

April 23<sup>rd</sup>, 2019

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9 AM on Tuesday, April 23<sup>rd</sup>, 2019, with Chairman Tom Broeker, Vice-Chair Bob Beck and Jim Cary present.

Unless otherwise noted, all motions passed unanimously. The Pledge of Allegiance was conducted.

Meet with Department Heads: County Recorder Lisa Hazell stated everything is going well and her office is busy with boat renewals. Maintenance Supervisor Rodney Bliesener reported the Jail Control panel computer is up and running and testing the doors. They are now working on the intercom system. County Engineer Brian Carter stated the contractor should finish the asphalt project on Mediapolis Road soon and then move to Sperry Road. Should be done by next week and then shoulder work and stripping will follow. A county line culvert project is being done by Louisa County. Carter attended the National Association of County Engineers (NACE) Conference last week in Kansas. He stated gravel road conditions are an issue all over the United States regarding frost boils, soft spots, etc. Paved roads are not the answer as gravel roads are easier and cheaper to maintain for entities. Some locations are turning roads back to gravel due to lack of funds. County Treasurer Janelle Nalley-Londquist reported her office is busy and delinquent notices will be mailed next week. Public Health Administrator Christa Poggemiller reported they are busy. A case of measles was reported in NW Iowa. She encouraged children to get vaccinated. Conservation Director Chris Lee reported all campgrounds are open. There were lots of campers at Big Hollow last weekend. He discussed the watershed grant project they will be doing at Big Hollow. Assistant Land Use Administrator Jarred Lassiter stated their office is busy with new inquiries. County Attorney Lisa Schaeffer reported her office will be interviewing a possible candidate for an open attorney position. Schaeffer discussed the upcoming murder trials. Safety Director Angie Vaughan reported she has been busy with trainings. CDS Director Ken Hyndman reported his two Mental Health Advocate employees are attending training in Des Moines. The Region is discussing how to provide the new core services. Jail Administrator Doug Ervine reported the jail population is 108. Several are being housed outside the county in Lee, Louisa and Washington County. Others present were: IT Director Colin Gerst, Sheriff Mike Johnstone and Chief Deputy Brett Grimshaw.

Payroll Reimbursement claims in the amount of \$681.14 and Non-Cash in the amount of \$30.00 were approved upon motion by Beck and seconded by Cary.

Revised Payroll Reimbursement claims for 3/29/19 in the amount of \$1,076.36 and Non-Cash in the amount of \$60.00 and claims for 4/12/19 in the amount of \$445.41 and Non-Cash in the amount of \$19.69 were approved upon motion by Cary and seconded by Beck.

The County Treasurer submitted two Assignment of Des Moines County Tax Sale Certificates. Certificate #18-0445 to Byron Gashler, 14876 Washington Rd., Lot 23, West Burlington. Mr. Gashler offered to pay 100% of the \$700 delinquent taxes owed on the parcel as well as the \$10.00 assignment fee. Certificate #18-0448 to Byron Gashler, 14876 Washington Rd., Lot 23, West Burlington. Mr. Gashler offered to pay 100% of the \$610 delinquent taxes owed on the parcel as well as the \$10.00 assignment fee. Cary motioned to approve both certificates and seconded by Beck.

The 28E Agreement Concerning Public Safety Emergency Communications Services and Cost Sharing for DESCOM was presented. Chairman Broeker stated the County Attorney provided an opinion on the County's funding of DESCOM from the County's Rural Services Fund. The opinion stated the County may fund its portion, in part or in total, from the County's rural services fund. DESCOM is considered "public safety" under Iowa Code Chapter 34 and not part of emergency management services under Iowa Code Chapter 29C. Expenses to be paid out of the Rural Services fund must be for expenses solely directed at the unincorporated areas of the county. Any portion of the DESCOM budget from Rural Services should be specifically for rural county residents, not for the county at large. Broeker stated funds from the General Fund affects all residents of the county. The Board thanked the County Attorney for the providing the opinion. Funding will be determined by population of each entity. Beck motioned to approve the new five-year agreement to take effect on July 1, 2019 and terminate on June 30, 2024. Seconded by Cary.

A Resolution authorizing the Board Chairman to sign an agreement Releasing and Satisfying Economic Development Loan Agreement with General Electric Company and ABB, Ltd was presented. ABB, Ltd will pay

back the county \$41,333.33 to terminate the terms of the agreement signed by GE in 2016. When payment is received from ABB, Chairman Broeker will sign an agreement terminating the loan agreement. Cary motioned to approve and seconded by Beck.

