

LYON COUNTY AUDITORS OFFICE  
February 21, 2017

ROCK RAPIDS, IOWA

Chairman Randy Bosch convened the adjourned session with Peters, Bosch, Behrens, Koedam and Michael present. Motion carried assumes unanimous vote unless otherwise stated.

The minutes of the February 15, 2017 meeting were reviewed. Motion made by Behrens to approve minutes, seconded by Michael. Motion carried.

Chairman Bosch opened the public hearing at 9:10 a.m. to take public comment on vacating a portion of Main Street in Edna, Lyon County, Iowa, and the subsequent disposal of said property to Lester Feed & Grain Co. In attendance were County Attorney Shayne Mayer and Verdona Kelly. There were no written comments submitted. Motion by Peters, second by Behrens to close the public hearing at 9:12 a.m. as there were no comments presented. Rollcall vote: District 1 Support, District 2 Support, District 3 Support, District 4 Support, and District 5 Support. Motion carried to close the public hearing.

Chairman Bosch introduced Resolution 2017-07 to approve the vacation and subsequent disposal of property to Lester Feed & Grain Co.

RESOLUTION NO. 2017-07

RESOLUTION VACATING A PORTION OF MAIN STREET IN THE UNINCORPORATED TOWN OF EDNA, LYON COUNTY, IOWA, AND DISPOSING SAID VACATED STREET TO LESTER FEED & GRAIN CO.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LYON COUNTY, IOWA:

That the Board of Supervisors of Lyon County, Iowa, previously proposed to vacate a portion of Main Street in in the Unincorporated Town of Edna, Iowa, that is legally described as follows:

*The entirety of Main Street lying within the following tract:*

*Railroad Lot One (1) and Railroad Lot Two (2) in the Unincorporated Town of Edna, Lyon County, Iowa, as shown by Plat of Survey recorded in Plat Book "6" at Page 7 in the Office of the Lyon County Recorder, **EXCEPT** that part of Railroad Lot Two (2), more particularly described as follows:*

*Commencing at the West Quarter Corner of Section 19, Township 99, North, Range 44, West of the 5<sup>th</sup> P.M., thence North 1,054.13 Feet; thence South 63°28'20" East for 36.88 Feet; thence South 83.83 Feet; thence South 63°28'20" East for 1,470.86 Feet to the point of beginning; thence North 251.48 Feet; thence North 63°28'20" West for 795.47 Feet; thence South 251.48 Feet; thence South 63°28'20" East for 795.47 Feet to the point of beginning, containing 4.11 Acres, more or less.*

*Said portion of Main Street is south of Madison Avenue and north of Monroe Avenue, as shown by the Plat recorded in Book "1" at Page 473 in the Office of the Lyon County Recorder on May 29, 1888.*

That the above-described portion of Main Street in the Unincorporated Town of Edna, Iowa (the "Unused Street"), is of no benefit to the public as the Unused Street has not been used by the public as a street for many years and thus its maintenance at public expense is no longer justified.

That Lester Feed & Grain Co. is the sole landowner with property adjacent to the Unused Street, and that the vacation of the Unused Street will not deny said landowner or other persons reasonable access to the property of Lester Feed & Grain Co.

That the Unused Street is hereby vacated, and it shall be sold to Lester Feed & Grain Co. for the sum of one dollar (\$1.00). Said sale shall be subject to the following condition: That Lester Feed & Grain Co. shall pay all publication costs associated with the vacation and disposal of the Unused Street.

That a public hearing was held on February 21, 2017, at 9:00 a.m. in the Lyon County Courthouse located at 206 South 2<sup>nd</sup> Avenue, Rock Rapids, Iowa, before the Board of Supervisors; no objections to the vacation and disposal of the above-described real estate were presented from any interested parties. Notice of the public hearing was published in conformance with sections 354.23 and 331.305 of the Iowa Code (2015).

That the Auditor of Lyon County, Iowa, and Chairperson of the Board of Supervisors are authorized to execute and deliver a special warranty deed regarding the Unused Street to Lester Feed & Grain Co. in accordance with the terms set forth in this resolution.

PASSED, APPROVED, AND ADOPTED this 21<sup>st</sup> day of February, 2017.

