

Clay County Board of Supervisor’s Minutes from Meeting 1 held on January 4, 2021

The Clay County Board of Supervisors met pursuant to adjournment January 4, 2021 at 8:30 a.m. in the Boardroom with 2020 Chairperson Skelton presiding and with the following other members present: Supervisors Swanson, Anderson, Matthews, Hamrick, Assistant County Attorney Barry Sackett, and Auditor Ann Baschke as clerk for the meeting. Chairperson Skelton 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: Swanson, Anderson, Matthews, Hamrick, and Skelton. Nays: None. Abstentions: None.

The first order of business for the 2021 session was the election of the Chairperson. 2020 Chairperson Dan Skelton called for nominations for the 2021 Chairperson.

Motion by Matthews, seconded by Swanson to nominate Supervisor Hamrick as Chairperson and Supervisor Anderson as Chairperson Elect of the Clay County Board for the 2021 session year. Supervisor Skelton asked for any further nominations. There being none, a unanimous ballot was cast for Supervisors Hamrick and Anderson. Motion carried.

Supervisors Matthews, Anderson, Swanson and Hamrick all thanked Supervisor Skelton for his leadership and service as the Clay County Board Chairperson during 2020. They all noted that 2020 was a difficult year with Covid-19.

Motion by Anderson, seconded by Skelton that the Board meeting agenda for January 4, 2021 be received and placed on file with the County Auditor as approved. Motion carried.

Motion by Swanson, seconded by Matthews to accept the following recommendations of the Chairperson of committee members for the year 2021. It was asked to include NW IA Regional Housing Authority with committee members of Matthews/ Skelton. Motion carried.

CEO-IWD	Anderson
Communications Center	Skelton/Swanson
Compass Pointe Board	Anderson
Courthouse & Courthouse Security Board	Matthews
Clay County Board of Health	Swanson
Clay County Conservation Board	Matthews
Clay County Revolving Loan Fund Committee	Matthews
Clay County Visitors Bureau	Swanson
Early Childhood Empowerment ECI/DCAT	Hamrick
Drug Court	Anderson
E-911 Board	Hamrick
EMA Advisory Board	Skelton
EMS Council	Skelton/Swanson
Grievance Committee	County Attorney/ Board Chair
Jobs Trust Board	Swanson
L E P C Board	Skelton
Mental Health Governance Board (NWICC)	Anderson

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NW IA Planning & Development Board	Hamrick
NW IA Regional Airport Board of Trustees	Matthews
Regional Transit Authority (RIDES)	Matthews/Skelton
Seasons Center Board	Matthews/Skelton
Spencer Industries Board	Swanson
Upper Des Moines Opportunity	Skelton
Volunteer Network	Hamrick
YES Center - NW IA Youth Emergency Service Ctr	Anderson
3 rd Judicial District Dept Correctional Services	Hamrick
NW IA Regional Housing Trust Board	Swanson
County Safety Committee	Hamrick
County Department Head Committee	Anderson
NW IA Regional Housing Authority	Matthews/Skelton

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

RESOLUTION NO. #2021-01

BE IT RESOLVED by the Board of Supervisors of Clay County, Iowa, that William D. Rabenberg, P.E., the County Engineer of Clay County, Iowa be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said county to execute the certificate of completion of work and final acceptance thereof in accordance with the plans and specifications thereof in connection with all Farm to Market and Federal or State aid construction projects in the county.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa this 4th day of January 2021 and the vote there on being as follows:

AYES: Supervisors Swanson, Anderson, Matthews, Skelton and Hamrick. Abstentions: None.
Resolution adopted.

/s/ Art Hamrick, Chairperson

ATTEST: /s/ Ann Baschke, County Auditor

Motion by Matthews, seconded by Swanson to designate William D. Rabenberg, P.E., Clay County Engineer, as its representative on the Northwest Iowa Planning and Regional Transportation Technical Committee in Association with the Federal Highway Program for the year 2021.

Motion carried.

Motion Anderson, seconded by Matthews that pursuant to Section 321.471 of the Code of Iowa, that paved, and gravel portions of the Clay County secondary roads system be placed under a local embargo to become effective when appropriate signs are erected by the County Engineer. The local limitation imposed by the embargo shall be 4, 6, or 8-ton gross load to be applied as conditions warrant. Also, to authorize the County Engineer to temporarily close any Clay County secondary roads for emergency reasons as well as construction/maintenance reason as determined by the engineer for the year 2021. Motion carried.

