

LYON COUNTY AUDITORS OFFICE
April 27, 2021

ROCK RAPIDS, IOWA

Chairman Josh Feucht convened the adjourned session with Altena, Vanden Bosch, Birkey, and Herman present. Motion carried assumes unanimous vote unless otherwise stated.

The Board started with the Pledge of Allegiance.

Wes Poppema regional director for Senator Feenstra introduced himself and encouraged the Board members to reach out to Poppema if they have anything they want to talk to Feenstra about.

The Board minutes from April 13, 2021 were reviewed. Motion by Birkey, second by Altena to approve and sign minutes. Motion carried.

The Board reviewed cigarette permit applications for Grand Falls Casino Resort for April 2021 to June 30, 2021 and July 1, 2021 to June 30, 2022. Motion by Herman second by Vanden Bosch to approve applications. Motion carried.

The Board received a liquor license renewal application for Grand Falls Casino and Resort for a Class E liquor license. Motion by Altena, second by Birkey to approve application. Motion carried.

The Board reviewed the Reagan Meyer confinement expansion in Section 4 of Cleveland Township. A master matrix was not applicable to this confinement. Motion by Birkey, second by Altena to approve and Chairman sign DNR approval letter. Motion carried.

Chairman Feucht introduced Resolution 2021-12 to authorize the second half of the TIF reimbursement back to Secondary Roads from the TIF Fund. This transfer of \$267,513.40 will complete the total amount of \$540,000 that was certified in 2019 for reimbursement in FY2021. Motion by Herman, second by Vanden Bosch to approve the transfer and Resolution 2021-12. Motion carried. This is a summary of Resolution 2021-12. The complete text can be obtained at the Auditor's Office or online at www.lyoncountyiowa.com under Supervisors then Ordinances.

Jim McConnell submitted his resignation letter from the Lyon County Compensation Board. McConnell served 22 years on the Board. Newly appointed Stewart will need to find a representative for the Compensation Board to fill McConnell's vacancy.

The Board talked about the temporary redistricting commission. The Board set \$50/meeting and payment of mileage at current county rate of \$0.50/mile. Motion by Herman, second by Altena to set the commission at 5 members. Motion carried. Auditor Smit

The Board appointed Michele Stewart as Lyon County Treasurer effective May 1, 2021. Stewart took the Oath of Office for Lyon County Treasurer. Stewart also had Chairman Feucht complete ACH paperwork for the bank regarding the appointment of Stewart as Treasurer.

Lyon County Economic Development Director met with the Board. Simons brought census information and talked about how the changes affect the number of representatives for the State. Simons also talked about moving forward with the Career Exploration Day for January of 2022 as the Lyon County schools

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would like to continue with the program. Simons states that CFE is moving right along with the project in George.

Chairman Feucht opened the public hearing on Ordinance 2021-03 authorizing UTV's on county roadways at 8:57 a.m. Present were: Jen Kor with New Century Press and Elijah Helton with NW IA Review. As there were no comments, Feucht closed the hearing at 9:00 a.m.

ORDINANCE 2021-03

An ordinance to designate that portion of the highways upon which off-road vehicles may be operated during a specified period, and to establish regulations of such operation.

This would exempt vehicles covered under Iowa Code Section 321I.9(3)

The ordinance reads as follows:

WHEREAS the County Board of Supervisors has evaluated the traffic conditions on all County highways and designated roadways and has determined that Off-Road Utility Vehicles can be operated without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic, and;

WHEREAS, pursuant to Iowa Code Section 321I.10, the County may permit operation of said vehicles on the roadways of that portion of county highways designated by the County Board of Supervisors for use during a specified period, and;

WHEREAS, the operation of said vehicle would be regulated under Iowa Code Chapters 321I, 321.20B, 321A.21, and other applicable provisions of Iowa law;

NOW, THEREFORE, be it resolved by the County Board of Supervisors of Lyon County, Iowa, that the following regulations are hereby adopted regarding operation of Off-Road Utility Vehicles on county highways within Lyon County:

- .01 Purposes
- .02 Definitions
- .03 Operation and Roadways
- .04 Restrictions
- .05 Identification Stickers
- .06 Exempt Vehicles
- .07 Penalties

Section .01, Purpose: The purpose of this Resolution is to designate that portion of county highways upon which Off-Road Utility Vehicles may be operated during a specified period, to specify said period, and to establish regulations regarding such operation.

