

October 17<sup>th</sup>, 2017

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9:00 AM on Tuesday, October 17<sup>th</sup>, 2017. Bob Beck, Jim Cary and Tom Broeker were present.

Unless otherwise noted, all motions passed unanimously.

Meet with Department Heads: County Auditor Terri Johnson reported all City Election ballots have been received. Early voting will be available starting October 18<sup>th</sup> at the Auditor's Office. Public Health Administrator Christa Poggemiller reported her department is busy with flu clinics. She stated when the Animal Ordinance is approved a veterinarian will be needed on the Animal Control Board. County Engineer Brian Carter reported with the recent rains received his crews will be blading roads. He warned the public to watch for farm equipment and traffic on the roads. Conservation Director Chris Lee stated his department is moving ahead with trail projects and the trail project will have a public hearing on October 24<sup>th</sup>. There will be a REAP Assembly at Starr's Cave tonight at 6:30 PM. Camping numbers are still good, there were nineteen campers at Big Hollow last weekend. The campgrounds usually shutdown at the end of October, however this will depend on the weather. The water will be shut off at the end of October to prevent any damage to the water lines. The shower house for Big Hollow has been ordered. County Sheriff Mike Johnstone reported his crews were busy last week. The Jail population is down to the mid 80's. When asked he stated the jail was built for a population of 68/69. County Attorney Amy Beavers reported all three felony attorneys in her office will be busy with jury trials. She reported the "Meet Your Neighbor" event had a good turnout considering the rainy weather. She hopes each year it will bring a larger turnout. Joint Safety Commission Director Angie Vaughan stated the public needs to watch out for road crews and give them room to work. CDS Director Ken Hyndman attended a Johnson County CIT class. Our region is involved in CIT and he was able to see the training thru the eyes of law enforcement and emergency personnel.

Public Input Session #1 - Terry Davis, 15552 N Prairie Grove Rd., Burlington spoke in favor of the dog ordinance. He encouraged the Board to pass the ordinance. He thanked Conservation for their great job and the County Attorney for the "Meet Your Neighbor" event.

Broeker motioned to approve Accounts Payable Claims in the amount of \$1,143,724.70. Cary seconded.

Cary motioned to open the public hearing for the 1<sup>st</sup> Reading of Ordinance #6I – Animal Control Ordinance. Broeker seconded. Jeannette Butts, 10279 165<sup>th</sup> Ave., West Burlington stated she was speaking for Dale Oaks who could not attend the meeting. They are against the ordinance and if those moving to the county want regulations they should move back to town. Judy Mennen, 11227 142<sup>nd</sup> Ave., West Burlington doesn't agree. She stated everyone wants peace and quiet but everyone is not regulating themselves. Therefore, requiring an ordinance. Terry Davis, 15552 N Prairie Grove Rd., Burlington stated if everyone complied with common sense we would not need an ordinance, but not everyone does. Broeker stated the Board has reviewed this ordinance for a long time. He asked the County Attorney if more than one veterinarian could be appointed. She stated this would take up two seats on the Animal Control Board and an alternate could not be appointed. Angie Vaughan asked if a certified vet tech could be appointed if it becomes difficult to find a veterinarian interested in filling this position. Beck stated the ordinance will give the Sheriff's Department teeth to enforce a dangerous animal situation. The Sheriff or Health Department would make a recommendation to have a dangerous animal appear before the Animal Control Board. Cary stated the ordinance does not chastise the responsible dog owner. No further comment was received. Broeker motioned to close the public hearing. Cary seconded. Broeker motioned to approve the 1<sup>st</sup> reading of Ordinance #6I. Cary seconded. The 2<sup>nd</sup> reading of the ordinance will be October 24<sup>th</sup>.

Beck read the NAACP proclamation into the record. Cary motioned to approve the proclamation. Broeker seconded.

