

Chairman Mark Behrens convened the adjourned session with Feucht, Koedam, Birkey, and Herman present. Motion carried assumes unanimous vote unless otherwise stated.

Shari Kastein Director with Family Crisis Center joined the Board meeting to explain the services the Center provides to Lyon County residents and thank the Board for their continued support.

The minutes of the February 12, 13, and 20th, 2019 meetings were reviewed. Motion made by Herman to approve minutes, seconded by Birkey. Motion carried.

The Board discussed the appointment of the West side Weed Commissioner. There were two applicants for the position. As Van Veldhuizen has held the position since 2013 and currently holds a commercial pesticide applicator license, the Board felt Van Veldhuizen was the most experienced candidate for the position. Motion by Koedam, second by Feucht to appoint John C. Van Veldhuizen to the West side Weed Commissioner position. Motion carried.

Lyon County Relay for Life has requested to again use the Courthouse Square for their event. Motion by Birkey, second by Herman to approve the use request for June 13th, 2019. Motion carried.

The Board needs to set a FY 19 budget amendment hearing date. Motion by Feucht, second by Koedam to set March 12 at 9:30 a.m. as the public hearing date. Motion carried.

Economic Development Director Steve Simons joined the Board to discuss the termination of the TIF development agreements with Elanco. As Elanco is no longer using the horse facility as stated in the 2003 development agreement or using the grounds that are incorporated in the 2010 A & D development agreement, these will be terminated with Elanco. The Main Campus (2010 B & C Development Agreement) is still being used through a lease back option through the new owner and Elanco should still collect the development dollars agreed to in the agreement. The last payment will be in this FY of \$23,910. Chairman Behrens introduced Resolution 2019-11 to authorize the termination of the agreements with Elanco.

RESOLUTION 2019-11

Resolution Terminating Development Agreements and Tax Increment Payments

WHEREAS, Lyon County, Iowa (the "County"), pursuant to and in strict compliance with all laws applicable to the County, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Lyon County 2002 Novartis Economic Development District (the "Urban Renewal Area"); and

WHEREAS, this Board has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to

Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the "Urban Renewal Tax Revenue Fund"), which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the County for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the County previously authorized and entered into a development agreement dated March 10, 2003 (the "2003 Agreement") with Novartis Animal Vaccines, Inc. (the "Original Company"), pursuant to which the Original Company agreed to undertake the construction and operation of a horse feedlot and facility and the County agreed to provide tax increment payments (the "2003 Payments") to the Original Company; and

WHEREAS, the Original Company was succeeded under the Agreement by Novartis Animal Health US, Inc. (the "Successor Company"); and

WHEREAS, the County previously authorized and entered into a second development agreement dated November 8, 2010 (the "2010 Agreement") with the Successor Company, pursuant to which the Successor Company agreed to undertake certain improvements to their property and private business facilities and the County agreed to provide tax increment payments (the "2010 Payments") to the Successor Company; and

WHEREAS, in 2017 the County consented to the assumption of both the 2003 Agreement and the 2010 Agreement (collectively hereinafter the "Agreements") by Elanco U.S. Inc. ("Elanco"); and

WHEREAS, in late 2018 the County became aware of a change in Elanco's ownership and operational status with respect to the facilities covered by the Agreements and sought confirmation from Elanco that Elanco would no longer be performing under the Agreements; and

WHEREAS, in January of 2019, the County received a letter from Elanco confirming that it has ceased all operational activities related to the 2003 Agreement and that it is winding down the last of its operational activities related to the 2010 Agreement in 2019; and

WHEREAS, it is now necessary for the County to make provision for the termination of the Agreements and for the approval of the final payment to Elanco under the 2010 Agreement;

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

Section 1. In light of Elanco's confirmed inability to further perform under the contract, the 2003 Agreement is hereby terminated. The Board hereby finds that the County owes no additional payments to Elanco with respect to the 2003 Agreement.

