

LYON COUNTY AUDITORS OFFICE
November 24, 2014

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 November 10, 2014 meeting were reviewed. Supervisor Behrens requested a change regarding a paragraph written as "to sell land" change to sell property. Motion made by Behrens to approve minutes with change, seconded by Peters. Motion carried.

Lyon County Historical Society by Albert VanHolland and Jim Wells presented their Proposed Budget for their year ending August 31, 2015. Expenditures are going up; would like the county to increase their allocation to them next year. Current allocation is \$7,000 wondered if it could be increased to \$8,000-\$9,000. The board thanked them for coming.

Group Services need a "Business Associate Agreement" signed regarding HIPAA regulations and privacy. Motion by Behrens to have the Chairman sign the agreement, seconded by Michael. Motion carried.

Benefit Technology Resources, Inc. needs a "Non-Disclosure and Non-Circumvention Agreement" signed regarding Proprietary Information. Benefit Technology is retained by Group Services to be in compliance with all the new ACA requirements. Motion by Michael to have the Chairman sign the agreement, seconded by Behrens. Motion carried.

Chairman Bosch opened the Public Hearing at 9:30 A.M. to discuss a proposed resolution to transfer real property owned by Lyon County and located in Little Rock. County Attorney Mayer was present. After a survey; it was discovered that a building encroaches the North 1.25 feet of the county's property on main street. The County's property cannot be sold with this defect; Attorney Mayer is proposing to Gift the 1.25 feet to the landowner to resolve this title issue. This would give the County a clear title to our property and enable us to go forward with an Auction in December. Attorney Mayer believes this gift does serve a public purpose. Chairman Bosch closed the public hearing at 9:40 A.M.

Chairman Bosch introduced Resolution 2014-40.

RESOLUTION 2014-40

**RESOLUTION TO TRANSFER REAL PROPERTY OF LYON COUNTY, IOWA PURSUANT TO IOWA
CODE 331.361(4)
**

WHEREAS, Lyon County is the owner of the following described real estate:

Lots (4), Five (5), Six (6) and Seven (7), in Block (3), of the Town
(now City) of Little Rock, Lyon County, Iowa.

WHEREAS, located on said property is a building which has been used by Lyon County, Iowa as a maintenance building for the Lyon County Secondary Roads Department; and

WHEREAS, Lyon County has built a new maintenance building at another location and will no longer be using said premises; and

WHEREAS, in preparation to sell the above property, said property was surveyed and it was discovered a building to the north encroached upon the property owned by Lyon County, Iowa; and

WHEREAS, the encroaching building is one of a permanent nature and cannot easily be moved; and

WHEREAS, the encroachment creates an issue which would make disposal of said real estate owned by the County difficult, and Lyon County seeing no future use for said premises of benefit to Lyon County wishes to sell above property a public auction; and

WHEREAS, the surveyor and the Lyon County Engineer have consulted and reached the conclusion that conveying the North 1.25 feet of Lot 4, all in Block 3, in the Town (now City) of Little Rock, Iowa, Lyon County to the owner of the encroaching property to the North, would resolve the encroachment issue and;

WHEREAS, in of itself, the North 1.25 feet does not have any value and the owner of the property to the North, Mr. Dennis Hayenga, wishes to take title to the North 1.25 feet of which will encompass his building, currently sitting on Lyon County, Iowa property; and

WHEREAS, a Notice of Public Hearing in accordance with Iowa Code 331.361 and 331.305 was published in the legal publications of the Lyon County Reporter and the Little Rock Freelance and the time for Public Hearing having passed without objection.

IT IS HEREBY RESOLVED by the Board of Supervisors of Lyon County, Iowa:

1. That the Lyon County Board of Supervisors finds it is in the best interests of the residents of Lyon County, Iowa for Lyon County to have the ability to dispose of the above described property, and said ability is hampered by encroachment of a building located to the north owned by Mr. Dennis Hayenga.
2. The Lyon County Board of Supervisors further finds, that the conveyance, by gift, of 1.25 feet of Lot 4, of the Town (now City) of Little Rock, Lyon County, Iowa serves a public purpose as contemplated by Iowa Code 331.361 in that specifically it provides for the marketability of the property owned by Lyon County, Iowa; property which the County wishes to sell by public auction.