### **PROCLAMATION**

WHEREAS, For over a century, the National Association for the Advancement of Colored People (NAACP) has been built on the individual and collective courage of thousands of people. People of all races, nationalities and religious denominations, who were united on one premise... that "all men and women are created equal" and

WHEREAS, Since its inception, the NAACP was poised for a long and rewarding history. Although it is possible to chronicle the challenging legacy of the NAACP, the real story of the nation's most significant civil rights organization lies in the hearts and minds of the people who would not be silent while the rights of some of America's citizens were denied, and

WHEREAS, The NAACP sponsors a variety of programs to make real the promise of America. Their programs are designed to ensure civil rights compliance, equitable treatment of all Americans under law, access to health care, the attainment of educational excellence and economic empowerment, and

WHEREAS, Des Moines County has been blessed to have a branch of the NAACP in our community.

NOW THEREFORE BE IT RESOLVED: That the Des Moines County Board of Supervisors salutes the NAACP and its local branch for their work and encourages all citizens to join our fight to ensure that, "all men and women are created equal."

FURTHER, Des Moines County citizens are encouraged to attend the local NAACP Freedom Fund Banquet at 6:00 P.M. on October 28<sup>th</sup>, 2017, at Big Muddy's. This year's theme is "**Liberty and Justice for All**".

Adopted this 17<sup>th</sup> day of October, 2017

Robert W. Beck, Chairman  
Jim Cary, Vice Chair  
Thomas L. Broeker, Member

ATTEST: Terri Johnson, Auditor

Jeff Hanan, Land Use Administrator stated he had a rezoning request to bring before the Board of Supervisors. Dates were discussed for public hearings. To allow for enough time to send notification for publication to the three designated papers, the public hearings will take place on October 31<sup>st</sup>, November 7<sup>th</sup> and November 14<sup>th</sup>. The Auditor will send public hearing notices to all three papers.

County Treasurer Janelle Nalley-Londquist presented a resolution abating interest and penalties for three parcels that were taxed as buildings on leased land for several years. The former buildings were owned by Baker Coal Co. and then leased to J.D. Carpenter who then abandoned the buildings. The property is owned by BNSF. The buildings have been demolished and since March 2013 the County Assessor, Attorney and Treasurer have been working with BNSF to resolve the delinquent tax bills. The Treasurer received a check from BNSF in the amount of \$23,386.00. Broeker motioned to approve the abatement of interest and penalties. Cary seconded.

#### **RESOLUTION ABATING INTEREST AND PENALTIES FOR FORMER BAKER COAL PROPERTIES IN DES MOINES COUNTY, IOWA**

WHEREAS, since the year 2000, the Des Moines County Treasurer has made efforts to collect property taxes for three buildings on leased land situated in Des Moines County, and

WHEREAS, the three buildings at-issue have Parcel Numbers as follows:

1. 16-05-237-901
2. 16-05-237-902
3. 16-05-237-903

WHEREAS, Iowa Code Section 445.32 provides as follows:

If a building or improvement is erected or made by a person other than the owner of the land on which the building or improvement is located, as provided for in section 428.4, the taxes on the building or improvement are and remain a lien on the building or improvement from the date of levy until paid.

WHEREAS, County records reflected that the buildings were previously owned by Baker Coal Company. Subsequently, J.D. Carpenter Co. took over what was Baker Coal Company. Tax statements were being remitted to J.D. Carpenter Company. J.D. Carpenter Company has continuously denied ownership of, and responsibility for the taxes on, the above buildings, and further failed to provide information to assist the County in determining ownership, and

WHEREAS, the land on which the buildings sit is owned by Burlington Northern Railroad, hereinafter BNSF. BNSF advises the County that an agreement concerning the buildings on its land provided that at the termination of a lease for the buildings, such buildings would become the property of BNSF, and

WHEREAS, BNSF has agreed to pay the delinquent property taxes, excluding interest and penalties, on said buildings back to the year 2000. BNSF agrees that future tax statements shall be remitted to BNSF, and

WHEREAS, the Des Moines County Treasurer reports that BNSF has submitted payment of the property taxes in the amount of \$23,386.00, excluding interest and penalties, and

WHEREAS, the County benefits from collecting the delinquent taxes and the Board has the authority to abate the outstanding interest and penalties pursuant to Iowa Code Section 445.16.

