

## MINUTES CLAYTON COUNTY BOARD OF SUPERVISORS

## JANUARY 3, 2023

Meeting of the Clayton County Board of Supervisors at 600 Gunder Road NE, Elkader, Iowa.

Present: Steve Doepcke, Ray Peterson, and Doug Reimer  
Guests: John Jensen, Sarah Moser, and Jennifer Garms  
Auditor Jennifer Garms convened the Board of Supervisors and asked for a motion to appoint a Chairperson. Doepcke moved, Reimer seconded to appoint Ray Peterson as Chairperson. Ayes: Doepcke, Peterson, Reimer. Motion carried. Peterson assumed the chair.

Doepcke moved, Reimer seconded to appoint Doug Reimer as Vice-Chairperson. Ayes: Doepcke, Peterson, Reimer. Motion carried. Reimer moved, Doepcke seconded to approve the minutes of the December 27, 2022 and December 29, 2022 meetings. Ayes: Doepcke, Peterson, Reimer. Motion carried.

Doepcke moved, Reimer seconded to approve the claims as presented totaling \$326,958.48. Ayes: Doepcke, Peterson, Reimer. Motion carried.

Reimer moved, Doepcke seconded to acknowledge the following holidays for 2023 as stated in the employment policy handbook. Ayes: Doepcke, Peterson, Reimer. Motion carried.

- President's Day – Monday, February 20, 2023
- Good Friday – Friday, April 7, 2023
- Memorial Day – Monday, May 29, 2023
- Independence Day – Tuesday, July 4, 2023
- Labor Day – Monday, September 4, 2023
- Veterans' Day – Friday, November 10, 2023
- Thanksgiving – Thursday, November 23, 2023 and Friday, November 24, 2023
- Christmas – Monday, December 25, 2023 and Tuesday, December 26, 2023
- New Year's Day – Monday, January 1, 2024

Reimer moved, Doepcke seconded to designate the Times-Register, Guttenberg Press, Press Journal, and The Outlook as official county newspapers for 2023. Ayes: Doepcke, Peterson, Reimer. Motion carried.

Doepcke moved, Reimer seconded to set the county mileage reimbursement rate at \$0.60/mile for 2023.

Ayes: Doepcke, Peterson, Reimer. Motion carried.  
Reimer moved, Doepcke seconded to make the following appointments of Supervisors to various boards and commissions. Ayes: Doepcke, Peterson, Reimer. Motion carried.

- Steve Doepcke
  - o County Economic Development Board
  - o County Economic Development Revolving Loan Board
  - o County Economic Development Housing Advisory Committee
- Winneshiek County Solid Waste Agency
- Law Enforcement Center Building
- Northeast Iowa Community Action Board
- REAP
- 1<sup>st</sup> Judicial District Department of Corrections Board
- Northeast Iowa Juvenile Detention Board
- Iowa Workforce Development Board
- Upper Explorerland Transportation Policy Board - Alternate
- Turkey River Recreational Corridor
- Turkey River Management Authority
- Northeast Iowa Agency on Aging
  - o Northeast Iowa 3A Building Board

Ray Peterson

- o Northeast Iowa Regional Housing Trust Board
- o County Courthouse & Office Buildings
- o Resource Conservation and Development Board
- o Turkey River Recreational Corridor - Alternate
- o Upper Mississippi Gaming Corporation Board
- o Upper Explorerland Transportation Policy Board
- o Upper Explorerland Regional Loan Fund Board
- o Upper Explorerland Regional Housing Authority Board
- o Upper Explorerland Regional Planning Commission
- o UERPC - Executive Board

Doug Reimer

- E-911 Board
- Emergency Management Agency
- o County Disaster Recovery Committee
- o County Social Services Mental Health Region
- Northeast Iowa Behavioral Health Center
- HAWC Partnerships for Children
- Substance Abuse Services for Clayton County
- Scenic Acres Facility
- County Farmland
- Iowa Workforce Development Board

Doepcke moved, Reimer seconded to appoint Craig B. Thompson, DO, as Medical Examiner for Clayton County; Donna Lawlor, MD, David Tinker, DO, Jeffrey Hoffmann, DO, Michelle Dikkers, DO, and Scot Christianson, MD, as Deputy Medical Examiners for Clayton County; Julie Kemp and Kristine Niemer as Investigators for Medical Examiner reports for Clayton County. Ayes: Doepcke, Peterson, Reimer. Motion carried.

The item relating to was Visiting Nurses' Association cancelled due to weather.

Reimer moved, Doepcke seconded to approve resolution #1-2023 "Determining Deputies, Assistants, and Clerks of the Elected Offices." Roll Call Vote: Doepcke-aye, Peterson-aye, Reimer-aye. Motion carried.