BE IT FURTHER RESOLVED that having been advised in the above and having found the time for objections to have passed, that Lyon County shall convey by Quit Claim Deed the North 1.25 feet of Lot 4, all in Block 3, in the Town of Little Rock, Iowa Lyon County to Mr. Dennis Hayenga. The Lyon County Board authorizes Chairman Randy Bosch to sign the necessary paperwork to complete said conveyance upon the completion of the documents.

Dated this 24th day of November, 2014.

ATTEST:/s/ Jen Smit
Lyon County Auditor
Supervisors<p>

/s/Randy Bosch, Chairman
Lyon County Board of

Motion by Peters, seconded by Behrens to Gift the property by quit claim deed and approve to have Chairman sign Resolution 2014-40. Motion carried.

Chairman Bosch opened the Second Public Hearing at 9:45 A.M. to discuss offering the Little Rock property by public auction. Attorney Mayer stated that after the appropriate documents have been filed transferring the North 1.25 feet in Lot 4 an abstract can be brought up to date and an auction can be held. Discussion was held on a timeline. Supervisor Peters will contact Klaahsen Realty regarding dates available. Attorney Mayer will contact the abstract company and get back to the board on a timeline. Motion by Peters, seconded by Behrens to sell the property by auction. Motion carried.

Later in the meeting the auction was set for December 18, 2014 at 4:30 P.M.

Chairman Bosch closed the public hearing at 9:55 A.M.

Chairman Bosch introduced Resolution 2014-41.

**RESOLUTION 2014-41 RESOLUTION TO SELL REAL PROPERTY OF LYON COUNTY, IOWA
BY PUBLIC AUCTION**

WHEREAS, Lyon County, Iowa is the owner of the following described real estate:

Lot 4, Except the North 1.25 Feet thereof, Block 3, Original Town of Little Rock, Lyon County, Iowa AND Lots 5, 6, and 7, Block 3, Original Town of Little Rock, Lyon County, Iowa.

WHEREAS, located on said property is a building which has been used by Lyon County, Iowa as maintenance building for the Lyon County Secondary Roads Department; and

WHEREAS, Lyon County has built a new maintenance building at another location and will no longer be using said premises; and

WHEREAS, the Lyon County Board of Supervisors propose it is in the best interests of the residents of Lyon County to sell said property at public auction; and

WHEREAS, a Notice of Public Hearing in accordance with Iowa Code 331.361 and 331.305 was published in the legal publications of the Lyon County Reporter and the Little Rock Freelance and the time for Public Hearing having passed without objection;

IT IS HEREBY RESOLVED by the Lyon County Board of Supervisors that it is in the best interests of the residents of Lyon County, Iowa, to sell said property at public auction a date and time of which shall be set by the Lyon County Board of Supervisors. The time and place for said public auction shall be advertised publicly.

Dated this 24th day of November, 2014.

ATTEST: /s/ Jen Smit
Lyon County Auditor

/s/Randy Bosch, Chairman
Lyon County Board of Supervisors

Supervisor Peters asked Attorney Mayer about a proposed road vacation by Little Rock. The landowner has had the property surveyed and is now waiting for the county. Attorney Mayer stated that there are more roads in the county that need to be vacated and she will look at these in January to get them resolved before Spring.

Engineer Sievers presented the board with two (2) Utility Accommodations by Alliant Energy near Lester in Larchwood township; Rick Gustas from Alliant was also present. The first accommodation is for a proposed pole in the bottom of the ditch and may not be in the clear zone. Engineer Sievers would like the pole to be as close to the back of the Right of Way as possible. The second accommodation is for a pole that was placed on the Iowa side instead of the Minnesota side and there appears to be some confusion on how this happened and if it can be corrected. Per the Engineer's recommendation the Board denied both requests. County policy is to keep poles out of the ditches and to avoid any liability issues.

