

LYON COUNTY AUDITORS OFFICE  
June 8, 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.

Members Angie Jager and Micah Freese from the Rock Rapids Heritage Days Committee signed up for the public comment time to talk to the Board regarding their request to use the courthouse square on June 19<sup>th</sup>. It was discussed that the committee would like to put large inflatable games on the North terrace and possibly partially onto the lawn. Instead of using the large stakes to secure the inflatables, water filled 35 gallon drums will be used. The members stated they have liability insurance for the event that would cover any damage if needed. The Board determined that would be fine.

The Board reviewed the Board minutes from May 25 and June 2, 2021. Motion by Herman, second by Birkey to approve and Chairman sign minutes. Motion carried.

The Board received a Class C liquor license application from Rock Rapids Gun Club. Motion by Birkey, second by Altena to approve and Chairman sign application. Motion carried.

The Board received a cigarette permit application from Dollar General Store #19990. Motion by Vanden Bosch, second by Altena to approve permit application. Motion carried.

The Board discussed the options for filling the upcoming July vacancy of County Recorder. It was asked if county offices could be combined. Auditor Smit stated that per Iowa Code offices can be combined but must be done so by election on a General Election ballot. However, in order to be on the General Election ballot, a petition would need to be filed requesting which offices to combine. Smit noted that the Board could not themselves authorize the question to be on the General Election ballot. The Board decided they would like to appoint to fill the vacancy. One of the Board members will speak with Deputy Amie Griesse to see if she is interested in the position.

Auditor Smit asked how the Board would like to move forward with the Law Annex building utility billing. Currently the bill was split 50% Sheriff, 40% Conservation, and 10% Veteran Affairs. The Sheriff office still occupies the old ambulance bay area and veteran affairs has moved into the prior conservation office. Birkey states he spoke with Fuller to see if veteran affairs would pay 40% of the bill but Fuller has not gotten back to him. Motion by Herman, second by Altena to have the sheriff department pay 60% of the law annex utilities and veteran affairs pay 40%. Motion carried.

Richard Reitsma asked to be on the public comment time. Reitsma talked about his concerns regarding the water quality in Lyon County. Reitsma stated the quality continues to decline. Reitsma would like to see the Board use some of the rescue act plan funds to put towards water quality in Lyon County. Reitsma would like a committee comprised of at least 50% residents to look at water quality. The Board thanked Mr. Reitsma for coming in and noted that the committee set up on 5-25 has not met yet.

Deric Kruse and Sam Chase are the compensation board members that represent the Supervisors. Their term expires on June 30, 2021. Smit asked if there was a Board member that would reach out to Kruse and Chase to see if they were interested in reappointment. If they are not, the Board will need to find replacement members. Feucht will contact Kruse and Herman will contact Chase.

The Board talked about continuing signage for masks, sneeze guards and such for county buildings. Public Health Director Melissa Stillson reports that the CDC states that masks are not no longer needed for vaccinated individuals, but social distancing is still encouraged. It is also still encouraged to have employees stay home when experiencing symptoms of illness. The Board decided to take down signs on the exterior doors, let department heads determine whether or not their sneeze guards come down, and encourages employees and public to continue social distancing.

Payout for Michele Stewart was corrected and approved. New payout will be \$8,792.96. Motion by Birkey, second by Altena to approve corrected payout. Motion carried.

The Board reviewed the updated employee handbook. There were no major changes just mainly revisions for clarification. Smit has received no correspondence from department heads regarding the updates. The Board had no changes to submit before approval. Smit will put the formal approval on the Board agenda for June 22.

Motion by Birkey, second by Altena to approve claims. Motion carried.

Carol Hill was present to represent Iowa's Bible Reading Marathon. This will be the 5<sup>th</sup> year to hold on the courthouse lawn. The public is invited to come read aloud as well. July 14<sup>th</sup> each county in the state will be reading 12 chapters and then Lyon County will be expanding their marathon. The dates for Lyon County readings will be July 14, 16, 21, and 27<sup>th</sup>. Times for reading may be obtained by contacting Carol Hill. Motion by Altena, second by Birkey to approve the request. Motion carried.

