

# CHICKASAW COUNTY

August 9<sup>th</sup>, 2021

The Board convened on Monday, August 9th, 2021, at 9:00 AM with members present Byrne, Holthaus, Hackman and Kuhn in the Boardroom located on the second floor of the Courthouse, New Hampton, Iowa. Zoll, absent. The meeting was called to order by Chairperson Holthaus. Present was Auditor Stephanie Mashek, Joan Knoll, Terry Johnson, and Doreen Cook.

Motion by Kuhn, Second by Hackman to approve the agenda for August 9<sup>th</sup>, 2021. Roll Call: Ayes-Kuhn, Hackman, Byrne, and Holthaus. Zoll absent. Motion Carried.

Motion by Byrne, Second by Kuhn to approve the minutes from August 2<sup>nd</sup>, 2021. Roll Call: Ayes-Kuhn, Hackman, Byrne, and Holthaus. Zoll absent. Motion Carried.

9:05 AM Doreen Cook stated that multiple citizens of Fredericksburg are concerned with the water levels in the ditches within the area of the “s” curves. Cook said that the county engineer is aware of this issue and asked that it be discussed with Rolando in today’s meeting. Byrne stated that Rolando contacted Ray Armbrecht to address the situation. Holthaus said he had communicated with Rolando on the issue and Rolando stated that in the next week or two it will be addressed. Kuhn asked what Cook’s thoughts were on why this area keeps flooding. Cook stated that the weeds are a problem and possibly need to dig out more ditch to negotiate the amount of water.

Motion by Hackman, Second by Kuhn to enter into the Public Hearing at 9:15 AM for the Budget Amendment for FY 2021 - 2022. . Roll Call: Ayes-Kuhn, Hackman, Byrne, and Holthaus. Zoll absent. Motion Carried.

Knoll asked questions where the revenue was coming from for the Budget Amendment. Mashek stated those funds were from the American Rescue Plan Act. Knoll asked when the amendment will take place for Public Health and Environmental Health. Mashek stated that it will be on the next budget amendment.

Motion by Hackman, Second by Byrne to close the Public Hearing at 9:27 AM for the Budget Amendment for FY 2021-2022. Roll Call: Ayes-Kuhn, Hackman, Byrne, and Holthaus. Zoll absent. Motion Carried.

Motion by Hackman, Second by Byrne to approve Resolution 08-09-21-41 to adopt the amendment of FY 2021-2022 Budget and authorize Chairpersons signature. Roll Call: Ayes-Kuhn, Hackman, Byrne, and Holthaus. Zoll absent. Motion Carried.

**RESOLUTION 08-09-21-41 APPROVING ADOPTION OF AN AMENDMENT OF FY 2021-2022 COUNTY BUDGET**

The Board of Supervisors does hereby approve and adopt an amendment to the FY 2021-2022 county budget. Public hearing on the amendment of FY 2021-2022 Budget was held August 9, 2021. PASSED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of August 2021. /ss/ Richard Holthaus, Chairperson of the Board of Supervisors. ATTEST: /ss/ Stephanie Mashek, Chickasaw County Auditor

Motion by Hackman, Second by Kuhn to approve Resolution 08-09-21-42 to amend departmental appropriations. Roll Call: Ayes- Kuhn, Hackman, Byrne, and Holthaus. Zoll absent. Motion Carried. **RESOLUTION TO AMEND DEPARTMENTAL APPROPRIATIONS RESOLUTION NO. 08-09-21-42** WHEREAS the Board of Supervisors approved a Departmental Appropriations on June 7<sup>th</sup>, 2021 for all departments of the fiscal year beginning July 1<sup>st</sup>, 2021 in accordance with Section 331.434, Subsection 6, Code of Iowa, and WHEREAS the appropriations approved on June 7<sup>th</sup>, 2021 are hereby amended in accordance with the attached sheet for the following reasons and with no increase in current fiscal year taxes.

