19788.00
Evertex	Telephone	261.22
Farmers Trust & Svgs Bank	Lock Box	28.00
FASTENAL	Supplies	226.18
FleetPride	Parts	430.11
Foundation Analytical Lab	Well Testing	161.85
Frigitec Inc	Buildings	204.00
GW Pete Howe Sanitation	Sanitation & Disposal Ser	1747.50
Galen's Pro-Mow	Parts	10.50
David Glienke	Safety Supplies	150.00
Gordon Flesch Company	Copier Contract	460.54
Gordon Flesch Company	Copier Contract	912.53
Matt Goyette	Radio Equip.	698.70
Graham Tire Co	Tires & Tubes	77.00
Greg's Repair	Parts	56.55
Billy Gunnerson	Flex	310.47
Heartland Asphalt	Engineering Services	6481.76
Henry M Adkins & Son	Ballot Printing	5987.97
Chad Huckfelt	Flex	300.00
Nicole Huckfelt	Flex	300.00
IA County Atty's Assn	Registration	400.00
IA County Recorders Assn	Dues & Memberships	200.00
Iowa Lakes Community College	Buildings - Rental	3172.66
IA Law Enforcement Academy	Registration	650.00
IA Off State Medical Examiner	ME Services	4252.00
IA Prison Industries	Signs	2439.60
ICIT	Dues & Memberships	50.00
J.R. Jim Howe Septic Tank	Construction & Maint.	150.00
Janitors Closet	Custodial Supplies	182.80
Jaycox Implement	Construction & Maint.	945.27
Johnston Automotive	Parts	828.53
L.G. Everist	Buildings	403.37
Zachary Larsen	Flex	300.00
Lexis Nexis	Subscription	899.52
Joshua Long	Flex	500.00
Mail Services	Postage	578.62
Marcus News	Board Proceedings	887.13
Mastercard	Fertilizer & Seed	73.39
Burlin Matthews	Flex	343.27
MaxYield Cooperative	Chemicals & Gasses-Herb.	445.00
Menards	Buildings	337.60
Midwest Card & ID Solutions	Safety Supplies	1000.00
Murphy Tractor & Equipment	Parts	213.19
National Pen Company	Board Proceedings	198.94
New Sioux City Iron	Buildings	23.90
Nielsens Tire & Appliance	Tires & Tubes	22.45
North Central Int'l	Parts	1730.56
Northwest Glass	Buildings	1716.00
NW IA Planning & Devlpmnt	Loan Fees	1110.00
NW IA Youth Emergency Serv Ctr	Detention	2926.50
Pitney Bowes	Postage & Mailing	152.34
Plumbing & Heating Wholesale	Construction & Maint.	2940.47

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Premier Communications	Telephone	637.82
Presto X Company	Buildings	189.00
Quadient Leasing	Postage & Mailing	419.88
Quill	Office Supplies	59.90
Racom Corporation	Parts & Access	224.95
Rainbow Bait	Recreational Supplies	65.00
Road Machinery & Supplies Co.	Parts	597.57
Royal Telephone Co	Telephone	30.00
Secretary of State	Office Supplies	30.00
Austin Selk	Flex	15.00
Solutions	Office Supplies	1216.92
Spencer Hospital	Medical & Health Services	13822.41
SMU	Telephone	7586.04
Spencer Office Supplies	Office Supplies	350.30
Spencer Red Power	Parts	88.00
SS Collision & Cycle Works	Supplies	315.00
Brandon Steuben	Flex	523.60
Kathy Swanson-Joenks	Flex	264.23
Titan Machinery	Parts	137.73
Kristine Toay	Flex	80.14
US Cellular	Telephone	666.53
U S Postmaster	Postage & Mailing	165.00
Van Diest Supply	Chemicals & Gasses-Herb.	2037.60
Vander Haag's	Parts	1386.83
Verizon	Telephone	875.95
VISA	Recreational Supplies	4681.73
Warner Funeral Home	ME Services	210.00
Warren Meier Electric	Buildings	228.50
Wells Fargo	Motor Vehicle	577.12
Kimberly Wilson	Flex	822.30
Windstream	Telephone	83.38
Ziegler	Parts	675.41
Grand Total		115233.73

Motion by Swanson, seconded by Anderson to adopt the following resolution: BE IT HEREBY RESOLVED by the Board of Supervisors approve expenditures for the bi-weekly payroll covering May 15, 2020 through May 28, 2020 payable on June 2, 2020 and that the County Auditor be hereby authorized and directed to issue the warrants. Ayes: Anderson, Matthews, Skelton, Swanson. Nays: None. Abstentions: None. Resolution adopted. Motion carried.