Section 2. In light of Elanco's confirmed inability to further perform under the 2010 Agreement beyond 2019, the 2010 Agreement is hereby terminated. The Board hereby finds that the County will remit one final payment in the amount of \$23,910 to Elanco under the 2010 Agreement, such amount representing consideration for the last remainder of Elanco's performance with respect to the Main Campus facilities (as defined in the 2010 Agreement) in 2019. After

the remittance of this payment, the County will owe no additional payments to Elanco with respect to the 2010 Agreement.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed and approved this February 26, 2019.

Mark Behrens, Chairman, Board of Supervisors
ATTEST: Jen Smit, Lyon County Auditor

Motion by Herman, second by Birkey to approve and Chairman sign Resolution 2019-11. Rollcall vote: District 5 Support, District 4 Support, District 3 Support, District 2 Support, and District 1 Support. Motion carried.

The discussion with Economic Development Director Simons regarding an update on economic development was tabled until Tuesday, March 12.

Correspondence: Koedam: Rides, NWIA Planning and Development, and the Steve King event; Birkey: Eggs and Issues; Behrens: Steve King event and Eggs and Issues; Herman: E911 & Emergency Management budget hearings.

County Engineer Laura Sievers joined the meeting along with Lester Mayor Dan Gerber. The K30 paving project that runs through the City of Lester was discussed. Sievers stated that DGR has estimated the cost of the project to be \$750,700. The City of Lester would be responsible for \$233,700 with that amount possibly being more once the cost estimate is more finely adjusted. As the County is responsible for Farm to Market road extensions through cities of 500 or less population, the County would be paying for the project up to the 24' portion of roadway in the City. The work outside of the 24' and approaches would be the City's responsibility. There was discussion regarding a five year payback with interest. The interest rate talked about was 2.36% as that is the average of the interest rate the County is paying on the G.O. Bonds. There was also discussion on how to fix the curve that runs through town as when the county fixed the road last season, the road was made narrower than it was before the project. This causes the back wheels of larger trucks to go off the roadway. It was discussed that the City was notified at the time of the project that it could be made wider, however the City did not feel they should have to pay for it due to the wording of the Farm to Market Road Extensions policy. The options for correcting the curve were discussed with the agreement that Sievers and Gerber would work together to find a curve design that would work and then report back to the Board as to how it will be fixed. The agreement between the City of Lester and the County will need to be reworded to include the years to repay (5 years) and interest owing of 2.36%. Gerber will take the draft agreement to the Lester Council and let Sievers know if it was approved or not. The Board thanked Gerber for coming.

Sievers has a few micro-surfacing projects throughout the county which are near the cities of George, Larchwood, and Rock Rapids. Sievers has offered to include short (1/2 to 1 mile stretches) of paved roads leading out of these cities to be included in the project. Rock Rapids City Manager Jordan

Kordahl was also present. Kordahl stated that the City of Rock Rapids would like to add a half mile to the project for the portion of South 12th Avenue that runs from Hwy 75 to Tama Street. The City Council met and discussed this on 2-25-19 and plan to approve the agreement at their next meeting. As Rock Rapids is a city over 2,500 population wise, the City would reimburse the County for their portion of the project. Sievers noted that due to George and Larchwood just receiving the information yesterday, Sievers wasn't expecting an answer by today. Motion by Birkey, to approve micro-surfacing in the City of Rock Rapids with the inclusion of the request of the City of Rock Rapids, second by Koedam. Motion carried.

Sievers asked for Board approval of the L-(2019 MICRO)-73-60 project that will include the above Rock Rapids micro-surfacing as well as the other locations in the county. Sievers will incorporate the addition of Rock Rapids additional ½ mile. Motion by Feucht, second by Birkey to approve and Board sign plans for L-(2019 MICRO)-73-60. Motion carried.

Project approval for L-(FEMA2018)-73-60 culvert project. These are culverts that are located throughout the county. Sievers states that FEMA will cover 75%, State 10% and local dollars 15% of costs. Motion by Koedam, second by Herman to approve and Board sign plans for L-(FEMA2018)-73-60. Motion carried.