Section .02, Definitions:

- (1) "Off-Road Utility Vehicle", as defined in Iowa Code Section 321I.1, means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

- (2) "Roadway", as defined in Iowa Code Section 321I.1, means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Section .03, Operation on Roadways: A registered Off-Road Utility Vehicle may be operated on any Lyon County, Iowa, roadway, such operation limited to roadways lying outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operation, and such operation further limited to the hours from official sunrise to official sunset of the same day, as established by the National Weather Service.

Section .04, Unlawful Operations:

- (1) A person shall not drive or operate an Off-Road Utility Vehicle:
 - a. At a rate of speed in excess of the posted speed limit nor greater than reasonable or proper under all existing circumstances and in no case greater than 35 miles per hour.
 - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 - c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
 - d. Without a lighted headlight and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
 - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
 - f. On any public land, ice, or snow, in violation of official signs of the commission prohibiting such operation in the interest of safety for person, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of person, property, or the environment.
 - g. In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a non-meandered stream, which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated riding trails. This paragraph does not prohibit the use of ford crossing of public roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of all-terrain vehicles on ice.
 - h. Upon an operating railroad right-of-way. An Off-Road Utility Vehicle may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or employee's duties or to an employee of a utility with authority

to enter upon the railroad right-of-way in the lawful performance of the employee's duties.

- (2) A person shall not operate or ride in an Off-road Utility Vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a non-ambulatory person may carry an uncased and unloaded forearm while operating or riding in an Off-Road Utility Vehicle.
- (3) A person shall not operate an Off-Road Utility Vehicle:
 - a. With more persons on the vehicle than it was designated to carry.
 - b. Paragraph "a" does not apply to a person who operates an Off-Road Utility Vehicle as part of a farm operation as defined in Iowa Code Section 352.2.
- (4) A person shall not operate an Off-Road Utility Vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to Off-Road Utility Vehicle operation.
- (5) A person shall not operate a vehicle other than an Off-Road Utility Vehicle on a designated riding area or designated trail unless the riding area or trail is signed as open to such other use.
- (6) A person shall not operate an Off-Road Utility Vehicle unless the operator is 18 year of age or older and has a valid Iowa Driver's License; unless the vehicle is duly registered; and unless the operator has proof of insurance complying with that required of the operator of a motor vehicle pursuant to applicable Iowa Statutes, Rules, and Regulations, including but not limited to Iowa Code Sections 321.20B and 321A.21.

Section .05, Identification Stickers: Individuals who operate an Off-Road Utility Vehicle on the roadways of Lyon County must obtain an identification sticker from the office of the Lyon County Recorder. The following conditions apply:

- (1) The owner of each Off-Road Utility Vehicle shall be required to provide proof of ownership including but not limited to bill of sale, registration, and other documentation as may be accepted by the Recorder.
- (2) Each applicant for an identification sticker must provide proof that the vehicle is properly registered pursuant to Iowa Code Section 321I.3 and DNR regulations.
- (3) Each applicant for an identification plate must pay a fee in the amount of \$25.00. The cost of a duplicate sticker, if a sticker is lost during the registration year, is \$7.75.
- (4) Identification Stickers shall be affixed to the right-rear portion of all Off-Road Utility Vehicles in such a manner as to be clearly visible.
- (5) Stickers can be purchased starting September 1 of the year prior to the year printed on the permit. The sticker will expire December 31 of the year printed on the permit.
- (6) The owner of an Off-Road Utility Vehicle registered in another state must purchase a sticker to operate on the roadways of Lyon County as set forth in this ordinance.

Section .06. Exempt Vehicles: Registration shall not be required for vehicles exempted under Iowa Code Section 321I.9(3).

Section .07, Penalties: Violation of this Ordinance shall constitute a SIMPLE MISDEMEANOR punishable by a minimum fine of \$105.00, a maximum fine of \$855.00, plus applicable surcharges and court costs, and/or up to thirty (30) days in jail.

Section .08, Effective Date: This ordinance shall become effective on May 1, 2021.

Passed and approved this 27 day of April 2021.

ATTEST: /s/Josh Feucht
Chairperson, Board of Supervisors
/s/Jen Smit
Lyon County Auditor

First Reading: March 23, 2021
Second Reading: April 13, 2021
Third Reading: Waived April 27, 2021

Motion by Altena second by Herman to waive 3rd reading and approve Ordinance 2021-03. Rollcall vote: District 1 Feucht Support, District 2 Vanden Bosch Support, District 3 Altena Support, District 4 Birkey Support, District 5 Herman Support. Motion carried.

