

Supervisors Room, Courthouse  
Pocahontas, Iowa  
August 10, 2021

The Board of Supervisors of Pocahontas County, Iowa, met in regular session pursuant to adjournment. Members present: Chairman, Clarence Siepker; Supervisors, Brent Aden, Louis Stauter, Kyle Smith; and Deputy Auditor, Kalista Herr. Supervisor Ives was absent.

Motion by Aden, seconded by Smith, to approve the minutes from August 3, 2021, as presented. Ayes all, motion carried.

Motion by Stauter, seconded by Smith, to approve the tentative agenda as posted. Ayes all, motion carried.

Angela Duitsman, Fonda's City Clerk, and Amy Johnson, County Treasurer, came before the Board and requested tax abatements on parcels 13-27-185-005, 13-27-185-004, 13-27-403-004, 13-27-405-021, and 13-27-257-010. Motion by Stauter, seconded by Aden, to approve the following tax abatements: Parcel 13-27-185-005, \$3,612.00; Parcel 13-27-185-004, \$1,044.00; Parcel 13-27-403-004, \$1,654.00; Parcel 13-27-405-021, \$661.00; and parcel 13-27-257-010, \$1,459.00. Ayes all, motion carried.

John Sobotka met with the Board to discuss concerns with DD 8 West Main Tile. Other landowners present were Angela Sobotka, & Jerry Sobotka; Telephonically: Gary Adams & Mike Dudding. Sobotka shared concerns over the gatekeeper fees, and dates of the gatekeeper's contract. He also inquired on who makes the call on when it has rained over one inch, which according to the contract requires the gatekeeper to open the gates. Atherton explained it was the gatekeeper's responsibility to make that call. Sobotka said that he would be willing to take over the maintenance that the gatekeeper upholds free of charge. The Board decided to hold an informational meeting to discuss gatekeeper concerns on September 21<sup>st</sup> at 1:30 p.m. in the assembly room at the courthouse. They requested Kalista Herr, Deputy Auditor, to send notice of said hearing to the landowners and Jim Hudson, Drainage Attorney. The Board informed the landowners, that proceeding with this meeting would have a cost in order to mail notices, as well as attorney fees received from Hudson.

Motion by Stauter, seconded by Aden, to approve claims from Bolton & Menk for professional services as follows: Jt. DD 63 Br. Main Tile, \$472.50; Jt. DD 63 MOD, \$781.50; Jt. DD 63 MOD, \$607.50; Jt. DD 63 MOD, \$1,270.00. Ayes all, motion carried.

A letter from Collin Klingbeil, Bolton & Menk Engineer, advised of a railroad crossing which effects the proposed tile improvements of DD 56 Main Tile #2. Motion by Aden, seconded by Smith, to advise Collin Klingbeil to proceed with the permit application. Ayes all, motion carried.

There was discussion about two DD 168 claims from Bolton & Menk totaling \$15,383.00. It was determined that schedules were built for tiles that do not exist. At an estimated cost of \$2.00 per acre, and 3,866.99 acres of unnecessary schedules, a total amount of \$7,773.98 was found to be unnecessary. Motion by Stauter, seconded by Aden to deduct the amount of \$7,773.98 from the total amount of the two Bolton & Menk bills, and pay the remaining value of \$7,609.02. Ayes all, motion carried.

Motion by Aden, seconded by Smith, to authorize the Chairman to sign the letter to IDALS requesting payment #2 for DD 168, in the amount of \$174,851.66. Ayes all, motion carried.

Motion by Aden, seconded by Stauter, to authorize the Chairman to sign the letter to DSCWQ requesting an increased amount of the 28E agreement with DD 168 due to increased construction costs. Ayes all, motion carried.

The Board discussed a potential pipeline going through the county, as a way to transport liquified CO2 from the ethanol plants to an underground facility in Illinois. Stauter shared that he thinks the pipelines need to be at least 5 feet deep to protect tile already in place. The Board requested that Gary Atherton, Assistant to the Engineer/Drainage Clerk see if there are other counties with resolutions in place regarding pipelines, as they want to get a resolution regarding pipelines in place in Pocahontas County.

Motion by Smith, seconded by Stauter, to appoint Brent Aden to fill the vacancy in the Pocahontas County Homecare Administrative Board with a start date of August 5, 2021 per recommendation of Jill Conlin, Home Care Director. Ayes-Smith, Stauter, Siepker. Nays-None; Abstain-Aden.

Discussion was held about a possible ordinance regarding 'Engine and Compression Brakes' in the county. Scott Henderson, a landowner living on the edge of Pocahontas, came to the Board and shared concerns. Henderson shared that the city already has an ordinance in place, but their signs are very close to town which means the semi drivers are still using 'Engine and Compression Brakes' when going by his house. The Board agreed that, unless they hear otherwise, that this issue is mostly two miles in each direction of Pocahontas, and that is where they would need to see change. However, since both roads leaving Pocahontas are state highways, the Board asked Gary Atherton to do further research before moving forward.

