

Supervisors Room, Courthouse
Pocahontas, Iowa
January 2, 2019

At 9:30 a.m. Supervisors Ives, Dewey, Stauter, and Siepker proceeded to count the cash in the offices of the Auditor, Recorder, Sheriff and Treasurer. There was no cash in the offices of the Auditor and Sheriff. There was \$256.00 in cash in the Recorder's Office and \$600.00 in cash in the Treasurer's Office.

At 9:10 a.m. the newly elected officials of Pocahontas County-Amy Johnson, Treasurer; Dan Feistner, County Attorney; and County Supervisors Brent Aden, and Clarence Siepker were sworn into office by Carol Williams, Clerk of Court.

At 10:00 a.m. the meeting of the Board of Supervisors of Pocahontas County, Iowa was called to order. Members present: Chairman, Jeffrey Ives; Supervisors, Clarence Siepker, Louis Stauter, Ed Dewey, and Brent Aden; and Auditor, Kelly Jepsen. Reporter, Erin Sommers.

The first item of business was the election of Chairman and Vice-Chairman by secret ballot. Jeff Ives received 5 votes for Chairman and Clarence Siepker received 5 votes for Vice-Chairman. To affirm the election, it was moved by Dewey, seconded by Stauter, to appoint Jeff Ives as Chairman and Clarence Siepker as Vice-Chairman for the 2019 calendar year.

The minutes of December 26, 2018 were approved as presented on motion by Dewey, seconded by Aden. Ayes all, motion carried.

The tentative agenda was approved on motion by Siepker, seconded by Stauter. Ayes all, motion carried.

Greg Fritz and Ray Seehusen, County Compensation Board representatives, explained that the Compensation Board met on December 17, 2018 with all members present. For over an hour and a half, the Board discussed current elected official's salaries, job responsibilities, comparable salaries, and ways to shorten the gap between the growing inequity of elected officials and department heads, as well as their staff. Fritz relayed that it is important to make sure the salaries are competitive, so we have qualified people wanting to seek the offices. The Board's recommendations were as follows: County Attorney, \$89,000; County Sheriff, \$82,000; Board of Supervisors, \$30,000, with \$1,000 Chairman Stipend; County Recorder, \$60,000; County Auditor, \$62,000; and County Treasurer, \$60,000. The Compensation Board also feels that benefits should play a role in considering the compensation and recommended that in the future that the Board of Supervisors have a compensation study done to look at the overall benefits package given to employees as well. Motion moved by Siepker, seconded by Dewey, to acknowledge the Compensation Board's recommendation and consider it when they review the overall county budget. Ayes all, motion carried.

It was moved by Stauter, seconded by Aden, to set Tuesday as the regular meeting day for the Board of Supervisors commencing at 10:00 a.m., and claims will be audited and allowed the second and fourth Tuesdays of each month. Ayes all, motion carried.

It was moved by Siepker, seconded by Dewey, to utilize Roberts Rules of Order to conduct the meetings of the Board of Supervisors. Ayes all, motion carried.

The Pocahontas Record Democrat, The Laurens Sun, and the Buena Vista Journal, each filed letters as official newspapers for Pocahontas County, IA for the 2019 calendar year, with the same being duly qualified publications and having the highest bona fide subscribers list. It was moved by Stauter, seconded by Dewey, to approve each of the applicants as the official newspapers of Pocahontas County and that all Board proceedings be published promptly after receipt of same as required by law. Ayes all, motion carried.

It was moved by Dewey, seconded by Siepker, to set the County's declared holidays of non-union employees for the 2019 calendar year as follows: New Year's Day, Presidents Day, Good Friday, Memorial Day, Independence Day (July 4th), Labor Day, Veterans Day, Thanksgiving Day, the Day after Thanksgiving, and Christmas Day per the Personnel Policy. Ayes all, motion carried.

The starting wage for newly hired inexperienced clerks and other personnel in Pocahontas County government was set at \$12.00 per hour, effective July 1, 2019 with an increase of \$0.50 per hour upon satisfactory completion of a three-month probationary period. All employees working over 40 hours shall be compensated as set out in the County's Personnel Policy Handbook and according to the Fair Labor Standards Act, except for elected officials and those as set forth in Sec. 350.4; 340.8; and 340.10 of the Code of Iowa and those under collective bargaining contracts as moved by Siepker, seconded by Aden. Ayes all, motion carried.

The mileage reimbursement was reviewed. The Internal Revenue Service (IRS) has announced the standard mileage rate for the 2019 year for business use of an automobile is 54.5¢ per mile. It was moved by Dewey, seconded by Siepker, to set the mileage reimbursement rate as 54.5¢ per mile, effective January 1, 2019. Ayes all, motion carried.

