

The Cedar County Board of Supervisors regular meeting was held by electronic telephone conference with the call originating from the Cedar County Courthouse with no public access in an effort to mitigate the spread of COVID-19 at 8:30 a.m. on March 24, 2020 with the following members on the call: Smith, Bell, Gaul, Kaufmann, and Chairperson Agne. Members of the public were also present on the call.

The Board viewed correspondence (via email) from various agencies.

The Board acknowledged (via email) receipt of the following correspondence from: Public Health Interim Director regarding a hourly pay change for Angela Knox, Home Health Manager from \$29.04 to \$32.17, Renee Mueller, Public Health Program Coordinator from \$25.46 to \$28.44, and Deana Drumbarger, Home Health RN from \$27.46 to \$29.15, effective March 9, 2020.

Chief Deputy Koranda regarding Notice of Transfer for Elisabeth Gardner transferring from Corrections to Dispatch, effective March 18, 2020.

Conservation Director Dauber regarding Notice of Voluntary Resignation from Kristopher Slutts, Park Technician, effective March 20, 2020.

Manure Management Annual Updates submitted by:  
PJ Farms Inc. #68054, 1119 Vermont Avenue, Bennett  
JT Pork, LLC, 342 320<sup>th</sup> Street, West Branch

It was noted the following Handwritten Disbursement was issued on 3/19/20 to the Cedar County Treasurer for Benefits, Inc. for an electronic deposit: #422964 for \$1,495.86-self funded medical claims.

Moved by Sup. Bell seconded by Sup. Kaufmann to approve the agenda.  
Ayes: All

Chairperson Agne addressed the public for comments: Deb Schwitzer is involved today due to the public hearing and wanted to make sure the board received the email she sent. She stated the board does have the authority to require the applicant to change the plans. Mary Swan agreed, although does not think the board can do anything. Public Health Interim Director Butler informed the board on the updates provided by the Governor the last two days. She is working with Jodi Freet and Tim Malott on securing additional PPE. Sup. Bell commended Bonnie and her staff on all their effort. Butler stated when there is a case in Cedar County everyone will be made aware of it at the same time. The State has a procedure for this process.

Moved by Sup. Bell seconded by Sup. Kaufmann to approve the Board Minutes of March 17, 2020.  
Ayes: All

Sup. Bell requested more information on the Visa claim for the County Attorney in the amount of \$1,688.12. The County Attorney was not on the call, although the Attorney Secretary, Rachel Lilenthal was present on the call. Ms. Lilenthal explained the expense was for a witness travel from Texas for a jury trial. Sup. Bell mentioned it was for two individuals. Ms. Lilenthal stated it was for the witness and minor child. Sup. Bell is requesting further explanation from the County Attorney. Sup. Smith stated she agrees, although we need to approve the claim so we do not receive past due charges.

Moved by Sup. Smith seconded by Sup. Kaufmann to approve Claim Disbursements #422811 - #422963 paid on March 19, 2020.  
Ayes: All

The Board reported on Outreach/Committee Meetings they attended.

Moved by Sup. Bell seconded by Sup. Smith approve the following resolution:

RESOLUTION  
A RESOLUTION SUPPORTING THE HOME BASE IOWA INITIATIVE

WHEREAS, the Office of the Governor of the State of Iowa has launched a public-private partnership called Home Base Iowa initiative, which is an effort to match military veterans with jobs available across Iowa; and

WHEREAS, the Home Base Iowa initiative consists of two programs, Home Base Iowa Businesses and Home Base Iowa Communities; and

WHEREAS, Governor Reynolds is requesting Iowa businesses and communities promote and support the Home Base Iowa initiative and one of the requirements for Cedar County to be a Home Base Community is that the County Board of Supervisors adopt a resolution of support; and

WHEREAS, the Cedar County Board of Supervisors finds that it is in the best interests of Cedar County and veterans everywhere to support the Home Base Iowa initiative and adopt this resolution.