Board of Supervisors	\$500	Utilities
	\$350	Educational Training
General Purposes	\$408,922	American Rescue Plan Act
Data Processing	\$15,000	Fiber
Ambulance	\$6,000	Building Rent- Ambulance
Auditor	\$10,000	HAVA Grant
General Services	\$1,000	Redistricting Commission
Capital Projects	\$1,005,565	Radio Communication Tower
	\$750,000	American Rescue Plan Act

PASSED, APPROVED, AND ADOPTED THIS 9<sup>th</sup> day of August 2021. /ss/ Richard Holthaus, Chairperson of the Board of Supervisors. ATTEST: /ss/ Stephanie Mashek, Chickasaw County Auditor

Department	Before Amendment	Increase/Decrease	After Amendment
Board of Supervisors	\$ 296,317.00	\$ 850.00	\$297,167.00

General Purposes	\$ 7,405,058.00	\$ 408,922.00	\$ 7,814,050.00
Data Processing	\$ 301,400.00	\$ 15,000.00	\$ 316,400.00
Ambulance	\$ 100,000.00	\$ 6,000.00	\$106,000.00
General Services	\$ 812,441.00	\$ 1,000.00	\$813,441.00
Capital Projects	\$ 551,258.00	\$ 1,755,565.00	\$2,306,823.00
Auditor	\$ 386,500.00	\$ 10,000.00	\$ 396,500.00

Service Area	Before Amendment	Increase/Decrease	After Amendment
Public Safety & Legal Services	\$2,169,585.00	\$ 6,000.00	\$ 2,175,585.00
Government Service-Residence	\$ 351,710.00	\$ 10,000.00	\$ 361,710.00
Administration	\$1,575,664.00	\$ 425,772.00	\$ 2,001,436.00
Nonprogram Expense & Other Budgetary Financial Uses	\$6,389,440.00	\$ 1,755,565.00	\$ 8,145,005.00

Mashek read the written update for the Radio Communication Tower project Jeff Bernatz provided. Tests are still being run on the new system. Administrator training is complete for Cathy and Jeff. The dispatchers received their training as well. The new radio has been installed in the Sheriff's patrol car. The command center and rescue trucks will be installed next in Ionia and North Washington Fire Departments. An agreement on terms between the ambulance provider and the county for the lease of radio equipment is now in its final draft. Jeff requested that the county attorney draft agreements with the cities for the radio equipment prior to Schwickerath leaving office.

Hackman mentioned that the padlock on the meter socket has yet to be installed. Holthaus asked if the interest has been computed for the bond money. Mashek said it has not been and will work with Sue Breitbach to compute the interest amount.

Mike Kennedy present at 9:46 AM.

Hackman provided a Chickasaw County Ambulance Council update for meeting on August 3, 2021. Hackman stated that he has asked the council to see how Washington Co. runs their ambulance service. Hackman stated that ambulances are usually owned by the city. Hackman stated his concerns that there is 10 square miles that would most likely not use but still be taxed for that service. Still waiting on clarification on 422D legislation. Hackman questioned how beneficial it would be for the smaller cities and the logistics of how this would work for every tax payer. Doreen Cook provided clarification that the first responders cannot go out unless the ambulance is paged out. Next Chickasaw County Ambulance Council will meet September 8, 2021. Hackman stated that Kit O'Donohoe was hired as the Ambulance Council's attorney on an as-needed basis.

Kennedy left at 9:50 AM.

Continued discussion on the garage rent expense. Holthaus stated that all Ambulance Council representatives were present and felt that it was a good discussion.

Martin Hemann, Jennifer Schwickerath, David Laudner, and Bob Fenske, member of media present at 9:58 AM

Ann Smisek present via phone at 10:02 AM.

10:02 AM Jennifer Schwickerath stated that David Laudner has submitted his application and resume for consideration for the County Attorney position. Schwickerath advised that Laudner was willing to provide personal information to the public. Laudner is currently an assistant county attorney at Palo Alto County, who has family ties to this area, and desires a full time position. Laudner explained the structure of the office that he currently serves and primarily deals with prosecution, criminal, and juvenile court cases.

Cook left at 10:28 AM.

Hemann posed the question on Laudner's experience with officers graduating with the academy. Laudner explained he has and is willing to help provide guidance to all deputies as needed. Laudner stated housing may be an issue and is willing to start at his earliest convenience.