Recognizing that this Board represents the people of Pocahontas County, as a whole, and having jurisdiction to act on all matters pertaining to this county, it was moved by Aden, seconded by Siepker, that this Board shall act as a unit and not as individuals. Ayes all, motion carried.

It was moved by Siepker, seconded by Stauter, that the General Assistance Director consult with the Board of Supervisors before authorizing any expenditure in excess of \$500 for services in accordance with the County General Relief Ordinance and that the County Engineer shall be limited in commitments and/or expenditures in excess of \$20,000. Ayes all, motion carried.

It was moved by Stauter, seconded by Aden, to authorize the County Farm Manager to have Power of Attorney to sign for the County in all matters pertaining to the County Farm, specifically all Farm Service Agency and government program papers. Ayes all, motion carried.

It was moved by Stauter, seconded by Dewey, to adopt the following resolution. The chairman called the question with the following recorded vote: Ayes – Siepker, Aden, Ives, Stauter, Dewey; Nays-none. Whereby the resolution is adopted to-wit:

Resolution– 2019-01-#1

Authorization of County Auditor to Issue Warrants

BE IT RESOLVED by the Board of Supervisors of Pocahontas County, Iowa, hereby authorize the Pocahontas County Auditor to issue warrants for fixed charges including, but not limited to freight, postage, utilities, telephone service, contractual services, insurance premiums, and invoices allowing discounts. Any prepayment of civil service fees submitted by the County Attorney’s Office or County Sheriff’s Office and emergency general assistance claims. These claims shall be audited and allowed at the next regular claim date. The County Auditor is further authorized to issue warrants for salaries and payrolls as approved by the Board of Supervisors, all according to Section 331.506 of the Code of Iowa.

It was moved by Stauter, seconded by Dewey, to adopt the following resolution. The chairman called the question with the following recorded vote: Ayes – Siepker, Aden, Ives, Stauter, Dewey; Nays-none. Whereby the resolution is adopted to-wit:

Resolution– 2019-01-#2

Public Bidder

BE IT RESOLVED by the Board of Supervisors of Pocahontas County, IA that we hereby appoint Amy Johnson, County Treasurer, as Public Bidder for Pocahontas County for the calendar year of 2019. **BE IT FURTHER RESOLVED** by the authority vested in the Board of Supervisors, Chapter 446.19 of the Code of Iowa, that Amy Johnson, as County Treasurer and the Public Bidder, is granted responsibility and authority to make and assign Bidder Tax Sale Certificates and is further empowered with the authority to affix her signature thereto.

It was moved by Stauter, seconded by Dewey, to adopt the following resolution establishing the depositories of public funds. The chairman called the question with the following vote recorded: Ayes – Siepker, Aden, Ives, Stauter, Dewey; Nays-none. Whereby the resolution is adopted to-wit:

Resolution– 2019-01-#3

Depositories of Public Funds

BE IT RESOLVED by this Board of Supervisors of Pocahontas County, IA, that in accordance to with the provisions of Section 12C.2 of the Iowa Code, that we hereby authorize the County Treasurer to deposit funds in her hands into the Pocahontas State Bank in Palmer and Pocahontas; Availa Bank, Pocahontas; Laurens State Bank in Laurens; Rolfe State Bank in Rolfe and Pocahontas; First Community Bank of Fonda and Pomeroy; West Iowa Bank in Laurens; United Bank of Iowa in Pocahontas; IPAIT in Des Moines; and Drainage Warrants/Improvement Certificates not to exceed the maximum amounts as hereby set below.

DEPOSITORIES	LOCATION	Max for FY 2018	Max for FY 2019
Pocahontas State Bank	Pocahontas, IA	\$12,000,000	\$12,000,000.00
Availa Bank	Pocahontas, IA	\$12,000,000	\$12,000,000.00
Laurens State Bank	Laurens, IA	\$12,000,000	\$12,000,000.00
Rolfe State Bank	Rolfe, IA	\$12,000,000	\$12,000,000.00
First Community Bank	Fonda, IA	\$12,000,000	\$12,000,000.00
West Iowa Bank	Laurens, IA	\$12,000,000	\$12,000,000.00
United Bank of Iowa	Pocahontas, IA	\$12,000,000	\$12,000,000.00
IPAIT	Des Moines, IA	\$100,000	\$100,000
Drainage Warrants/ Improvement Certificates	County	\$6,000,000	\$6,000,000

