



**COMMISSION SESSION  
MONDAY, FEBRUARY 25, 2019, 10:00 AM**

**1. CALL TO ORDER**

Commissioner Nolte called the meeting to order at 9:59 AM

**2. INVOCATION**

Brad Garrett

**3. PLEDGE OF ALLEGIANCE**

Recited

**4. ROLL CALL**

Commissioner Nolte requested the Clerk to call the roll.

A Quorum was established by the following roll call vote:

Commissioner Nolte – Here  
Commissioner Ridgeway – Here  
Commissioner Owen – Here

**5. APPROVAL OF AGENDA**

Commissioner Nolte made a motion to change the agenda by changing the wording of Resolution 2019-87.

Commissioner Nolte - Yes  
Commissioner Ridgeway - No  
Commissioner Owen - No

The amendment Failed.

Commissioner Owen made a motion to add Road Impact Fees and Park Fees to Discussion Items. Justification was of good cause as the issue concerning Road Impact Fees and Park Fees is necessary to complete discussion of Prairie Fields Resolutions. Discussion should occur during the meeting while Prairie Fields is before the Commission perhaps for the last time. It is noted that this does not preclude Road Impact Fees and Park Fees from being a future Discussion Item.

Discussion took place.

Commissioner Ridgeway called the question.

Commissioner Nolte - No  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes



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The amendment Passed.

Commissioner Nolte made a motion to remove Resolution 2019-11.

Discussion took place.

Commissioner Ridgeway called the question.

Commissioner Nolte - Yes  
Commissioner Ridgeway - No  
Commissioner Owen - No

The amendment Failed.

Commissioner Ridgeway made a motion to adopt the agenda as amended.

Commissioner Nolte - No  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

**6. MEETINGS SCHEDULE**

- Commission Session Monday, March 11, 2019 10:00 AM

**7. HONORARY RESOLUTIONS**

None

**8. PUBLIC HEARINGS**

None

**9. COMMISSION SESSION**

Commissioner Nolte obtained Commission consensus to move Resolutions 2019-86 and 2019-87 to immediately after Resolution 2019-44.

- 2019-39 Approve Subdivision Prairie Field – Final PUD Plan/Public Services
- 2019-40 Approve Subdivision Prairie Field – 1<sup>st</sup> Plat – Final Plat/Public Services
- 2019-41 Approve Subdivision Prairie Field Treatment Plant – Final Plat/Public Services
- 2019-44 Approve Subdivision Prairie Field 2<sup>nd</sup> Plat – Final Plat/Public Services

Commissioner Ridgeway made a motion to approve Resolutions 2019-39, 2019-40, 2019-



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41, and 2019-44.

Discussion took place.

Commissioner Ridgeway obtained consensus to work together on informing the Commission where the building permit fees go into the budget.

Commissioner Owen called the question.

Commissioner Nolte - No  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

- 2019-86 Approve Revocable Event License – Temperance Masonic Lodge No. 438 – The Best Dam BBQ Contest/Public Services

Commissioner Owen made a motion to approve Resolution 2019-86.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

- 2019-87 Appoint Gary E. Zaborac as the Director of Public Health Department/Commissioner Nolte

Commissioner Ridgeway made a motion to approve Resolution 2019-87.

Commissioner Nolte made a motion to amend by removing Director of Public Health Department from the title and inserting County Health Officer.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The amendment Passed.

The motion on the floor was to approve Resolution 2019-87.

Commissioner Nolte - Yes



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Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

- 2019-83 Approve Equitable Sharing Agreement and Annual Certification Report/Sheriff

Commissioner Owen made a motion to approve Resolution 2019-83.

Discussion took place.

The Commission stood at ease at 11:24 AM

Session resumed at 11:29 AM

Commissioner Ridgeway made a motion to amend by adding language on the Resolution to read "The Agency FY 2019 Budget of \$17,617,575 represents the total 279 Law Enforcement Tax Fund for 2019".

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The amendment Passed.

Commissioner Owen made a motion to approve Resolution 2019-83 as amended.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

- 2019-ORD-08 Reappropriate & Revise the Adopted Budget for Current Year/Juvenile

Commissioner Owen made a motion to approve Ordinance 2019-ORD-08.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes



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The motion Passed.

