

Tuesday, July 12, 2022, Minutes

The Cass County Board of Supervisors met at 9:15 a.m. with all members present: Steve Baier chair; Stephen Green, John Hartkopf, Mark O'Brien, and Bernard Pettinger. Agenda upon motion by Bernard Pettinger; 2nd by Steve Green was approved. Minutes of June 30, 2022, upon motion by John Hartkopf, 2nd by Mark O'Brien were approved.

Public Comment – a citizen spoke out about the inconsistency of the Treasurer's Office and doesn't like how the Board of Supervisors is taking the blame.

Debra Brown, Director of the Cumberland Youth Program presented on behalf of the Fitness Center in Cumberland. The fitness center is run by several volunteers and provides a space where anyone 12 years of age and older can tend to their physical health needs. The fitness center is inquiring about ARPA funds being used to purchase a piece of equipment called a NuStep. A NuStep is a sought-after piece of equipment, with a estimated quote of \$5,000.00 Debra said the center does have one NuStep machine, used, that was purchased from the Anita Wellness Center, but is being held together with duct tape. The Board of Supervisors thanked Deb and her volunteers for their service to the Fitness Center. They also instructed Deb that the ARPA application will have to be filed by the City of Cumberland, as they are the Fiscal Agent for the fitness center.

**CASS COUNTY BOARD OF SUPERVISORS
RESOLUTION #2022-035**

**CASS COUNTY ENVIRONMENTAL CONTROL AGENCY
Not to Exceed \$194,082 Solid Waste Facilities Revenue Capital Loan Note**

Board Member Steve Green introduced the following Resolution entitled "RESOLUTION CONSENTING TO THE ISSUANCE OF SOLID WASTE FACILITIES REVENUE CAPITAL LOAN NOTES BY THE BOARD OF THE CASS COUNTY ENVIRONMENTAL CONTROL AGENCY FOR THE PURPOSE OF ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REPAIR, EXTENSION OR IMPROVEMENT OF ALL OR PART OF THE CASS COUNTY ENVIRONMENTAL CONTROL AGENCY SOLID WASTE FACILITIES SYSTEM UNDER THE TERMS OF THE 28E AGREEMENT, AND RELATED MATTERS", and moved that the same be adopted. Board Member Mark O'Brien seconded the motion to adopt. The roll was called and the vote was,

AYES: Steve Baier, Bernard Pettinger, Steve Green,
John Hartkopf, Mark O'Brien

NAYS: N/A

Whereupon, the Chairperson declared the Resolution duly adopted as follows:
RESOLUTION CONSENTING TO THE ISSUANCE OF SOLID WASTE FACILITIES REVENUE CAPITAL LOAN NOTES BY THE BOARD OF THE CASS COUNTY ENVIRONMENTAL CONTROL AGENCY FOR THE PURPOSE OF ACQUISITION, CONSTRUCTION, RECONSTRUCTION, REPAIR, EXTENSION OR IMPROVEMENT OF ALL OR PART OF THE CASS COUNTY ENVIRONMENTAL CONTROL AGENCY SOLID WASTE FACILITIES SYSTEM UNDER THE TERMS OF THE 28E AGREEMENT, AND RELATED MATTERS

WHEREAS, the City of Anita, Iowa, the City of Atlantic, Iowa, the City of Cumberland, Iowa, the City of Griswold, Iowa, the City of Lewis, Iowa, the City of Marne, Iowa, the City of Massena, Iowa, the City of Wiota, Iowa, and the County of Cass, Iowa (collectively, the "Members") are parties to an 28E Agreement creating the Cass County Environmental Control

Agency on file with the Iowa Secretary of State, including any amendments or supplements thereto (together, the "28E Agreement"); and

WHEREAS, the 28E Agreement, among other things, establishes the Cass County Environmental Control Agency (the "Agency") as a separate legal entity, and authorizes the issuance of revenue notes under Chapter 28F, Code of Iowa, for the purpose of funding certain activities by the Agency, and provides a means of allocating the budgeted costs to each of the members; and

WHEREAS, the Agency has proposed that not to exceed \$194,082 of Solid Waste Facilities Revenue Capital Loan Notes be issued by the Agency under Chapter 28F of the Code of Iowa for the purpose of providing funds to pay costs associated with the acquisition, construction, reconstruction, repair, extension or improvement of all or part of the Cass County Environmental Control Agency Solid Waste Facilities System; and