NOW, THEREFORE, it is resolved by the Cedar County Iowa Board of Supervisors, as follows:

Section 1. The Cedar County Board of Supervisors hereby proclaims its support for the Home Base Iowa initiative and encourages its residents to take whatever actions are necessary for Cedar County to become and continue to be a Home Base Iowa Community.

Section 2. The Board of Supervisors also encourages Cedar County businesses to take whatever actions are necessary to become and continue to be a Home Base Iowa Business.

Section 3. Cedar County Economic Development Commission Director and the Cedar County Department of Veterans Affairs Director are authorized to take such further action as may be necessary to carry out the intent and purpose of this resolution.

Section 4. All resolutions, orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby repealed, and this resolution shall be in full force and effect immediately upon its adoption and approval.

Ayes: All

The public hearing was opened at 9:00 a.m. for a Construction Permit Application filed by JT Center Pork 4+, LLC located in Center Township Section 26 for two new 2,400 head deep pit swine finisher confinement buildings for a new swine confinement facility. Environmental and Zoning Director LaRue, Bill and Deb Schwitzer, Carrie Keppy, Tom Dittmer, Tim Malott, Kate Ehlers, Mary Swan and Larry Hodgden were present on the call. LaRue reviewed the Master Matrix passing score of 450 and stated the location of the operation is at 1696 260<sup>th</sup> Street, Tipton. The board received written correspondence from Deb Schwitzer. The Board requested Ms. Schwitzer to address her concerns. Mr. Dittmer addressed the odor and fly concerns, explained that the polymer which reduces 50-70% of the ammonia and sulfite, and explained the benefits of tunnel barns. Ms. Schwitzer questioned the distance between the site and the cemetery. Ms. Keppy stated that cemetery is known as a Pioneer Cemetery and the DNR has a distinction from a regular use cemetery vs. a pioneer cemetery. Mr. Schwitzer asked the Board to vote no, due to the concern of the project and so development does not continue. Sup. Kaufmann asked Mr. LaRue to explain the air matrix and the minimum standards regulated. Ms. Schwitzer requested Mr. Dittmer to plant three rows of trees and shrubs to appease the neighbors. Mr. Dittmer stated he has done this at other locations and would consider the request. Sup. Kaufmann asked Mr. Dittmer, "Why build in Cedar County when you are a resident in Scott County?" Mr. Dittmer replied he was offered the opportunity to purchase the land and he has ties with other Cedar County farmers and also the economic activity he has brought to Cedar County, for example tax basis, labor and Custom Builders. He is a third generation owned and operated by family. He stated he has a 12,000 sow facility on his home farm by Eldridge and they entertain. They are expanding into Cedar County and it is close enough to manage the barns themselves. Sup. Bell noted there was a situation last winter with feed trucks, that did not obey the embargo roads and the county needs support from the owners. Mr. Dittmer stated, "The buck stops here, you need to get ahold of me if there is an issue. He respects the embargos and we need to work together. Mr. Dittmer will provide his information. Sup. Kaufmann stated, "The bottom line is the DNR will grant you the building permit." Mr. Dittmer respects the

Schwitzers and other neighbors and will minimize the impact of the hog farms. Sup. Bell agrees with Sup. Kaufmann through the public hearing process Mr. Dittmer owns the property, is being neighborly and the Board members hands are tied. The process is crazy since the Board has no authority. Sup. Agne agreed with Sup. Bell.

Moved by Sup. Smith to approve the Construction Permit Application for JT Center Pork 4+, LLC based on the discussion and the limited control of the Board and being a good neighbor. The motion died due to lack of second. Further discussion was held.

Moved by Sup. Gaul to disapprove the Construction Permit Application for JT Center Pork 4+, LLC. The motion died due to lack of second.

Moved by Sup. Smith as previously stated, being a good neighbor, pro-ag, effort on everyone's part, roads included to approve the Construction Permit Application for JT Center Pork 4+, LLC seconded by Sup. Kaufmann.

