

Supervisors Room, Courthouse
Pocahontas, Iowa
May 17, 2022

The Board of Supervisors of Pocahontas County, Iowa, met in regular session pursuant to adjournment. Members present: Chairman, Louis Stauter; Supervisors, Jeffrey Ives, Brent Aden, Clarence Siepker, Kyle Smith; and Auditor, Kelly Jepsen. Also Present: Reporter, Erin Somers; Interpreter, Mary Brandt, and Assistant to the Engineer/Drainage Clerk, Gary Atherton. Community Members: Dustin Thompson, Dean Williams, Sherry Williams, Jeff Hansen, Carrie Melohn, Allison Barnhardt, Clara Barnhardt, Karen Minkler, Jonathon Rittgers, Cody Bunda, Willie Miller, Shelley Stumpf, Patrick Mooney, Allan Minkler, Devin Wagner, Ken Herr, Carmi Herr, Kalista Herr, Barney Essing, Karisa Stuchlik, Ashley Egertsen, Paul Berte, and Dirk Miller.

Motion by Siepker, seconded by Aden, to approve the minutes, dated May 10, 2022, as presented. Ayes all, motion carried.

The agenda was approved as posted, on motion by Ives, seconded by Smith. Ayes all, motion carried.

At 10:01 a.m., the Board held a public hearing for the first consideration of a resolution declaring Emergency Medical Services in Pocahontas County to be an essential service. Stauter read the resolution. There were no written or oral comments received. Motion by Smith, seconded by Aden, to approve the first passing of said resolution. The Chairman called the question with the following recorded votes: Ayes: Ives, Aden, Stauter, Siepker, Smith. Nays: none. Motion carried.

RESOLUTION No. 2022-05-20

**A RESOLUTION DECLARING EMERGENCY MEDICAL SERVICES (“EMS”)
AN ESSENTIAL SERVICE IN AND FOR POCAHONTAS COUNTY, IOWA**

WHEREAS, the Pocahontas County Board of Supervisors has the authority under Iowa Code section 331.301(1) to “...exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents”; and

WHEREAS, Pocahontas County seeks to provide Emergency Medical Services to all its citizens and visitors; and

WHEREAS, Pocahontas County recognizes there is a need to ensure and advance the level of care, capability, and coverage of EMS in Pocahontas County; and

WHEREAS, the Pocahontas County Board of Supervisors met on the **31st, day of May, 2022** to vote and approve this resolution after having discussed and voted upon it at two previous public meetings, and

WHEREAS, on **June 9, 2021, Iowa Senate File 615** was signed into law by Governor Kim Reynolds giving Iowa counties the capability to declare EMS an essential service for their respective county, thereby making it possible for counties to propose additional funding sources for EMS to the county’s voters at an election.

NOW, THEREFORE BE IT RESOLVED, by the Pocahontas County Board of Supervisors, that: Emergency Medical Services (EMS) is hereby declared an essential service in and for Pocahontas County, Iowa and the Pocahontas County Board of Supervisors will exercise the necessary power and functions appropriate to preserve the health, safety, and welfare of Pocahontas County residents and provide for an effective and efficient Pocahontas County Emergency Medical Services (EMS) System that allows for quality care for the persons living, working, or travelling in Pocahontas County. Exercising said necessary power and function includes, but is not limited to, the establishment of a Pocahontas County emergency medical services advisory council and the proposition of either **(1) a local option income surtax, or (2) an ad valorem property tax, or (3) a combination of both**, to fund EMS to be voted upon by Pocahontas County voters at the next election.

NOW, BE IT FURTHER RESOLVED, if a proposition to fund EMS through either a local option surtax or an ad valorem property tax or some combination there, fails to receive a favorable vote by at least **sixty (60%) percent** of those voting on the question, this resolution shall be deemed null and void.

Motion by Smith, seconded by Siepker, to acknowledge the hire of Betsy Dahl, as PT employee for Public Health. Ayes all, motion carried. Dahl will start May 18, 2022 at \$24.38/hr.

Motion by Aden, seconded by Ives, to acknowledge a pay increase for Jill Conlin, HCA Director & Interim Administrator for Public Health. Ayes all, motion carried. Conlin’s new annual salary will be \$72,218.00 and is retroactive to April 8, 2022.

Motion by Siepker, seconded by Smith, to approve the hire of Joann Huegerich as PT Jailer/Dispatcher for the Sheriff’s Department. Ayes all, motion carried. Huegerich started May 1, 2022 at \$17.32/hr.

Motion by Aden, seconded by Siepker, to approve Amendment #2 to DD 74 Annexation Report. Ayes all, motion carried.

Motion by Ives, seconded by Smith, to approve Amendment #3 to DD 41 Reclassification Report. Ayes all, motion carried.

Motion by Ives, seconded by Siepker, to acknowledge receipt of Manure Management Plans: (1) Aden, Brian Feedlot– ID# 66770 located in the NW SW, Section 1, Colfax Township with Brian Aden as owner & Andrew Nesselth, Extended Ag Services, Inc as contact; and (2) Ben, Finisher Farm– ID# 63794 located in the SE NW, Section 29, West Bend Township, Palo Alto County, with Cloudburst Farms, LLC as owner & Keith Kratchmer as contact. Ayes all, motion carried.

