

TIPTON, IOWA

July 6, 2021

The Cedar County Board of Supervisors met in regular session at 8:30 a.m. July 6, 2021, with the following members present: Smith, Bell, Gaul, Kaufmann, and Chairperson Agne. Members of the public were also present.

The Board viewed correspondence from various agencies.

The Board acknowledged receipt of the following correspondence from:
Brenda Johnson, Office Manager – Sheriff's Office, submitted a Notice of Voluntary Resignation from Megan Miller effective on June 29, 2021.
County Auditor's Report of Fees Collected for the quarter ending June 30, 2021.
Courthouse Safety Meeting minutes for June 15, 2021.

It was noted the following Handwritten Disbursement was issued on July 2, 2021, to the Cedar County Treasurer for Benefits, Inc. for an electronic deposit: #427802 for \$587.41-self funded medical claims.

Moved by Sup. Smith seconded by Sup. Gaul to approve the agenda.
Ayes: All

Chairperson Agne addressed the public for comments. Bonnie Butler spoke as a citizen regarding the pandemic, procedures, and justification of the payout to the Public Health Department. Larry Hodgden expressed that the Board of Supervisors behavior, disrespect, and lack of appreciation to the Public Health Department. Sup. Kaufmann stated the Board is very much dedicated and grateful to the Public Health Department; this is a matter of fairness and will not take away anything from what Public Health has done.

Moved by Sup. Kaufmann seconded by Sup. Smith to approve the Board Minutes of June 29, 2021.
Ayes: All

Moved by Sup. Smith seconded by Sup. Kaufmann to approve Claim Disbursements #427722 - #427801 paid on June 30, 2021, to approve Payroll Disbursements for Overtime and Hazard pay for the Public Health Department #186101-186120 to be paid on 6/30/21.
Ayes: All

Moved by Sup. Gaul seconded by Sup. Kaufmann to approve Payroll Disbursements #186121-186276 for the period ending 6/26/21 and to be paid on 7/2/21.
Ayes: All

The Board reported on Outreach/Committee Meetings they attended.

Discussion was held regarding hiring a replacement for Tyler Cahoy due to his resignation effective July 9, 2021. Auditor Dauber asked the board the process for rehiring. The consensus of the board was to have Auditor Dauber and Sup. Bell conduct the interviewing process and hiring.

Moved by Sup. Smith seconded by Sup. Kaufmann to approve the hiring process for an I.T. Director.
Ayes: All

Moved by Sup. Kaufmann seconded by Sup. Agne to approve the re-appointments of Doug Schroeder and Kent Stuart as the Board of Supervisors representatives.
Ayes: All

General discussion was held regarding the Dittmer hog confinement located off Quincy. The Board requested the Auditor to mail a letter to remind Dittmer of the trees that need planted and he promised to talk with Schwitzer's.

At 8:45 a.m., Al Paustian met with the Board to discuss the confusion on the development for Phase 4 of Secluded Ridge regarding community sewer. E&Z Director LaRue was present.

Paustian stated he has been working with LaRue although they are disagreeing on the number of lots. Paustian has 34 lots, including the 9 in Phase 4 therefore he does not have over 40 lots that mandates a community sewer. LaRue addressed Paustian and stated in prior conversations the development of Secluded Ridge and Oakwood Estates may be from a different developer although in the same location. LaRue stated per Chapter 9 there is a waiver that can be completed. Paustian informed the Board, in the future he has four lots, each approximately 5 acres each, so will he have to request for a variance? LaRue recommended not to wait to request. Paustian asked the board if they would grant him the exemption so he could move forward. LaRue stated they will need to review the document before deciding. Paustian stated he will pick up the documents from the attorney today and take them to LaRue. LaRue informed Paustian to allow him a couple weeks to review.

Discussion was held regarding the resolution for the Public Health Department payout for overtime and hazard pay. Chairperson Agne read the resolution. Agne stated over \$28,000 is for the Director and a Division Manager. Sup. Kaufmann asked the department heads that were present in the room their input whether they thought this was unfair. All department heads agreed this was unfair.