At 11:15 a.m., the Board proceeded to a bid letting for bridge rehab. Jack Moellering, County Engineer, advised that four bids were received: Christensen Bros. Inc. from Cherokee, IA, for \$476,776.00; Merryman Bridge Construction Co. from Algona, IA, for \$305,222.00; Graves Construction Co, Inc. from Spencer, IA, for \$376,810.00; and Dixon Construction from Correctionville, IA, for \$320,260.00 Motion by Aden, seconded by Stauter, as long as the calculations are correct, to accept the bid from Merryman Bridge Construction Co. for \$305,222.00 for bridge rehab. Ayes all, motion carried.

Moellering and the Board decided to table the truck insurance release with Supervisor Ives being absent. Moellering discussed Amendment #1 to the DOT five year program, whereas a motion was made by Stauter, seconded by Smith to authorize the chairman to sign the five year program. Ayes all, motion carried.

Steve Nelson, County Sheriff, presented the Second Amendment Sanctuary resolution to the Board. Motion by Stauter, seconded by Smith, to adopt the following resolution. The Chairman called the question with the following recorded votes: Ayes: Aden, Siepker, Stauter, and Smith. Nays: none. Whereby the Chairman declared the resolution duly adopted.

**Resolution No. 2021-8-#27**

**RESOLUTION DECLARING POCAHONTAS COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY**

**WHEREAS**, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution, “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” and

**WHEREAS**, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of Pocahontas County, Iowa; and

**WHEREAS**, the people of Pocahontas County, Iowa derive economic benefit from all safe forms of firearms recreation, hunting, and shooting conducted within Pocahontas County using all types of firearms allowable under the United States Constitution and the laws of the State of Iowa; and

**WHEREAS**, the Pocahontas County Board of Supervisors was elected to represent the citizens of Pocahontas County, and have sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Iowa; and

**WHEREAS**, Iowa State Senators and State Representatives have also sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of Iowa; and

**WHEREAS**, legislation is currently being considered and expected to be proposed by both the Iowa State Legislature and Federal Legislature that potentially seeks to infringe on the constitutionally protected right of citizens to keep and bear arms; and

**WHEREAS**, it is desirable to declare that Pocahontas County is a Second Amendment Sanctuary County, as Pocahontas County opposes the enactment of any legislation that would infringe upon the constitutional right of the people of Pocahontas County to keep and bear arms.

**NOW, THEREFORE, BE IT RESOLVED** that the Pocahontas County Board of Supervisors hereby declares POCAHONTAS County to be a Second Amendment Sanctuary County, and hereby states its opposition to the enactment of any legislation that would infringe upon the constitutional right of the people of Pocahontas County to keep and bear arms.

Kalista Herr, Deputy Auditor discussed plat books with the Board and requested clarification on last week’s motion to reinstate FFCRA. Anne Thompson, Public Health Director, advised the Board that in the past week, Pocahontas County has had five new positive cases of COVID, and the Iowa Department of Public Health has advised County Public Health Systems that they are treating COVID similarly to the flu moving forward, as it is not going away. A motion was made by Stauter, seconded by Smith to allow employees in the new fiscal year beginning with their motion made on August 3<sup>rd</sup>, two weeks of paid leave to use if they are quarantined and/or experiencing symptoms and seeking a medical diagnosis for COVID, allow for 2/3 pay when caring for an individual who is quarantined, or to care for a child whose school or child care provider is closed, with the option to reimburse the other 1/3 of pay through the employee’s accrued leave, and waive the 30 day employment requirement. Ayes all, motion carried.

Motion by Aden, seconded by Smith, to acknowledge receipt of Manure Management Plans: (1) Bunda Finisher – ID# 61830 located in NW NE, Section 29, Sherman Township with Maschhoffs Environmental as owner & contact person; and (2) Woodin Finisher – ID# 61833 located in NW SW, Section. 34, Cummins Township with Middle Creek Swine, LLC as owner & Maschhoff Environmental Inc. as contact person. Ayes all, motion carried.

Motion by Smith, seconded by Aden, to approve the claims as reviewed by the Board. Ayes all, motion carried. The following claims were audited and allowed:

