

BOARD PROCEEDINGS
March 28, 2023
REGULAR March SESSION

The Board of Supervisors met pursuant to adjournment. Present were Roger Tjarks, Chairman, Kyle Stecker (via internet), Joshua Waechter, Carter Nath and Jack Plathe.

Chairman, Roger Tjarks called the meeting to order at 8:00 A.M. followed by the Pledge of Allegiance.

Motion by Nath and 2nd by Waechter to approve the agenda and minutes of the previous meeting dated March 21, 2023. Motion carried unanimously.

Motion by Plathe and 2nd by Nath to approve Resolution 03-28-23-01 which is a resolution for Appropriation Changes. Chairman Tjarks called for a roll call vote: Plathe: yes, Nath: yes, Waechter: yes, Stecker: yes, Tjarks: yes. Motion carried.

Resolution #: 03-28-23-01
Appropriation Changes
FY 22-23

WHEREAS, the Kossuth County Board of Supervisors has reviewed departmental budgets: and

WHEREAS, the following departmental budgets are in need of adjustment; and

THEREFORE, BE IT RESOLVED, by the Kossuth County Board of Supervisors that county departmental budgets appropriations for FY 22-23 be adjusted with the following increases and decreases:

<u>Department</u>	<u>Amount</u>	<u>Decrease or Increase</u>	<u>Service Area</u>
78 Planning & Zoning	\$1,000	Increase	6
22 Conservation	\$1,000	Decrease	6

Passed and approved this 28th day of March 2023.

Attest:

Chairman, Board of Supervisors
Kossuth County, Iowa

Kossuth County Auditor

Monthly update was given by the EMS Director, Phil Albers.

Motion by Nath and 2nd by Stecker to appoint Jacob Tjaden as the EMS Advisory Council member for the City of Algona's representative. Motion carried unanimously.

Motion by Plathe and 2nd by Waechter to accept the lowest bid for the purchase of a new ambulance in the amount of \$267,633 from Klocke's Emergency Vehicles, Des Moines, Iowa. Chairman Tjarks called for a roll call vote: Plathe: yes, Nath: yes, Waechter: yes, Stecker: yes, Tjarks: yes. Motion carried.

Motion by Waechter and 2nd by Nath to sign the cover sheet for the Kossuth County General Safety Manual. Motion carried unanimously.

The board acknowledged the safety committee minutes and the Wellness Committee Minutes.

Motion by Nath and 2nd by Stecker to abate the taxes at the time the deed is taken by the City of Lakota to the property located at 4213 185th Ave., Lakota, Iowa and cancel the certificates. Motion carried unanimously.

The Kossuth County Auditor, Tammy Eden will email the Iowa Department of Health and Human Services, Child Support Recovery to advise them that the Kossuth County Board of Supervisors is okay with the proposed Child Support County Staffing Contract Leave Payout Language changes.

Updated quotes for Louvre/Damper for the Courthouse will be obtained and resubmitted to the board.

Motion by Tjarks and 2nd by Plathe to approve the Proclamation naming April as National Child Abuse Prevention Month in Kossuth County. Motion carried unanimously.

Motion by Waechter and 2nd by Nath to go into closed Session Per Iowa Code 21.9 to discuss a wage schedule. Chairman Tjarks called for a roll call vote: Plathe: yes, Nath: yes, Waechter: yes, Stecker: yes, Tjarks: yes. Motion carried.

No decision was made in closed session.

Motion by Waechter and 2nd by Tjarks to approve Resolution 03-28-23-02 which is a resolution setting a wage schedule for Kossuth County Employees. Chairman Tjarks called for a roll call vote: Plathe: yes, Nath: yes, Waechter: yes, Stecker: yes, Tjarks: yes. Motion carried.

RESOLUTION #03-28-23-02 FOR
ADOPTION AND IMPLEMENTATION
OF WAGE SCALE CHANGES

Whereas on March 28, 2023, the Kossuth County Board of Supervisors adopted the following Resolution – Adoption and Implementation of Wage Scale Changes

Whereas, the Kossuth County Board of Supervisors has identified inconsistencies and inequity in its current wage structure for some non-bargaining unit employees, and

Whereas the Kossuth County Board of Supervisors has determined restructure of its wage scales for non-bargaining unit employees is in the public’s interest to attract and retain qualified employees,

Be it resolved that

Kossuth County will implement the following wage schedule for any new employees hired on or after March 28, 2023. Current employees shall be moved to the following wage schedule on July 1, 2023.