Engineer Sievers introduced the Bridge Embargo Resolution. Sievers went over the inspection timelines for bridges and discussed the closed bridges.

LYON COUNTY BRIDGE EMBARGO
RESOLUTION NO. 2019-12

WHEREAS: The Board of Supervisors is empowered under authority of Sections 321.236

Sub. (8), 321.471 to 321.473 to prohibit the operation of vehicles or impose limitations as to the weight thereof on designated highways or highway structures under their jurisdiction, and

WHEREAS: the Lyon County Engineer has caused to be completed the Structure Inventory and Appraisal of certain bridges according to accepted Bridge Inspection Standards and has determined that the bridges below, require revision to their current load ratings,

NOW, THEREFORE, BE IT RESOLVED by the Lyon County Board of Supervisors that the following vehicle and load limit be established and that signs be placed advising of the permissible maximum weights thereof on the bridge listed herein.

COUNTY ID	FHWA #	TWP	RANGE	SECTION	CURRENT POSTING
002R	231420	00	48	13	411 516 620 "ALL VEH'S"
006W	231040	00	45	09	"CLOSED"
007R	231570	00	48	23	907 "ALL VEH'S"

007Y	230970	00	44	29	"CLOSED"
008Y	230980	00	44	30	426 540 640 "ALL VEH'S"
009Y	230740	00	43	15	915 "ALL VEH'S"
011W	231110	00	45	22	423 534 632 "ALL VEH'S"
014W	230090	99	46	07	909 "ALL VEH'S"
016R	230560	99	48	12	"CLOSED"
017R	230570	99	48	12	"CLOSED" due to construction
018R	230580	99	48	12	"CLOSED" due to construction
019R	230590	99	48	12	"CLOSED" due to construction
019W	230170	99	46	17	"CLOSED"
022R	230620	99	48	14	920 "ALL VEH'S"
028R	230350	99	47	01	914 "ALL VEH'S"
029Y	229570	99	43	09	410 515 615 "ALL VEH'S"
30R	230370	99	47	01	"CLOSED" due to construction
030W	230340	99	46	36	424 530 640 "ALL VEH'S"
033R	230430	99	47	18	417 525 633 "ALL VEH'S"
034W	230050	99	45	31	409 514 617 "ALL VEH'S"
036R	230460	99	47	25	423 534 640 "ALL VEH'S"
042R	229330	98	48	05	420 530 630 "ALL VEH'S"
043R	229340	98	48	08	"CLOSED"
043Y	229740	99	43	27	420 530 630 "ALL VEH'S"
049W	228840	98	46	23	912 "ALL VEH'S" "12'-0 VERT"

052R	229470	98	48	23	906 "ONE LANE"
COUNTY ID	FHWA #	TWP	RANGE	SECTION	CURRENT POSTING
052W	228880	98	46	27	423 534 640 "ALL VEH'S"
052Y	228280	98	44	05	910 "ALL VEH'S"
053R	229500	98	48	30	912 "ALL VEH'S"
053W	228885	98	46	27	428 536 636 "ALL VEH'S"
055W	228910	98	46	29	421 531 642 "ALL VEH'S"
056Y	228330	98	44	16	428 540 638 "ALL VEH'S"
059R	229030	98	47	10	415 522 628 "ALL VEH'S"
060R	229070	98	47	16	420 532 637 "ALL VEH'S"
061Y	228430	98	44	34	422 535 634 "ALL VEH'S"
062W	228470	98	45	01	"CLOSED"
062Y	228440	98	44	35	"CLOSED"
064R	229160	98	47	26	920 "ALL VEH'S"
066R	229190	98	47	28	906 "ALL VEH'S"
067R	229200	98	47	33	920 "ALL VEH'S"
070W	228630	98	45	29	910 "CLOSED"
072W	228650	98	45	34	915 "ALL VEH'S"
073Y	228030	98	43	14	912 "ALL VEH'S"
074W	228670	98	45	36	912 "ALL VEH'S"
078Y	228080	98	43	23	412 518 618 "ALL VEH'S"
079Y	228090	98	43	24	415 522 627 "ALL VEH' "
083Y	228130	98	43	30	425 537 640 "ALL VEH'S"
085Y	228150	98	43	33	905 "ALL VEH'S"