*THEREFORE BE IT RESOLVED* that interest and penalties having accrued on the three parcels referred to herein since the year 2000 to the date of approval of this Resolution shall be abated. Be it Further Resolved that the County accepts the check from BNSF in the amount of \$23,386.00 as payment in full for outstanding taxes for such parcels. The Des Moines County Treasurer, Auditor, and Assessor shall correct their records accordingly.

***APPROVED AND SIGNED THIS 17<sup>th</sup> DAY OF OCTOBER, 2017.***

Robert W. Beck, Des Moines County Board of Supervisors  
Jim Cary, Des Moines County Board of Supervisors  
Thomas L. Broeker, Des Moines County Board of Supervisors

ATTEST: Terri Johnson, Des Moines County Auditor

Personnel Actions:

County Attorney – Christopher Perras, Assistant County Attorney – Temporary Part Time ACA. Salary is \$0.00, effective 10/11. The County Attorney stated this is a Federal Prosecutor assisting with the Kedarie Johnson murder trial and no salary will be paid by the County. Cary motioned to approve. Broeker seconded.

Correctional Center – Alexzander Elliott, Kitchen-Assistant Cook. New hire with a rate of \$8.31 hr., effective 10/17. Broeker motioned to approve. Cary seconded.

The following reports were received and filed in the Auditor's Office:

Clerks Report of Fees Collected, September 2017  
General Assistance Monthly Report, September 2017  
Sheriff's Report of Fees Collected, September 2017  
Veterans Affairs Report, Qtr. ending 9/30/17

Cary motioned to approve the minutes for the Board meeting held on October 10<sup>th</sup>, 2017. Beck seconded. Broeker abstained.

Broeker motioned to approve the minutes for the City Primary Canvass meeting minutes held on October 12<sup>th</sup>, 2017. Cary seconded.

Committee Reports: Cary attended a RUSS meeting, they reviewed their state audit. A copy was filed with the County Auditor. Broeker attended a SEIL Governor's Board meeting. They approved a revised region plan to send to the State. He attended a Courthouse Security Plan meeting and discussed amending the current plan. He attended a Joint Safety quarterly meeting and they discussed AED's. He attended a Grow Greater Burlington meeting. They have purchased ½ of the Raider Precast Building in West Burlington for future development.

Meeting adjourned at 10:00 AM.

A work session followed the meeting. The Board of Supervisors and County Engineer went on a road tour.

This Board meeting is recorded and kept on file for two years. The minutes are posted on the county's website [www.dmcourty.com](http://www.dmcourty.com)

Approved October 24, 2017  
 Bob Beck, Chairman  
 Attest: Terri Johnson, Auditor

All October Claims

1st United Presbyterian	pantry	300.00
5th Dist Co Auditors Asc	fee	15.00
5th District Co Officers	fee	80.00
8-A Bar Association	fee	50.00
A.S.C.E.	fee	265.00
Abc Fire Extinguisher	srvs	429.60
Ability Network	srvs	295.00
Absolute Transport Svcs	srvs	4,413.45
Access Energy	srvs	278.99
Advance Corretnl Hlthcr	srvs	9,554.64
Agrineed Inc	supl	65.00
Allgood Animal Hospital	srvs	54.00
Alliant Energy	srvs	15,797.06
Amazon Capital Svcs	supl	349.26
American Correctional Asc	dues	99.00
Amerihealth Caritas IA	srvs	588.16
Anderson Erickson	supl	1,131.06
Anderson, Roberts, Porth	srvs	168.00
Arnold Refrigeration	srvs	449.89
Atco International	srvs	120.00
Bauer Built Tire	srvs	2,129.86
Bethany Lutheran Church	fee	50.00
Blades of Green	srvs	5,875.71
Bob Barker Co	supl	527.92
Bridgeway	srvs	1,917.76
Brite-Way Services	srvs	26.70
Brozene Hydraulic	parts	16.19
Burke Cleaners	srvs	57.75
Burlington Capitol Theater	srvs	1,150.00
Burlington Glass	srvs	1,078.36
Burlington Hawk Eye	publ	2,655.25
Burl Munic Waterwork	srvs	3,444.10
Burlington Police Dept	reimb	13.04