The Board reviewed the information for the George 5K Road Race. The race committee is requesting to use 210th Street/Dakota Avenue again for part of their race route. The route remains the same as in past years. Motion by Altena, second by Birkey to approve request. Motion carried.

Motion by Vanden Bosch, second by Birkey to approve claims. Motion carried.

Chairman Feucht opened the public hearing at 9:15 a.m. for a budget amendment for FY2021. Present were: Jen Kor New Century Press and Elijah Helton with NW IA Review. As there were no comments, Feucht closed the hearing at 9:17 a.m. Resolution 2021-12 authorizing the \$606,700 increase to the FY2021 budget. This increase represents the expenditures related to the transfers from the budget amendment done on March 23, 2021. Motion by Altena, second by Vanden Bosch to approve Resolution 2021-12 approving the budget amendment. Motion carried. This is a summary of Resolution 2021-12 and the full text can be obtained at the Auditor Office or online at www.lyoncountyiowa.com under Supervisors and then Resolutions.

County Engineer Daryl Albertson and Road Superintendent Dave Jackson joined the meeting. Albertson brought information that estimates about \$444,000 worth of repairs that were done within the last 7 years on motor graders. This information was requested by the Board at the last meeting. The Board discussed the option of doing a lease purchase agreement for 10 motor graders. The Board would need to set a public hearing to allow public comment on the possibility of entering a lease purchase agreement. Albertson states that if the Board were to go with this option, after the Board sets a public hearing date, Albertson would reach out to banks in Lyon County to see what type of financing they would offer. Feucht noted the concern of not having a bid from both CAT/Ziegler and John Deere/RDO. Albertson will check with Attorney Oetken to see if bids are needed from more than one vendor. The Board set May 25th at 10:00 a.m. to hold a public hearing on the

possibility of moving forward with a lease purchase agreement for 10 motor graders.

Final plan sets for bridge project L-CO(FEMA 87Y)-73-60 (Candy Bar Bridge) need to be signed. Motion by Altena, second by Birkey to approve and sign plan sets. Motion carried.

The Board previously approved the SD DoT Agreement for purchase of Parcel 41 at the April 13 meeting. The Board needs to sign the agreement and Albertson needs to include the minutes from the 4-13-2021 minutes.

Employment changes: Brittany Blumeyer was hired as a part time jailer. Blumeyer's first day was April 9, 2021 at a wage of \$16.62/hour until certified.

Michael Mulder has been hired as a full time jailer. Mulder's first day was April 13, 2021 at a salary of \$16.62/hour until certified.

Christian Carlyle has resigned his fulltime position as jailer. Carlyle's last day will be April 30, 2021.

Lora Berg has been hired as a part time homemaker. Berg's first day is 4-21-2021 at \$12.25/hour.

Ben Blauwet has been transferred to position of Excavator Operator I effective 4-22-2021. Blauwet's wage will be \$26.29/hour.

Chad Heyden has been transferred to position of Excavator Operator II effective 4-22-2021. Heyden's wage will be \$27.79/hour.

Kenny Roemen has been transferred to position of Excavator Operator II effective 4-22-2021. Roemen's wage will be \$27.79/hour.

Kris Krull resigned as an EMT from the Lyon County Ambulance Service as of April 1, 2021.

Supervisor correspondence: Vanden Bosch - RIDES meeting; Altena-NW IA Landfill; Feucht-Conservation, planning to move to new center in mid May.

Payroll dated 4-15-2021 was reviewed and approved.

Payroll Warrant Register in the amount of \$79,831.37 is listed by fund.

General Basic Fund	11,311.91
Rural Service Basic Fund	18,945.98
Secondary Road Fund	49,573.48

Payroll Disbursement Register in the amount of \$31,917.52 is listed by Fund.

General Basic Fund	3,687.97
Rural Services Basic Fund	8,300.86
Secondary Road Fund	19,928.89

Conservation claims dated 4-15-2021 in the amount of \$48,270.75 were reviewed and approved. Check sequence #151508-151535.