					"10'VRT.CLR"
087Y	228180	98	43	33	415 520 625 "ALL VEH'S"
090Y	228230	98	43	35	412 514 616 "ALL VEH'S"
091Y	228240	98	43	35	920 "ALL VEH'S"

The Board of Supervisors of Lyon County, in lawful session on this 26th day of February 2019 hereby adopts this bridge embargo resolution.

Recommended:

/s/Laura Sievers
Lyon County Engineer

Approved:

/s/Mark Behrens
Chairman, Board of Supervisors

/s/Josh Feucht

/s/Merle Koedam

Attest:

/s/Jen Smit
Lyon County Auditor

/s/Jerry Birkey

/s/Steve Herman
Members, Board of Supervisors

Motion by Feucht, second by Koedam to approve and Chairman sign Resolution 2019-12. Motion carried.

The Board discussed the Utility Accommodation Application Resolution 2019-13. Sievers would still prefer to bring those applications to the Board that are of unusual circumstances. Motion by Koedam, second by Birkey to approve and Chairman sign Resolution 2019-13. Motion carried.

Sievers discussed the 2023 Application for Federal Funds (FAST Act) which the State allocates out to the regions. The regions then take applications from counties for the dollars allocated. Sievers states that historically there has been about \$4 million to be allocated annually for our region. The project must be on a paved road considered a major collector. A52 is the oldest paved route that qualifies. This project would be for a 6" PCC overlay for 3 miles. This project would run from K42 on the South edge of Doon to K30 the Rock Valley road. Sievers will be asking for \$675,000 (60%) with local dollars applied of \$450,000 (40%) for the estimated project total of \$1,125,000. Motion by Koedam, second by Birkey to approve application and Chairman sign. Motion carried.

The Certificate of Substantial Completion for G.A. Johnson on the Rock Rapids Secondary Road Shop was presented by Sievers as the building construction is completed. The floors need to be sealed yet and the system for the air compressor is currently being finished up. Motion by Birkey, second by Herman to approve and Chairman sign certificate. Motion carried.

Sievers asked permission to start the hiring process for an engineering tech position. Sievers explained that due to the number of projects slated for this upcoming construction season, 4 bridges, concrete paving, culverts, and FEMA projects, the office is under staffed when compared to other counties of similar work load. The Board agreed to let Sievers begin advertising for the position.

With new phones for the secondary road crew, Sievers will be implementing a cellphone policy. The policy has been reviewed by Attorney Mayer and HR Attorney Katherine Beenken. Sievers hopes to have it reviewed for the last time this week and put into enforcement by early March.

Sievers is requesting the Board to consider a vacation donation request for an employee who is out of leave and cannot return to work yet. Motion by Feucht, second by Herman to approve vacation donation request. Motion carried.

Sievers would like to make the Board aware of the 1987 Snow Ordinance regarding snow in Right of Ways. Chairman Behrens noted that historically this Ordinance hasn't been enforced, and if it is going to start being enforced there are others that will need to be enforced as well. It was decided to have Sievers send letters to those individuals whom the road crew documented are in violation of the Ordinance. The Board also asked Sievers to request similar ordinances from surrounding counties so the current ordinance can be updated. Being more proactive in notifying the public before the snow season next year was also discussed.

Supervisor Behrens left the meeting at 11:50 a.m. for another meeting.

Auditor Smit informed the Board that she attended the Lyon County Riverboat Foundation meeting Monday night. The LCRF invited entities to explain what the process entities use for spending the non-competitive dollars they receive. Smit encouraged the Board to consider reaching out to the LCRF as many of the questions they asked were ones that are Board decisions and Smit felt as though the members did not receive complete answers. The Board agreed that meeting with the LCRF members was a good idea.