BE IT FURTHER RESOLVED that the following banks to be depositories and the Elected Officials named below shall deposit funds in the amounts not to exceed the amounts named opposite each of said designated depositories and said Officials are hereby authorized to deposit the funds in each bank as follows:

Availa Bank	Kelly Jepsen, Auditor	\$1,000,000
Availa Bank	Mike Bollard, Recorder	\$ 50,000
Pocahontas State Bank	Brian Larsen, Sheriff	\$ 50,000

It was moved by Siepker, seconded by Aden, to adopt the following resolution. The chairman called the question with the following recorded vote: Ayes – Siepker, Aden, Ives, Stauter, Dewey; Nays-none. Whereby the resolution is adopted to-wit:

Resolution– 2019-01-#4

COUNTY ENGINEER FOR COMPLETION OF WORK

BE IT RESOLVED by the Board of Supervisors of Pocahontas County, IA that Jack Moellering, P.E., County Engineer be and is hereby designated, authorized and empowered on behalf of the Board of Supervisors of said County to execute the certified completion of work and final acceptance thereof in accordance with the plans and specifications therefore in connection with all Farm-To-Market construction projects of this county.

It was moved by Dewey, seconded by Stauter, to adopt the following resolution. The chairman called the question with the following recorded vote: Ayes – Siepker, Aden, Ives, Stauter, Dewey; Nays-none. Whereby the resolution is adopted to-wit:

Resolution– 2019-01-#5

Right of Way Assurance Statement

BE IT RESOLVED by the Board of Supervisors of Pocahontas County, IA to comply with the provisions of the 1970 Uniform Relocation Assistance and Land Acquisition Policies Act, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, the Board of Supervisors of Pocahontas furnishes the following: Assurances to the Iowa Department of Transportation.

1. It is the policy of the Pocahontas County to acquire right of way in accord with Title III of said 1970 Act, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and applicable state laws.
2. It is the policy of the Pocahontas County to provide relocation assistance benefits in accord with Title II of said 1970 Act, as amended by Title IV, and applicable state laws.
3. The above named county will contact the Iowa Department of Transportation for assistance as needed to assure compliance with applicable laws which are summarized in the instructions entitled "Uniform Manual, Real Property Acquisition and Relocation Assistance."

It was moved by Aden, seconded by Siepker, to adopt the following resolution. The chairman called the question with the following recorded vote: Ayes – Siepker, Aden, Ives, Stauter, Dewey; Nays-none. Whereby the resolution is adopted to-wit:

Resolution– 2019-01-#6

Authorization for the County Engineer to Close Roads

WHEREAS: The Pocahontas County Board of Supervisors is concerned about tort liability involved during construction and maintenance of the Secondary Road System, and **WHEREAS:** They are further interested in accommodations for the traveling public, adjacent landowners, and related users during construction maintenance operations. **THEREFORE, BE IT RESOLVED,** the Pocahontas County Engineer is hereby authorized to temporarily close sections of highway in Pocahontas County's road system when necessary because of construction, maintenance, or natural disaster during 2019.

The following appointments to mental health service agencies were made upon motion of Siepker, seconded by Aden. Ayes all, motion carried.

Appointments by the District Court –no action needed
Mental Health Referee – Ben Meyer
Mental Health Advocate– Cathy Erickson

It was moved by Stauter, seconded by Aden, to reappoint James C. Hudson, as the Drainage Attorney, Ted George, D.O. as the County Medical Examiner, and Mel Bierl as the County Weed Commissioner, all for calendar year 2019. Ayes all, motion carried.

It was moved by Stauter, seconded by Siepker, to reappointment the past members to the following committees. Ayes all, motion carried.

Courthouse Committee: Supervisor Ives and Auditor Jepsen
General Liabilities & Workman's Compensation Insurance Committee: Supervisor Dewey and Auditor Jepsen
Health Insurance Committee: Supervisor Dewey, County Auditor, County Treasurer, County Recorder, Robert Enockson, Sherri Richardson, Jack Moellering
Courthouse Security Commission: Supervisor Ives
Safety Committee: Supervisor Dewey

It was moved by Dewey, seconded by Stauter, to approve the appointments for the following agencies. Ayes all, motion carried.