Paul Berte, PAC School Board President, met with the Board to address the comments made by the County Auditor’s employee, Kalista Herr, at the May 9th School Board meeting and Herr’s comment on her personal Facebook page on May 10th. Herr’s comment stated that in her opinion, that Berte and another School Board member discriminated against the hearing impaired. Berte stated the School’s attorney advised that providing the hearing impaired an interpreter and allowing them to sit behind Board so they could read lips was not discrimination. He accused Herr of using her title of her County office to bolster unsporting accusations that unfairly tarnish the reputation on the public-school district and its volunteer members and stated that the Auditor’s office is not qualified to provide legal advice to the school district and it is not appropriate to use titles associated with their county offices to suggest they have any authority over locally elected school board members.

Dustin Thompson, although a PAC School Board member, addressed the Board as a community member. He advised that he appreciated Herr, that she is exactly what he would expect from a PAC grad: passionate, vocal and engaged with the community. He wants to do what is right and if the public does not hold a School Board accountable then who does.

Jeff Hansen, former Transportation & Grounds Director for the PAC School District and tax payer, advised that Herr has never spoken on behalf of Pocahontas County, she was speaking as a PAC graduate, tax payer and future parent. He questioned why the School Board President would bring his concern to her employer. Hansen believes this to be not only retaliation but also as an attempt to censor Herr and thanked Herr for having the fortitude to stand up for what is right.

Other public comments: Kalista Herr reemphasized that when she attended the School Board meetings, she spoke on behalf of herself, not for the County. Stauter advised that Herr was using vacation time to attend the Board of Supervisors meeting. Willie Miller, through the interpreter, advised Berte that what happened at the May 9th School Board meeting was discrimination against the hearing impaired. Jepsen, advised that she attended the meeting to ensure that nothing was said on behalf of the County Auditor's office. Clara Barnhart thanked Mr. Hansen and Mr. Thompson for speaking.

The Board will await information from the County Attorney before voting on the Clean Air/Tobacco Use Policy.

At 10:30 a.m., a public hearing was held for a confined animal feeding operation for Summit Pork III, LLC (Ward Site), located in Section 26 of Sherman Township. The affidavit of mailing and proof of publication are available in the Auditor's Office. Per Pocahontas County's Good Neighbor Policy, a waiver was presented signed by residents living less than 2,640 feet from an animal feeding confinement facility they do not own. The confinement proposed is a new 2,599 head deep pit swine finisher confinement building at an existing facility. Animal Unit Capacity of the Confinement Operation after Construction: 1,996.80 animal units (4,999 head of swine finishers). Kent Krause from Pinnacle, was present to answer questions and Mitch Baum, with Summit Pork III, LLC, participated by phone. No one from the public was present to express concerns and no written objection were filed. Baum advised that trees would be planted on the north and west side of the site. The facility score was 880 points: 213.50 in Air, 271.00 in Water, and 404.50 in Community. Motion by Ives, seconded by Aden, to approve the CAFO application for Summit Pork III, LLC (Ward Site). Ayes all, motion carried.

Jack Moellering, County Engineer, requested to switch the Road's crew to a four day, 10-hour work week schedule, starting Monday, May 23, 2022 until shortly after Labor Day. The Engineer's Office will maintain their current schedule. Overtime would be paid after 10 hours a day. In the weeks that contain a holiday, they will work a standard 8-hour day work week. Motion by Ives, seconded by Siepker, to approve Moellering's request. Ayes all, motion carried.

The Addendum to the handbook will be addressed after discussions with the County Attorney.

John Runneberg, Roads Superintendent, answered questions on the three quotes presented for a new trailer. All Colorado Semi Trailers from Denver, CO, quoted \$47,750.00 for a 2023 Interstate 50 DLA trailer; Crossroads Trailer Sales & Service, Inc. from Wichita, KS, quoted a 2022 Load King Trailer, model LK20T tandem axle for \$31,895.00 for trailer; and Freightliner of Grand Rapids, from Wyoming, MI, quoted a 2022 Talbert AC3-25 for \$41,235.00. Stauter inquired about The Machine Shop's trailer. On the condition that the Machine Shop does not have a trailer that meets their needs, a motion was made by Smith, seconded by Ives, to approve the purchase of the Talbert trailer for \$41,235.00 plus \$2,000.00 for freight. Ayes all, motion carried.

Motion by Ives, seconded by Aden, to authorize Secondary Roads to sell excess steel and timber from old bridges at auction. Ayes all, motion carried.

Moellering advised the bridge replacement, north of Clear Lake, was complete.

Stauter and Aden met Monday to open the bids for the two tracts in Gilmore City. Stauter advised the building on tract 2 would be sold as is. Today, those bidders were given the opportunity to increase their bid. The highest bidder for tract 1 was Dirk Miller at \$17,000.00, and tract 2 was Don Trexel at \$40,000.00.

Weekly meetings: Ives –drainage concerns; Aden –Opening of sealed bids on Gilmore City parcels; Stauter – bridge concerns and Opening of sealed bids on Gilmore City parcels; and Siepker –drainage concerns. Stauter, Siepker, and Aden participated in the DD 74 Annexation and Reclassification Hearing and all Supervisors attended the All-Employee meeting.

Atherton and the Board discussed DD 11, DD 166, and DD 167. A special assessment for a landowner who pattern tiled his 80 acres into DD 11 will be considered and it was also the consensus of the Board to offer a dip out and leveling for a pond that has sediment built up due to DD 166 and DD 167 dumping into the pond before going into DD 166 Open Ditch.

There being no further business, the Chairman declared the meeting adjourned.

Louis Stauter, Chairman

Kelly Jepsen, Auditor