## RESOLUTION #1-2023

## DETERMINING DEPUTIES, ASSISTANTS, AND CLERKS OF THE ELECTED OFFICES

WHEREAS, in accordance with Chapter 331.903.1 of the Iowa Code the Board of Supervisors is to determine the number of deputies, assistants and clerks of the elected offices and upon appointment by the elected officer approve the appointment of deputies, assistants and clerks,

THEREFORE BE IT RESOLVED by the Board of Supervisors of Clayton County, Iowa, that the following determination is made regarding the number of deputies, assistants and clerks of the elected offices:

- Attorney – Assistant (1): Anne Kruse; Clerk (1): Sarah Whittle
- Auditor – Deputy (3): Peggy Lane, Amy Bahnsen, Amanda Sargent
- Recorder – Deputy (2): Rhonda Donlon, Emily Sylvester
- Sheriff – Deputy (12): Steve Holst, Brent Ostrander, Mark Kautman, Eric Van Horn, Craig Johnson, Jedidiah Jones, Riley Doepcke, Matthew Moser, Jack Ostrander, Dylan Rumph, Brandon Taylor, Devin Baumgartner, Assistant (1): Chris Scott (Jail Admin); Clerk (2): Tammy Sylvester, Jan Heck
- Treasurer – Deputy (5): Audrey Tschirgi, Jodi Burgin, Josie Fettkether,

Crystal Cumberland, Cathy White

Doepcke moved, Reimer seconded to approve resolution #2-2023 "Construction Evaluation-CAFOs." Roll Call Vote: Doepcke-aye, Peterson-aye, Reimer-aye. Motion carried.

RESOLUTION #2-2023  
CONSTRUCTION EVALUATION - CAFOs

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the Board of Supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the Board of Supervisors between February 1, 2023 and January 31, 2024 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the Board of Supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the Board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CLAYTON COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

Reimer moved, Doepcke seconded to approve resolution #3-2023 "Designation of Depositories." Roll Call Vote: Doepcke-aye, Peterson-aye, Reimer-aye. Motion carried.

RESOLUTION #3-2023  
DESIGNATION OF DEPOSITORIES

BE IT RESOLVED, that the Board of Supervisors of Clayton County, Iowa, approve the following list of financial institutions to be depositories of the funds of Clayton County, Iowa, in accordance with all provisions of the Code of Iowa (2009), Chapter 12C. The named county officer is hereby authorized to deposit funds in amounts not to exceed the maximum approved for each respective financial institution.

Auditor	Central State Bank	Elkader	\$25,000
Recorder	Central State Bank	Elkader	\$300,000
Sheriff	Central State Bank	Elkader	\$250,000
Sheriff	FreedomBank	Elkader	\$30,000
Treasurer	Central State Bank	Elkader	\$15,000,000
Treasurer	Citizens State Bank	Strawberry Point	\$5,000,000
Treasurer	Community Savings Bank	Edgewood	\$5,000,000
Treasurer	Farmers Savings Bank	Colesburg	\$10,000,000
Treasurer	Luana Savings Bank	Luana	\$10,000,000
Treasurer	FreedomBank	Elkader	\$15,000,000
Treasurer	Peoples State Bank	Guttenberg	\$5,000,000
Treasurer	Fidelity Bank & Trust	Guttenberg	\$10,000,000
Treasurer	IPAIT	Des Moines	\$5,000,000
Treasurer	Bank of America	Des Moines	\$2,000,000

Doepcke moved, Reimer seconded to approve resolution #4-2023 "Resolution to fix a date for public hearing on proposal to enter into a General Obligation County Purpose Loan Agreement and to borrow money thereunder." Roll Call Vote: Doepcke-aye, Peterson-aye, Reimer-aye. Motion carried.

## RESOLUTION #4-2023

## RESOLUTION TO FIX A DATE FOR PUBLIC HEARING ON PROPOSAL TO ENTER INTO A GENERAL OBLIGATION COUNTY PURPOSE LOAN AGREEMENT AND TO BORROW MONEY THEREUNDER

WHEREAS, the Board of Supervisors (the "Board") of Clayton County, Iowa (the "County"), proposes to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$8,700,000, pursuant to the provisions of Sections 331.402, 331.441 and 331.443 of the Code of Iowa, for the purpose of paying the costs, to that extent, of (a) improving and equipping emergency communications systems; and (b) constructing sanitary sewer improvements (the "Projects"), and it is necessary to fix a date of meeting of the Board at which it is proposed to take action to enter into the Loan Agreement and to give notice thereof as required by such law;

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

Section 1. This Board will meet on January 24, 2023, at the Clayton County Office Building located at 600 Gunder Rd NE in Elkader, Iowa, at 10:30 a.m., at which time and place a hearing will be held and proceedings will be instituted and action to enter into the Loan Agreement.