Motion by Anderson, seconded by Swanson to approve drainage expenditure from Joint Drainage District #61 CDE, Branch 61 dated June 1, 2020 totaling \$739.00 for engineering services for May Engineering Services 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 Swanson to approve the payment of drainage claim from Joint Drainage District #14-42 with Buena Vista County payable to Myers Bailing, 2270 450th Street, Greenville, IA dated April 27, 2020 for dredge ditch seeding. (FEMA 4386 Project). Claim totals \$65.00 and will be paid from Ditch #51014. Motion carried.

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Motion by Anderson, seconded by Matthews to approve the payments of drainage claims from Drainage District #112 of \$450.00 for beaver dam removal and Drainage District #8 Branch 4, Lateral 7 of \$1,250.18 for washout repair payable to J & N Farms, 4990 270th Avenue, Webb, IA 51366 dated June 4, 2020. Motion carried.

8:46 a.m. Supervisor Hamrick joins the meeting.

Motion by Anderson, seconded by Swanson to approve the voiding of warrant #177717 for \$1.75 to David C. Larsen, Spencer, IA from fiscal year 2018-2019. Warrant is still outstanding after letters were sent and received no response. Motion carried.

Motion by Swanson, seconded by Matthews to approve the voiding of warrant #178955 for \$2,604.50 to City of Dickens from fiscal year 2018-2019. Warrant is still outstanding after letters were sent and City of Dickens library was not in operation at time of issuance. Motion carried.

Motion by Matthews, seconded by Anderson to accept and authorize the Chairperson to sign the Employee Payroll Requests from the Conservation Dept for: Angela Graham as Scharnberg park Concession staff with Temporary/Seasonal status at \$10.00 per hour, starting May 22, 2020, Julie Hanson as Scharnberg park Concession staff with Temporary/Seasonal status at \$10.25 per hour, starting May 22, 2020, Kim Weeks as Scharnberg park Concession staff with Temporary/Seasonal status at \$10.00 per hour, starting May 22, 2020, Audrea Echtenkamp as Scharnberg park Concession staff with Temporary/Seasonal status at \$10.00 per hour, starting May 22, 2020, Becky Conley as Scharnberg park Concession supervisor of operations with Temporary/Seasonal status at \$11.50 per hour, starting May 22, 2020, Ryan Nemmers as Scharnberg park Concession staff with Temporary/Seasonal status at \$10.00 per hour, starting May 22, 2020, Missy Fox as Scharnberg park Concession staff with Temporary/Seasonal status at \$10.25 per hour, starting May 22, 2020 and Colton Selk for Temporary/Seasonal status working under supervision of Will Horsley on the Wetland Development Project between Clay County Conservation and Clay County Secondary Roads, starting May 26, 2020 at \$12.50 per hour. His wages will come from the Secondary Roads budget. Motion carried.

Motion by Swanson, seconded by Hamrick to accept and authorize the Chairperson to sign the Employee Payroll Request from Norb Manwarren for a change in hourly wages to \$12.00 per hour due to renegotiation of seasonal hourly wage by \$.25 per hour for the sixth year with Clay County Conservation department as field staffer and seasonal mow crew operator. Motion carried.

9:05 a.m. Assistant County Attorney Barry Sackett gave the Board a departmental update from the civil division of the County Attorney's office.

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

RESOLUTION 2020-32

RESOLUTION BY THE BOARD OF SUPERVISORS OF CLAY COUNTY, IOWA AND THE CITY COUNCIL OF EVERLY, IOWA TO DESCRIBE THE LEGAL BOUNDRIES OF THE CITY OF EVERLY, IOWA.

WHEREAS, it was determined that a discrepancy existed in documents recording the boundaries of the City of Everly, Iowa ("Everly") in the records of Clay County, Iowa ("County").

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WHEREAS, County and Everly desired to agree on a description of Everly to be recorded in the Clay County Recorders office and utilized for taxation, jurisdiction and certainty.

