

The Cedar County Board of Supervisors met in regular session at 8:30 a.m. June 15, 2021 with the following members present: Smith, Gaul, Kaufmann, and Chairperson Agne. Bell was absent. Members of the public were also present.

The Board viewed correspondence from various agencies.

The Board acknowledged receipt of the following correspondence from:

Kent Krause with Pinnacle submitted an expansion Manure Management Plan, Construction Design Statement and Master Matrix for RDR Pork Site located in Jones County but they have fields located in Cedar County.

Cedar County Clerk for fees collected for the month of May 2021.

Chief Judge Greve and District Court Judge Werling thanking the Board for the new security door installed on 2nd floor.

Nextlink Internet regarding potential use of American Rescue Plan Act funds for broadband internet.

Manure Management Annual Updates submitted by:

David Meyer #63127 for a site located at 1823 Yankee Avenue in Farmington Township.

It was noted the following Handwritten Disbursement was issued on June 11, 2021, to the Cedar County Treasurer for Benefits, Inc. for an electronic deposit: #427585 for \$10,069.08-self funded medical claims.

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

Ayes: All

Absent: Bell

Chairperson Agne addressed the public for comments. EMA Director Freet informed the Board an archaeological survey will be done tomorrow, June 16th at 9:00 a.m. at Pioneer Grove Cemetery due to the Derecho damage.

Moved by Sup. Gaul seconded by Sup. Kaufmann to approve the Board Minutes of June 8, 2021.

Ayes: All

Absent: Bell

Moved by Sup. Smith seconded by Sup. Kaufmann to approve Claim Disbursements #427422 - #427583 paid on June 10, 2021.

Ayes: All

Absent: Bell

The Board noted Handwritten Check #427584 dated June 10, 2021, in the amount of \$283.60 was issued to McKesson Medical Surgical, Inc., as an administrative correction.

The Board reported on Outreach and Committee Meetings they attended. Sup. Gaul reported the Board of Health approved extra pay for the Public Health Department. The board requested Public Health Director Walker to come to the board room for explanation on the Board of Health approving hazard/overtime pay to all the employees in the Public Health Department, including the exempt employees. Walker informed the Board the decision was made to fund 100% of overtime for exempt staff and hazard pay for all other employees for time worked from September 6, 2000, to May 15, 2021, an estimated cost of \$57,000 for 16 employees. Kaufmann asked for the breakdown for employees, Walker will email the information to each board member. Kaufmann asked if the money could be spent for a satellite office. Walker was under the understanding that the money had to be spent by the end of fiscal year. Smith then asked if the money could only be spent on salaries or if it could be spent on other things. Walker explained it could be spent on whatever her governing board made the decision to spend it on. Kaufmann explained as a Board they must make sure all employees are treated equitably, and this is showing huge inequity to other employees. Kaufmann said this is not taking away from what Public Health has done but more so there is equitability to all employees. Walker said the decision was not made lightly but her staff worked a lot of extra hours, and her staff would leave the building at 8:30-9:00 p.m. some days and no one else was in the building. Kaufmann asked if

a salaried employee should expect overtime? Walker said in a typical scenario “no”. Kaufmann stated there were other departments; EMS, Law Enforcement and a lot of other employees that fought the pandemic with training but because they are not in the Public Health Department, they did not receive this payout. Kaufmann further stated in terms of the next pandemic the decisions that are being made right now are setting a precedence. Kaufmann again said this is not taking away from the great work the Public Health Department has done but worried about the great work others have done. Walker asked the Board what the word equitably means to them comparing the work of Public Health to other departments. Smith explained a flood where people have worked 24 hours a day going into horrible situations and the government did not bail them out by giving money for extra overtime. Kaufmann has a sense equitably within the framework of Cedar County and other departments that put in similar amounts of time in similar areas of danger. Walker explained this is not a flood that last a couple months or a snowstorm where staff is working overtime but a pandemic lasting fifteen months where Public Health’s lives were gone and dedicated to pandemic response. Further discussion was held. Consensus of the board was to place this on the agenda next week and ask department heads to provide information on cost, extra time worked, level of danger and previous disasters worked.

