

May 4, 2020

Nineteenth Day

The Worth County Board of Supervisors met pursuant to adjournment with A.J. Stone, Kenneth J. Abrams and Mark Smeby present.

This was an electronic meeting pursuant to Iowa Code section 21.8 – In circumstances where such a meeting is impossible or impractical due to concerns about COVID-19 and social distancing for the safety of board members and the public. Public access was made available by computer or telephone.

Stone led the meeting in the Pledge of Allegiance.

Unless otherwise indicated, all of the following motions offered at this meeting were carried with the following vote: Ayes: Stone, Abrams and Smeby. Nays: none. Abstentions: none. Absent: none.

Motion by Smeby, second by Abrams, carried to approve the May 4, 2020 agenda.

Motion by Smeby, second by Abrams, carried to approve the April 27, 2020 board minutes.

Motion by Smeby, second by Abrams, carried to approve resolution 2020.05.04.03 Approval of A39 Paving Project and County Engineer Authorization to sign contract document in Doc Express.

RESOLUTION 2020.05.04.03

APPROVAL OF A39 PAVING PROJECT and COUNTY ENGINEER AUTHORIZATION TO SIGN CONTRACT DOCUMENT IN DOC EXPRESS

WHEREAS, the Board of Supervisors of Worth County, Iowa, hereafter referred to as “the Board”, believes the **A39 PAVING** project, **LFM-76—7X-98**, hereafter referred to as “the project” is in the best interest of Worth County, Iowa, and the residents there of. The project is defined as **HMA RESURFACIG W/ MILLING, A39**; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, the Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Worth County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by the Board to accept the bid from **Heartland Asphalt, Inc.**, in the amount of **\$316,362.45** and awards the associated contract to the same;

BE IT FURTHER RESOLVED all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of the Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the dated of its approval as provided by law;

BE IT FURTHER RESOLVED by the Worth County Board of Supervisors, that, after receiving the necessary contract documents, including but not limited to, the contractor’s bond and certificate of insurance, Richard Brumm, the County Engineer for Worth County, Iowa, be and is hereby designated, authorized, and empowered

on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Adopted this 4th day of May, 2020 _____

The vote on the resolution:

Aye: Abrams, Smeby, Stone

Nay: N/A

Abstain: N/A

AARON STONE

Chair, Board of Supervisors

Attest: JACKI BACKHAUS

County Auditor

Motion by Smeby, second by Abrams, carried to accept the engineer's report for DD #13/Lat 3 and set the public hearing for June 15, 2020 at 10:00 A.M. and the public hearing for DD #46/Lat 9 for June 15, 2020 at 1:00 P.M.

Motion by Abrams, second by Smeby, carried to accept petition request from Lisa Kvam for the N ½, N ¼, Section 1, Union Township, Joint Drainage District 22/Lat 10/10B and set a landowner meeting for June 8, 2020 at 10:00 A.M.

Motion by Smeby, second by Abrams, carried to approve moving the May 19, 2020 drainage hearing for DD 54 Annexation to May 26 at 10:00 A.M.

Motion by Smeby, second by Abrams, carried to approve the claim in the amount of \$625.00 to the USPS for the auditor's office.

Motion by Abrams, second by Smeby, carried to set the public hearing date for the FY20 Budget Amendment on May 26, 2020 at 9:00 A.M.

Motion by Abrams, second by Smeby, carried to approve 28E agreement between Northwest Iowa Care Connections and Worth County, Iowa.

Motion by Smeby, second by Abrams, carried to approve the Personnel Contract between Northwest Iowa Care Connections and Worth County, Iowa.

Motion by Smeby, second by Abrams, carried to recess the regular session.

Motion by Smeby, second by Abrams, carried to open the Public Hearing to amend the urban renewal plan for the Worth County Consolidated Urban Renewal Area at 9:02 A.M.

The Board of Supervisors was joined by Joe Myhre, Executive Director, North Iowa Area Council of Governments via Zoom to review the amendment to the county's urban renewal plan. Hearing was opened up for public comment. No public comment was heard.

Motion by Abrams, second by Smeby, carried to close the public hearing at 9:06 A.M.

Motion by Smeby, second by Abrams, carried to reconvene the regular session.

Motion by Abrams, second by Smeby, carried to approve Resolution #2020.05.04.01

RESOLUTION NO. 2020.05.04.01

A resolution to approve 2020 Amendment to Urban Renewal Plan for the Worth County Consolidated Urban Renewal Area

WHEREAS, the Board of Supervisors of Worth County, by resolution previously established the Worth County Consolidated Urban Renewal Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of projects and initiatives to be undertaken therein; and WHEREAS, Chapter 403 of the Code of Iowa requires that, before a county approves any new urban renewal project, or adds property to an urban renewal area, a county must amend the existing urban renewal plan to include that new project or new property; and WHEREAS, an amendment to the Plan (the “2020 Amendment”) has been prepared which involves a new urban renewal project in the Urban Renewal Area related to providing additional tax increment financing for expanded infrastructure improvements related to the SW Quadrant I-35/Hwy 105 Interchange Development Project; and WHEREAS, notice of a public hearing by the Board on the proposed 2020 Amendment was given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Board has conducted the hearing; and WHEREAS, copies of the 2020 Amendment, notice of public hearing and notice of a consultation meeting with respect to the 2020 Amendment were sent and the consultation meeting was held;

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

Section 1. It is hereby determined by this Board as follows:

A. The 2020 Amendment conforms to the general plan of the County;

B. The projects described in the 2020 Amendment are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 2. The 2020 Amendment, as referred to herein and in the form attached hereto, is hereby approved.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved May 4, 2020.