ATTEST: /s/ Jennifer Smit  
Auditor

/s/Randy Bosch  
Chairperson

Motion by Behrens, second by Koedam to approve and sign Resolution 2017-07 vacating said portion of unused Main Street in Edna, Lyon County and the disposal of said property to Lester Feed & Grain Co. Rollcall vote on motion: District 1 Support, District 2 Support, District 3 Support, District 4 Support, and District 5 Support. Motion carried.

Attorney Mayer informed the Board regarding the pending purchase of property for a secondary road shop and the Rock Rapids Development Corporation's support of \$125,000 due at closing and \$85,000 due at the time the street to the property is complete. The Board asked to have the topic put on the Feb. 27<sup>th</sup> agenda.

Chairman Bosch opened the public hearing at 9:30 a.m. to take public comment regarding the County entering into a general obligation loan agreement and providing for the levy of taxes to pay the same. In attendance were:

2-21-2017

Attorney Shayne Mayer, County Engineer Laura Sievers, Road Superintendent Gary Vogel, Economic Development Director Steve Simons, Conservation Director Craig Van Otterloo, Kevin Kuiper, and Verdonia Kelly. No written comments were submitted to the Auditor's Office regarding the proposal. Supervisor Bosch explained why he is uncomfortable authorizing a debt service levy for the projects. Bosch feels it is asking the incorporated areas to pay for projects that will mainly be done in the unincorporated areas and the bonding does not have a reverse referendum option for the residents to ask for an election on taking out \$4.5 million in General Obligation bonds and using the debt service levy to pay for said bonds. Supervisors Peters and Michael spoke that they feel that all residents, incorporated or unincorporated, would benefit from the projects as it enables residents to get to and from their work places, whether those places are in unincorporated or incorporated areas. It was stated that without bonding the projects will not be done as the County does not have another revenue source to pay for said projects. It was pointed out that the County is mainly agricultural, and those in agriculture do business at local businesses and need the infrastructure in order to conduct said business. As there was no other discussion, motion by Michael, second by Peters to close the public hearing at 10:02 a.m. Motion carried.

RESOLUTION NO. 2017-08

Resolution taking additional action on proposal to enter into a General Obligation Loan Agreement and providing for the levy of taxes to pay the same

WHEREAS, the Board of Supervisors (the "Board") of Lyon County, Iowa (the "County"), heretofore proposed to enter into a General Obligation Loan Agreement (the "Loan Agreement") and to borrow money thereunder in a principal amount not to exceed \$4,500,000, pursuant to the provisions of Section 331.402, Section 331.441(2)(b)(16) and Section 331.443 of the Code of Iowa, for the purpose of undertaking capital projects (the "Projects") for the construction, reconstruction, improvement, repair or equipping of roads, bridges and culverts to (a) assist in economic development which is anticipated to create jobs and wealth; (b) repair damage from previous disasters experienced in the County; and (c) prevent and mitigate future disasters which may occur in the County, and pursuant to law and duly published notice of the proposed action, has held a hearing thereon on February 21, 2017; and

WHEREAS, the County intends to enter into the Loan Agreement in the future and to issue General Obligation County Purpose Bonds (the "Bonds") in evidence of its obligations thereunder and anticipates that principal and interest will come due on the Bonds before July 1, 2018; and

WHEREAS, it is now necessary to make provision for the levy of a debt service property tax in the 2017-2018 fiscal year for the payment of such anticipated principal and interest;

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

Section 1. The Board hereby determines to enter into the Loan Agreement in the future and orders that the Bonds be issued at such time, in evidence thereof. The Board further declares that this resolution constitutes the "additional action" required by Section 384.24A of the Code of Iowa.

Section 2. For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, there is hereby ordered levied on all the taxable property in the County the following direct annual tax:

For collection in the fiscal year beginning July 1, 2017, sufficient to produce the net annual sum of \$240,000.

Provided, however, that at the time the Bonds are issued, the actual tax levy amounts required to pay the principal of and interest on the Bonds in each year shall be determined based upon the interest rate or rates at which the Bonds are issued, and this resolution shall be supplemented by a resolution of the Board of Supervisors to provide for such actual and necessary tax levy amounts.

Section 3. A certified copy of this resolution shall be filed with the County Auditor, and the County Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever.

Section 4. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved February 21, 2017.