Engineer Fangmann met with the Board for the annulment of the approved awarded project STBG-SWAP-C016(111)—FG-16 to Tri-City Blacktop, Inc. Tri-City Blacktop, Inc will be closing permanently on June 19, 2021. Fangmann informed the board that began the process to secure the \$125,000.00 bid bond. Moved by Sup. Smith seconded by Sup. Kaufmann to approve the following Resolution:

WHEREAS: The Cedar County Board of Supervisors had awarded the bid received on April 20, 2021 for project STBG-SWAP-C016(111)--FG-16 for the resurfacing of Y14 (Union Ave) from Hwy 130 south to F44 (290th St), Washington Avenue from Hwy 130 to 230th St. and 230th St. east to Inland Cemetery to Tri-City Blacktop, Inc.; and

WHEREAS: Iowa Department of Transportation Standard Specifications for Highway and Bridge Construction Specification 1103.07 FAILURE TO EXECUTE CONTRACT states: Unless the time limit is modified by the contract documents, failure to execute a contract and file an acceptable bond within 30 calendar days of the date of the approval for award, herein provided, will be just and sufficient cause for annulment of the approval for award and for forfeiture of the proposed guaranty to the Contracting Authority; and

WHEREAS: the time limit was not modified by the contract documents and 30 calendar days has passed since the approval on April 27, 2021 for the award and a contract has not been executed at no fault of the contracting authority;

THEREFORE BE IT RESOLVED that the Board of Supervisors of Cedar County, Iowa, concurs with the County Engineer’s recommendation for the annulment of the approval for award to Tri-City Blacktop, Inc. and for forfeiture of the proposed guaranty to the Contracting Authority.

Passed and approved this 15th day of June, 2021.

Ayes: All

Absent: Bell

Engineer Fangmann met with the board to award project STBG-SWAP-C016(111)—FG-16 to Manatt’s which is the low bidder after the annulment. Moved by Sup. Kaufmann seconded by Sup. Smith to approve the following Resolution:

WHEREAS, the Board of Supervisors, hereafter referred to as “the Board”, believes the STBG-SWAP-C016(111)--FG-16, hereafter referred to as “the project” is in the best interest of Cedar County, Iowa, and the residents thereof. The project is defined as resurfacing of Y14 (Union Ave) from Hwy 130 south to F44 (290th St), Washington Avenue from Hwy 130 to 230th St. and 230th St. east to Inland Cemetery; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Cedar County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Manatt's Inc. in the amount of \$2,539,709.97 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Cedar County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Robert D. Fangmann, the County Engineer for Cedar County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Dated at Cedar County, Iowa, this 15th day of June, 2021.

Ayes: All

Absent: Bell

Engineer Fangmann gave rock resurfacing updates.

At 9:21 a.m. the Board conducted a public hearing regarding the following petitions.

Lester Proctor Jr., 1214 Oak St., Wilton, IA (Contract Buyer) and Lester Proctor Sr., 1190 Cemetery Rd., Tipton, IA (Owner) - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing a single-family dwelling on property located in the SE ¼, NE ¼, Section 12, T-79N, R-3W, in Rochester Township, consisting of 2.11 acres m/l. E&Z Director LaRue, Engineer Fangmann, Lester Proctor Jr. and Lester Proctor Sr. were present. LaRue stated he has all the approved documents with no written or verbal objections on file.

Moved by Sup. Smith seconded by Sup. Kaufmann to approve the final plat and waive the second hearing.

Ayes: All

Absent: Bell

James Kost, P.O. Box 326, Lowden, IA (Owner) – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing a single-family dwelling at 1784 110th St., Clarence, IA, described as Parcel B, in the NE ¼, NE ¼, Section 12, T-82N, R-2W, in Dayton Township. Said petition is to rezone 1.16 acres of a 17.9 acre parcel. E&Z Director LaRue, Engineer Fangmann and James Kost were present. LaRue stated he has all the approved documents with no written or verbal objections on file.

Moved by Sup. Gaul seconded by Sup. Kaufmann to approve the final plat and waive the second hearing.

Ayes: All

Absent: Bell

Jeffrey & Victoria Kaufmann, 2125 Old Muscatine Rd., Wilton, IA (Owners) – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of constructing a single-family dwelling on property located in the SW ¼, SW ¼, Section 27, T-79N, R-2W, Sugar Creek Township. Said petition is to rezone 4.01 acres of property totaling 28.94 acres m/l. E&Z Director LaRue, Engineer Fangmann and Jeffrey Kaufmann were present. LaRue stated he has all the approved documents with no written or verbal objections on file. Kaufmann then left the boardroom due to conflict of interest.

Moved by Sup. Gaul seconded by Sup. Smith to approve the final plat and waive the second hearing.

Ayes: All

Absent: Bell, Kaufmann

Kaufmann returned to the board room.

Moved by Sup. Gaul seconded by Sup. Smith to adjourn at 9:36 a.m., to June 22, 2021.

Ayes: All

Absent: Bell

Cari A. Dauber, Auditor

Steve Agne, Chairperson