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Motion by Swanson, seconded by Skelton to appoint the County Engineer to purchase right-of-way in 2021 for projects using a factor of 100 times the CSR. The County Engineer may change these factors if the County Assessor’s records indicate the prices have changed. Motion carried.

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

RESOLUTION NO. #2021-02

Appoint County Deputies for Sheriff and Auditor

BE IT RESOLVED, that Zachary Larsen, Casey Timmer, Joshua Long, Jesse Rustad, Joe Schueller, Blaine Johnson, Eric Ring, Brian Mehan, Tyler Heck and John Davenport be appointed deputies for the County Sheriff; that Audrey Coffman, Kristine Toay and Alison Kutzbach be appointed deputies for the County Auditor effective January 4, 2021.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa this 4th day of January 2021 and the vote there on being as follows:

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

/s/ Art Hamrick, Chairperson

ATTEST: /s/ Ann Baschke, County Auditor

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

RESOLUTION NO. #2021-03

Determine the depositories of public funds belonging to Clay County, Iowa and execute the amount which may be deposited without further approval.

BE IT RESOLVED, that the Clay County Treasurer will utilize the services of the following depositories for the deposit of public funds belonging to Clay County, Iowa, or coming into its possession, pursuant to a duly executed amount which may be thus deposited without further approval of this Board and the Treasurer of State is as listed:

Name of Depository	Location	Maximum Deposit Under this Resolution
Farmers Trust & Savings Bank	Spencer, IA	\$ 23,000,000.00
State Bank	Spencer, IA	\$ 100,000.00
Farmers Saving Bank	Fostoria, IA	\$ 100,000.00
Home State Bank	Royal, IA	\$ 750,000.00
Community State Bank	Spencer & Webb, IA	\$ 500,000.00
Northwest Bank	Spencer, IA	\$ 500,000.00

BE IT RESOLVED, that the following officers are hereby authorized and directed to execute said Agreement, to execute and deliver signature authorization cards to depository concurrently therewith, and to execute all drafts, checks and other documents and correspondence regarding any accounts of Clay County, Iowa at established depositories:

LeAnn Black

TREASURER

TERM EXPIRES 12/31/22

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BE IT RESOLVED, that the officers described above are hereby authorized and directed to take such action and execute such documents and agreements as may be necessary to secure the repayment of the deposits of public funds authorized hereunder, including to, but not limited to: Security Agreements, Bailment Agreements, Notices, and any documents or instruments supplemental or incidental thereto.

BE IT RESOLVED, that the auditor forward a certified copy of this resolution to Depository, and other parties which may request it for purposes of effectuating the deposit of public funds authorized hereunder or any security therefore, together with a certificate attesting to the names and signatures of the present incumbents to the offices described above; and the auditor further certify to Depository or other parties from time to time the signature of any successor in office of any of the present incumbents.

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa this 4th day of January 2021 and the vote there on being as follows:

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

/s/ Art Hamrick, Chairperson

ATTEST: /s/ Ann Baschke, County Auditor

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

RESOLUTION NO. #2021-04

Designate the depositories for 2021 for the Clay County Recorder, Conservationist, and Sheriff with maximum limitations.

BE IT RESOLVED, that the following banks be designated as depositories for 2021 for the Clay County, Recorder, Sheriff and Conservation with maximum limitations as shown.

RECORDER

Farmers Trust & Savings Bank Spencer, IA 100,000

SHERIFF

Farmers Trust & Savings Bank Spencer, IA 100,000

CONSERVATION

Farmers Trust & Savings Bank Spencer, IA 20,000

The above and foregoing resolution was adopted by the Board of Supervisors of Clay County, Iowa this 4th day of January 2021 and the vote there on being as follows:

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

/s/ Art Hamrick, Chairperson

ATTEST: /s/ Ann Baschke, County Auditor

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

RESOLUTION NO. #2021-05

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CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a “construction evaluation resolution” relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR’s decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2021 and January 31, 2022 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board’s recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CLAY COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

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

/s/ Art Hamrick, Chairperson

ATTEST: /s/ Ann Baschke, County Auditor

Date: January 4, 2021

Motion by Matthews, seconded by reappoint Hope Baumgarner, 910 W 11th St., Spencer, IA to the Clay County Conservation Board for a term of five (5) years expiring December 31, 2025.