Sup. Bell stated Mr. Dittmer is willing to meet with the Schwitzers, so he requested a response from the Schwitzers. Mr. Schwitzer appreciates Mr. Dittmer's offer but is disappointed that he has five buildings over a mile away before he made this offer. Mr. Schwitzer stated he looks forward to meeting Mr. and Mrs. Dittmer and appreciated the offer. Ms. Schwitzer requested that three layers of trees be in the motion to show a good neighbor effort. Mr. Dittmer responded and stated he will place three layers of trees on the west and south side.

Roll call vote: Smith, Gaul, Bell, Kaufmann, Agne – Nay

Moved by Sup. Smith to approve the Construction Permit Application for JT Center Pork 4+, LLC with the addition of the three layers of trees, concur to be a good neighbor and help with the roads in inclement weather seconded by Sup. Kaufmann.

Sup. Gaul asked Ms. Schwitzer if she was okay with this, she stated as well as I can be.

Roll call vote: Smith, Gaul, Bell, Kaufmann, Agne – Aye

Mr. Dittmer stated he will meet with Ms. Schwitzer to go over landscaping plans to make the site look more like a farm not just two building placed there.

Engineer Fangmann teleconferenced the Board requesting approval of a grant request for the Sign Replacement Program for Cities & Counties.

Moved by Sup. Kaufmann seconded by Sup. Bell to approve and authorize Chairperson Agne to sign the following Resolution:

IOWA DEPARTMENT OF TRANSPORTATION  
AGREEMENT / RESOLUTION  
Sign Replacement Program for Cities & Counties  
(SRPFCC)  
ver 02.05.18

WHEREAS the City/County of CEDAR, recognizes the importance of maintaining the regulatory, warning, and school area signs on the road system in conformance with the Manual on Uniform Traffic Control Devices, Federal Highway Administration, U.S. Department of Transportation, and

WHEREAS a review of signs has been conducted by the City/County of CEDAR or its agent to identify deficiencies in those signs eligible for replacement under the rules of the program, and

WHEREAS the Iowa Department of Transportation will reimburse up to \$10,000 per county and \$5,000 per city for conforming regulatory, warning, and school area signing materials for the replacement of existing signs to the City/County of CEDAR, and

WHEREAS it is understood that applications will be considered in order of receipt and will be limited to replacing eligible regulatory, warning, and school area signs. See, "Signs eligible for SRPFCC".

NOW THEREFORE BE IT AGREED BY THE IOWA COUNTY OR CITY COUNCIL OF

CEDAR, THAT:

The City/County is hereby directed to submit the grant application and request for signing materials to replace signs that have been identified as deficient in their review. This application is to be submitted to the Iowa Department of Transportation's Program Coordinator for the Sign Replacement Program for Cities & Counties, and

BE IT FURTHER RESOLVED THAT:

A) All signing materials must be ordered within 90 days of application approval.

B) All signing materials will be installed by the City/County of CEDAR, within 180 days after the sign materials are furnished, and,

C) All signs will be installed in compliance with the Manual of Uniform Traffic Control Devices, Federal Highway Administration, U.S. Department of Transportation, as adopted per Iowa Administrative Rules 761, Chapter 130, and,

D) The City/County of CEDAR, will certify in writing to the Department of Transportation's Program Coordinator within 30 days after the sign materials and/or signs have been installed.

E) The City/County of CEDAR, recognizes that submission of this agreement along with an application, requesting signs and sign posts, represents approval by the city/county to participate in the Sign Replacement Program for Cities & Counties.

F) Cities and counties not complying with the SRPFCC rules will be prohibited from applying for the program for two years.

G) Application must be approved by Iowa DOT prior to ordering signs. Reimbursement, up to the program maximum, will be sent to the grantee AFTER the signs/posts have been installed, the DOT receives a copy of the sign-order invoice and the cancelled sign-order payment check.  
Ayes: All

Engineer Fangmann discussed with the board the current staffing opening and action on hiring Kevin Morris for a Maintenance Worker I position.