Alliance Communications	LPRA Phone, LD, & Interne	157.00
Central Iowa Distributing	Delivery Charge	7.00
Cole Papers, Inc	2 Cases Toilet Paper	65.70
Dave's Bulk Service	414G Gasohol, 516G Off Rd Diesel	2160.90

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Denny's Sanitation Inc.	6 Yard Dumpster Purchase	2031.00
Dusty's Auto Body David Dreesm	2012 Dodge Ram Repairs	5309.93
George Office Products	Banquet Tables, Chairs, C	16158.00
Heartland Appliance & Repair	Nature Center Appliances	7999.91
Hiller Lumber	6 48x96 1/4" Plexiglass	1591.68
Iowa Department of Revenue -	Hotel/Motel Excise Tax	217.00
Lyon & Sioux Rural Water	63,000 Gallons H2O	315.50
Lyon Rural Electric Coop	LPRA Electric	1409.16
Martin Gardner Architecture	INV 39 - Mech/Elec Consul	1029.00
Menards - Sioux Falls East	Planer Kit, Sanding Belts	353.35
Jessica Mydland	COVID Refund	104.00
Premier Communications	Office Phone, LD, Broadba	93.72
Rent-All Inc	Tire	75.00
Rock Rapids Ace Hardware	Furnace Pipes, Floor cleaner	29.57
Runnings Supply Inc.	Power Washer Fluid	5.98
Cornelius Scholten	Reimb: Menards Sanding Be	43.89
Stensland Gravel Co.	3 Foot Rock Boulders	3401.00
Sturdevant's Auto Parts	Battery	153.99
Sunshine Foods	EE Supplies	5.74
Tessman Company	Sunny #50 Shady #50 Grass	1270.00
Todd's True Value	Paint	44.99
Uline	Black Poly Strap	85.12
US Bank - Purchase Card Purcha	EE Supplies, fuel, stuffies	1460.62
Valley Sand & Gravel	Crushed Concrete / CC Fi	2647.57
Verizon	Monthly Cell Phone	44.43
Grand Total		48270.75

General Basic Fund	23,083.84
CS Projects & Acquisition Fund	16,158.00
Capital Project Fund	9,028.91

Handwritten claims dated 4-19-2021 in the amount of \$864.84 were reviewed and approved. Check sequence #151536-151537.

IBC Innovative Business Consul	4/12-4/18/21 Flex Plan	130.00
United States Treasury - EFTPS	Payment for Federal Taxes	734.84
Grand Total		864.84

Rural Services Basic Fund	734.84
Flex Benefits Account	130.00

Veteran Affairs claims dated 4-20-2021 in the amount of \$495.65 were reviewed and approved. Check sequence #151538-151545.

Jerry M. Baatz	Mileage (30)-April Meetin	15.00
Doon Press	Advertising - VA	32.00
Sharon Fuller	4/14-4/16/21 Mtg Mileage	242.30
Douglas W. Hilbrands	Mileage (30)-April Meetin	15.00
Little Rock Free Lance	Advertising - VA	25.00
Lyon County News	Advertising - VA	30.00
New Century Press	Advertising - VA	54.00
Premier Communications	Office Phone - VA	82.35
Grand Total		495.65h

General Basic Fund	495.65
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Claims dated 4-27-2021 in the amount of \$898,706.55 were reviewed and approved. Check sequence #151546-151621.