Motion carried.

Motion by Skelton, seconded by Matthews to reappoint Gary Johnson, 3030 480th Street, Webb, IA 51366 to the Webb Benefitted Fire District for a three (3) year term expiring December 31, 2023.

Motion carried.

Motion by Anderson, seconded by Swanson to reappoint Philip Rath, 2470 290th Street, Sioux Rapids, IA 50585 to the Herdland Benefitted Fire District for a three (3) year term expiring December 31, 2023. Motion carried.

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Motion by Skelton, seconded by Anderson to reappoint Lois Mc Carty, 1240 480th Street, Peterson, IA 51047 to serve on the Clay County Zoning Board pursuant to Code of Iowa Chapter 335.8 for a term of three (3) years expiring December 31, 2023. Motion carried.

Motion by Swanson, seconded by Skelton to reappoint Rita Smith, 2882 510th Street, Webb, IA, 51366 to serve on the Clay County Zoning Board of Adjustment for a term of five (5) years expiring December 31, 2025. Motion carried.

Motion by Anderson, seconded by Matthews to reappoint John Sheridan, 4560 230th Avenue, Greenville, IA 51343 and Stephanie Horsley, 2990 340th street, Dickens, IA 51333 to the Pioneer Cemetery Commission pursuant to Iowa Code Chapters 566 and 566A for a term of three years expiring on December 31, 2023. Motion carried.

Motion by Skelton, seconded by Swanson to designate the Spencer Daily Reporter, The Hartley Sentinel-Everly-Royal News, and the Marcus News-Peterson Patriot as the official newspapers for the county for the year 2021. Motion carried.

Motion by Anderson, seconded by Matthews to appoint Supervisor Hamrick to serve on 3rd Judicial District Department of Correctional Services for 2021. Motion carried.

Motion by Matthews, seconded by Skelton to reappoint the following list of Clay County residents, by category, to serve on the Commission to Assess Damages pursuant to Section 6B.4 of the *Iowa Code* for the year 2021. The county auditor is directed to send the list of names to the Iowa Department of Transportation, Ames Complex, Office of Right of Way, Condemnation Unit, 800 Lincoln Way, Ames, IA 50010 and Chief District Judge, % of Pam Calhoun, Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA 51101. Motion carried.

FARMERS

Gary Jackson	2780 340 th Street	Dickens, IA 51333
Cynthia Kress	4830 270 th Ave	Webb, IA 51366
Javotte McCarty	1203 16 th Ave	Spencer, IA 51301
John Goeken	1445 350 th St	Everly, IA 51338
Tim Sylvester	4800 Sylvester Road	Webb, IA 51366
Steve W Biedenfeld	1050 460 th St.	Peterson, IA 51047
John Gross	1560 370 th St.	Royal, IA 51357
Casey Schomaker	2630 440 th St.	Greenville, IA 51343

CITY OWNERS

Kathy Anderson	102 5 th Ave SW	Fostoria, IA 51340
Jon Bang	110 2nd Street	Peterson, IA 51047
Robert Becker	204 N Washington St-Box 382	Everly, IA 51338
Pam Virelli	203 King Ave	Royal, IA 51357
Jan Yungbluth	120 Willow Lane	Rossie, IA 51357
Clark Marshall	1102 St Luke Drive	Spencer, IA 51301
Del Brockshus	1808 11 th St. SE	Spencer, IA 51301
Jerry Faulkner	602 4 th Ave SE	Spencer, IA 51301

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REAL ESTATE BROKERS

John Cotton	2075 355 th Street	Spencer, IA 51301
Vance Frommie	1021 N Grand-PO Box 961	Spencer, IA 51301
John Goede	700 3 rd Ave SE	Spencer, IA 51301
Norma Haack	2006 10 th Avenue E	Spencer, IA 51301
Jon Hjelm	PO Box 833	Spencer, IA 51301
Dave Jacobsen	1217 18 th Ave W	Spencer, IA 51301
Kyle Norris	1205 W 9 th Street	Spencer, IA 51301
Brenda Conyn	1310 W 5 th Street	Spencer, IA 51301