Aaron Stone, Chairperson

Attest: Jacki A. Backhaus, County Auditor

Motion by Abrams, second by Smeby, carried to approve chairperson to sign the following applications for the Top of Iowa 2nd Addition project: IDNR Water Supply Construction Permit Application, IDNR Wastewater Disposal System Construction Permit Application, IDNR Notice of Intent for NPDES Coverage under General Permit No. 2 and IDOT Application and Agreement to Perform Work within State Highway Right-of-Way.

Motion by Smeby, second by Abrams, carried to approve Resolution No. 2020.05.04.2

**RESOLUTION TO ENTER DONATION AGREEMENT WITH DIAMOND JO CASINO AND
APPROVE C, C & R FOR DEVELOPMENT
WORTH COUNTY**

WHEREAS, this being the date and time set for the discussion on the Memorandum of Agreement for Donation and Development of Diamond Jo Worth, LLC Property and the Declaration of Covenants, Conditions, and Restrictions referred to in Paragraph 2 a. in said agreement.

WHEREAS, Worth County, owns real estate located South of Highway 105, and East of the Wheelerwood Road and West of Interstate 35 and,

WHEREAS, Diamond Jo Worth, LLC is the adjoining property owner of said real estate; and,

WHEREAS, Diamond Jo Worth, LLC has agreed in principal to donate most of that property, except the 1 acre site that contains their Maintenance Building to Worth County, Iowa, Note: that for practical reasons Diamond Jo will include the 1 acre in the Deed to the County and the County will deed back what will be known as Lot 12, subject to the C, C & R once the Plat and Dedication are prepared; and,

WHEREAS, Worth County, Iowa is developing all of the property with the intent to sell pursuant to the Declaration of Covenants, Conditions, and Restrictions.

NOW, THEREFORE, BE IT RESOLVED by the Worth County Board of Supervisors that the Memorandum of Agreement for Donation and Development of Diamond Jo Worth, LLC Property and the Declaration of Covenants, Conditions, and Restrictions are both approved and the Chair is authorized to sign both documents on behalf of Worth County, Iowa.

A.J. Stone, Chairperson, Worth County Board of Supervisors
Attest: Jacki A. Backhaus, Worth County Auditor

Motion by Smeby, second by Abrams, carried to authorize the Chair to sign Change Order No 1 to the existing contract dated October 14, 2019 between Worth County and Wunsch Construction, Inc. for the Top of Iowa Second Addition Subdivision Project upon receipt of signed agreement between Diamond Jo Worth, LLC and Worth County pledging donated land.

Motion by Abrams, second by Smeby, carried to approve the Second Amendment to the Child Support County Staffing Contract between the Iowa Department of Human Services, Bureau of Collection and the Floyd County (Host) Political Subdivision.

Motion by Smeby, second by Abrams, carried to approve Resolution No. 2020.05.04.04

RESOLUTION 2020.05.04.04
WORTH COUNTY
Resolution to Rescind Request to Cancel Automatic Renewal

A RESOLUTION OF THE BOARD OF SUPERVISORS OF WORTH COUNTY IOWA TO RESCIND
REQUEST TO CANCEL AUTOMATIC RENEWAL OF OPERATION AND MAINTENANCE
AGREEMENT

WHEREAS, Worth County, Iowa (the "Owner"), whose address is 1000 Central Avenue, Northwood, Iowa 50459 and PEOPLESERVICE, INC., and its successors and assigns ("PeopleService"), whose address is 209 South 19th Street, Suite 555, Omaha, Nebraska 68102-1758 entered into an Operation and Maintenance Agreement (the "Agreement") dated as of 12/27/2011 and renewed on 06/05/2017.

WHEREAS, pursuant to the terms in Article V of the Agreement, this Agreement shall remain in full force.

WHEREAS, the Agreement shall automatically renew for successive terms of one (1) year each unless written notice of cancellation is given by either party to the other no less than ninety (90) days prior to the date of expiration.

NOW THEREFORE BE IT RESOLVED, that the Owner shall rescind its request to exercise the right to cancel the automatic renewal pursuant to the terms in Article V of the Agreement, for the year beginning July 1, 2020 and commencing on June 30, 2021. The Auditor is here by directed to send written notice to the President of PeopleService Inc. advising them that Worth County is rescinding their right to cancel as referenced above.

PASSED AND ADOPTED THIS 4TH DAY OF May, 2020.

WORTH COUNTY IOWA
Aaron Stone
Board of Supervisors Chairperson

ATTEST:
Jacki A. Backhaus
County Auditor

Motion by Smeby, second by Abrams, carried to approve payroll change for John Smith at \$59,895.24/year, Jason Schmidt at \$18.76/hour, Chad Wurtzel at \$56,718.50/year and Jesse Luther at \$62,063.70/year as submitted by the sheriff's department and approval of \$13.25/hour for Election Poll workers for the 2020 Primary as submitted by the auditor's office.

Motion by Smeby, second by Abrams, carried to adjourn at 10:08 A.M. The next meeting of the Board of Supervisors will be Monday, May 11, 2020 at 8:30 A.M.

Jacki A. Backhaus
Auditor

Aaron Stone
Chairperson