A & B Business Solutions A & B	4/21-5/20/21 Contract	803.03
Access Systems Leasing	Printer/Copier Lease Cont	669.24
Alliant Energy	acct 3128711000	593.96
AT & T	911 Recurring 712-233-00	47.83
Ban-Koe Systems, Inc.	Annual Fire Alarm Insp &	1153.00
Bierschbach Equipment & Supply	spade/1/2 SDS,paint,flags	189.66
Amy Borman	EAMT Mileage 720 mi March	360.00
Canon Financial Services Inc.	Canon Contract	536.00
Century Link	911 Recurring 712-233-001	395.36
City of George	utilities	37.50
Cooperative Energy Company	March Fuel-121.56G Diesel	349.37
Cooperative Farmers Elevator A	2nd Half TIF-Alvord 450-0	35357.02
Crossroads Trailer	end gate valve	209.60
Dan's Automotive Service, LLC	broken spark plug #44	3375.01
DGR Engineering	bridge 8Y/87Y easements	1723.60
Dixon Construction Company	BROSCHBP-CO60(124)NC-60 p	53520.00
Donald & Robin Fastert	8Y temporary easement	150.00
Dorsey & Whitney LLP	2020 UR Plan Amdmt	4912.50
Electronic Engineering	May 911 PSAP Maintenance	735.00
George Office Products	Gloves,Bleach,Office supplies	423.69
Gerald Moret	87Y temporary easement	150.00
Gordon Flesch Company, Inc.	Monthly Xerox Contract	158.23
Hallett Materials OMG Midwest,	671.81 tons gravel Ashton	5103.75
Hancock Concrete Products Co	6x4 box culvert/box ends	32663.63
Health Service of Lyon Co	random drug tests	50.00
Herman J. Hillbrands	87Y temporary easement	150.00
Hydraulic World Inc.	rebuilt cylinder	828.46
IBC Innovative Business Consul	Jan-Mar 2021 Admin Fees	687.47
Inwood Body Shop	Windshield#5,rightside glass#84	788.35
Iowa County Recorders Assoc. A	FY2021/2022 Research/Ed D	1951.56
IPERS - EFT - Ipers WH Deposit	J.Rohwer refund returned	596.48
J & J Smidstra Living Trust Jo	8Y temporary easement	150.00
Johnson Controls Fire Protect	Annual Sprinkler Test & I	537.59
Lewis Family Drug, LLC	Medication Assistance #31	25.04
Lyon County News	RE Taxes Due Ad/PT Custodian	51.60
Lyon County Sheriff Dept.	Sheriff Fees	658.84
Lyon Rural Electric Coop	electric - Lester/LRock Shop	493.06
Martin Marietta Materials	79.16 ton chips	1341.76
MidAmerican Energy	acct 08790-10018 INW	319.92
Motorola Solutions, Inc.	Radio for LR EMS New Amb.	2585.50
Northwest Iowa Comm. College N	CPR/AED Certification	80.00
NW IA YES Center	2/25/2021 Trans/Mileage-A	620.50
PCC, Inc. Physician's Claim Co	March Ambulance Billing	2031.02
Premier Network Solutions d/b/	New Computer & Monitor	1175.03
Pro Printing	2021 OHV Decals	544.25
Radio & TV Center	Replaced Camera/Speaker-J	545.00
Reserve Account/Pitney Bowes	Postage for Meter	400.00
Rock Rapids Ace Hardware	Paint and Paint Supplies	41.92
Sanford Health	3/24/21 Inmate Visit-AA	340.00
Sanford Health Plan	May Insurance Premiums	104325.80
Sanford USD Medical Center	Inmate visit/Immuniz Prgm Supp	276.64
Sanitation Products, Inc.	seal kit,oneway #12	10673.96
Marilee Schleusner	4/16/21 Dist. Mtg Mileage	45.00
SEAT Treasurer	4/28/21 SEAT CEU's-J.Smit	10.00

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Storey Kenworthy / Matt Parrot	Time Stamp / Ribbon	17.34
Sudenga Industries	2nd Half TIF Grant 185-00	18837.24
T/M Sieperda Investments,LLC	8Y temporary easement	150.00
Thrifty White Pharmacy	Meds for Inmates	91.24
Two Way Solutions, Inc.	Replace Repeater-George	2964.71
UMB Bank, N.A. Trust Operation	6/1/21 Principal/Interest Bond	595400.00
United States Postal Service	BRP #78-1526	200.00
US Bank - Purchase Card Purcha	Ship copier,postage,speaker	909.20
Van't Hul Repair	1 3/4" x 1 3/4" steel	41.00
Verizon	Cellphn service	2234.30
Vermeer High Plains	knife sharpening	46.36
Vos Bio-Tech, LLC Attn: Eric S	2nd Payment TIF Sioux 082	471.33
Xtreme Fire Protection LLC	Repair-2020 Durango	1402.10
Grand Total		898706.55

General Basic Fund	14,326.05
General Basic Sub Fund	35,400.00
County MHD Services Fund	41.52
Rural Services Basic Fund	596.48
Economic Development Fund	41.51
Secondary Road Fund	121,651.47
Debt Service Fund	560,000.00
Surcharge on E911	6,728.40
County Tifs-Novartis & Sudenga	19,308.57
Casino-TIF	35,357.02
Emergency Management Services	14.04
Co. Assessor Agency Fund	228.21
Health Insurance Fund	104,601.80
Flex Benefits Account	411.47

There being no further business there was a motion by Birkey, seconded by Vanden Bosch to adjourn. Motion carried.

ATTEST	APPROVED
_____	_____
County Auditor	Chairman