Board of Health: Supervisor Aden
Community & Family Resources Board: Supervisor Stauter
County Conservation Board: Supervisor Dewey, Supervisor Ives as alternate
County Fair Board: Supervisor Stauter, Supervisor Dewey as alternate
County Farm Operations: Supervisor Aden
County Social Services Board: Supervisor Siepker, Supervisor Ives as an alternate
E911 & LEPC Administrative Board: Supervisor Dewey
EMA Board: Supervisor Dewey
Home Care Aide Agency: Supervisor Aden
Jt. DD 181 Interim Committee: Supervisors Stauter and Siepker
Linking Families & Communities: Supervisor Siepker
Midas Council of Governments Board of Directors-City Rep: Eric List
Midas Board of Directors-Budget & Finance Committee: Supervisor Aden
Midas Board of Directors-Management & Finance Committee: Supervisor Aden
Midas Transportation Subcommittee (Dart Bus): Eric List
Midas Executive Committee: Supervisor Aden, Tom Grau, and Eric List
Midas Planning Subcommittee: Tom Grau
Midas Hazardous Materials Response Commission: Supervisor Dewey
NW IA Tourism Council: Gretchen Tiedeman, Supervisor Dewey as alternate
PCEDC: Supervisor Ives, Supervisor Aden as alternate
Pocahontas County Solid Waste Commission: Supervisors Ives & Aden, Supervisor Siepker as alternate
Pocahontas County Trails Committee: Supervisor Siepker, Supervisor Ives as alternate
Region V Hazmat Foundation Board: Supervisor Ives
Revolving Loan Fund Committee-Pocahontas County Economic Development: Supervisor Aden
Second Judicial District Board Member: Supervisor Aden, Supervisor Ives as alternate
Upper Des Moines Opportunity: Supervisor Siepker
Workforce Development-Service Area V: Supervisor Siepker
Youth Emergency Service Center: Supervisor Stauter

It was moved by Stauter, seconded by Aden to appoint the following people to the Eminent Domain Commission. Ayes all, motion carried.

Group No. 1 Owners-Operators-Agricultural	Group No. 2 Owners of City Property		
Rick Wadle	Fonda	Duane Ricklefs	Palmer
Bev Westerman	Mallard	Ronald Wessels	Palmer

Doug DeWall	Palmer	Kent Wood	Pocahontas
Dennis Wagner	Gilmore City	Karen Johnson	Rolfe
Ron Dreith	Rolfe	Daryl Long	Laurens
Donna Seehusen	Pocahontas	Scott Kilbride	Fonda
Bruce Boysen	Havelock		

Group No. 3 RE Salesperson or Brokers		Group No. 4 Bankers & Auctioneers	
Donna Hudson	Pocahontas	Jerry Hammen	Fonda
Rick Winegarden	Pocahontas	Rick Winegarden	Pocahontas
William Winkleblack	Rolfe	Terry Latham	Laurens
Kerrie R. Woodley	Laurens	Robert O'Donnell	Curlew
Lori Hopkins	Havelock	Tom Eberle	Rolfe
		Jim Malecek	Pocahontas

It was moved by Stauter, seconded by Aden, to appoint Lona Wells to the Home Care Aide Agency to a two year term ending December 31, 2020. Ayes all, motion carried.

It was moved by Dewey, seconded by Aden, to appoint Connie Harmon to the Board of Health to a three year term ending December 31, 2021 and table the other appointment until the next meeting. Ayes all, motion carried.

It was moved by Siepker, seconded by Stauter, to appoint Keith Hoffman, and Merete Klocke, to the Commission of Veterans Affairs for a term ending on December 31, 2020 and December 31, 2021 respectively. Ayes all, motion carried.

It was moved by Siepker, seconded by Aden, to appoint Marvin Ferguson, to the County Planning & Zoning Commission for terms ending on December 31, 2023. Ayes all, motion carried.

It was moved by Stauter, seconded by Dewey, to appoint Jerry Hammen, to the Zoning Board of Adjustment to a five-year term ending December 31, 2023. Ayes all, motion carried.

Jack Moellering, County Engineer, advised that the Iowa DOT would like to finalize the closeout for the detour west of Pocahontas. The detour was in place for 121 days and they are offering approximately \$23,400 to offset the cost of the extra traffic on our roads. Moellering will check to make sure this amount does not include the cost for dust control and table discussion until next week. Moellering also gave a quick update on the conditions of the roads and answered questions about the N-28 project.

Gary Atherton, Assistant to the Engineer/Drainage Clerk, explained that the DNR contacted him about a wetland they would like to construct west of Shimon's slough. Since the Board has concerns with the DNR wanting to use our berm to construct the wetland, the DNR would like to come visit with the Board to discuss the proposed wetland. Atherton and Jepsen will schedule a time and advised the Board at the next Board meeting.