- 2019-ORD-09 Reappropriate & Revise the Adopted Budget for Current Year/Juvenile

Commissioner Owen made a motion to approve Ordinance 2019-ORD-09.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

- 2019-25 Financial Statement of County Clerk – Tax Levies and Valuations for the Year Ending December 31, 2018/County Clerk

Commissioner Owen made a motion to approve Resolution 2019-25.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

- 2019-11 Approve Transfer of Funds/Finance & Administrative Services

Commissioner Owen asked the Collector to provide a list of expenses related to this case.

Commissioner Ridgeway made a motion to let the minutes of today's Commission meeting attach the February 22, 2019 Memorandum from Assistant County Administrator Portwood reflecting the resolution of the insurance deductible matter to date and that no further action be taken on Resolution 2019-11.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

- 2019-91 Approve Financial Assurance Letter/Facilities

Commissioner Owen made a motion to approve Resolution 2019-91.



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Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

- 2019-81 Appoint Member(s) to Senior Services Board/Public Services

Commissioner Owen made a motion to approve Resolution 2019-81 with the name Marie Steiner inserted.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

- 2019-95 Approve Letter – US Army Corps of Engineers/Commission

Commissioner Owen made a motion to approve Resolution 2019-95.

Commissioner Nolte made a motion to amend by adding “The Custodian of Records shall forward those communications to the three County Commissioners” after the word “Engineers”.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - No

The amendment Passed.

The motion on the floor was to approve Resolution 2019-95.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - No

The motion Passed.

**10. DISCUSSION ITEMS**

- Pedestal on County Property for Great Americans Project Statue/Commissioner Ridgeway



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Commissioner Ridgeway obtained Commission consensus to direct staff work with anyone necessary on the Great Americans Project Statue for timely production to create, develop, and implement pedestal plans.

- Road Impact Fees and Park Fees

Commissioner Owen obtained Commission consensus for Planning and Zoning to review all fees associated with subdivisions and lots, including Road Impact and Park Fees, and provide recommendations.

**11. APPROVAL OF MINUTES OF PREVIOUS SESSIONS**

- February 11, 2019

Commissioner Owen made a motion to approve the minutes from February 11, 2019 as printed.

Commissioner Nolte - Yes  
Commissioner Ridgeway - Yes  
Commissioner Owen - Yes

The motion Passed.

**12. WRITTEN REPORTS**

Deputy Clerk, Sandy Baldwin, distributed the Bond for the Collector, Lydia McEvoy.

**13. EXECUTIVE SESSION(S)**

None

**14. RECESS/ADJOURNMENT**

The Commission adjourned at 1:03 PM.



# Memo

To: Clay County Commission

From: Laurene L. Portwood, Assistant County Administrator  
Finance & Administrative Services

Date: February 22, 2019

Re: Federal Lawsuit - Deductible

Travelers Insurance has retained an attorney to represent Lydia McEvoy, County Collector, in the Federal Lawsuit Case #4:18-CV-00611-SRB filed August 2018. The deductible is \$25,000.00.

To date, charges incurred are as follows:

Paid to Vendor by Clay County Risk Mitigation			
Invoice Number	Date	Amount	Vendor
552585	1/1/2019	\$ 4,003.92	Travelers
550966	12/31/2018	\$ 3,285.00	Travelers
549361	11/30/2018	\$ 1,757.50	Travelers
547791	10/31/2018	\$ 775.70	Travelers
2647219	10/29/2018	\$ 2,007.50	Husch
2634852	9/28/2018	\$ 1,277.50	Husch
<b>Bill in Total</b>		<b>\$ 13,107.12</b>	

Received from Collector		
Tracking Number	Date	Amount
Duplicate Payment*		\$ (4,003.92)
94300498	1/24/2019	\$ (5,818.20)
		\$ (9,822.12)
*Collector sent directly to Travelers resulting in a duplicate payment.		

Reimbursed From Travelers		
Tracking Number	Date	Amount
572148	1/18/2019	\$ (3,285.00)
		\$ (3,285.00)
<b>Received in Total</b>		<b>\$ (13,107.12)</b>

Please let me know if anything additional is needed.

Thank you.

*LR JN gmw*