

The Cedar County Board of Supervisors met in regular session at 8:30 a.m. December 21, 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:

Bonnie Butler submitted a Notice of Voluntary Resignation effective January 3, 2022.

Michaela Recker will be transitioning from FT to PT Resource Navigator effective January 3, 2022.

Veteran Affairs Service Officer Hamann submitted the approved December reports and minutes of November 10, 2021 meeting.

It was noted the following Handwritten Disbursement was issued on December 17, 2021, to the Cedar County Treasurer for Benefits, Inc. for an electronic deposit: #429547 for \$2,740.90-self funded medical claims.

Moved by Sup. Kaufmann seconded by Sup. Smith to amend and approve the agenda to move Mike Galloway to meet with the Board via telephone at 8:35 a.m.

Ayes: All

Chairperson Agne addressed the public for comments. Jerry Melick with Liberty Communications reminded the Board of the request for ARPA funds for broadband in Cedar County. Sup. Bell suggested the Board create an application for the telephone companies to complete and submit to the Board for review and approval. Jessica Wiskus expressed her concern regarding the Navigator pipeline. Wiskus pleaded to the Board to say no to the pipeline project and eminent domain and stand up for us. Carol Daly stated it seems like a \$2.5 billion project for technology that is outdated before it is running. Mike Russell is a farmer in SE Linn County and the pipeline is proposing to go directly through his 360-acre farm. He is very nervous and wants the project to slow down so there is time to get the word out and see what can be done. Michael Daly stated the CO<sub>2</sub> is used in all food production and other purposes for it in Iowa. He stated it is a big mistake and it should not be given away due to the huge profits for the Texas company.

Moved by Sup. Gaul seconded by Sup. Smith to approve the Board Minutes of December 14, 2021.

Ayes: All

Moved by Sup. Smith seconded by Sup. Kaufmann to approve Payroll Disbursements #187988-188138 for the period ending 12/11/21 and to be paid on 12/17/21.

Ayes: All

Mike Galloway, Ahlers & Cooney P.C. met via conference call to discuss the vaccine mandate, COL and Compensation Board recommendation. Galloway stated the vaccine mandate ruling will proceed to the Supreme Court and he will provide assistance when the final ruling is made. Discussion was held on the cost of living. Galloway stated the COL is all over the board. He stated 3-4% is a safe place. Galloway reminded the Board they need to look at the past history of the cost of living that has been set when actual COL was negative or lower than what the Board gave to the employees. Galloway stated for the board to be very fair to the employees, but you do not need to overreact. Discussion was held on the Compensation Board recommendation report regarding elected official salaries that was submitted to the Board. Sup. Bell stated the Board supports the Back the Blue bill; his concern is the language of the word "shall" regarding the Sheriff salary. He feels the board is forced to allow the recommendations due to the breaking of the Back the Blue law. Galloway replied it is a fault of the drafting of the legislatures and they were not advised on how this would affect the other recommendations for the other elected officials. Galloway further explained if the board would desire to reduce the recommendation for the Sheriff, he stated the Board would have to make their own finding to justify the decrease, he advises to use caution. Galloway stated there is no comfort as a Board of Supervisors across the state, they are all dealing with it. Sup. Bell agreed the Sheriff salary recommendation is in the range but we cannot deal with the other salaries do due we have to reduce all at the same