County Engineer Daryl Albertson, Road Superintendent Dave Jackson, and Engineer Tech Randy Hage joined the meeting. Hage reported that the 22R bridge is moving along.

Chairman Feucht introduced Resolution 2021-14 to set a public hearing on the proposal to enter into a road use tax revenue loan agreement and to borrow money thereunder in a principal amount not to exceed \$2,675,000. Motion by Herman, second by Vanden Bosch to approve Resolution 2021-14 which sets the public hearing date of June 22, 2021 at 10:00 a.m. Motion carried. The loan would be to purchase 10 motor graders.

#### RESOLUTION NO. 2021-14

Resolution setting the date for a public hearing on proposal to enter into a Road Use Tax Revenue Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$2,675,000

WHEREAS, the Board of Supervisors (the "Board") of Lyon County, Iowa (the "County") proposes to enter into a Road Use Tax Revenue Loan Agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$2,675,000, pursuant to the provisions of Section 331.402 of the Code of Iowa, for the purpose of paying the costs, to that extent, of acquiring road graders (the "Acquisition") for use by the County's public works

personnel, and it is necessary to fix a date of a meeting of the Board of Supervisors at which it is proposed to take action to enter into the Road Use Tax Revenue Agreement and to give notice thereof, as required by such law; and

WHEREAS, pursuant to Section 331.301 of the Code of Iowa, a county shall substantially comply with a procedure established by a state law for exercising a county power, and, if a procedure is not established by state law, a county may determine its own procedure for exercising the power; and

WHEREAS, no other provision of the Code of Iowa sets forth any procedures which are required to be followed by a county prior to entering into a loan agreement payable from road use tax revenues to be received from the State of Iowa, and, accordingly, pursuant to Section 331.301 of the Code of Iowa, the County may determine its own procedures for such purpose;

NOW, THEREFORE, It Is Resolved by the Board of Supervisors of Lyon County, Iowa, as follows:

Section 1. Pursuant to Section 331.301 of the Code of Iowa, it is hereby determined by this Board that the provisions of and the procedures specified in Sections 331.402 and 331.443 of the Code of Iowa are appropriate to be followed by this Board prior to entering into the Loan Agreement, and it is hereby found and determined that, pursuant to the provisions of Section 331.402 of the Code of Iowa, the County must publish notice as prescribed by Section 331.443 of the Code of Iowa of its proposed action to institute proceedings to enter into the Loan Agreement and hold a hearing thereon.

Section 2. This Board shall meet on the June 22, 2021 at the Lyon County Courthouse, Rock Rapids, Iowa, at 10:00 o'clock 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 3. 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, not less than four (4) and not more than twenty (20) days before the meeting, in a legal newspaper which has a general circulation in the County. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE PROCEEDINGS TO ENTER INTO A LOAN AGREEMENT IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,675,000

(ROAD USE TAX REVENUE)

The Board of Supervisors of Lyon County, Iowa, will meet on June 22, 2021, at the Lyon County Courthouse, Rock Rapids, Iowa, at 10:00 o'clock a.m., for the purpose of instituting proceedings and taking action to enter into a Road Use Tax Revenue Loan Agreement (the "Loan Agreement") in a principal amount not to exceed \$2,675,000, for the purpose of acquiring road graders for use by the County's public works personnel.

The Loan Agreement will not constitute a general obligation of the County, but will be payable solely and only from annual road use tax funds received by the County from the State of Iowa, which funds will be pledged for the

full and prompt payment of the principal and interest payable under the Loan Agreement.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Sections 331.402 and 331.443 of the Code of Iowa. At that time and place, oral or written objections may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections, the Board 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 Lyon County, Iowa.