Engineer Sievers attended a FEMA meeting last week in Des Moines. Iowa Homeland Security had approved the proposed bridge projects but FEMA has not. She will need to change the paperwork to repair instead of replacement. The problems appear to be when the Inspector General does an audit on the completed projects years later counties are ending up paying FEMA dollars back due to paperwork missing or lack of FEMA approval. Sievers will go thru the paperwork process again and resubmit to FEMA for approval.

Chairman Bosch opened the Public Hearing at 11:05 to discuss a proposed Budget Amendment. The board discussed a budget amendment for \$2,226,716; of that amount \$2,000,000 is for Secondary Road expenditures from the June Flood. The board discussed payment options for roads and bridges being repaired. The county may have to consider a bond issue next fiscal year to meet the required dollar amount to repair bridges in the county with repayment coming from the TIFdollars generated from the Casino. Chairman Bosch closed the public hearing at 11:40 A.M.

Chairman Bosch introduced Resolution 2014-42.

**Resolution 2014-42 Budget Amendment & Appropriations
FY 14/2015**

Whereas, Iowa Code Section 331.435 provides for Budget Amendments. Lyon County's meeting for the Budget Amendment was held November 24, 2014 at 11:00 a.m. Notice was published in the Lyon County Reporter on November 12, 2014 and in the Doon Press on November 13, 2014. The required 10 nor more than 20 days for publication has been met.

Whereas, Iowa Code Section 331.434 provides for department appropriations. The following department appropriations will change due to the budget amendment:

<u>Changes</u>	<u>Department</u>
5,500	Auditor
32,680	Sheriff
2,000,000	Secondary Road
62,336	Conservation
10,000	Board Control
100,700	Board Control #Dept 55
15,500	Non-Departmental

\$ 2,226,716	Total department increases due to amendment

THEREFORE BE IT RESOLVED by the Lyon County Board of Supervisors:

1. The November 24, 2014 budget amendment is approved.
2. Department appropriations are increased due to the budget amendment.

Passed and approved this 24th day of November, 2014.

ATTEST: /s/ Jen Smit /s/Randy Bosch, Chairman
 Lyon County Auditor Lyon County Board of Supervisors

Motion by Michael, seconded by Peters to approve the budget amendment and appropriations of Resolution 2014-42. Motion carried.

Weed Commissioner's Report from John C. VanVeldhuizen as presented to the board for approval. Motion by Koedam, seconded by Behrens to approve Report. Motion carried.

Wilma Miller, Veteran Affairs Administrator, met with the board regarding the office move. The Veteran Affairs office will be moving Wednesday, November 26 with the help of George Office. The cost of the move will come from the Grant Allocation funds. Premier Communications plans on installing the phone system on Monday, December 1. The new office hours will be all day 8:00 a.m. to 4:30 p.m. on Tuesday & Wednesday and Thurs morning 8:00 a.m. to Noon; this will meet the requirement of 20 hours per week. There are still a few issues to be resolved with the new office space.

The board needs to make appointments to the Board of Health, Larry Landman, Chet DeJong and Anita Hopp are resigning effective 12-31-14. The board will appoint Jeff Schrick to fill the unexpired term of Larry Landman 1-1-2015 to 12-31-2015 - Michelle Johnson to fill the three year term of Dr. Chet DeJong 1-1-2015 to 12-31-2017 and - Kathy Altena to fill the three year term of Anita Hopp 1-1-2015 to 12-31-2017. Motion by Michael, seconded by Peters to approve the appointments. Motion carried.

The County TIF indebtedness report for December 1, 2014 was presented for the Chairman's signature. This form needs to be certified by December 1st each year. The County Casino TIF Area new indebtedness certified is \$514,597 for culvert projects; TIF dollars available will be \$421,000 - Sudenga Urban

Renewal, Novartis Horse Facility, Novartis Development Agreement for Parcels A & D and Novartis Development Agreement for Parcels B & C have no new debt to certify. Motion by Peters, seconded by Behrens to approve the report. Motion carried.

The Annual Urban Renewal Report for Fiscal Year 2013-2014 was presented for the Chairman's signature. The report is filed on-line with the Department of Management. Year-End Outstanding TIF Obligations is \$2,234,719. Motion by Michael, seconded by Behrens to approve the report. Motion carried.