Cook present at 10:33 AM.

Cook asked if a paralegal, instead of a secretary, would be better suited for the Attorney's Office. Schwickerath stated that Michelle Rosonke is a paralegal and helps with cases. Schwickerath stated Chickasaw County does not have a witness coordinator for victims but this need is currently shouldered by the current attorneys. Laudner stated that he does currently shoulder this responsibility in his current position.

Knoll left at 10:37 AM.

Motion by Hackman, Second by Kuhn to enter into closed session at 10:41 AM pursuant to Iowa Code Section 21.5(1)(i) "[t]o evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session" allowing the presence of David Laudner, Jennifer Schwickerath, and Ann Smisek (via phone) to remain present. Roll Call: Ayes-Hackman, Byrne, Kuhn, and Holthaus. Zoll absent. Motion Carried.

Motion by Hackman, Second by Kuhn to end the closed session at 11:13 AM. Roll Call: Ayes-Hackman, Kuhn, Byrne, and Holthaus. Zoll absent. Motion Carried.

Motion by Hackman, Second by Kuhn to direct the Auditor to draft an offer letter to Laudner for the position as the full time county attorney at the current salary and benefits with a start date to be determined. Roll Call: Ayes-Hackman, Kuhn, Byrne, and Holthaus. Zoll absent. Motion Carried.

Joseph Gray present at 11:15 AM.

11:15 AM Joseph Gray requested a closed session for discussion on pending opioid litigation.

Motion by Hackman, Second by Byrne to enter into closed session at 11:15 AM with Assistant Chickasaw County Attorney Joseph E. Gray pursuant to Iowa Code Section 21.5(1)(c) "[t]o discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation." Roll Call: Ayes-Hackman, Kuhn, Byrne, and Holthaus. Zoll absent. Motion Carried.

Motion by Hackman, Second by Kuhn to end closed session at 11:32 AM. Roll Call: Ayes- Hackman, Kuhn, Byrne, and Holthaus. Zoll absent. Motion Carried.

Motion by Hackman, Second by Byrne to follow the assistant county attorney's council and vote against the offer. Roll Call: Ayes-Hackman, Byrne, Kuhn, and Holthaus. Zoll absent. Motion Carried.

Chairperson recessed at 11:34 AM.

Reconvened at 11:38 AM with members present, Holthaus, Kuhn, Byrne, and Hackman. Zoll absent. Present was Auditor Stephanie Mashek, Joseph Gray, David Laudner, Jennifer Schwickerath, Terry Johnson, Doreen Cook, Bob Fenske, member of the media.

Andrew Van Der Maaten present via phone at 11:38 AM.

11:38 AM Jennifer Schwickerath and Andrew Van Der Maaten discuss 28E Agreement between Chickasaw County and the Anderson Law Office for temporary county attorney services. This agreement would go into effect on Friday August 13<sup>th</sup>, 2021 pending board approval. Schwickerath will work with our IT contractor to allow access remotely and reiterated the fee is \$225

per hour with additional expenses. Hackman poised the question of who is the department head that Michelle can field questions and sign off on time sheets for payroll purposes. Van Der Maaten said that he will be filling in this capacity and would like to have some control of time off to balance the scheduled trials. Van Der Maaten says their staff will do their best in balancing the work load and limit travel by calling into court. Hackman asked if there was a number that the Sheriff's office can contact and Van Der Maaten stated this has already been provided to Schwickerath.

Motion by Hackman, Second by Byrne to approve the 28E Agreement between Chickasaw County and the Anderson Law office effective August 13<sup>th</sup>, 2021 at noon, file with the county attorney and secretary of state and authorize Chairman's signature. Roll Call: Ayes- Hackman, Byrne, Kuhn, and Holthaus. Zoll absent. Motion Carried.

Van Der Maaten left at 11:53 AM.