A & M Laundry	Supplies	250.34	2
Ability Network	Service	1254.12	1
Alliant Energy	Utilities	183.51	1
Alpha Wireless	Radio Supplies	156.00	1
Amazon Capital Services	supplies	305.23	1
Amazon Capital Services	Equip	147.59	1
Amazon Capital Services	Supplies	651.67	5
AP Truck Parts	Parts	74.00	1
Arnold Motor	Parts	53.40	1
AT&T	Service	47.62	1
B H Energy	Natural Gas	112.54	6
BV Co Journal	Minutes	554.02	1
Calhoun-Burns	Bridge Rate/Inspect	21860.00	1
Campbell	Parts	43.80	1
CID	Supplies	170.00	1
Charm-Tex	Supplies	434.15	1
City-Pocahontas	Utilities	3880.64	10
Counsel	supplies	39.99	1
Counsel	Lease	91.38	2
Po Co Sec Rd	Fuel	2765.73	3
B Dahl	Mileage	177.86	1
IRS	Fed Excise Tax	736.82	1
Des Moine Stamp	Supplies	172.95	2
DLT Solutions LLC	Computer Programs	2795.60	1
Dollar Gen	Supplies	46.60	1
Farm & Home	Supplies	592.28	3
Farm & Home	Uniform	143.96	1

City-Fonda	Utilities	105.04	2
Foundation Analytical Lab	Tests	266.20	1
Gordon Flesch Company	Lease	35.00	1
Great American Financial Serv	Lease	236.25	1
Grow's Garbage Service	Garbage	215.00	2
Dereck A Hebert	License	20.00	1
Dereck A Hebert	Phone	25.00	1
S Henderson	Expenses	57.89	1
Barbra J Hinnners	Postage	17.55	1
Iowa Office of the Medical Exa	Autopsy	2047.00	1
IA Prison Ind	Service	198.68	1
Ia State Fire Marshal Division	Tank Fees	200.00	1
IDNR Water Supply	Well Permits	225.00	1
Intoximeters	Supplies	80.00	1
Iowa Land Title Association	Training	325.00	1
ISCTA	Training	50.00	1
Jack's Uniform	Uniform	65.94	1
Jacks OK Tire	Tires/Parts	35.00	1
R Jergens	Expenses	633.35	2
R Jergens	Mileage	250.00	1
Juicebox Interactive	Hosting	230.00	1
Keltek	Safety Parts	549.48	1
Brooke A Krips	Mileage	111.38	1
Krueger Survey	Surveying	1400.00	1
L-Tron Corporation	Equip	1835.79	1
House of Print	Supplies	1190.00	2
Laurens Sun	Minutes	792.89	1
LED Lighting Solutions	Signs	1025.72	1
Legal Directories	Directory	59.75	1
RBLX INC DBA LexisNexis	Service	110.00	1
Loffler	Lease	86.92	1
Mail Servcs	Service	263.20	1
MC of IA	Parts	211.66	1
Messenger	Ads	450.00	1
K Metzger	Mileage	327.10	1
MidAmeri Energy	utilities	57.05	1
MidAmeri Energy	Electricity	537.88	2
MidAmeri Energy	Utilities	11.01	1
Mike Hopkins	Entrances	1357.84	1
Murphy Tractor	Parts	1000.00	1
Murphys Flooring	Flooring	4689.95	1
Kayla M Nedved	Mileage	3.42	1
S Nelson	Phone	173.54	1
Netsmart Technologies	Service	1682.00	1
NW Comm	Hosting	27.95	1
NW Comm	Line Charge	300.00	1
Office Elements	Supplies	226.90	3
City-Palmer	utilities	96.19	1
MIDAS	Dues	2549.26	1
Pitney Bowes	Lease	170.43	1
Po Co Home Care	Aides	232.50	1
Poca Co Treas	Assessment	525.37	1
Pocahontas Co. IT Department	Phone	22.92	1
Pocahontas Co. IT Department	Phone Internet	144.64	1
Pocahontas Co. IT Department	Telephone	15.28	1
Poca Sales & Serv	Repair	26.00	1
Poca Fiber	Phone Internet	1447.58	2
Pro Co-Op	Fuel	21686.59	1
RAM Systems	Service	565.00	1
Reagan Outdoor of Rochester	Ads	1060.00	1
Record Dem	advertising	120.00	1
Record Dem	Ad	147.00	2
Record Dem	Ads	686.00	1
Record Dem	Minutes	802.48	1
Rees Truck	Parts	135.98	1
IA SOS	Notary	30.00	1
Seiler App	AC Repair-W Shop-Poky	383.82	1
SiteOne Landscape	Parts	86.68	1
Steve Stein	Well Plug	500.00	1
Anne E Thompson	Mileage	40.88	1
W Van Donge	Weapons	121.87	1
Nathaniel J Vento	Mileage	783.44	1
Verizon	Phone	1096.90	4
Wells Fargo Financial Leasing	Lease	89.00	1
Windstream	Line Chg	264.26	4
Woodley Ins	Insurance	304.00	2
Ziegler	Supplies	150.69	1
Grand Total		95825.89	

Weekly meetings: Smith – Public Health and Homemakers concerns; Stauter – Concerns about Drainage, Weeds, and Engine and Compression Brakes, and a Fair Board Meeting; Aden – Engine and Compression Brake concerns; Siepker – Drainage concerns

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

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Clarence Siepker, Chairman

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Kelly Jepsen, Auditor