Multi-County Transportation Agreement & Contingency Plan with Little Rock EMS. The agreement will allow Osceola County Ambulance to be the primary for day call time 0600 - 1800 with Lyon County Ambulance secondary. Little Rock EMS will cover on weekends and from 1801-0559 on weekdays. Motion by Peters, seconded by Behrens to have the Chairman sign the Agreement. Motion carried.

The Cash Report for Fiscal Year ending June 30, 2014 has been prepared. The Report needs to be completed and published by December 1. Included in the report are the fund balances as of June 30, 2014 including that funds that are deemed to be restrictive and committed in accordance with GASB 54. Motion by Peters, seconded by Michael to approve the report including the fund balances. Motion carried.

Employment changes - Shelly Palmer is resigning from the County Attorney's office effective December 5, 2014. Amanda Klosterbuer has been hired effective November 14, 2014 as a part-time jailer in the Sheriff's Office at \$14.26/hr.

A local business asked the Auditor if the Evergreen trees on the north side of the courthouse could be decorated for Christmas. The board was not in favor of this due to the liability issue for getting electricity to the trees.

Supervisor correspondence Supervisor Koedam attended Northwest Planning, RIDES and Mid Sioux meetings. Supervisor Behrens attended NW Iowa Landfill, NW Iowa Regional Housing and NW Iowa Care Connections meetings. Supervisor Bosch attended ISAC last week and attended the Lyon County Board of Health; the Board of Health has decided to decertify their Homemaker department.

Attorney Mayer called regarding the sale date; after discussion the sale for the Little Rock shop will be December 18, 2014 at 4:30 p.m. Motion by Peters, seconded by Behrens to schedule the sale, approve and have Chairman sign Resolution 201-41. Motion carried. Mayer also stated if a Resolution is needed the Chairman has the authority to sign this also.

Payroll dated 11-14-2014 was reviewed and approved.

Payroll Warrant Register in the amount of \$61,955.89 is listed by fund.

General Basic Fund	8,804.77
Rural Service Basic Fund	17,898.60

Secondary Road Fund 32,252.52

Payroll Disbursement Register in the amount of \$28,890.26 is listed by Fund.

General Basic Fund 3,511.46
Rural Services Basic Fund 9,165.56
Secondary Road Fund 16,213.24

Conservation claims dated 11-12-2014 in the amount of \$110,217.41 were reviewed and approved. Check sequence #112728-112759.

Alliance Communications	LPRA Telephone, LD & Inte	108.00
Campbell Supply	PL400	3.19
Kyle Ciesielski	Reimb: District Mtg	10.00
City of Rock Rapids Municipal	Office Utilities	89.32
Cooperative Energy Company	61.12 G Gasohol	181.58
Dave's Bulk Service	100 G Off Road Diesel	867.50
Denny's Sanitation Inc.	Monthly Garbage Service	258.00
Doon Welding Inc.	Mower Repair	101.12
Farmers Elevator Coop	Oats,etc to reseed flood	289.52
H & S Homebuilding Center	Cement Saw - TK290	1550.16
I Wireless	Cell Phones	116.36
John Deere Financial	Cross Bearing Assemly, Yo	322.18
Larchwood Lumber Company	1x3-16 Stakes	49.00
Lyon & Sioux Rural Water	33,000 G Water	187.29
Lyon Rural Electric Coop	LPRA electric	2518.31
Marco	Copier Contract	93.71
Menards	Nails, Ties	1015.45
Mouw Motor Company	2014 F150 XLT Pickup	19355.00
Oak Street Station	Trailer Tires	340.00
Emily Ostrander	Reimb:IAN Payment	147.16
Premier Communications	Office Phone, LD & Intern	106.99
Rock Rapids Ace Hardware	Plaster of Paris	41.43
Justin Smith	Reimb: District Mtg	10.00
Stan Houston Equip Co Inc	Rebar Chair, Bar Tie/S.Si	262.55
Stensland Gravel Co.	Fill Sand - 43.83 Ton	333.41
Sunshine Foods	EE Supplies	8.94
T & S Construction Clifford D.	Labor/Materials New Cabin	13397.96
Tri-State Ready Mix Inc.	176 Yds Redimix	14784.00
United Farmers Coop	Cabin Materials	52734.73
US Bank - Purchase Card Purcha	3.8 G Gasahol	478.55
VanTilburg AG	Rebar	456.00