Moved by Sup. Bell seconded by Sup. Kaufmann to approve the following resolution:

RESOLUTION

WHEREAS, the Cedar County Board of Supervisors does not have a valid/legal 28E agreement with the Cedar County Board of Health defining the structure, powers, and duties of the Cedar County Board of Health, said structure, powers, and duties are governed by the *Local Public Health Governance Act* contained in Iowa Code Chapter 137;

WHEREAS, the Cedar County Board of Supervisors has limited powers and duties regarding Public Health employees per Iowa Code Section 137.104(1)(c);

WHEREAS, the Cedar County Board of Health is an autonomous board and the members are: Clayton Schuett, Alan Beyer, Pat Lilienthal, Brad Gaul and Jeanne Hein;

WHEREAS, the Cedar County Board of Health voted on June 10, 2021, with the exception of Brad Gaul, to approve payment of overtime to exempt employees and hazard pay for the Public Health Department employees with the Cares Grant. On June 22, 2021, the Cedar County Board of Supervisors denied this expenditure because the final authority of how these grant monies are spent is the Cedar County Board of Supervisors not the Board of Health. On June 29, 2021, the Board of Health voted unanimously, with Gaul being absent, to approve and compensate the Cedar County Public Health Director, Preparedness Division Manager, Home Health Division Manager, Public Health Program Coordinator, Fiscal Manager, Office Manager, Quality Control, Public Health Nurses, and Home Care Aides for hazard pay and overtime hours worked during the pandemic. The amounts are listed below: Jamie Walker - \$12,087.45, Bonnie Butler - \$12,501.31, Ashley Hansen - \$6,103.62, Colleen Boyer-Kauffman - \$2,500.00, Erica Christian - \$1,500.00, Angela Knox - \$3,080.28, Vickie Byrd - \$1,500.00, Mary Dorris - \$1,500.00, Deana Drumbarger - \$4,937.79, Carrie Harper - \$1,500.00, Hannah Hodges - \$375.00, Angela Keller - \$1,500.00, MarySue McKillip - \$562.50, Whitney Randolph - \$5,880.89, Bryanna Simmermaker - \$375.00, and Elizabeth Voss - \$3,404.45;

WHEREAS, this compensation is paid with county taxpayer monies;

WHEREAS, the Public Health Director, Preparedness Division Manager, Home Health Division Manager, Fiscal Manager and Public Health Nurses are classified as exempt employees for Cedar County as stated in their job descriptions and the Cedar County Employee Handbook, page 10, and exempt employees' work is not covered by overtime provisions of the Fair Labor Standards Act (FLSA) established by the U.S. Department of Labor;

WHEREAS, the other autonomous Boards have adopted the Cedar County Employee Handbook and the Cedar County Board of Health has chosen not to operate under the handbook;

WHEREAS, the Cedar County Board of Supervisors acknowledges that compensating

employees is in violation of its own policy and feels the same is an incorrect decision;

WHEREAS, the Cedar County Board of Supervisors has no legal authority to override employment decisions or compensation of payouts of the Cedar County Board of Health made in the discharge of that autonomous board's statutory duties;

THEREFORE, be it resolved the Cedar County Board of Supervisors does not condone the action taken by the Cedar County Board of Health and considers it fiscally irresponsible and an insult to the remaining county employees, county taxpayers and citizens that sacrificed during this pandemic.

Ayes: All

Sup. Bell reiterated again that the board appreciates all the hard work that was done by all the employees. Sup. Kaufmann would like to see the breakout of the salaries published in the paper so it can be viewed by all the citizens. Sue Hall stated she will drop off a copy of the resolution and payout information to Stuart.

At 9:00 a.m., the Board held their monthly department head meeting. Those in attendance and providing an update on their department were EMA Director Freet, CPC Director Tischuk, Recorder Bahnsen, E&Z Director LaRue, Assessor Marx, Engineer Fangmann, Sheriff Wethington, Conservation Director Dauber, Treasurer Delaney, I.T. Director Cahoy, and Auditor Dauber. Sup. Kaufmann inquired to the CPC Director Tischuk if she received additional salary for assuming in the General Assistance Program. Tischuk replied to no.

At 9:30 a.m. Engineer Fangmann met with the Board to present 2022 truck quotes. Fangmann received the same prices as last year.

Moved by Sup. Bell seconded by Sup. Gaul to approve the purchase of a Western Star 4700 for \$126,824 from Truck Country.

Ayes: All

Auditor Dauber informed the Board that she would like to hire SAM to provide in person G.I.S. training to her staff. There is money budgeted in the G.I.S. Department. This training will allow the G.I.S. website to stay current with the ownership changes instead of the delay of 30-45 days for the changes to reflect on the website. The consensus of the board was to proceed.

Sup. Bell reported Alicia Gritton is obtaining quotes for a new flagpole and the urinal on the second floor has been repaired.

The Board proceeded to the Law Library located on the second floor to view the bookcases. The Board returned to the Board Room.

Moved by Sup. Bell seconded by Sup. Smith to allow county departments and other entities the county supports, to use the bookcases although they remain county property, they cannot be sold and when they are done with using them, they need to be returned to the county.

Ayes: All

Moved by Sup. Smith seconded by Sup. Gaul to adjourn at 10:27 a.m., to July 13, 2021.

Ayes: All

Cari A. Dauber, Auditor

Steve Agne, Chairperson