Burl Property Source	rent	300.00
Calhoun-Burns & Asc	srvs	610.00
Campbell Towing	srvs	515.00
Carquest	parts	526.63
Caspian Village	rent	795.00
Cdw Government	equip	13,851.87
Central Ia Detention	srvs	1,950.00
Centre State Intern'l	equip	95,916.45
Century Link	srvs	983.99
Cessford Construction	supl	425.82
City of Burlington	srvs	1,364.99
City of Mediapolis	srvs	79.73
Clear Falls	srvs	48.25
Coast To Coast	supl	197.94
Community Action of SEIA	rent	390.00
Coppes Pest Mgmt	srvs	246.00
Copy Systems	srvs	44.54
Coverttrack Group	supl	810.00
Cpa Associates	srvs	710.00
Craftsman Press	supl	310.00
Cray Law Firm	srvs	1,068.00
Cribs For Kids	supl	1,762.19
Dande Workwear	supl	160.00
Danville Savings Bank	go loan	784,604.36
Danville Telecom	srvs	63.41
Deery Brothers	parts	35.37
Dennis Company '	supl	77.32
Des Moines Co Attorney	fee	15,060.00
DMC Reg Waste Comm	srvs	11,397.90
Des Moines Co News	publ	740.16
Des Moines Stamp	supl	72.80
Ebert Supply	supl	335.00
Ecolab Pest Elim Div	srvs	77.13
Ed Roehr Safety Prod	supl	200.52
Electrical Engineering	supl	699.09
Electronic Applications	equip	276.25
Embellishments & Dsgns	srvs	185.00
Fastenal	supl	848.88
Fayette County	srvs	650.80
First Medical Equip	supl	97.92
Frownfelter, Edna	rent	300.00
Fsu Center For Prevention	supl	1,022.50
Fye Excavating	srvs	3,043.50
Geounlimited	srvs	550.00
Goodwill Ind.	srvs	1,129.18
Gordon, Arthur	rent	300.00
Graham, Luann	rent	300.00
Graybill Communications	supl	1,532.90
Great River Busn Health	srvs	243.00
GRHS	srvs	59,479.58

GRMC	srvs	185.00
Greenwood Cleaning	supl	346.94
Greiner Buildings	srvs	21,442.70
H & L Mack Truck	equip	106,521.00
Harmony Bible Church	rent	5,773.00
Healthcare First	srvs	795.00
Henderson Products	equip	47,165.00
Henry M Adkins & Son	supl	3,588.45
Hillcrest Family Srvs	srvs	7,207.39
Holtkamps Trailer Repair	supl	218.73
Hope Haven	srvs	73,653.04
Huffman Welding	parts	196.64
Hy-Vee	supl	521.78
Ia Co Attorneys Asc	fee	1,065.00
IDPS	fee	5,856.00
IDOL	srvs	280.00
ILEA	fee	6,840.00
Ia Prison Industries	supl	14,241.04
Ia Secretary Of State	fee	30.00
Ia St University Extension	fee	210.00
Iconnectyou	srvs	3,133.00
Ideal Ready Mix	supl	694.00
Industrial Motors	supl	454.00
Iova	fee	75.00
Iowa Workforce	srvs	231.30
Isaa	fee	650.00
Isac Group Unemp	fee	2,514.06
Isaca Treasurer	fee	150.00
Iscta	fee	65.00
J & S Electronic	srvs	891.02
Jefferson County Mhds	publ	39,453.13
Jerry's Sport Center	supl	8,400.55
Johnson Co ME	srvs	1,886.00
Johnson Controls	srvs	3,510.00
Kam Line Highway Mark	srvs	70,953.25
Kiwanis Club	fee	60.00
Klingner & Assoc	srvs	1,731.98
Kohl Wholesale	srvs	9,884.87
Kone	srvs	10,755.00
Kozlowski Law Group	srvs	757.10
L & W Quarries	supl	1,308.23
Lane Plumbing	supl	4,726.75
Laveine Sanitation	srvs	350.00
Law Enforce Systems	supl	213.00
Leaf	srvs	86.91
Lee Co Secondary Rd	srvs	521.91
Lee Co Sheriff	srvs	12,270.00
Legal Directories Pblshng	supl	119.50
Lein	fee	700.00
Lexisnexis	srvs	152.00