Moved by Sup. Gaul seconded by Sup. Smith to approve hiring Kevin Morris, Maintenance Worker I with a starting wage of \$17.86 per hour effective 3/31/2020.  
Ayes: All

Engineer Fangmann requested the Board to request approval for a utility permit for Eastern Iowa Light & Power REC for a project located at 81N 3W Sec.20&21, location 195<sup>th</sup> west of Jackson Avenue to Hayes Avenue and the \$100 fee applies.

Moved by Sup. Bell seconded by Sup. Agne to approve the utility permit for Eastern Iowa Light & Power REC and the \$100 fee applies.  
Ayes: All

Engineer Fangmann discussed the proposed Secondary Roads five-year construction program and I.D.O.T. 2021 budget. Fangmann reviewed 2021-2025 Cedar County Five Year Construction Program maps. Discussion was held.

Moved by Sup. Kaufmann seconded by Sup. Bell to approve Cedar County Secondary Roads Five Year Construction Program and I.D.O.T. 2021 budget.  
Ayes: All

Engineer Fangmann discussed the Cooperative Agreement for a Competitive Highway Bridge Program (CHBP) Project between the City of Bettendorf, Iowa, Scott County, Iowa and Cedar County, Iowa. Discussion was held. Scott County will be the administrator/lead of the grant.

Moved by Sup. Bell seconded by Sup. Kaufmann to approve the Cooperative Agreement for a Competitive Highway Bridge Program (CHBP) Project between the City of Bettendorf, Iowa, Scott County, Iowa and Cedar County, Iowa.

Ayes: All

Engineer Fangmann informed the Board his department is working under the protocol by the President, Governor and Board of Supervisors on the safe distance.

Sup Bell mentioned the resolution that Auditor Dauber emailed board members. Auditor Dauber informed the board that the resolution was prepared by the Assistant County Attorney Blank on Saturday. Discussion was held regarding a resolution recognizing the COVID-19 pandemic and adhering to the laws.

Moved by Sup. Bell seconded by Sup. Smith to approve the resolution as prepared. Auditor Dauber asked if the Board would consider adding the following language to the end of the fifth paragraph resolution: *and employees deemed "high-risk" or "at-risk" can utilize sick time, and.* The Boards consensus was to include that language in the resolution.

Ayes: none

Nays: All

Moved by Sup. Bell seconded by Sup. Smith to accept the terminology in the resolution as stated below.

#### RESOLUTION

WHEREAS the Cedar County Board of Supervisors recognizes the COVID19 pandemic as a national, state, and local public health emergency, and

WHEREAS the Cedar County Board of Supervisors desires to limit the risk of exposure to the general public and all Cedar County employees, especially those deemed "high-risk" or "at-risk" by public health officials, and

WHEREAS new recommendations from the federal government, the Iowa Governor's Office, the Iowa Department of Public Health, and the Cedar County Department of Public Health are being issued on a frequent, sometimes daily, basis, and

WHEREAS, the federal government has now passed the Families First Coronavirus Response Act on March 18, 2020, expanding the Family Medical Leave Act.

NOW, THEREFORE, BE IT AGREED AND RESOLVED BY THE CEDAR COUNTY BOARD OF SUPERVISORS THAT, DURING THE COVID19 PUBLIC HEALTH EMERGENCY:

Any Cedar County employees with the capability to work remotely from home shall be encouraged and freely permitted to do so, and employees deemed "high-risk" or "at-risk" can utilize sick time, and

Going forward, all orders related to employment from any federal, state, or county public health agency as it/they pertain to any Cedar County employee shall be adopted and followed without the requirement of a prior vote or authorization of the Cedar County Board of Supervisors, and

All recommendations related to employment from any federal, state, or county public health agency as it/they pertain to any Cedar County employee shall be adopted and followed, to the extent reasonably practical, without the requirement of a prior vote or authorization of the Cedar County Board of Supervisors.

Ayes: All

Moved by Sup. Kaufmann seconded by Sup. Gaul to adjourn at 10:45 a.m., to March 31, 2020.  
Ayes: All

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Cari A. Dauber, Auditor

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Steve Agne, Chairperson