Conservation claims dated 2-14-2019 in the amount of \$4,279.24 were reviewed and approved. Check sequence #138530-138547.

Advanced Systems	Copier Contract	148.87
Alliance Communications	LPRA Phone, LD, Internet	76.00
Campbell Supply	Car Buffer/Polisher	31.99
IACCB	Spring IAN	26.00
Lyon & Sioux Rural Water	67,000 G Water	295.80
Lyon County Recorder	Boat Renewals	152.10
Lyon Rural Electric Coop	LPRA Electric	1002.91
Menards	Drill Bits, Metal Cutter	117.42
Oak Street Station	Tires,Hydraulic fluid,Hyd	399.97
Emily Ostrander	Reimb: EE Supplies	196.67
Premier Communications	Office Phone, LD & Intern	92.46
Rock Rapids Ace Hardware	EE Supplies	23.26
Rock Rapids Machine & Welding	Plow bolts and toplocks	24.12

Sturdevant's Auto Parts	Oil Filters	53.05
Sunshine Foods	EE Supplies	15.78
US Bank - Purchase Card Purcha	Postage	1476.90
Craig A. VanOtterloo	Reimb: 2 meals	8.66
Verizon Wireless	Cell Phone Bill	137.28
Grand Total		4279.24

General Basic Fund 4,279.24

Handwritten claims dated 2-19-2019 in the amount of \$39,497.45 were reviewed and approved. Check sequence #138548-138550.

IBC Innovative Business Consul	2/12-2/18/19 Flex Claims	3031.79
James VanderWaal	Temp Easement-BRS-SWAP(95	500.00
Wellmark BlueCross BlueShield	2/9-2/15/19 Medical Claim	35965.66
Grand Total		39497.45

Secondary Road Fund 500.00
 Health Insurance Fund 35,965.66
 Flex Benefits Account 3,031.79

Veteran Affairs claims dated 2-25-2019 in the amount of \$1,175.54 were reviewed and approved. Check sequence #138551-138560.

Jared Ageson	Mileage (544) IACCVSO Mtg	272.00
Jerry M. Baatz	Mileage (30) Feb Mtg	15.00
George Office Products	Office Supplies	39.02
Douglas W. Hilbrands	Mileage (30) Feb Mtg	15.00
IACCVSO Decatur County Veteran	Spring School Registratio	120.00
Little Rock Free Lance	Advertising	20.00
Lyon County News	Advertising	30.00
Lyon Rural Electric Coop	Utility Assistance	536.90
New Century Press	Advertising	48.00
Premier Communications	Office Phone	79.62
Grand Total		1175.54

General Basic Fund 1,175.54

Claims dated 2-26-2019 in the amount of \$217,215.93 were reviewed and approved. Check sequence #138561-138635.

A & B Business Solutions	Copier Contract 2/21-3/20	694.69
Access Systems Leasing	Copier Contract Agreement	138.04
Advanced Systems	Monthly Xerox Copier Cont	158.23
Bradley Ageson	steel toe shoes	203.25
Steven Ageson	steel toe shoes	170.94
Alliant Energy	Little Rock shop	500.88
Arrow Manufacturing, Inc.	Shelf for A3	320.00
AT & T	911 Recurring 712-233-001	43.65
Century Link	911 Recurring 712-233-001	388.00
City of George	utilities	21.25
CMBA Architects	professional services -RR	2171.20
Denekas Electric Inc.	Repair Lights Dispatch/Ga	347.15
DGR Engineering	K-30 PCC Overlay	6619.00
Doon Press	SemiAnnual,brd min,Ordinance	1027.16
Ashley Eben	Witness Fee St vs Ohling	16.70
Electronic Engineering	Install items new 2019 Exp	763.23