Liles, Cheryl Newman	srvs	72.00
Lisco	srvs	500.00
Louisa Co Comm Srvs	fee	11,807.84
Louisa Co Sheriff	srvs	8,425.64
Lynch Dallas, P.C.	srvs	1,007.50
M J Daly Construction	supl	7,488.00
Magel's Concrete	srvs	800.00
Mail Services	srvs	1,201.13
Mcfarland-Swan	supl	699.63
Mediapolis Care Fac	srvs	915.18
Mediapolis News	publ	371.91
Menards	supl	140.10
Messiah Lutheran Church	fee	50.00
Miracle Car Wash	supl	120.00
Mobil 1 Lube Express	srvs	71.45
Modern Welding Co	supl	3,100.00
MS Farm Implement	parts	54.57
Mt Pleasant News	publ	105.37
Mtc Technologies	srvs	33.29
National Pen Co.	supl	430.55
Norm's Electric	srvs	1,270.00
Oak St Baptist Church	fee	50.00
On-Site Info Destruction	srvs	48.60
Per Mar Security Svcs	srvs	273.81
Prairie View Mgt	srvs	9,765.00
Prugh-Thielen Funeral	srvs	900.00
Racom	srvs	74.04
Rahmus, Jason	exam	619.50
Rapids Reproductions	equip	5,490.00
Rathbun Regional	srvs	609.53
Record Securities	srvs	653.09
Ricoh Usa	srvs	161.84
Riessen, Derek A	srvs	450.00
River Hills Chc	srvs	233.59
Roberts Tire Center	parts	243.56
Rock Bud	rent	300.00
Salvation Army	pantry	800.00
Schrock Lumber	supl	138.47
Sherwood Co	supl	497.00
Siacc	srvs	6,245.74
Siadsa	srvs	8,573.94
Simplexgrinnell	srvs	730.46
Skillpath/Nst Seminars	supl	182.65
St Vincent De Paul	pantry	200.00
Staats	supl	39.00
Stacy Jo Gray Reportg	srvs	81.00
Standard of Beaverdale	supl	134.69
Staples	supl	134.28
State Hygienic Lab	srvs	443.00
Sterzing Food Co	supl	558.00

Storm Water Supply	supl	3,084.05
Sunbelt Rentals	srvs	532.66
The Emblem Authority	supl	444.00
Throckmorton, Jamie	srvs	300.00
Titus, Kathy	srvs	1,400.00
Tpc	supl	1,005.29
Treasurer - State of IA	tax	54.00
Treat America Food	fee	42.55
Two Rivers Insurance	wc	346.00
Tyler Technologies	srvs	28,004.08
Uniform Den	supl	1,311.16
Unity Point Health	labs	112.00
Universal Therapy Group	srvs	700.00
Us Bank	supl	49,393.41
Us Cellular	srvs	464.69
Vanguard Appraisals	srvs	120,860.10
Verizon Wireless	srvs	4,093.62
Visa	srvs	10,174.04
Walmart	supl	158.70
Washington Co Jail	fee	5,400.00
Washington Co Mhds	fee	36,777.00
West Payment Center	srvs	694.63
Wex Bank	fuel	6,005.89
Williams Excavation	srvs	2,431.00
Wilson Rentals	rent	300.00
Windstream	srvs	533.55
Winger Service	supl	1,524.12
Ywca Domestic Violence	fee	3,000.00
	grand total	1,889,110.48
0001 General Basic		187,009.12
0002 General Supp		42,549.96
0003 Gis		737.37
0008 Correct Facility Res		374.79
0010 Mh-Dd Services		22,762.16
0011 Rural Srvs Basic		11,397.90
0015 Attorney Collection Inc		1,740.55
0016 Case Management		1,298.16
0017 2013 Go Bond		44,157.22
0018 Residential Care Fac		5,408.19
0020 Secondary Roads		397,862.85
0027 Conservation Reserve		6,338.79
0029 Crisis Center		918.33
2000 Debt Service		784,604.36
4000 Emergency Mngmnt		496.94
4010 E911 Surcharge		8,305.59
4012 Communications		7,304.44
4100 County Assessor		137,126.82
4150 Mhds Region		228,716.94