Stand-Alone Longevity Schedule for all Full Time Employees as follows:

- .05 cents/hour at 5 years
- .10 cents/hour at 10 years
- .15 cents/hour at 15 years
- .20 cents/hour at 20 years

Scale 1: Clerks/Support Staff in the Recorder, Treasurer, Attorney and Auditor’s office

- \$40,000.00/year Starting Wage
- \$45,000.00/year at 6 months probationary
- \$48,598.53/year at 1 year

Scale 2: Custodians

- \$22.50/hour Starting Wage
- \$24.00/hour 6 months probationary
- \$25.98/hour at 1 year

Scale 3: Clerk/Driver’s License Department

- \$45,000.00/year Starting Wage
- \$50,000.00/year 6 months probationary
- \$54,495.28/year at 1 year

This wage scale shall be updated periodically as wage increases are approved by the Board. This resolution shall be in effect for the duration as determined by the Board.

Passed and approved this _____ day of _____, 2023.

Roger Tjarks, Chairman
Kossuth County Board of Supervisors

Attest:

Tammy Eden, Kossuth County Auditor

Motion by Stecker and 2nd by Waechter to Approve Resolution 03-28-23-03 which is a resolution authorizing Kossuth County To Enter Into Opioid Settlement Agreements. Chairman Tjarks called for a roll call vote: Plathe: yes, Nath: yes, Waechter: yes, Stecker: yes, Tjarks: yes. Motion carried.

RESOLUTION NO. 03-28-23-03

Authorizing Kossuth County to Enter Into the Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc.,

WHEREAS, negotiations to settle claims against several of the Opioid Defendants, specifically Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc (the “Settling Defendants”) have been ongoing for several years;

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims involved in the Litigation;

WHEREAS, the proposed terms of those proposed nationwide settlements are set forth in the Teva and Allergan Settlement Agreement and the Walmart, Walgreens, and CVS Settlement Agreement (collectively “Settlement Agreements”);

WHEREAS, the Settlement Agreements as well as a summary of the main terms of the Settlement Agreements, the deadlines for submitting the Participation Agreements to the Settlement Agreements and the MDL Court’s Order setting deadlines for any Plaintiff who declines to enter into the Settlement Agreements have been provided to the County prior to the execution of this Resolution;

WHEREAS, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Iowa including to the State of Iowa and Participating Subdivisions, as that term is defined in the Settlement Agreements (“Iowa Opioid Funds”), upon occurrence of certain events as defined in the Settlement Agreements;

WHEREAS, the Law Firms have engaged in extensive discussions with the State Attorney General’s Office (“AGO”) as to how the Iowa Opioid Funds will be allocated, which has resulted in the Iowa Opioid Allocation Memorandum of Understanding (“Allocation MOU”), which is an agreement between all of the entities who are signatories to the Allocation MOU;

WHEREAS, the Allocation MOU divides Iowa Opioid Funds as follows: (i) 50% to the State (“the Iowa Abatement Share”) and (ii) 50% to Participating Local Governments (“LG Share”), net of fees and costs allocated to the Iowa Backstop Fund as set forth in Section D of the Allocation MOU and in this Resolution (“LG Abatement Share”);

WHEREAS, the LG Abatement Share shall be distributed in direct payments to the Counties that are Participating Local Governments according to the allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804) in the amounts set forth on Exhibit 2 to the Allocation MOU (“Direct Distribution Percentage”). The Direct Distribution Percentage will be multiplied by the total LG Abatement Share to arrive at the total allocation to the Participating Local Government (the “Direct Distribution Amount”);

WHEREAS, 100% of the Iowa Abatement Share and the LG Abatement Share, regardless of allocation, shall be utilized only for Opioid Related Expenditures incurred after the Effective Date of this MOU. The list of approved Opioid Related Expenditures is set forth in Exhibit 1 of the MOU (Iowa State – Local Allocation MOU.

WHEREAS at least 75% of the Iowa Abatement Share and 75% of the LG Abatement Share shall be utilized for only the “Core Strategies” listed in Schedule A of Exhibit 1 to Allocation MOU;

WHEREAS, every Participating Local Government that receives a Direct Distribution Amount shall create a separate fund on its financial books and records that is designated for the receipt and expenditure of the entity’s Direct Distribution Amount, called the “LG Abatement Fund;”

WHEREAS, Funds in an LG Abatement Fund shall not be commingled with any other money or funds of the Participating Local Government, but a Participating Local Government may invest LG Abatement Fund funds consistent with the investment of other funds of a Participating Local Government;

WHEREAS, Funds in a LG Abatement Fund may be expended by a Participating Local Government only for Opioid Related Expenditures, shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU and, for avoidance of doubt, funds in a LG Abatement Fund may not be expended for costs, disbursements or payments made or incurred prior to the Settlement;

WHEREAS, if any audit required by the Allocation MOU reveals an expenditure inconsistent with the terms of the Allocation MOU, the Participating Local Government shall immediately redirect the funds associated with the inconsistent expenditure to an Opioid Related Expenditure;

WHEREAS, the County must comply annually with the reporting requirements in the Allocation MOU;

WHEREAS, if the County elects to become a Participating Subdivision in the Settlement Agreements it will receive the benefits associated with the Settlement Agreement and the Allocation MOU, provided the County (a) approves the Settlement Agreements; (b) executes the Participation Agreements stating the County’s intention to be bound by the Settlement Agreements;

WHEREAS, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements by executing the Participation Agreements.

NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby approves and authorizes Todd M. Holmes, Kossuth County Attorney, to settle and release the County’s claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements by taking the following measures:

1. The execution and delivery of the Participation Agreement to the Settlement Agreements and any and all documents ancillary thereto.
3. The execution and delivery of any and all further and other documents necessary to effectuate the foregoing and the terms of this Resolution.

BE IT FURTHER RESOLVED: the County shall deposit the LG Share in its account titled “LG Abatement Fund” to receive the LG Abatement Share from the Settlement Agreements.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Adopted by the Kossuth County Board of Supervisors this ____ day of March, 2023

Board Chair

ATTEST:

County Auditor

Motion by Plathe and 2nd by Nath to approve Payment in Lieu of Taxes for North Iowa Regional Housing Authority (Maplewood Apartments, Algona, Iowa). Motion carried unanimously.

Motion by Plathe and 2nd by Nath to approve Resolution 03-28-23-04 which is a resolution awarding the contract for 2023 Secondary Road Resurfacing Projects: FM-CO55(201)—55-55, L-203—73-55, LFM-204—7X-55. Chairman Tjarks called for a roll call vote: Plathe: yes, Nath: yes, Waechter: yes, Stecker: yes, Tjarks: yes. Motion carried.

Motion by _____ and Seconded by _____ to approve the following resolution:

Plathe _____, Nath _____, Waechter _____, Stecker _____, Tjarks _____

**RESOLUTION TO AWARD CONTRACT:
2023 HMA Resurfacing
Kossuth County Resolution No. 03-28-23-04**

WHEREAS, the Board of Supervisors, hereafter referred to as “the Board”, believes the *FM-C055(201)--55-55, L-203--73-55, LFM-204--7X-55*, hereafter referred to as “the project” is in the best interest of Kossuth County, Iowa, and the residents thereof. The project is defined as HMA resurfacing projects located at various locations throughout Kossuth County; 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 Kossuth 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 Heartland Asphalt, Inc. in the amount of \$3,404,314.97 and awards the associated contract 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 Kossuth County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor’s bond and certificate of insurance, Douglas A. Miller, the County Engineer for Kossuth 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.

March 28, 2023
Dated at Algona, Iowa

Roger Tjarks, Chairperson
Kossuth County Board of Supervisors

ATTEST:

Tammy Eden
Kossuth County Auditor

Motion by Tjarks and 2nd by Waechter to authorize and give its permission to Andrew and Amanda Loucks and Ledyard Windpower to outlet a private 6" roof drain tile in the south right of way at 1702 460th Street approximately 1005 feet east of 170th Avenue, in the west half of the Northwest quarter of Section 2, T-99N, R-28W of the 5th P.M., Ledyard Township. Permit number OT-22-10-01 is on file in the Kossuth County Engineer's Office. Motion carried 4-1 with Stecker being the no vote.

Motion by Stecker and 2nd by Nath to authorize and give its permission to Tom Hellman, Bancroft, IA to install 72 feet of 18" ø Class 3 reinforced concrete pipe through 340th Street, 1465 feet west of the southeast corner of Section 33, Ramsey Township, Kossuth County. Permit number 03-05-2023 is on file in the Kossuth County Engineer's Office. Motion carried unanimously.

Discussion was held with the Kossuth County Engineer/Zoning Administrator.

Motion by Stecker and 2nd by Waechter to appoint Tim Struecker and Rich Rosenmeyer as commissioners for DD 4 Lat 28 Reclassification Report. Motion carried unanimously.

Drainage Clerk Marg Mergen will advise IDALS to go forward with the 28E Agreement Amendment for the Wetland Project and to bring it back to the board of supervisors for final approval.

Motion by Waechter and 2nd by Nath to have the Supervisors handle their requests as follows: Supervisor Stecker: Request 2023-002 Drain TRI 84 and Request 2023-003 Drain 4; Supervisor Nath: Request 2023-004 Drain 105. Motion carried unanimously.

Discussion was held with the Kossuth County Auditor and Kossuth County Board of Supervisors.

Motion by Waechter and 2nd by Nath to adjourn at 10:37 A.M. Motion carried unanimously.

Attest:

Tammy Eden
Kossuth County Auditor

Roger Tjarks, Chairman
Kossuth County Board of Supervisors