It was moved by Stauter, seconded by Siepker, to adopt the following resolution. The Chairman called the question with the following recorded vote: Ayes – Siepker, Aden, Ives, Stauter, Dewey; Nays-none. Whereby the resolution is adopted to-wit:

Resolution– 2019-01-#7

Notice of Public Hearing on the Adoption of Ordinance #38, Floodplain Management Ordinance

BE IT RESOLVED by the Board of Supervisors of Pocahontas County, Iowa, to file, publish, and set a public hearing for the consideration of Ordinance #38, Floodplain Management. Said ordinance would establish a development permit system, which requires a permit for all development within the Special Flood Hazard Area in Pocahontas County, Iowa. The board, being fully advised, find that the date of the hearing on said ordinance shall be set for the 15th day of January 2019, at 11:30 a.m., as the date and time of hearing to be held in the Board of Supervisors' Room in the Courthouse in Pocahontas County, Iowa. **THEREFORE, BE IT RESOLVED** that the Pocahontas County Board of Supervisors adopts the Resolution-Notice of Public Hearing on the Adoption of Ordinance #38, Floodplain Management Ordinance.

It was moved by Dewey, seconded by Siepker, to acknowledge receipt of Manure Management Plans: (1) FMP III Wernimont #1 South, Facility – ID# 65117 located in the SW SE, Section 18, Cedar Township with FMP III, LLP as owners & Rusty Kosky as contact person; (2) Nehman's – ID# 59264 located in the NE SE, Section 1, Williams Township, Calhoun County with Nutra Tech, LC as owners & Rusty Kosky as contact person; (3) A1– ID# 69903 located in the SW NW, Section 11, Dover Township with Spud Farms, LLC as owner & Keith Kratchmer; (4) Marton/Pedersen, Finisher Farm – ID# 57922 located in the NW NW, Section 13, Garfield Township with Marton Pork Production, Inc. as owner & Keith Kratchmer as contact person; and (5) Poky 240– ID# 69900 located in the SW SW, Section 27, Sherman Township with JGB Farms, LLC as owner & Keith Kratchmer as contact person. Ayes all, motion carried.

The Board reviewed the Construction Evaluation Resolution for confinement facilities. Said resolution provides the opportunity for Boards of Supervisors to conduct an evaluation of every construction permit application and provide input if such facility shall be built or denied. It was moved by Siepker, seconded by Dewey, to adopt the following resolution. The chairman called the question with the following recorded vote: Ayes: Siepker, Aden, Ives, Stauter, Dewey. Nays: none. Whereby the chairman declared the resolution duly adopted to-wit:

Resolution– 2019-01-#8

Construction Evaluation Resolution

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, 2019 and January 31, 2020 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 Pocahontas County that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

A resolution to set a public hearing for the Local Option Sales Tax Ordinance was presented. It was moved by Siepker, seconded by Aden, to adopt the following resolution. The Chairman called the question with the following recorded vote: Ayes – Siepker, Aden, Ives, Stauter, Dewey; Nays-none. Whereby the resolution is adopted to-wit:

Resolution– 2019-01-#9
Notice of Public Hearing on the Adoption of Ordinance #39, Ordinance Establishing
a Local Option Sales and Services Tax

BE IT RESOLVED by the Board of Supervisors of Pocahontas County, Iowa, to file, publish, and set a public hearing for the consideration of Ordinance #39, an ordinance establishing a local option sales and services tax applicable to transactions within the incorporated areas of Fonda, Gilmore City, Havelock, Laurens, Palmer, Plover, Pocahontas, Rolfe and Varina of Pocahontas County, and in the unincorporated area of Pocahontas County. Said ordinance is necessitated by authorization by an election, held on March 27, 2001, to enact Local Option Sales Tax commencing on or after July 1, 2001. The board, being fully advised, find that the date of the hearing on said ordinance shall be set for the 15th day of January 2019, at 11:15 a.m., as the date and time of hearing to be held in the Board of Supervisors' Room in the Courthouse in Pocahontas County, Iowa.

Jepsen explained that Jill Hubbell will be visiting with them next week about the changes taking place with the wellness program. Pocahontas County was awarded the FY19 Paul Coverdell Forensic Science Improvement Grant, which will cover the cost for Loren Booth to attend Medical Examiner Investigator's training in St. Louis, Mo., and a clerk position opening in the Auditor's Office. Jepsen and the Board discussed several items with budgeting.

Weekly meetings: Ives–constituent's concerns; and Siepker–drainage concerns.

There being no further business, the Chairman declared the meeting adjourned.

Jeffery K. Ives, Chairman

Kelly Jepsen, Auditor