OTHER

JoAnn Anderson	105 Ash Street	Peterson, IA 51047
Bryan Bailey	3580 130 th Ave	Everly, IA 51338
Kenneth Essick	302 W Main Street	Webb, IA 51366
Eldon Goff	1310 W 9 th Street	Spencer, IA 51301
Dennis Johnke	401 Long Street	Royal, IA 51357
Melissa Loving	4975 260 th Ave	Webb, IA 51366
Shirley Nalley	101 W 10 th Street	Spencer, IA 51301

Motion by Swanson, seconded by Skelton to reappoint Chuck Illg, 1817 S Grand Plaza Drive, Spencer, IA 51301 to serve on the Clay County Civil Service Board for a term of six (6) years expiring December 31, 2026. Motion carried.

Motion by Matthews, seconded by Anderson to reappoint Lori Taylor, 1116 11th Avenue West, Spencer, IA 51301, Cindy Kramer, 308 Hwy Avenue NW, Fostoria, IA 51340 and Angela Mc Caulley, 205 East 18th Street, Spencer, IA 51301 for a term of six (6) years expiring December 31, 2026 to the Magistrate Appointing Commission. Motion carried.

Motion by Anderson, seconded by Swanson to reappoint Dr. David Keith, 1725 1st Avenue E, Spencer, IA 51301 as physician to the Clay County Board of Health for a three-year term that expires December 31, 2023. Motion carried.

Supervisor Anderson introduced the resolution hereinafter next set out, setting a date for hearing on a General Obligation County Building Improvement and Refunding Loan Agreement, and moved its adoption, seconded by Supervisor Matthews; and after due consideration thereof by the Board, the Chairperson put the question upon the adoption of the said resolution and the roll being called, the following named Supervisors voted:

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

Nays: None

RESOLUTION NO. 2021-06

Resolution to fix a date for a public hearing on a General Obligation County Building Improvement and Refunding Loan Agreement

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WHEREAS, the Board of Supervisors (the “Board”) of Clay County, Iowa (the “County”), proposes to enter into a loan agreement (the “Loan Agreement”) in a principal amount not to exceed \$250,000, pursuant to the provisions of Section 331.402 and Section 331.443 of the Code of Iowa, for the essential county purposes of making improvements to the County’s Government Services Building and of refunding the outstanding balance of the County’s General Obligation County Building Improvement Note dated February 1, 2012; and

WHEREAS, it is necessary to set a date for a hearing on the Loan Agreement and to publish notice;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Clay County, Iowa, as follows:

Section 1. The Board shall meet on January 12, 2021, at the County Administration Building, at 10:00 a.m., at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once and not less than 4 nor more than 20 days before the date of the meeting, in a legal newspaper of general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO HOLD HEARING ON LOAN AGREEMENT IN A
PRINCIPAL AMOUNT NOT TO EXCEED \$250,000

(GENERAL OBLIGATION COUNTY BUILDING IMPROVEMENT AND REFUNDING)

The Board of Supervisors of Clay County, Iowa, will meet on January 12, 2021, at the County Administration Building, at 10:00 a.m., for the purpose of holding a public hearing on entering into a loan agreement (the “Loan Agreement”) in a principal amount not to exceed \$250,000 for the purposes of paying the cost of making improvements to the County’s Government Services Building and of refunding the outstanding balance of the County’s General Obligation County Building Improvement Note dated February 1, 2012.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Section 331.402 and Section 331.443 of the Code of Iowa. The Loan Agreement will constitute a general obligation of the County.

At that time and place, oral or written objections or comments may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections and comments, the Board of Supervisors may determine to enter into the Loan Agreement, in which case, the decision will be final unless appealed to the District Court within fifteen (15) days thereafter.

By order of the Board of Supervisors of Clay County, Iowa.

Ann Baschke
County Auditor

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Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved January 4, 2021.

/s/ Art Hamrick, Chairperson, Board of Supervisors

Attest: /s/ Ann Baschke, County Auditor

Budget Workshop for the FY2021

Budgets that had been turned in were handed out to Supervisors for review.

The Chairperson adjourned the meeting at 11:47, to convene at the next Auditor's called meeting January 12, 2021 at 8:30 a.m.

/s/ Ann Baschke, County Auditor

/s/ Art Hamrick, Chairperson