2-26-2019

Equipment Blades Inc.	9 sno shock 4' blades	5004.00
Erv's Farm Repair	acetylene	97.82
Arthur E. Flier	Jan Snow Removal 8.25 Hrs	696.25
Frontier	Feb 911 Recurring	129.95
Frontier Bank	Snow Removal Annex(5 times)	281.25
George Office Products	Rubbermaid Utility Cart	263.79
GlaxoSmithKline	Menveo,Boostrix,Havrix	4783.78
Graves Construction Co. Inc.	Bridge 17R & 18R Voucher #3	118728.15
gWorks	SimpleSigns Tech support	420.00
I-State Truck Center	air fittings	13.50
IBC Innovative Business Consul	2/19-2/24/19 Flex Claims	155.06
Inwood Body Shop	shocks, tie rod ends #32	466.58
Iowa Dept of Transportation	cleaned sieves	100.00
Iowa Prison Industries	Stripes for New 602 Explo	367.73
ISU Extension - Lyon County	2/12/19 Comm PAT-VanVeldh	35.00
Jack's Uniforms & Equipment	Uniform shirts 6018	79.34
David Jackson	meal expense - Conc Pave	49.46
Cole Knudson	meal expense - Conc Pave	44.16
Lyon County Fair	Rent Fee Double Booth Fai	175.00
Lyon County Sheriff Dept.	Sheriff Fees	243.88
Lyon Rural Electric Coop	utilities - Lester/LR shop	841.07
Shayne Mayer	2/11/19 Mileage WL (32)	16.00
Menards - Sioux Falls East	power washer pipe -new RR	73.08
MidAmerican Energy	Alv/Inw shop	883.06
Modern Gas Company	225.3 gal LP gas	270.13
Murphy Family Dentistry Dr. Jo	Inmate - BB	84.15
New Century Press	FY2020 Budget Hrg,brd min	412.92
North American Truck & Trailer	radiator #9	2343.29
North Central International	relay control #28, labor	649.87
Northwest Iowa Comm. College N	2/18/19 CPR Certification	42.00
PCC, Inc. Physician's Claim Co	January Ambulance Billing	1961.26
Pitney Bowes Global Financial	12/13-3/12/19 P.Meter Lea	387.42
Rapid Auto Repair Michael D. K	Service 1999 Jail Tahoe	125.07
RDO Equipment Company	o ring, gasket, mt hdwr #	449.60
Reserve Account/Pitney Bowes	Postage for Meter (Assess	2800.00
Rock Rapids Machine & Welding	Steel for locker frame	34.67
Sanford Health	Inmate costs, Autopsy	4111.40
Sanford USD Medical Center	Inmate Visits,RN amb transfers	182.00
Marilee Schleusner	2/15/19 Mileage (160)	80.00
State of Iowa-Elevator Safety	2019 Operating Permit Fee	175.00
Sturdevant's Auto Parts	Floor Mats for New Rig	69.95
Thrifty White Pharmacy	Inmate RX	1068.40
Two Way Solutions, Inc.	Batteries for Pagers	109.95
US Foods	1/22 & 31/19 Inmate Food	1320.91
Jared VanEngen	steel toe shoes	224.70
Vanguard Appraisals Inc.	Annual Appraisal Service	3300.00
Verizon Business	acct 4512330	5.10
Verizon Wireless	2/10-3/9/19 Cell Phone At	367.23
Wellmark BlueCross BlueShield	2/16-2/22/19 Medical Clai	47646.55
Ziegler Inc.	filters,door glass,fan#55	1463.08
Grand Total		217215.93

General Basic Fund	20,495.38
General Basic Sub Fund	74.69
Economic Development Fund	71.00
Capital Project - Roadway Fund	118,728.15
Secondary Road Fund	23,085.02

Surcharge on E911	587.34
Emergency Management Services	54.70
Co. Assessor Agency Fund	6,318.04
Health Insurance Fund	47,646.55
Flex Benefits Account	155.06

There being no further business there was a motion by Herman, seconded by Birkey 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.