Section 2. The County Auditor is hereby directed to give notice of the proposed action on the Loan Agreement and setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once and not less than 4 and not more than 20 days before the date selected for 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 PUBLIC HEARING ON LOAN AGREEMENT  
IN A PRINCIPAL AMOUNT NOT TO EXCEED \$8,700,000  
(GENERAL OBLIGATION)

The Board of Supervisors of Clayton County, Iowa, will meet on January

24, 2023 at the Clayton County Office Building located at 600 Gunder Rd NE in Elkader, Iowa, at 10:30 a.m. for the purpose holding a public hearing on a proposal to enter into a loan agreement (the "Loan Agreement") in a principal amount not to exceed \$8,700,000 for the purpose of paying costs, to that extent, of (a) improving and equipping emergency communications systems; and (b) constructing sanitary sewer improvements.

The Loan Agreement is proposed to be entered into pursuant to authority contained in Sections 331.402, 331.441 and 331.443 of the Code of Iowa and will constitute a general obligation of the County.

At that time and place, oral or written objections or comments may be filed or made to the proposal to enter into the Loan Agreement. After receiving objections or comments, the Board of Supervisors 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 Clayton County, Iowa.

*Jennifer Garms, Clayton County Auditor*

Section 3. 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 Projects which are reasonably estimated to cost approximately \$8,700,000, (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 not 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 Projects 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 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

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

Reimer moved, Doepcke seconded to make the following appointments of citizens to boards and commissions. Ayes: Doepcke, Peterson, Reimer. Motion carried.

- Board of Health:
  - o Dr. Michelle Dikkers, Guttenberg (Term Ending 12/31/2025)
- Conservation Board:
  - o Natasha Hegmann, Elkport (Term Ending 12/31/2027)
  - Eminent Domain Condemnation Compensation Commission (Term Ending 12/31/2023):

- o Real Estate Agents/Brokers
  - Dan Parker, Guttenberg
  - Joe Sylvester, Elkader
  - Jeff Olson, Guttenberg
  - Randy Willie, Strawberry Point
  - Jean Green, Guttenberg
  - Carol Thomas, Strawberry Point
  - Nathan Trappe, Monona
  - o Owner/Operators of Agricultural Property
    - Suzanne Shirbroun, Farmersburg
    - Gary Kregel, Guttenberg
    - Nick Meyer, Monona
    - Kathy Wettleson, Postville
    - James Fuhrman, Volga
    - Amy Kelchen, Edgewood
    - Ron McCartney, Elgin
    - o City Residents
      - Arlys Fitzgerald, Elkader
      - Bob Hendrickson, Elkader
      - Andy Reimer, Garnavillo
      - Linzy Martin, Strawberry Point
      - Susan Rausch, Guttenberg
      - Tim Oliver, Guttenberg
      - Merritt Behnken, Monona
    - o Persons Having Knowledge of Property Value/Bankers
      - Brett Nagel, Greeley
      - Luke Brady, Edgewood
      - Austin Coon, Monona
      - Jared Funk, Elkader
      - Bill Tangeman, Guttenberg
      - Taylor Swaney, Strawberry Point
      - Keith Garms, Elkader

- Historical Preservation Commission:
  - o Ellen Collins, Elkader (Term Ending 12/31/2025)
  - o Kathy Koether, McGregor (Term Ending 12/31/2025)
- Pioneer Cemetery Commission:
  - o Lee Length, Edgewood (Term Ending 12/31/2025)
  - o Sue E. Meyer (Term Ending 12/31/2025)
- Planning and Zoning Commission:
  - o Bruce Kann, McGregor (Term Ending 12/31/2027)
  - o Allan Troester, Monona (Term Ending 12/31/2027)
  - o Clark Wikner, McGregor (Term Ending 12/31/2025)

- Upper Explorerland Enhancement Committee:
  - o Jenna Pollock, Elkader (Term Ending 12/31/2023)
  - o Darla Kelchen, Greeley (Term Ending 12/31/2023)
  - Upper Explorerland Regional Planning Commission:
    - o Darla Kelchen, Greeley (Term Ending 12/31/2025)
    - Upper Explorerland Regional Revolving Loan Program Board:
      - o Adam Weigand, Monona (Term Ending 12/31/2023)
      - Veteran's Affairs Commission:
        - o Greg Clark, Garnavillo (Term Ending 12/31/2025)
      - Zoning Board of Adjustment:
        - o Kay Kluesner, Elkader (Term Ending 12/31/2027)

The Board worked on the FY2024 County Budget.

Reimer moved, Doepcke seconded moved to adjourn. The meeting was adjourned. Ayes: Doepcke, Peterson, Reimer. Motion carried.

/s/ Ray Peterson, Board of Supervisors Chair

Attest: Jennifer Garms, Clayton County Auditor

