

The Cedar County Board of Supervisors met in regular session at 8:30 a.m. July 28, 2020 with the following members present: Agne, Smith, Bell, Gaul, and Kaufmann. Members of the public were also present.

The Board viewed correspondence from various agencies.

The Board acknowledged receipt of the following correspondence from:

Chief Deputy Koranda hiring Heather Warren, Correctional Officer effective July 21, 2020 at rate of \$18.08 per hour.

Dispatch Supervisor Johnson terminating Maliree Gephart, Dispatcher effective July 25, 2020.

A letter from Mary Swan dated July 20, 2020.

Scott County Engineer's Office regarding Review of Restoration of Agricultural Lands During and After Pipeline Construction Rules [199 IAC Chapter 9], Docket No. RMU-2016-0013.

Board of Health minutes of July 17, 2020 meeting.

Nate and Susan Orvis requesting rezoning classification change for the property located at 1465 265th Street, Tipton.

Manure Management Annual Updates submitted by:

Eiler Site #67475 located at 1242 190th Street, Tipton

T/J West #66831 located at 2378 310th Street, Durant.

Nick Sander #71146 located at 1969 110th Street, Clarence.

It was noted the following Handwritten Disbursement was issued on July 24, 2020 to the Cedar County Treasurer for Benefits, Inc. for an electronic deposit: #424294 for \$526.87-self funded medical claims.

Moved by Sup. Kaufmann seconded by Sup. Smith to approve the agenda.

Ayes: All

Chairperson Agne addressed the public for comments and there were none.

Moved by Sup. Smith seconded by Sup. Bell to approve the Board Minutes of July 21, 2020.

Ayes: All

Abstain: Agne

Moved by Sup. Gaul seconded by Sup. Bell to approve Claim Disbursements #424165 - #424293 paid on July 23, 2020.

Ayes: All

Moved by Sup. Smith seconded by Sup. Bell to approve the 2017/2018 Auditor Outstanding Warrant List in the amount of \$431.70.

Ayes: All

Interim Director Butler updated the Board that as of today there are 109 cases. The testing process is experiencing difficulty in receiving the test results in a timely manner therefore, this is slowing down the contact process. She stated they are experiencing difficulty with people following the quarantine process. Butler stated the Board of Health has the authority to issue a mandatory isolation and to make it mandatory to wear a mask. At this time they have not made a decision.

The Board reported on Outreach/Committee Meetings they attended.

At 8:45 a.m. Sup. Bell discussed the possibility of Cedar County becoming a sponsor or co-sponsor on a grant application for the USDA-NRCS Watershed & Flood Prevention Operations Program. Mary Beth Stevenson was present on the call and Roger Laughlin, West Branch Mayor was present in the board room. Bell explained the sponsor has the ability to do eminent domain, and typically it is a temporary easement to have access to the watershed area for the project. Linn County and Cedar County are proposed to be co-sponsors. Stevenson explained the funding and the process of the grant application. Projects that could be included in the application is flood mitigation, stream and channel improvement and water quality projects.

Sup. Bell noted a stream would have to be smaller than the Cedar River and fit the criteria. Stevenson stated the portion of the water dumping into the Cedar River could be included. She is proposing the grant dollar amount at \$750,000 so the projects can be larger and more meaningful. Sup. Kaufmann is very concerned with the eminent domain due having seen the NRCS abuse their power in the past. Stevenson stated the LCWS is aware that there may be push back and nobody that is part of the LCWS wants to jeopardize that. Cedar County Board of Supervisors has the authority not to use eminent domain. Sup. Kaufmann is concerned that with Federal dollars they have the ability to condemn without using eminent domain. Stevenson replied they can state on the application that Cedar County will not use eminent domain authority in this project. Sup. Kaufmann asked if they could apply for the grant but remove the eminent domain authority. Mary Beth was not sure how this could be done. Sup. Kaufmann stated that is the only thing that bothers him, the goal of the project and the integrity of the boards are fine, it is just he has seen this happen multiple times in the State. Stevenson thought maybe she could craft language to be included in the narrative of the application. Laughlin explained to the board that his project involves two creeks that converge into one at the center of the town and caused back up and 4" to 6" of flooding in the Police Station and Fire Station. The model shows that widening the creek downstream which includes the majority of the landowners being in the City of West Branch except for some private properties would reduce the flooding. One owner does not want to cooperate and the council is frustrated on the lack of communication. The council would use eminent domain to gain access to widen the creek, as a construction easement, not to gain the ground from the land owner. Sup. Kaufmann stated the problem the City of West Branch is a legitimate cause of eminent domain. Stevenson will craft that language and research the Federal Code that authorizes the program and making sure with more and more federal money that eminent domain is not used with this funding. Sup. Bell requested Stevenson email the board with the language. Stevenson notified Sup. Bell that she will present to the Linn County Supervisors on next Monday at 11:00 a.m. and offered Bell to attend via conference call. Sup. Bell will check his calendar and requested this item remain on the agenda.