NOW THEREFORE, BE IT RESOLVED, County and Everly agree that the following legal description shall be recorded in the Clay County Recorders Office to describe the boundaries of Everly:

A tract of land located in Section Three (3), Section Four (4), and Section Ten (10) of Township Ninety-six (96) North, Range Thirty-eight (38) West of the Fifth Principal Meridian, Clay County, Iowa, described as follows:
Commencing at the Northeast (NE) Corner of Section Three (3) Township Ninety-six (96) North, Range thirty-eight (38) W, of the Fifth Principal Meridian, assuming that the North line of Section Three (3) is a true east to west line, and running from this point of beginning N90°00'W on the north line of said section Three (3) to the Northwest (NW) corner of Section Three (3), thence south on the west line of said Section Three (3) to the Southwest (SW) corner of the Northwest (NW) Quarter of said Section Three (3), thence S0°0'W on the west line of said section 302.09 feet; thence N83°02'00"W 33.25 feet to the Northeast (NE) corner of Tract M as contained in plat of survey dated 10/14/2008, recorded 11/03/2008 in document number 2008-3194; thence N83°02,00"W to the Northwest (NW) corner of Tract U as contained in plat of survey dated 10/14/2008, recorded 11/03/2008 in document number 2008-3194; thence S6°58'00"W 150 feet to the Southeast (SE) corner of Tract T as contained in plat of survey dated 10/14/2008, recorded 11/03/2008 in document number 2008-3194; thence approx. S0°0'W to the Northwest (NW) corner of Tract L as contained in plat of survey dated 10/14/2008, recorded 11/03/2008 in document number 2008-3194; thence S6°58'00"W 50 feet to the Southwest (SW) corner of Tract L as contained in plat of survey dated 10/14/2008, recorded 11/03/2008 in document number 2008-3194; thence N83°02'00"W to a point more particularly described as lying 94 feet on a bearing N83°02'00"W from the Northwest (NW) corner of Rumsey and Sleeper's First Addition to Town of Clark, recorded 10/16/1891, in deed record Book X, page 523; thence North 17 feet on the east line of Block 1 of said Rumsey and Sleeper's Third addition to the Town of Clark, recorded 05/21/1894, in deed record Book Z, page 623; thence westerly 377 feet to the Northwest (NW) corner of Block 1 of said Rumsey and Sleeper's Third Addition to the Town of Clark, recorded 05/21/1894 in deed record Book Z, Page 623; thence southerly 583 feet to the Southwest (SW) corner of Block 2 of said Rumsey and Sleeper's Third Addition to the Town of Clark, recorded 05/21/1894 in deed record Book Z, page 623; thence easterly 467 feet to the Southeast (SE) corner of Block 2 of said Rumsey and Sleeper's Third Addition to the Town of Clark, recorded 05/21/1894 in deed record Book Z, page 623; thence southerly along west line of Rumsey and Sleeper's First Addition approx. 241 feet; thence west 113 feet; thence south 125 feet; thence east 113 feet to a point on the west line of Rumsey and Sleeper's First Addition to a point more particularly described as a line westerly 33 feet from the Southwest (SW) corner of Block 3 of said Rumsey and Sleeper's First Addition; thence southerly to the Southwest (SW) corner of Dehrkoop's Addition to Everly; thence southerly on the same bearing 970.2 Feet to the South line of

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the Southeast (SE) Quarter of said section four (4); thence easterly on the south line of section four (4) to the Southeast (SE) corner of said section four (4); thence easterly on the south line of said section three (3) to the Southeast (SE) corner of the Southwest (SW) Quarter of section three (3); thence southerly on the west line of the Northeast (NE) Quarter of Section Ten (10) to the Southwest (SW) corner of the Northwest (NW) Quarter of the Northeast (NE) Quarter of Section Ten (10); thence easterly on the south line of the Northwest (NW) Quarter of the Northeast (NE) Quarter to the Southeast (SE) corner of the Northwest (NW) Quarter of the Northeast (NE) Quarter of Section Ten (10); thence northerly on the east line of the Northwest (NW) Quarter of the Northeast (NE) Quarter to the Northeast (NE) corner of the Northwest (NW) Quarter of the Northeast (NE) Quarter of Section Ten (10); thence east on the south line of Section Three (3) to the Southeast (SE) corner of said Section Three (3); thence north on the east line of said Section Three (3) to the Northeast (NE) corner of said Section Three (3), the point of beginning.

ADOPTED by the Clay County Board of Supervisors and the Mayor and City Council Members of the City of Everly, Iowa, as indicated below respectively.