Jen Smit, County Auditor

Section 4. Pursuant to Section 1.150-2 of the Income Tax Regulations (the "Regulations") of the Internal Revenue Service, the County declares (a) that it intends to undertake the Acquisition which are reasonably estimated to cost approximately \$2,675,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations (the "Bonds"), or (ii) expenditures made no earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the County, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Acquisition have heretofore been made by the County and no expenditures will be made by the County until after the date of this Resolution or a prior intent resolution of the County, and (c) that the County reasonably expects to reimburse the expenditures made for costs of the County out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately after its adoption and approval, as provided by law.

Passed and approved June 8, 2021.

/s/Josh Feucht, Chairperson, Board of Supervisors

Attest:/s/ Jen Smit, County Auditor

The Board opened the bids received. Bids were: Peoples Bank 1.97%; Premier Bank 2.15%; US Bank 1.67%; American State Bank 1.74%; Security Savings Bank 2.25%; Frontier Bank 1.94%. These bids will not be acted on until after bids have been reviewed for accuracy and completeness and the Board has held the public hearing on June 22.

City of Lester Mayor Dan Gerber and Engineer Tech Randy Hage talked to the Board regarding the Lester paving project done last fall. Hage had calculated 31 days of liquidated damages and the contractor argued about weather and waiting for the railroad and Hage reduced the damages to 28.5 days. Cost is \$1,000/day to equal \$28,500 in liquidated damages the contractor owed. This has been withheld from the last payment at 31 days, but was made up on last payment (7<sup>th</sup> payment shows explanation). The 8<sup>th</sup> payment strictly releases the hold of 30% of project and Hage proposes that

is released now. The project is completed but the railroad crossing needs to be finalized. Gerber would like to know if any of the liquidated damages make their way back to people who paid the price of the construction. Gerber talked about the businesses that were affected. Gerber would like to know if any of the liquidated damages would come to the City of Lester. According to the 28E Agreement signed in 2020, the liquidated damages are to go to the county. Birkey asked Gerber what type of split he would like to see. Gerber would like a 50% split of the liquidated damages. The Board would need to talk to Attorney Oetken before making any decisions. Gerber also asked if the project's 1<sup>st</sup> payment is due June 15<sup>th</sup>, 2021 as the City didn't budget a payment for FY21. The 28E was done in April of 2020 and budgeting is completed by then. Gerber also asked about being reimbursed for serving as the road authority contact during the project when needed for the grant as the road authority (county engineer) was not available. Gerber estimated he had 20-25 hours. The Board asked at what rate would Gerber want to be reimbursed. Gerber asked what the per hour amount would have been if the county would have had paid an employee to do it and that is what he thought would be acceptable. Gerber states the county should pay DRG Mechanical or the City of Lester those dollars. Feucht stated that the Board will need to talk to the county attorney before any decisions can be made.

Economic Development Director Steve Simons gave the Board information regarding the blogger Iowa Gallivant T-Bone Trail being in the county next week.

Supervisor correspondence: Altena - Sioux Rivers Mental Health, Herman - DNR site visit for Van Veldhuizen lagoon. All Board members attended the Conservation Nature Center open house the evening of Thursday, June 3<sup>rd</sup>.

Employment changes: Sara Sprock resigned from the Conservation Board as of June 7, 2021.

Handwritten claim dated 5-26-2021 in the amount of \$712.98 was reviewed and approved. Check sequence #152099.

IBC Innovative Business Consul	5/17-5/23/2021 Flex Plan	712.98
Grand Total		712.98

Flex Benefits Account 712.98

Payroll dated 5-28-2021 was reviewed and approved.

Payroll Warrant Register in the amount of \$223,325.70 is listed by fund.

General Basic Fund	136,578.86
County MHD Services Fund	3,158.05
Rural Service Basic Fund	19,267.64
Economic Development Fund	3,719.18
Secondary Road Fund	46,015.20
Emergency Management Service	2,731.80
Co. Assessor Agency Fund	11,854.97

Payroll Disbursement Register in the amount of \$273,637.16 is listed by Fund.

