

Waterloo, Iowa September 27, 2022

The Board of Supervisors of the County of Black Hawk, in the State of Iowa, met in regular adjourned meeting at the Courthouse in Waterloo, County Seat of said County, and electronically via Zoom, at nine o'clock (9:00) a.m., pursuant to law, to the rules of said Board, and to adjournment. The meeting was called to order and on roll call there were present: Linda Laylin, Tom Little, Chris Schwartz, Dan Trelka and Craig White, Chair

Absent: None.

Unless otherwise noted, all actions were approved unanimously.

Moved by Laylin, seconded by Trelka that the AGENDA be received and place on file with the County Auditor as approved. Motion carried.

Trelka moved the following resolution seconded by Schwartz.

BE IT HEREBY RESOLVED by the Board of Supervisors of Black Hawk County, that the Board of Supervisors APPROVE EXPENDITURES, and that the County Auditor be authorized and directed to ISSUE CHECKS, against the various settlement of such claims as allowed:

GENERAL BASIC FUND

28198	AFLAC	oth pay	1,258.21
28199	COLLECTION SVC CTR	oth pay	1,136.00
28200	IRS	fed pay	65,745.42
28201	NATIONWIDE RETIREMENT	def comp	3,902.50
28202	NATIONWIDE RETIREMENT SOLS	def comp	3,071.66
28203	SSI	fica	105,914.60
28207	CEDAR VALLEY UNITED WAY	oth pay	40.00
28208	EBC	flex spend	2,125.18
28210	PECU	oth pay	20,640.63
28213	B&B LOCK & KEY INC	supl	25.68
28214	BICKLEY, MARK	svc	2,120.00
28216	BOB BARKER CO INC	eqp	80.22
28217	C&S REAL ESTATE	rent	525.00
28222	DUNCAN, TARA	svc	500.00
28224	EMSL ANALYTICAL INC	svc	903.90
28225	EPM IA	rent	600.00
28226	FASTENAL CO	supl	43.50
28227	FULLER, ANGELA	svc	1,800.00
28228	GBM PROPERTY MGMT LLC	rent	325.00
28229	GORDON FLESCH CO INC	svc	543.51
28230	GORDON FLESCH CO INC	svc	125.80
28233	KARENS PRINT RITE	supl	1,228.20
28234	KRUSE DAVID	rent	500.00
28235	KUCHENBERG, RANDALL	rent	300.00
28236	LIFTOFF LLC	lics	800.00
28238	MARTIN REALTORS INC	rent	950.00
28239	MCKESSON MEDICAL SURGICAL	supl	3,037.49
28240	MENARDS CF	supl	19.93
28241	MENARDS WLOO	supl	3.47
28242	METRO INVESTMENTS MULTI UNIT LLC	rent	225.00
28244	PEHL, KRISTIN	rent	200.00
28245	PER MAR SECURITY SVCS	svc	2,227.68
28246	PPG ARCHITECTURAL FINISHES INC	supl	210.28
28247	PPG ARCHITECTURAL FINISHES INC	supl	427.12
28248	RALSTON, RYAN	rent	200.00
28249	RAY MOUNT WRECKER SVC	svc	55.00
28251	ROCK STAR REAL ESTATE LLC	rent	200.00
28252	SANDEE'S	supl	17.00
28253	SCHROCK PROPERTIES LLC	rent	200.00
28254	US BANK	supl	27,845.60
28255	WLOO COMMUNITY SCHOOLS	svc	584.45
28256	WLOO VISITING NURSING ASSOC	reimb	2,122.14
28257	ZOHO CORP	svc	90.00
334260	COMMUNITY HEALTH CHARITIES IA	svc	2.00
334262	30 SOMETHING REAL ESTATE	rent	225.00
334263	ABD PROPERTY MGMT	rent	300.00
334264	AGVANTAGE FS INC	eqp rent	20.00
334267	AMAZON CAPITAL SVCS INC	supl	2,152.46
334270	AQUATICS & EXOTICS OF WLOO	supl	3.50