SATISFACTION AND RELEASE  
OF  
ECONOMIC DEVELOPMENT LOAN AGREEMENT

This Satisfaction and Release of Economic Development Loan Agreement is entered into between Des Moines County, Iowa (“County”) General Electric Company (“GE”) and ABB, Inc. And its subsidiary, Industrial Connections and Solutions, LLC. (collectively, “ABB”) as of April \_\_\_\_\_, 2019 (the “Effective Date”).

WHEREAS, the County entered into an Economic Development Loan Agreement (“Agreement”), dated February 9, 2016, with General Electric Company wherein the County loaned funds to General Electric Company, which would be repaid by General Electric Company.

WHEREAS, in 2018, ABB purchased the Industrial Solutions business division of the General Electric Company, including services, goods, property, and other assets and liabilities, which included assuming the referenced Economic Development Loan Agreement.

WHEREAS, ABB has expressed a desire to repay the County in full prior to the expiration date for all funds GE and/or ABB received pursuant to the Agreement and to otherwise terminate the terms of the Agreement.

WHEREAS, the County is in agreement with the receiving such funds and termination of the remaining terms of the Agreement.

THEREFORE, the County, GE and ABB, on behalf of themselves and each of their affiliates and subsidiaries, by and through the undersigned representatives, hereby acknowledge and agree as follows:

Repayment. The County, GE and ABB acknowledge that ABB has paid in full the outstanding loan balance, in the amount of \$41,333.33.

Termination of Agreement. The County, GE and ABB hereby mutually agree that the terms of the Agreement have been satisfied in full, that no further obligations or rights are due or owing, and nothing remains to be done pursuant to the Agreement. The County, GE and ABB agree to terminate the Agreement, as of the Effective Date.

Release and Satisfaction. The County, GE and ABB hereby mutually release the other and each of their respective parents, subsidiaries, affiliates, agents, employees, and legal representatives and all other person and agree that they have satisfied all terms of the Agreement.

On behalf of the County

On behalf of ABB, Inc.

Name: Thomas L. Broeker, Chairman  
Des Moines County Board of Supervisors  
Date: \_\_\_\_\_

Name:  
ABB, Inc.  
Date: \_\_\_\_\_

On behalf of General Electric Company

On behalf of Industrial  
Connections and Solutions, LLC

Name:  
Date: \_\_\_\_\_

Name:  
Date: \_\_\_\_\_

Personnel Action: Correctional Center – Bradley Koenig, Correctional Officer Full-Time. 12-month step increase. New rate \$38,370.90 yr., effective 4/27. Michael Hayes, Correctional Officer Full-Time. 12-month step increase. New rate \$38,370.90 yr., effective 4/23. Beck motioned to approve both actions and seconded by Cary.

Reports received and filed in the Auditor’s Office: Clerk’s Report of Fees Collected, March 2019 and Recorder’s Report of Fees Collected, March 2019.

Beck motioned to approve the April 16<sup>th</sup>, 2019 meeting minutes and seconded by Cary. Broeker abstained.

Other Business – Beck discussed the legislators proposed SF634 bill to limit county budgets to a 2% increase and considered this the State telling local jurisdictions how to conduct business.

Future Agenda items: Conservation Director Chris Lee reminded the Board of the scheduled Conservation Field Tour on May 1<sup>st</sup>.

Committee reports. Beck attended a DESCOM meeting. He attended the College County Fair Board meeting and they discussed RAGBRAI and accommodations for the participants. Cary attended a RUSS meeting, Iowa Workforce meeting and a Community Action meeting. He stated Community Action discussed the programs they provide. Broeker attended MHDS meetings. They discussed complex needs and children's mental health. He also attended the SEIL Board of Governors meeting and they discussed unfunded mandates in HF2456. He stated Tama County Board of Supervisors is discussing challenging the unfunded mandate requirements per Iowa Code. In the Code it states if the legislature requires a mandate but does not provide a funding source, the County does have to provide the unfunded mandate and will not be penalized. This has not been tested in court, but they are willing to test it.

Public Input: Tom Courtney, 2609 Clearview, Burlington spoke about the legislature and proposed 2% cap. He stated elections have consequences and we are facing those consequences from the last two elections.

Chairman Broeker stated three contract employees evaluation work sessions will take place after the meeting. He asked each employee if they preferred a closed session per Iowa Code 21.5(1)(i). Each employee requested a closed session.

Meeting was adjourned at 9:55 AM.

Following the meeting the Board conducted evaluations for the following contract employees – CDS Director Ken Hyndman, IT Director Colin Gerst and County Engineer Brian Carter.

Following the meeting and employee evaluations, the Board held another closed session per Iowa Code Section 21.5(1)(a).

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

Approved April 30, 2019  
Tom Broeker, Chairman  
Attest: Terri Johnson, Auditor