General Basic Fund	99,401.97
General Supplemental Fund	52,374.29
County MHD Services Fund	2,929.04
Rural Services Basic Fund	31,948.74
Economic Development Fund	3,611.16
Secondary Road Fund	68,727.47

Emergency Management Serv	3,309.54
Co Assessor Agency Fund	11,334.95

Handwritten claim date 6-2-2021 in the amount of \$60.00 was reviewed and approved. Check sequence #152264.

IBC Innovative Business Consul	5/26-5/31/21 Flex Plan	60.00
Grand Total		60.00

Flex Benefits Account	60.00
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Claims dated 6-8-2021 in the amount of \$496,086.58 were reviewed and approved. Check sequence #152265-152377.

A & B Business Solutions A & B	5/21-6/20/21 Contract	806.69
Access Systems Leasing	Printer/Copier Lease Cont	391.34
AG-News	Sheriff Ad	195.00
Ahlers & Cooney, P.C. Attn: Ac	HR Services Thru 5/19/21-	195.00
Alliant Energy	acct 3128711000	191.91
Avera Merrill Pioneer Hospital	Lab-Bloodwork	636.00
Nikki Baatz	May Mileage (770)	358.00
Beck Engineering	surveying-storm sewer RR	2240.00
Vernon Beernink	Reimb Well Closing	500.00
Bierschbach Equipment & Supply	15x300' fabric, pintle hook #4	6243.93
Bound Tree Medical, LLC	CPAP/IV Supplies	1471.49
Calhoun-Burns & Associate Inc.	bridge design 22R, 87Y	1849.60
Century Link	911 Recurring 712-233-001	395.36
Century Link - Business	4/16-5/15/21 Long distance	245.37
City of George	utilities	30.00
City of Larchwood	utilities	36.11
City of Rock Rapids Municipal	April Utilities	7832.73
Cooperative Farmers Elevator	seed - waterway mix	313.33
Cost Advisory Services, Inc.	FY2020 Plan/FY2022 Recove	4125.00
Crossroads Trailer	drain pan	17.54
Culligan Soft Water Serv.	Salt for Softner	48.50
Denco Highway Construction Inc	HMA Crackfill/CRS-2 Emul	165399.35
Denekas Electric Inc.	Tree Outlet-Labor	65.00
Denny's Sanitation Inc.	garbage service	122.50
DGR Engineering	construction admin K-30 P	751.50
DJ's Service	717 gal diesel	5042.49
Doon Press	4/8/2021 Job Vacancy-MV C	60.00
Connie Douglass	May Mileage (66)	33.00
Electronic Engineering	911 PSAP Maint. Contract	735.00
Equipment Blades Inc.	snow plow blade, curved blade	7490.34
GCC Alliance Concrete Inc.	43 cy grout - mudjacking	8600.00
George Office Products	Office supplies, chair	853.48
Gordon Flesch Company, Inc.	5/15-8/14/21 Service Cont	117.82
Graham Tire S.F. North	New Tire Adjustment on 60	74.44
Hallett Materials OMG Midwest,	2,764.85 tons gravel Ashton	19630.53
Henning Construction Inc	30,742 tons gravel @ 5.76	177079.10
Herm's Sanitation	garbage service - April -	57.00
Hillyard / Sioux Falls	Custodial Supplies-Crthou	510.64
I-State Truck Center	headlamp #5, gasket, windshield	577.80
IBC Innovative Business Consul	May Employee Benefits	2180.71
Iowa Law Enforcement Academy S	Firearms Inst. Recert. 6	325.00
ISAC	Annual Conf 8/25-8/27/21	630.00
Jack's Uniforms & Equipment	Uniform Pants (2) 60-12	175.84