/s/City of Everly Mayor Brad Behrens

/s/Clay County Board of Supervisors Chairperson Dan Skelton

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa, this 4th day of June 2020 and the vote thereon being as follows:

AYES: Supervisors Anderson, Hamrick, Swanson, Matthews, and Skelton. NAYES: None.

/s/Dan Skelton, Chairperson, Clay County Board of Supervisors

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

Motion by Anderson, seconded by Hamrick to approve the quote of \$4,170.00 from Christians Sheet Metal, HVAC, Inc., 2416 Hwy Blvd, PO Box 484, Spencer, IA 51301 to provide and install five (5) I-Wave-C air purifiers and all necessary low voltage wiring to connect to the existing units transformers. Motion carried.

Motion by Hamrick, seconded by Matthews to sign the lease-business property agreement between Tracy and Jennifer Small of J&T Properties, Spencer, IA and Clay County for county storage and office space at 337 10th St SW for a time period beginning September 1, 2020 and to expire on August 31, 2022 at the rental rate of \$1500 per month. Motion carried.

10:00 a.m. Construction Permit Application Hearing for Daybreak Foods, Inc.

This being the time and place for the public hearing for Daybreak Foods, Inc. 533 E Tyranena Park Road, PO Box 800, Lake Mills, WI for three (3) new pullet chicken cage free confinement buildings and one new dry manure storage building as an expansion to an existing confinement feeding operation located in the SE ¼ of the NE ¼ of SE ¼ of Section 33 Riverton Township, Clay County, Iowa.

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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 Sanitarian McKeever reviewed with the Board the Master Matrix scoring questions, the Board asked for comments of the attending audience. No written comments were filed. Two oral comments from property owners to the east and north of the building site were brought forward by Sanitarian McKeever. After discussion the public hearing was closed by the Chairperson at 10:15 a.m.

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

RESOLUTION NO. #2020-31

Recommending approval of the New Confinement Feeding Operations 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 Confinement Feeding Operations by Daybreak Foods, Inc.; and

WHEREAS, the Clay County Environmental Health Director, has reviewed the application using the Master Matrix, finding a score of 470 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 June 4, 2020 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 Daybreak Foods, Inc.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa, this 4th day of June 2020 and the vote thereon being as follows: Ayes: Anderson, Hamrick, Matthews, Skelton and Swanson. Nays: None. Abstentions: None. Resolution adopted.

/s/Dan Skelton, Chairperson, Clay County Board of Supervisors

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

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Zoning Administrator Tammy McKeever informed the Board that new regulations regarding the residence of members will be requiring one member on Clay County Zoning Board and the Clay County Zoning Board of Adjustments must be replaced by individuals living in the rural areas.

10:20 a.m. NWIACC CEO Kim Wilson joins the meeting.

10:30 a.m. The NWIACC CEO Kim Wilson gave the Board a departmental update regarding the progress being made in hiring Regional Disability Service Coordinator positions and the intent to arrange for central purchasing of supplies between the regional counties. Wilson will also be arranging for IT managed services with Solutions, Inc. The topic of the Clay County HIPPA Privacy Officer was also discussed with Wilson who gave the background on the responsibilities. Solutions, Inc. is the HIPPA Security Officer and Kim Wilson is the Compliance Officer. The documents, policy manual, and privacy notice form will need to be updated after Kim's retirement June 30, 2020.

The Board discussed the phased reopening of Clay County Offices. On Monday, June 8, 2020 the east doors of the Administration Building will be open to the public with provisions of an individual stationed in the corridor to direct and monitor the flow of public visitors.

Supervisors discuss/share information from committees and boards they have attended. Supervisor Matthews reported on nine (9) meetings and conference calls including the Governor Reynolds meeting and RIDES Board meeting. Supervisor Swanson reported on the Daily Covid-19 Task Force meeting. Supervisor Anderson reported on the NW IA Care Connections meeting with regional providers and the WIOA Regional progress. Supervisor Hamrick reported that the 3rd Judicial meeting would be on June 5th. Supervisor Skelton reported on the Daily Covid-19 Tax Force meeting and the General Relief interviews.

The Chairperson adjourned the meeting at 12:31 p.m. to convene at the next Auditor's called meeting June 9, 2020 at 10:00 a.m.

/s/Marjorie A. Pitts, County Auditor

/s/Dan Skelton, Chairperson