WHEREAS, it is proposed that the Agency fund its costs on an interim basis under Section 76.13 of the Code of Iowa, anticipating in part, the future receipt of the proceeds of the issuance of Solid Waste Facilities Revenue Capital Loan Notes; and

WHEREAS, this Board has determined that it should evidence its consent to the issuance of not to exceed \$194,082 of Solid Waste Facilities Revenue Capital Loan Notes as provided in the 28E Agreement and Chapter 28F.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CASS COUNTY, STATE OF IOWA:

Section 1. Consent to Issuance of Notes. The Board hereby consents to and authorizes the Cass County Environmental Control Agency Board, pursuant to Section 28F.3 of the Code of Iowa, as amended, (the "Code"), to issue Solid Waste Facilities Revenue Capital Loan Notes in the aggregate principal amount of not to exceed \$194,082 (the "Notes") for the purposes contemplated by the 28E Agreement. The County consents to and agrees that such Notes may be issued and sold by the Agency Board in multiple series, at such times and from time to time over a period of years, in such amounts, to such purchasers and for such purposes, by either public or private sale, at fixed or variable rates of interest as shall be prevailing at the time of issuance of the Notes, but which shall not exceed 9% in any event, with such covenants and terms and in such form and manner as the Agency Board shall determine to be appropriate, in its sole discretion. The Chairperson and County Auditor are hereby authorized, empowered and directed to do all such acts and things and to execute all such certificates or documents as may be necessary or desirable in order to further evidence the authorization of the County with respect to the issuance of the Solid Waste Facilities Revenue Capital Loan Notes as provided in the 28E Agreement

Section 2. Not General Obligations. The principal of and interest on all Notes issued under the 28E Agreement shall be payable solely from and secured by the net revenues of the Cass County Environmental Control Agency Solid Waste Facilities System and from other funds of the Agency lawfully available therefore as provided in Section 28F.5 of the Code, or other applicable provisions of law, and the Solid Waste Facilities Revenue Capital Loan Notes shall not in any respect be general obligations of the County.

Section 3. Allocations of Debt Service. Following the issuance of the Notes and for so long as any of the Notes remain outstanding, the debt service thereon shall be allocated to the Members in accordance with the terms of the 28E Agreement, and the County agrees to pay its allocated share of such debt service to the Agency under the terms and at the times set forth in the 28E Agreement or as determined by the Agency, through the budget process or otherwise.

Section 4. Restriction on Withdrawal. The County further agrees that it may not withdraw or in any way terminate, amend, or modify in any way its obligations under the 28E Agreement to the detriment of the holders of the Notes while any of the Notes are outstanding and unpaid, and the provisions of Section 28F.3 of the Code with respect thereto are hereby approved and accepted.

Section 5. Certification. A certified copy of this resolution shall be promptly provided to the Director of the Cass County Environmental Control Agency.
PASSED AND APPROVED this 12th day of July, 2022.

Mark Clarke, Steve Lewis, Sharon Guffy Lewis, and Sandy Fairbairn represented the Hitchcock House and gave an update on the condition of the Cass County Historical Landmark. They indicated that the roof needs replaced due to the years of wear and tear. They received three bids and presented them to the Board. The representatives spoke on the importance of choosing a company that will agree to keep the integrity of the home. The Hitchcock House is on the National Historical Landmark Registry. Motion by Green, 2nd by Hartkopf to approve up to \$40,000 to pay for roof repairs. Representatives stated they would be using Rigid Edge.

Micah Lee presented Cass County Conservation updates on Cold Springs Park, Nodaway Wildlife area, West Nodaway are, Outdoor Classroom and the Hitchcock House. Micah also reported that Naturalist, Lora Kanning, put on 113 programs reaching 1746 people in the realm of Environmental Education.

Motion by Steve Green, 2nd by Mark O'Brien: to approve Stacie Linfor as a Treasurer's Office Assistant. Carried unanimously

Motion by Steve Green, 2nd by Mark O'Brien to: promote the following Treasurer's Office hourly employees to Deputy Status: Jordan Liddell– Deputy Status – salary \$49,075.00 Celeste Burroughs – Deputy Status – salary \$49,075.00, Stacy Mueller – Deputy Status – salary \$49,075.00. Carried Unanimously.