JCL Solutions-Janitors Closet	Tissue & Gloves	229.28
Jebro Inc.	235 ga CRS-2	888.75
Keith's Korner	48.47 gal gasohol	129.80
Coreen Klarenbeek	May Mileage (203)	101.50
Mark Klarenbeek	safety gloves	55.61
Shannon Klarenbeek	May Mileage (761)	380.50
L.G. Everist, Inc.	1,132.23 tons #5 ballast	19870.66
Larchwood Quick Stop	77.93 gal gasohol	211.78
LeLoux Diversified, LLC Evan J	Fix Floor Drain-Jail	281.25
Lems Auto Recyclers	shift lever linkage #41	35.00
Leuthold Plumbing/Heating Inc	6"/10" tile drills	17540.54
Lewis Family Drug	Adult Epi Pens (4)/Peds(4)	1220.00
Lyon & Sioux Rural Water	water - Lester/LWood shop	64.00
Lyon County Sheriff Dept.	Sheriff Fees	220.60
Lyon Rural Electric Coop	UPS Charges-Exp Vaccine	14.17
Mail Services. LLC	June Renewals	453.02
Matheson Tri-Gas Inc	5/21/21 Oxygen Cylinders	20.01
Meyer Electric Inc.	shop area switch RR Shop	165.65
MidAmerican Energy	Utility Assistance/Utilities	241.95
Midwest Boring LLC	Schaffer 8" tile drill	3545.00
Midwest Card and ID Solutions	FY2022 Rapid Tag/Tracking	1250.00
Joel Moser	May Mileage (168)	84.00
Colette Nath	Doon/Sioux Twp-Home Ins	31.50
New Century Press	Ord,BrdMin,Audit Prop,Help Want	2082.00
Northwest Iowa Comm. College N	Feb CPR Cards/April CEUs	95.00
NW IA YES Center	5/10/21 Transportation CS	250.75
Osceola Rural Water	water - Little Rock Shop	34.14
Katie Poppinga	May Mileage (368)	184.00
Premier Communications	June Phone,Fiber,Internet,cable	2296.87
Premier Network Solutions d/b/	June IT Consulting/Cloud backup	4464.98
Rapid Graphics	grease decals	57.78
Rock Rapids Ace Hardware	Weed&Feed, washing machine	952.92
Rock Rapids Cashway Lumber	1" x 7' rebar - box repai	3.78
Kenneth D. Roemen	safety shirts/jacket	287.73
Schneider Geospatial, LLC	ESRI / 5th GIS License	1500.00
Martin J. Schoening	safety prescript glasses	221.00
Steve Simons	May Mileage (277)	149.28
Sioux County Sheriff	Return of Service	85.12
Dr. Dave Springer	DOD 5/19/21 Exam Fee	263.00
Dustin Steen	safety boots/gloves/shirts	243.58
Stericycle, Inc.	Monthly Sharps Disposal	67.00
Melissa Stillson	May Mileage (56)	28.00
The Shop Larchwood LLC	rim/mount	98.00
Thrifty White Pharmacy	Meds for Inmates	661.92
Pamela R. Tille	5/12&21/21 Mileage (128)	64.00
TransUnion Risk & Alternative	May 2021 Services	150.30
Tri-State Ready Mix Inc.	3 yds conc - Kennedy Ave	342.00
Two Way Solutions, Inc.	Repair Radio 60-7	84.99
US Records Midwest LLC Attn: R	Canvas Jackets & Tabs	435.92
Richard VanDenTop	Reimb: Flex Plan Deductio	153.91
VanHolland Lawn Service LTD Da	5/11/2021 System Start Up	342.75
Verizon	Cell Phone service/Aircards	1325.18
Wheelco Brake & Supply	ABS Sensor #128	68.52
Ziegler Inc.	skidsteer mulch,gaskets	13423.15
Grand Total		496086.58

General Basic Fund

32,619.19

County MHD Services Fund	261.31
Rural Services Basic Fund	713.58
Economic Development Fund	187.38
Secondary Road Fund	456,784.83
Recorders Management Fund	435.92
Surcharge on E911	2,380.36
Emergency Management Services	90.95
Co. Assessor Agency Fund	432.35
Health Insurance Fund	1,460.00
Flex Benefits Account	720.71

There being no further business there was a motion by Herman, seconded by Altana to adjourn. Motion carried.

ATTEST \_\_\_\_\_ APPROVED \_\_\_\_\_  
County Auditor Chairman

NOTE: These minutes are as recorded by the Clerk to the Board of Supervisors and are subject to Board approval at the next regular meeting.