County Attorney Renander met with the board to discuss his request to issue keys to two staff members for access to the north stairwell due to the wearing a mask mandate from the courts. Renander is requesting this temporarily just for the convenience of his staff. Sup. Smith reiterated the closure of the north stairwell was for security on the second floor. After reviewing the email, Sup. Kaufmann and Sup. Bell interpreted the mandate to be in effect when walking in all the hallways. Sup. Bell suggested Renander get clarification with the court. The consensus of the board was not to approve the request.

Engineer Fangmann met with the board to discuss the 28E Agreement with Linn County regarding the paving project on Business 30 and Old Lincoln Highway. The board reviewed the agreement.

Moved by Sup. Gaul seconded by Sup. Bell to approve the 28E Agreement with Linn County regarding the paving project on Business 30 and Old Lincoln Highway.

Ayes: All

Moved by Sup. Bell seconded by Sup. Kaufmann to approve the wage classification change for Kevin Morris, MWII from \$21.42 to \$21.71.

Ayes: All

Moved by Sup. Smith seconded by Sup. Bell to approve the utility permit for Eastern Iowa Light & Power to install a new line along 280th Street from Rose Avenue west to Old Muscatine Road. \$100.00 fee applies.

Ayes: All

Moved by Sup. Smith seconded by Sup. Kaufmann to approve the utility permit for Eastern Iowa Light & Power to install over and underground cable on the south side of 280th Street. \$100.00 fee applies.

Ayes: All

Engineer Fangmann updated the board on current projects. Sup. Bell informed the Engineer about the LCWS application and any projects he would like to include needs to be identified pretty quickly.

Sup. Gaul distributed an email from Alan Beyers, Board of Health member requesting input on additional compensation to Bonnie Butler and Ashley Hanson due to the actions they took above and beyond in response to the COVID-19 epidemic. Sup. Bell noted the EMA Commission would need to look at this also. He also stated he does not agree due to the fact he understood Butler was offered volunteers to assist her and she did not take advantage of the offer. Sup. Agne mentioned every department did a hell-of-a job keeping their offices open. Sup. Gaul stated this was brought up by a Board of Health member in their last meeting. Sup. Agne stated this needs to be fair for all employees just not a few. He also reiterated due to the tax payments being slow he really disagrees with the additional compensation, but did state they did a good job. Sup. Gaul said the Board of Health wants to have a good standing relationship with the Board of Supervisors. Sup. Kaufmann said we need to look at everyone and we can't do that. Sup. Bell also noted in the past during disasters the department head did not keep track of the hours put in to do the job. Sup. Gaul appreciated the Boards input and he stated he is not in favor of the request. Sup. Kaufmann stated he would like to show appreciation to all the employees by offering a lunch or some type of employee appreciation after this pandemic is over. Sup. Agne stated we all work for the taxpayer and we step up to do our job. The board asked Auditor Dauber to email a response to the Board of Health stating the reasons of why they do not approve of the additional compensation for the two employees.

Sup. Kaufmann asked the Auditor to email the department heads on their retention policy on the items each office is responsible for. The Cedar County Historical Society is taking inventory and needs to know the time retention on the items. The department heads can email the board with their information.

Moved by Sup. Gaul seconded by Sup. Kaufmann to adjourn at 10:03 a.m., to August 4, 2020.
Ayes: All

Cari A. Dauber, Auditor

Steve Agne, Chairperson