Cass County Resolution No. 2022-036

TREASURER'S OFFICE EMPLOYEES TO
CONDUCT INVESTMENT TRANSACTION

Be It Resolved: that the following officers are hereby authorized to conduct investment transactions consistent with the Investment Policy for Cass County, Iowa

Name:	Office:
Tracey Marshall Cass	County Treasurer
Jordan Liddell	Tax Deputy County Treasurer
Celeste Burroughs	Motor Vehicle Deputy County Treasurer
Stacy Mueller	Driver's License Deputy County Treasurer

Roll Call Vote:

Steve Baier	Aye
Bernard Pettinger	Aye
Stephen Green	Aye
John Hartkopf	Aye
Mark O'Brien	Aye

Adopted by the Cass County Board of Supervisors, July 12, 2022

In accordance with Iowa Code section 331.904(1) "The amount of the annual base salary of each deputy shall be certified by the principal officer (treasurer, recorder, and auditor) to the board." The officers submitted certifications which were all determined to be less than the maximum limitation.

In accordance with Iowa Code section 331.904(2)(c) "The sheriff shall set the annual base salary of each deputy sheriff who is classified as exempt under the federal Fair Labor Standards Act of 1938". The salary submitted by the sheriff was determined to be less than or equal to the maximum limitation.

Motion by Bernard Pettinger, 2nd by Steve Green: to certify the following annual base salaries for FY2022/23 to the auditor:

Sheriff's First Deputy:	John Westering	\$80,042.00/year
Sheriff's Sergeant:	Josh McLaren	\$70,010.64/year
Treasurer's Deputies:	Jordan Liddell	\$49,075.00/year
	Celeste Burroughs	\$49,075.00/year
	Stacy Mueller	\$49,075.00/year
Recorder's Deputy:	Marci Wallingford	\$55,618.00/year
Auditor's Deputies:	Sheri Karns	\$55,618.00/year
	Dorene South	\$55,618.00/year

Carried Unanimously.

Beginning FY2013 the position of jail administrator has been given to the first deputy sheriff. Rather than hire a jail administrator, the sheriff and board determined it was more practical for the first deputy sheriff to perform jail administration duties and authorized supplement pay for the first deputy. The amount was set at \$5,000, including social security and IPERS. The county sheriff has requested that said supplement pay be continued.

Motion by Steve Green, 2nd by Mark O'Brien: For Fiscal Year 2022/23 to authorize supplement pay [IOWA CODE 331.904(2.e.) to First Deputy Sheriff John Westering in the amount of \$5,000 (including county share of social security and IPERS) for performing jail administration duties. Carried unanimously.

In accordance with section (331.904(4) "The board shall determine the compensation of extra help and clerks appointed by the principal county officers."

Motion by Steve Green, 2nd by Bernard Pettinger to set the following compensation schedule for FY2022/23: Secondary Roads: (Union scale except as notes) Laborer \$21.08/hr; Maintenance \$22.70/hr; Road Equipment Operator 1 \$23.00/hr; Road Equipment Operator 2 \$23.50/hr; Dragline Operator 3 \$24.10/hr; Working Foreman \$24.60/hr; Yardman \$23.25/hr; Mechanic \$24.85/hr; Shop Foreman \$25.60/hr; Rodman \$21.89/hr

Office	Employee	FY2022/23
Zoning:	Richard Hansen	\$5,860.00/year
Courthouse:	Daniel Proehl	\$19.86/hr
Weed Commissioner:	Dennis Vogl	\$30.00/hr
Veteran Affairs:	Mitchell Holmes	\$53,063.00/year
Attorney:	Beverly Groves	\$56,195.00/year
	Eva Jensen	\$44,571.00/year
Information Tech:	Sean Berens	\$61,800.00/year
Gen. Assistance	Debbie Schuler	\$32,529.00/year
M H Advocate	Debbie Schuler	\$32,529.00/year
Engineer Assistant:	Richard Hansen	\$69,469.87/year
Engineer Tech:	Christian Kinzie	\$25.95/hr
Engineer Office Manager	Alice Ray	\$55,618.00/year
Engineer Tech:	Dennis Vogl	\$29.94/hr

Carried Unanimously.

Cass County Engineer Trent Wolken reviewed Secondary Roads activity.

A vacancy exists on the Washington Township board of trustees. Motion by Steve Green, second by Bernard Pettinger: to appoint Brenda Zellmer as Washington Township Clerk for the remainder of the four-year term ending 12/31/2024. Carried unanimously.

Reports filed: Clerk of Court, Recorder, Sheriff

TIME 11:27 Motion by Bernard Pettinger, 2nd by Mark O'Brien: to adjourn. Meeting adjourned.
Next meeting July 19, 2022.