General Basic Fund 43,826.72
General Basic Sub Fund 66,390.69

Handwritten claims dated 11-13-2014 to WageWorks in the amount of \$298.04 for Flex Funding and a claim to Wellmark BlueCross BlueShield in the amount of \$22,714.54 for claims from 11-1-14 to 11-7-2014 were reviewed and approved. Check sequence #112819-112820. Health Insurance Fund \$22,714.54, Flex Benefits Account \$298.04.

Veterans Affairs claims dated 11-18-2014 in the amount of \$276.57 were reviewed and approved. Check sequence #112821-112825.

Jerry M. Baatz Mileage (20) Nov Mtg 10.00

Enventis	Telephone - October	46.67
Dennis Hansmann	Mileage (30) Nov Mtg	15.00
Corey Heimensen	Postage/Faxes for October	10.90
MidAmerican Energy	Utility Provision	194.00

General Fund 276.57

Claims dated 11-24-2014 in the amount of \$567,839.09 were reviewed and approved. Check sequence #112826-112931.

Ability Network, Inc.	Nov Medicare Claims/remit	30.00
Henry M. Adkins & Son Inc. Ele	Gen Elect Ballots/Programming	4338.13
Air Conditioning & Heating Inc	Solenoid/Sheriff	185.59
Alliant Energy	LR/GE utilities	355.87
Allied Oil & Tire Company	Tires/55G antifrz/windsh wash	1962.28
AT & T	911 Recurring 712-233-001	42.21
Autry Reporting Teri Lea Autry	10/24/14 Depositions	304.05
Cheryl Bos	2 Pkg Hand warmers	10.68
Fred J. Christians	ISAC Mtg - Mileage (550)	275.00
City of George	utilities	26.25
Cooperative Energy Company	519.33G Gasahol,14.18G unld,tire Repair, oil chg	1851.14
Corner Rexall Drugs	Medical Supplies	190.12
Cummins Central Power, LLC	catalyst mod,injectors 10	4938.17
Dakota Fluid Power Inc.	coupler #11	718.96
Deep Clean Inc. c/o Jerry Smit	Nov Cleaning Contract	1083.31
Rickie D. Denekas	postage	1.61
DGR Engineering	A-34 Bridge ROW Survey	1451.84
DJ's Service	Brake Repair 6010	290.35
Doon Press	Gen Elec notice,Brd Min,pub hrg	1044.47
Doon Rescue	EMT Course - VanBemmel	1035.00
DRG Mechanical, Inc.	New Lennox Furnace/Air	11267.94
Driveline Service, Inc.	u joints #22	344.90
Electronic Engineering	Reprogram Amb Rig Radios	607.26
Frontier	Nov 911 Recurring	176.20
George EMS Anita Hopp	Ag Emergencies 10/20/14	175.00
George Office Products	Office Supplies	292.14
GlaxoSmithKline	2nd half of Flu Vaccine	2057.31
Graham Tire Worthington	4 Eagle Tires	364.48
Graves Construction Co. Inc.	L-CULV DALE 17-20--73-60	55949.30
Cory Groen Construction LLC	LR Shop Contract thru 11/	46866.10
Ken Groen	Fill 2 Wells	592.58
Group Services	Dec HR Service	2881.00
Group Services	Sexual Asslt/HIPPA training	3000.00
H & S Homebuilding Center	Ballast/Engineer Office	446.45
Dr. Beta Hamon, MD	2/28/14 Medical Examiner	225.00
Hancock Concrete Products Co	6X4X30' box culvert	16047.22
Heartland Hardware LLC	glass cleaner	6.98
Richard Heidloff	ISAC Mileage (484)	284.89
Hillyard / Sioux Falls	Custodial Supplies/ice melt	602.20
Interstate Power Systems, Inc.	oil pan, gasket #15	2282.55
Inwood Body Shop	Deductible for 6012 Patrol	200.00
Iowa Communities Assur Pool	add'l insurance - LR shop	842.31
Iowa Secretary of State	Notary Public - Mayer	60.00