11:45 AM Jennifer Schwickerath requested the board consider raising the legal assistant hourly wage as her work load will increase due to the upcoming transition period. Current wage is \$22.04 per hour; Schwickerath encouraged a \$25 per hour wage during the interim period and reconsider it after the interim period. The current legal assistant has a degree and has a great amount of experience. Byrne asked if the legal assistant should work more than the current 35 hours to 40 hours a week during this interim period. Kuhn asked what time period should the temporary increase of wages be effective to. Schwickerath felt that there are a number of ways to structure this topic. Hackman stated that in past experience, decreasing wages is very difficult. Byrne stated that he prefers to allow the legal assistant to increase her hours to forty per week, if need be, and allow the new county attorney to make that choice. Holthaus agreed with Hackman's statement on the difficulty to decreasing wages after the interim period. Byrne stated he prefers to keep the office structure as is and if the legal assistant needs additional hours, it may be addressed at that time.

Motion by Hackman, Second by Kuhn to approve the hourly wage adjustment for \$23.00 per hour for legal assistant Michelle Rosonke effective August 9, 2021. Roll Call: Ayes-Hackman, Kuhn, and Byrne. Nays- Holthaus. Zoll absent. Motion Carried.

Laudner & Schwickerath left at 12:14 PM

Gray left at 12:15 PM

Carson Egglund and Dusty Rolando present at 12:15 PM.

12:15 PM Carson Egglund discussed a 28E Agreement with Helping Services for Youth and Families.

Motion by Hackman, Second by Byrne to approve Resolution 08-09-21-43 with a 28E Agreement with Helping Services for Youth and Families and Chickasaw County, file with the county Recorder and authorize chairpersons signature. Roll Call: Ayes-Hackman, Byrne, Kuhn, and Holthaus. Zoll, absent. Motion Carried. **RESOLUTION 08-09-21-43**  
28E AGREEMENT FOR FUNDING FOR SERVICES BETWEEN HELPING SERVICES FOR YOUTH & FAMILIES AND CHICKASAW COUNTY, IOWA. THIS AGREEMENT (hereinafter "Agreement") is made and entered into pursuant to Iowa Code Chapter 28E, to be effective on the date herein provided, by and between Chickasaw County, Iowa organized and existing under the laws of the state of Iowa (hereinafter "County") and Helping Services for Youth & Families, an Iowa non-profit corporation (hereinafter "Agency") (collectively referred to herein as the "Parties"). This agreement shall not create a separate entity. WHEREAS the Agency is a private agency as defined in Iowa Code Section 28E.2., and is a non-profit corporation duly formed and existing pursuant to the laws of the State of Iowa; and WHEREAS the County is a political subdivision duly formed and existing pursuant to the laws of the State of Iowa and is a public agency as defined in Iowa Code Chapter 28E; and WHEREAS Iowa Code Chapter 28E authorizes public agencies to enter into agreements for joint or cooperative action with public or private entities; and WHEREAS Agency and the County have determined it to be in the best interest of the respective Parties to enter into a 28E Agreement to coordinate efforts to provide needed resources to County residents by providing children, teens and adults with the skills and knowledge to bring about a positive impact on the health, safety and wellness of County residents in Chickasaw County, Iowa; and, WHEREAS the Parties believe it is in their best interest to enter into a written agreement setting forth their respective rights and obligations with regard to this Agreement. NOW THEREFORE, in consideration of the mutual promises and agreements herein contained, and upon the following terms and conditions, Agency and the County agree as follows: (full resolution available at the Auditor's office) IN WITNESS WHEREOF, this Agreement has been approved by appropriate action and duly executed by the parties on the dates written below. DATED by Agency this 9th day of August, 2021. /ss/ Richard Holthaus, Chairperson to the Board of Supervisors. ATTEST: /ss/ Stephanie Mashek, Chickasaw County Auditor

Egglund stated that Donna Kubesh's term is expiring and Kim Hennessey is replacing Kubesh.

Consensus of the board is to allow Helping Services for Youth and Families to update their sign at the CSS building located on East Main Street CSS building.

Egglund left at 12:20PM

Fenske left at 12:22 PM

Rolando stated that he talked to Fredericksburg's Mayor, Jimmy Mitchell, last year in regards to the water levels in the ditches located in Fredericksburg. Cook explained that there were concerned citizens as well as the city engineer. The Fredericksburg city engineer advised that this area needs to be addressed. Rolando explained how the flow of the drainage currently stands and said the drainage pipes are cleaned out. Rolando stated the ditches between 248 to the 230's, to allow the flow of water, will be cleaned up of weeds, trees and other obstructions.