/s/ Randy Bosch  
Chairperson, Board of Supervisors

Attest: /s/ Jen Smit  
County Auditor

Motion by Michael, second by Peters to approve and sign Resolution 2017-08 taking additional action on proposal to enter into a General Obligation Loan Agreement not in excess of \$4.5 million and providing the use of debt service levy to pay up to \$240,000 in fiscal year 17/18. Rollcall vote: District 1 Support, District 2 Support, District 3 Support, District 4 No, and District 5 Support. Motion carried.

Kevin Kuiper addressed the Board regarding land he owns at 1557 Apple Avenue. Kuiper has land along Apple Avenue that contains many trees in the Right of Way which the secondary road crew has started removing. Kuiper is unhappy about the removal of the trees as they make the area beautiful. Kuiper's

family has an area along the avenue which they have made many different walking paths along to enjoy the scenery. Kuiper made comments regarding his disappointment about not being notified before the work began as it did not give Kuiper a chance to have a conversation about the trees and their removal. Kuiper does understand that the trees are in the right of way and by law the County can take measures to remove those trees. Obstacles in the right of way are required to be removed by the county in order to help with safety of travel and road maintenance. It was noted by the Board members to Kuiper that they understood his disappointment of the removal of the trees because of the beauty the trees brought to the area, however, the trees were causing travel issues with the road and the trees ultimately were in the right of way.

Sheriff Vander Stoep notified the Board that Shannon VanMeeteren has been hired as a part time jailer as of January 17, 2017 at a wage of \$15.30/hour.

Supervisor correspondence: Behrens: NWIA Regional Housing Authority;  
 Koedam: NW IA Planning and Development, Regional Transit Authority;  
 Michael: Conservation meeting.

Conservation claims dated 2-14-2017 in the amount of \$5,310.85 were reviewed and approved. Check sequence #126516-126533.

Alliance Communications	LPRA Telephone, LD, Inter	72.00
Campbell Supply	Light Bulbs	13.76
Cooperative Energy Company	70.67 G Gasahol	160.33
Cooperative Farmers Elevator	Lumber,House Wrap E Shelt	2272.38
Dusty's Auto Body David Dreesm	Taurus-New Windshield	319.84
George Office Products	Office Supplies	136.87
Lyon & Sioux Rural Water	17,000 Gallons Water	124.75
Lyon Rural Electric Coop	LPRA Electric	1045.09
Menards	Oak Boards, Epoxy,stripper	176.98
Emily Ostrander	Reimb: EE Supplies	8.04
Premier Communications	Office Phone, LD & Intern	89.57
RB Electric Inc.	Repair Wires in Kyle's ho	112.00
Rock Rapids Ace Hardware	Gloves	11.99
Rock Rapids Machine & Welding	Bending Piece & Tractor R	31.25
Sunshine Foods	EE supplies	12.79
Three Rivers Pheasants Forever	Gold Sponsorship Package	250.00
Todd's True Value	Enamel and Brushes	43.21
Valley Excavating	Mini Excavator Rental	430.00
Grand Total		5310.85

General Basic Fund	2,608.47
General Basic Sub Fund	2,702.38

Handwritten claim dated 2-15-2017 in the amount of \$14,886.95 was reviewed and approved. Check sequence #126515.

Wellmark BlueCross BlueShield	2/4/17-2/10/17 Claims	14886.95
Grand Total		14886.95

Health Insurance Fund	14,886.95
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Veteran Affairs claims dated 2-15-2017 in the amount of \$641.37 were reviewed and approved. Check sequence #126534-126543.

2-21-2017

Jerry M. Baatz	Mileage (20) February Mee	10.00
Doon Press	Advertising	32.00
Focus Newspaper	Advertising	56.00
Doug Hilbrands	Mileage (30) February Mee	15.00
IACCVSO Decatur County Veteran	Spring School	60.00
Little Rock Free Lance	Advertising	20.00
Lyon County News	Advertising	22.55
NACVSO	National Registration	300.00
New Century Press	Advertising	48.00
Premier Communications	Office Phone	77.82
Grand Total		641.37

General Basic Fund 641.37

Payroll dated 2-15-2017 was reviewed and approved.

Payroll Warrant Register in the amount of \$69,730.44 is listed by fund.

General Basic Fund	9,784.19
Rural Services Basic Fund	18,814.91
Secondary Road Fund	41,131.34

Payroll Disbursement Register in the amount of \$36,482.39 is listed by Fund.