JCL Solutions-Janitors Closet	Custodial Supplies	292.15
Jim Hawk Tr Trailers Inc.	relay valve #122	302.81
John Deere Financial	Oil & Filter for JD Mower	15.72
Kooiker Inc.	100' retaining wall -Able	35256.29
Eldon E. Kruse	ISAC Mileage (554)	291.01
L.A. Carlson Contracting	ER-CO60(106)--58-60 Est 2	160321.10
Larchwood Rescue	CPR Renewal - 5	100.00
Lester Rescue Squad	IA Lakes EMS Conf (AK & B	190.00
Lewis Family Drug, LLC	Oct Inmate RX	152.41
LexisNexis	October Online services	112.00
Lyon County EMS c/o Sara Schub	9-Command Brds EMS Grant Bal.	2450.00
Lyon County News	Hrg-Condmm,Gen Elec notice	323.91
Lyon County Sheriff Dept.	Sheriff Fees - Juv	105.56
Lyon County Treasurer - ACH I	FY2015 EMA Contribution	43365.00
Lyon Rural Electric Coop	utilities - Lester shop	147.18
Marco	8/26/14-11/25/14 Copier	193.18
Matheson Tri-Gas Inc	11/6/14 Oxygen	133.18
Shayne Mayer	Reimb;Service Fee Oklahoma	50.00
Debra M. McKeever, CSR,RPR McK	Transcript Copy	175.50
MidAmerican Energy	acct 11930-66002	108.56
Midwest Contracting LLC	L-CULVERT-LOGAN16-17	109671.75
Mills & Miller	27.40 tons salt	1698.80
Modern Gas Company	LP gas	158.16
Moon Creek Veterinary Clinic	Flea Control	47.41
New Century Press	Brd Min,vac notice,budget amend	511.59
Northern Iowa Construction Pro	18" CMP,18"/24" bands	8273.10
PCC, Inc. Physician's Claim Co	Amb Billing 10/2/14-11/2/	1710.38
PDI Professional Developers of	2015 Calendar year dues	315.00
Precision Auto, Inc.	windshield #22	225.00
Premier Network Solutions d/b/	Patch Cables Server-Annex	124.14
Rock Rapids Ace Hardware	Batteries	12.99
Sam's Club	Supplies	19.92
Sanford Health	2 random drug tests	38.00
Sanford USD Medical Center	Suction Tube,med sup/PT	570.20
Sanitation Products, Inc.	plow lights, couplers #4	2568.30
Siebring Manufacturing Inc.	pressure washer wand-GEO	91.80
Jennifer Smit	Mileage/meals - ISAC (521)	291.00
Stensland Gravel Co.	952.22 tons sand @ \$4.50	4284.99
Sturdevant's	Lights for Snowblower	131.97
SYSCO Lincoln	10/23/14 Inmate Food	777.50
Town & Country	Oct Garbage Service/Sheri	37.50
Trane	Nov Generator Maint	322.16
United Farmers Coop	Oct Fuel - 62.28 G Gasaho	186.00
United States Postal Service	10 Sheets of Stamps	98.00
US Bank - Purchase Card Purcha	Fuel,postage,lodging,meals,	
	2 computers,lexis nexis	9956.15
Vander Haag's Inc.	rear drive axles #26	2041.90
Verizon Wireless	11/3/14-12/2/14 Cell Phon	2285.30
Jay V. Vogel	prescrip safety glasses	224.00
Wellmark BlueCross BlueShield	11/8/14-11/14/14 Claims	10848.73
Ziegler Inc.	labor,tubes,hose,battery	524.95
General Basic Fund	82,178.88	
General Basic Sub Fund	58,230.50	
Mental Health Fund	114.61	
Rural Services Basic Fund	592.58	
Economic Development Fund	315.00	

Secondary Road Fund	411,249.13
Surcharge on E911	446.92
Emergency Management Services	414.94
Co. Assessor Agency Fund	2,007.30
Health Insurance Fund	12,289.23

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

ATTEST	APPROVED
_____ Deputy County Auditor	_____ Chairman