Evan Del Val present at 12:37 PM.

12:37 PM Evan Del Val with ISG. Discussion on the Midwest Carbon Express pipeline.

Cook left at 12:39 PM.

Del Val explained the Midwest Carbon Express is an off shoot of Summit Carbon. This pipeline is liquefying CO2 from Bismarck, North Dakota through Iowa. CO2 pipeline requires an inspection per chapter 479(b) in Iowa Code. Concerns regarding the impact of farming within the State of Iowa that this pipeline may have. If a notice is provided for inspection, the inspection must take place in the next 48 hours or construction of the pipeline may not continue. The purpose of inspection is to ensure that the work being done is held to a certain standard and address any issues that may arise. The cost of the inspection is a pass through meaning ISG would invoice the county, the county would invoice Midwest Carbon Express, and the county would not submit payment to ISG until payment is received from the Midwest Carbon Express. Holthaus stated that a meeting will be held on September 29, 2021 to discuss the pipeline and it is encouraged to have an inspector present at that meeting representing the county. Hackman asked why the county should jump on board prior to this meeting. Del Val said you may wait until the last minute; however, there may not be any representation at the September meeting. Del Val stated that their team would gather the information, prep, and be able to field questions by land owners. The county does not have to pay for the inspectors fees because the Iowa code allows for the pipeline to cover that cost of doing business. Del Val said he provided a letter of intent for the board to consider.

Motion by Kuhn, Second by Hackman to approve and authorize chairperson's signature on the letter of intent for county representation and inspection services for the Midwest Carbon Express project. Roll Call: Ayes-Hackman, Kuhn, Byrne, and Holthaus. Zoll, absent. Motion Carried.

Johnson left at 1:10 PM.

Rolando discussed the difficulty of computing the OT/Comp time for Secondary Road as 40 hours is not divisible by 1.5. Rolando suggested that the max of OT/Comp Time to be 40.5 hours for easier computation. Rolando also mentioned paying out the OT/Comp Time once an employee gets to a certain point. Byrne stated comp time is in hour increments and suggested 42 hours.

Motion by Hackman, Second by Byrne to approve 42 hours of OT/Comp Time and amend the Chickasaw County handbook section 2.4 - in regards to OT/Comp Time for Secondary Road Employees. Roll Call: Ayes-Hackman, Kuhn, Byrne, and Holthaus. Zoll, absent. Motion Carried.

Rolando provided a department update. Day labor project at Cheyenne Ave, closing out B44 project, and work at the V48 bridge.

Rolando left at 1:50 PM.

Motion by Kuhn, Second by Byrne to approve the release of liability and indemnification agreement between Chickasaw County, Iowa & Northeast Iowa Community Action Corporation regarding food distribution. Consensus of the board was not to take a vote on the motion.

Discussed the release of liability and indemnification agreement between Chickasaw County, Iowa & Northeast Iowa Community Action Corporation regarding food distribution. No action taken.

Discussed injury reporting memo. No action taken.

Discuss safety & health statement memo. No action taken.

Discuss data processing policies & procedures. No action taken.

Holthaus attended the Conservation meeting on August 2<sup>nd</sup>, 2021.

Received and filed in the Auditor's Office MMP Short Form for Annual Updates for HC Feeders (ID # 60444) located at 2504 140<sup>th</sup> Street New Hampton, IA 50659

Received and filed in the Auditor's Office MMP Short Form for Annual Updates for Harrington Site (ID # 58790) located at 1646 290<sup>th</sup> Street Nashua, IA50659

Motion by Hackman, Second by Byrne to adjourn at 2:11 PM. Roll Call: Ayes- Hackman, Byrne, Kuhn, and Holthaus. Zoll, absent. Motion Carried.

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Richard Holthaus, Chairperson  
Board of Supervisor

ATTEST:

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Stephanie Mashek, Secretary of the Board