percentage. Sup. Kaufmann agreed this is a glitch in the law and it should have been caught in the several public hearings. The Sheriff salary should be a stand alone like the Supervisors. Sup. Kaufmann asked what if the Sheriff voluntarily agrees to reduce his salary this year. Galloway replied there is no clear statutory in the law, although any salaries tied to the Sheriff salary would be affected so he suggested this conversation needs to take place in a public setting, so your risk of potential litigation is very low as long as everyone is in agreement, but there is no guarantee. Sup. Kaufmann said there will be three supervisors here for the next three years, so any agreement that is made can be upheld. Galloway said the law stated they shall set the salary and he commented the compensation board did a good job. Sup. Kaufmann personally has no problem singling out the Sheriff salary, his problem is for the last three years they have been working in good faith to raise the County Attorney salary and he feels like his arm is getting twisted since the intent of the law was to work on law enforcement. Galloway's frustration is there are some people outside the legislatures that are supposed to be watching this and it fell threw the cracks. Sup. Kaufmann stated this is clearly a failure of ISAC and he does not understand why they did not catch this. Chairperson Agne asked Galloway if there is an agreement with the Sheriff in a two-year deal would there be a possibility of litigation with the deputies that are tied to his salary? Galloway stated yes, because they are potentially harmed too. He advised the Board sometimes it is better to pull the band aid off and inform the elected officials that the Board will watch the raises very carefully in the future. Sup. Bell stated the problem he has is with the other elected officials because we have to cut evenly, and a negotiation is not a cut. Galloway advised what happens next year when the Compensation Board recommends the same amounts? Sup. Kaufmann stated this won't be a problem if legislation changes. Sup. Kaufmann asked if the board approves these recommendations for all elected officials can the Board tell the elected officials that they are not receiving raises the following year. Galloway said you can make that announcement, but you will still need to vote on the compensation report next year. Galloway further stated this is an unfunded mandate. Sup. Bell reiterated so if the Board negotiates with the Sheriff and he agrees on a reduction of 50% this year and receive the other 50% next year the deputies or the public does not agree they can litigate. Sup. Kaufmann stated we would have to back off and approve the recommendations as is. Galloway replied he would tell the Board to revoke. The Board thanked Galloway for his assistance.

The Board reported on Outreach/Committee Meetings they attended.

At 9:00 a.m. Linda Hansen of Volunteer Services of Cedar County met with the Board for a FY22/23 funding review. Hansen distributed and reviewed Volunteer Services approved budget. Discussion was held. Hansen informed the Board she is needing drivers. Current County funding for Volunteer Services of Cedar County is \$26,500 and they are not requesting an increase. No decision was made.

At 9:30 a.m. Lori Scovel, Executive Director of the Limestone Bluffs Resource Conservation & Development Commission met with the Board, via conference call, for a FY22/23 funding review. Scovel provided a power point document, reviewed the budget request for FY22/23 and updated the Board on current projects, programs and provided services. Discussion was held. Current County funding for Limestone Bluffs R.C. & D. is \$7,500. Limestone Bluffs R.C. & D. is requesting a \$500.00 increase in funding. No decision was made.

At 10:00 a.m. Connie Knutsen and Mike Dauber, Medical Examiner Investigator met with the Board for a FY22/23 Medical Examiner budget review. Knutsen informed the board she will be stepping down as Director and will be administrative support only. The board thanked Knutsen for her service. Dauber updated the Board last calendar year 2020 they had 27 total deaths, and currently they have had 30 this year. Discussion was held. Current County funding for the Medical Examiner is \$46,400. Cedar County Medical Examiner is not requesting an increase in funding. No decision was made.

Moved by Sup. Bell seconded by Sup. Smith to approve and allow the chair to sign the temporary easement for PCC Pavement – Grad & Replace-IA 38 project.

Ayes: All

Moved by Sup. Smith seconded by Sup. Bell to approve the step wage increase for Dawson Hamdorf, Maintenance Worker I, effective January 6, 2022, increasing his pay from \$24.26 to \$25.54 per hour.

Ayes: All

Jason Roblin with MCM Consulting Group Inc. and Glen Reynolds with RACOM met with the Board via telephone to discuss the 911 detailed designed report for approval. Discussion was held. Sup. Bell questioned Roblin, based on the current tower sites what would happen if we had to shift things. Roblin replied to the equipment will not change. Sup. Kaufmann asked the Sheriff and EMA Director if they are satisfied. Sheriff Wethington replied that he has complete confidence in MCM Consulting.