General Basic Fund	4,295.20
General Supplemental Fund	4,086.00
Rural Services Basic Fund	9,043.38
Secondary Road Fund	19,057.81

Claims dated 2-21-2017 in the amount of \$43,165.35 were reviewed and approved. Check sequence #126544-126598.

Airgas USA LLC	welding supplies	60.28
Alliant Energy	acct 6097001000	319.81
AT & T	E911 Recurring 712-233-00	41.38
Harley A. Behrens	5 Garfield Twp Mtgs	75.00
Gerald Brands	1/23/17 ConfBrd Mileage (	23.00
C.J. Cooper & Associates	10 QED Alcohol test kits	170.58
Chase Companies	1/27/17 CareerDay Photos	75.00
Wesley DeGroot	5 Garfield Twp Mtgs	75.00
DGR Engineering	Dakota Access Dec Inspect	1530.00
DGR Engineering	Topo Surveys	5313.55
Doon Press	7/1/16-12/31/16 SemiAnnua	30.00
Erv's Farm Repair	bracket #52, acetylene	106.51
Frontier	Feb 911 Recurring	129.95
George Office Products	Office Supplies - Auditor	16.38
Dan R. Gerber	1/23/17 ConfBrd Mileage (	9.00
H & S Homebuilding Center	Lumber/loft to store mura	81.40
Hillyard / Sioux Falls	Janitorial Supplies - Jai	297.84
ISU Extension - Lyon County	2/14/17 CommPesticide Mtg	70.00
Scott Lee	ConfBrd mtg Mileage (80)	40.00
Lewis Family Drug, LLC	Jan Medication C.E.	3.23
Lyon County Sheriff Dept.	Sheriff Fees	1554.42
Lyon Rural Electric Coop	utilities - Lester/LR shop	777.14

2-21-2017

Tim Mantel	1/23/17 ConfBrd Mileage	15.00
Matheson Tri-Gas Inc	2/7/17 Oxygen	71.78
Shayne Mayer	2/10/17 Mileage ICAA mtg	269.00
Med-Star Paramedic Ambulance	2/7/17 ALS Intercept	300.00
Mid Country Machinery Inc.	electric swivel #86,repair	5236.88
MidAmerican Energy	Inwood/Alvord Shop	727.70
Modern Gas Company	150 gal LP gas	194.85
New Century Press	Brd Hrg Notices,budget hrgs, Minutes,juv notices	297.89
North American Truck & Trailer	air fittings #9	28.08
North Iowa Domestic & Sexual A	3/24/17 Mtg Registration	10.00
Northern States Supply Inc.	hardware	4.06
Pizza Ranch	1/27/17 CareerDay Lunch	1207.00
Rock Rapids Ace Hardware	Stone Sealer,ballast,duster	57.97
Sanford Health Occupational	job function tests	180.00
Sanford USD Medical Center	5 RN Transfers,Inmate visits	314.50
William J Schreurs	steel toe shoes	180.00
Sioux City Foundry Co.	angle iron 4X4X20' #5	263.67
Eldon Sneller	3 Garfield Twp Mtgs	45.00
Snow Removal & Sanding Arthur	Jan Snow Removal 10.75 Hr	698.75
Sunshine Foods	2 Reg Coffee/Annex bldg	11.98
Trackside Repair & Towing - D	1/6/17 Tow 60-10 Impala t	150.00
US Bank - Purchase Card Purcha	EMA fuel,EE supplies, Conserv conf,meals,lodging	1015.96
US Bank Equipment Finance	2/9/17-3/9/17 Ricoh Copie	161.00
Van't Hul Repair	materials for sander cart	294.83
Larry VanOort	2 Garfield Twp Mtgs	30.00
Verizon Business	acct 4512330	4.91
Verizon Wireless	2/7-3/6/17 Cell phone	484.57
Wellmark BlueCross BlueShield	2/11/17-2/17/17 Claims	16003.78
Ziegler Inc.	trans control valve/seals, labor, 30W oil	4106.72
Grand Total		43165.35

General Basic Fund	6,629.95
General Basic Sub Fund	81.40
Rural Services Basic Fund	295.00
Secondary Road Fund	18,272.44
Surcharge on E911	197.07
Development Project Fund	1,282.00
Emergency Management Services	316.71
Co. Assessor Agency Fund	87.00
Health Insurance Fund	16,003.78

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

ATTEST	APPROVED
_____ County Auditor	_____ Chairman