Moved by Sup. Kaufmann seconded by Sup. Bell to approve the 911 detailed designed report.

Ayes: All

At 10:30 a.m. the Board held a public hearing on the redistricting and reprecincting of Cedar County for the 2020 Census. Chairperson Agne read the legal notice. Velma Huebner was present. The proposal reduces twelve (12) to ten (10) voting precincts. Auditor Dauber explained the proposal would have voters in Red Oak and Fremont Township, including the City of Stanwood go to the Memorial Building in Mechanicsville to vote and the voters in Massillon Township would go to Clarence City Hall to vote and the voters in Springfield Township, including the City of Lowden would go to Bennett Community Center/American Legion in Bennett to vote. Dauber stated the voting precincts are looked at every ten years due to the census. Dauber further stated approximately 50% of the voters in the 2020 General Election voted absentee so she wanted to propose this change to the Board at this time. Dauber does not have a strong recommendation on the proposal. Dauber did state she does not want any voter to claim this is voter suppression, this is not a political matter. Dauber will agree with the Boards decision that is made next week. The public hearing was closed at 10:35 a.m.

Janelle Axline, E&Z Secretary met with the Board to request public hearing dates for a rezoning petition for Greg Brown. Axline provided a map to the Board.

Moved by Sup. Bell seconded by Sup. Smith to set January 4<sup>th</sup> and January 11<sup>th</sup> at 11:30 a.m. the public hearing dates for the Greg Brown rezoning.

Ayes: All

At 11:00 a.m. Elizabeth Burns Thompson, Navigator VP for Public Government Affairs and Craig Schoenfeld, CR3 Connect met with the Board and David Giles, COO was present via conference call. Representative Kaufmann was present on the phone. Those in attendance were Mike Russell, Jane Caes, Velma Huebner, Jackie Puffer, Jessica Wiskus, Brain Walshire, Warren Wethington Jodi Freet and Janelle Axline. Chairperson Agne addressed and informed them that the board is receiving a lot of concerns from the public and asked if they could provide the public with some information to ease them. Schnoenfeld wants the public to understand the process is starting with the Iowa Utility Board and the process of permitting is that they bend over backwards to protect the landowners. Thompson stated they are in the beginning stages of conducting informational meetings. Giles stated he wants to be part of the community and it does not work to use eminent domain. Discussions will be held through the first half of next year and a survey will be provided sometime in the middle of May. Chairperson Agne asked how does a for profit pipeline consider eminent domain for public good, how is this good? Thompson stated the utilities board will make that determination as a separate decision from the granting of the permit. Thompson further stated if and when the eminent domain will be looked at a parcel by parcel and it is on them to fulfill the public good. She claims they have a strong case in the event they get to that they need to get to that case to showcase that this type of project would provide longevity not just for the ethanol industry but working with rural process across the soybean belt as a whole. Sup. Kaufmann is really worried with what Thompson just said because you are talking about eminent domain in the public good. Kaufmann wanted to correct Giles this is not an antiquated law cause companies were bulling landowners so large corporations were not taking care of the landowners. Kaufmann asked Giles if the company is at 75% voluntary purchases that they would use eminent domain to force the remaining, that is a yes or no questions. Giles replied I cannot give you an answer. Kaufmann said if you can not give me an answer that the answer is a no, that is all we need to know. Representative Kaufmann stated if you do not have 95% voluntary purchases with project will not happen. Giles stated they will work in good faith, and he needs to talk to the CEO and the Board of Directors. Kaufmann asked when that conversation will be held because the answer to the question will impact of who we are and the philosophy of the out of state company. Giles stated we have a process to go through. Kaufmann asked at what point can you give us that information because he does not want any

landowners to sign or promise anything until we hear what philosophy this out of state company has. Representative Kaufmann stated he will need to know by January 10<sup>th</sup> so the legislatures can start the process of making a law. Kaufmann stated years from now we do not know what public good is in the future and we need more assurances today that we get some guarantee that you will not use eminent domain. Kaufmann further stated we need to know your company's philosophy on eminent domain and condemning our land until we know this your project stinks. Sup. Bell asked the route. Thompson replied they are looking at facilities to get to the end point. Chairperson Agne stated it is not a favorable response and only 2% will talk. Agne said the company will have to state the company's philosophy and promised what you are going to do if you have a chance in hell. Sup. Bell stated this happened before with a company and promises were made and it blew up. Sup. Kaufmann stated he thought more assurances would be addressed today in this conversation and he told Thompson and Schoenfeld not to take it personally. Kaufmann said the same statement to Giles and take this question to be answered specifically. Schoenfeld stated he will be working with Representative Kaufmann, and this will be ongoing conversation with this board and everyone. Sup. Smith questioned the safety along the corridor what happens if the pipeline gets hit? Thompson stated the release of pressure is not a fireball like natural gas and it is an asphyxiated type of gas that is released. Thompson stated they will have the pipeline five feet or lower than tile lines. Sup. Bell does not agree with the statement and in that area, you are going through our drainage district that the tile is at five feet or deeper. Thompson replied they will have the pipeline deeper than any other lines and will evaluate what type of pipe to use. Thompson will have to have a team to mitigate per Federal guidelines to respond in a set amount of time, whether they have the team, or it is locally. Caes replied the brain dies in four minutes including people and animals. Sup. Kaufmann asked Giles do you understand and see when you start out a project whether you are going to force the someone to do something with their land do you see the sets the tone of skepticism and suspicious of the company and they call into question. Sup. Kaufmann said the company cannot sit down in Texas pull levers and hire good people up here and expect the synesism to go away, we need the damn answers to the questions we asked or everything is a moot point. Sheriff Wethington asked Thompson what pressure is this in the pipeline? Thompson stated it runs between 1300-2100 psi. Sup. Smith states when this liquid comes out it vaporizes? Thompson replied yes. EMA Freet stated there are several vulnerable facilities not taken in effect, for example nursing homes, homes, and schools. Thompson wanted to make this is not a done deal, she will follow up and take these in effect. Chairperson Agne stated they did not take in consideration about the highway 30 expansion. Thompson replied that information was not on the public DOT website. Sup. Smith reiterated the landowners need to speak against it to the utility board. Sup. Kaufmann stated yes they can, but the process allows the voices to be heard and not listened too that is where the elected officials force the powers of be to listen and the Board of Supervisors will not hesitate to do so. The board appreciated the meeting and all those that attended.

Sup. Gaul left the meeting.

The Board held a discussion on the cost of living for non-union employees. The consensus of the Board was they were not ready to make any decisions.

Discussion was held on the American Rescue Plan Act (ARPA) funds. The Board reviewed the proposed projects submitted by the Conservation Director Dauber, Recorder Bahnsen, Auditor Dauber, and Engineer Fangmann. Sup. Bell inquired to the Auditor why the Lower Watershed was not listed, as previously discussed and the EMA Command Center was not listed. Discussion was held. EMA Director Freet will provide two quotes for the board to consider. Auditor Dauber will add the Lower Watershed to the worksheet with the funding at \$100,000, as that was an oversight. Auditor Dauber has not received a quote for two of the projects although provided an estimated dollar amount. Dauber will update the Board if the quotes exceed the amount specified on the worksheet.

Moved by Sup. Bell seconded by Sup. Smith to approve the dollar amount (not to exceed) for the proposed projects, with the addition of the Lower Watershed.

Ayes: All

Absent: Gaul

General discussion was held on the process of allocating ARPA funds for broadband. No decision was made.

Moved by Sup. Bell seconded by Sup. Smith to adjourn at 12:26 p.m., to December 28, 2021.

Ayes: All

Absent: Gaul

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Cari A. Dauber, Auditor

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Steve Agne, Chairperson