334271	ARNOLD MOTOR SUPPLY	supl	15.78
334272	BBE PRO TOOLS-MAC TOOLS DISTRB	svc	1,099.99
334273	BEECHER LAW FIRM	sbvc	97.50
334274	BERGEN PLUMBING HEATING & COOLING	svc	1,099.00
334276	BUCHANAN CO SHERIFF	shltr	3,300.00
334278	CAMPBELL SUPPLY WLOO	supl	299.00
334279	CAMPBELL SUPPLY WLOO	eqp	1.67
334280	CAPITAL SANITARY SUPPLY CO INC	svc	3,146.22
334282	CENTURYLINK	util	93.00
334283	CENTURYLINK	util	456.50
334287	COMMUNITY ELECTRIC INC	util	718.78
334289	COURIER	svc	25.18
334290	CRESCENT ELECTRIC SUPPLY CO	supl	5,751.77
334293	FERGUSON ENTERPRISES INC	supl	295.30
334295	FISCHELS, ANTHONY A	rent	200.00
334296	FISCHELS HOLDINGS LLC	rent	525.00
334297	FREESTONE, SARAH	reimb	80.00
334299	GLOBAL INDUSTRIAL	supl	116.89
334301	GREENHILL POINT	rent	200.00
334302	GREINER LAW OFFICE PC	svc	227.50
334303	HAWKEYE VILLAGE APT	rent	225.00
334304	HAWTHORNE RENTALS	rent	225.00
334305	HOME DEPOT CREDIT SVCS	supl	71.83
334306	HY VEE ACCOUNTS RECEIVABLE	supl	1,819.99
334307	INSIGHT PUBLIC SECTOR INC	supl	2,996.91
334308	IA DEPARTMENT OF HUMAN SVCS	training	200.00
334309	IA DIVISION OF CRIMINAL INVE	training	225.00
334310	IA UNIVERSITY OF	svc	105.74
334311	JILLBERT PROPERTIES LLC	rent	600.00
334312	LEMUR PROPERTIES	rent	300.00
334313	LINN CO	svc	2,083.33
334315	MARSH PLACE APARTMENTS	rent	200.00
334324	MID AMERICAN ENERGY/SPEC ACCT	util	2,006.55
334328	ODP BUSINESS SOLS LLC	supl	260.09
334329	OPERATION THRESHOLD	rent	200.00
334330	PATHWAYS BEHAVIORAL SVCS	svc	7,875.85
334333	PITNEY BOWES GLOBAL FINANCIAL SVCS	postage	3,000.00
334334	POLK CO TREASURER	reimb	284.77
334335	PRESERVE AT CROSSROADS	rent	500.00
334336	PROSHIELD FIRE PROTECTION	svc	103.20
334337	RUSSELL LAMSON LTD PARTNERSHIP	rent	798.00
334339	SCHEELS	supl	5,165.00
334343	STOKES WELDING	supl	263.20
334344	STOREY KENWORTHY	supl	258.62
334345	SUMMIT FOOD SVC, LLC	food	11,286.32
334346	SVS INVESTMENTS LLC	rent	350.00
334347	TEDS HOME AND HARDWARE	supl	20.97
334349	TRACTOR SUPPLY CO	supl	45.16
334350	TRIPP & ASSOC	rent	225.00
334352	TYLER TECHNOLOGIES	svc	66,858.63
334353	UNITED STATES POST OFFICE	postage	131.20
334354	UNITY POINT - ALLEN HOSPITAL	svc	302.00
334356	UNITY SQUARE TOWNHOMES	rent	850.00
334357	US CELLULAR	util	2,179.09
334360	US CELLULAR	util	278.52
334361	US CREMATION SOCIETY	svc	1,000.00
334362	VERIZON WIRELESS	util	213.66
334365	WLOO WATER WORKS	util	600.40

GENERAL SUPPLEMENTAL FUND

28200	IRS	fed pay	505.60
28202	NATIONWIDE RETIREMENT	def comp	550.00
28203	SSI	fica	1,272.42
28232	JACKSON , NEIL F	mileage	19.50
28237	LUTHERAN SVCS OF IA	shltr	186.60
28254	US BANK	svc	211.45
28259	PAULHUS, ANTHONY	mileage	19.50
334277	CALHOON, RICK L	mileage	23.00
334326	NORRIS , PHILIP E	mileage	18.00
334327	N IA JUVENILE DETENTION SVCS	mileage	43,906.88
334331	PAYNE , ROD	mileage	16.00
334338	SAYER LAW GROUP PC	svc	510.00
334340	SEARS, GLEN	mileage	19.50

RURAL BASIC FUND

28198	AFLAC	oth pay	133.79
28199	COLLECTION SVC CTR	oth pay	872.80
28200	IRS	fed pay	5,645.18
28201	NATIONWIDE RETIREMENT	def comp	37.50
28203	SSI	fica	7,486.02
28210	PECU	oth pay	2,726.37

SECONDARY ROADS FUND

28198	AFLAC	oth pay	65.70
28200	IRS	fed pay	8,322.09
28201	NATIONWIDE RETIREMENT	def comp	430.00
28202	NATIONWIDE RETIREMENT SOLS	def comp	25.00
28203	SSI	fica	14,327.94
28207	CEDAR VALLEY UNITED WAY	oth pay	28.00
28210	PECU	oth pay	1,597.50
28211	ANTON SALES	supl	614.73
28212	ASPRO INC	supl	194.81
28215	BMC AGGREGATES LC	supl	38,914.35
28220	CONSOLIDATED ENERGY HARTLAND	fuel	5,204.98
28221	DAN DEERY MOTOR CO INC	eqp rpr	127.78
28231	HOUSBY HEAVY EQUIPMENT LLC	svc	4,139.56
28243	P&K MIDWEST	supl	1,187.11
28250	ROBERTS, JASON W	reimb	120.00
28254	US BANK	svc	2,786.78
28257	ZOHO CORP	util	345.00
334265	AGVANTAGE FS INC	supl	1,528.60
334266	AGVANTAGE FS INC	fuel	18,802.39
334267	AMAZON CAPITAL SVCS INC	fuel	676.34
334268	AMERICAN PAVEMENT SOLS INC	svc	60,629.92
334271	ARNOLD MOTOR SUPPLY	supl	259.04
334275	BHC EXTENSION	svc	210.00
334285	CENTURYLINK	util	186.90
334288	COOLEY PUMPING	svc	55.00
334291	DONS TRUCK SALES INC	supl	4,112.64
334294	FERTILIZER DEALER SUPPLY	supl	28.03
334298	GILBERTVILLE CITY OF	util	73.54
334300	GRACIOUS FOOD LLC	fuel	989.77
334316	MID AMERICAN ENERGY	util	11.96
334320	MID AMERICAN ENERGY	util	10.58
334321	MID AMERICAN ENERGY	util	18.32
334322	MID AMERICAN ENERGY	util	88.96
334323	MID AMERICAN ENERGY	util	11.44
334325	MURPHY TRACTOR & EQUIPMENT CO	supl	1,232.19
334332	PHELPS UNIFORM SPECIALIST	svc	59.93
334355	UNITY POINT-ALLEN HOSPITAL	svc	146.00
334363	VERIZON WIRELESS	util	728.74
334366	CABALKA, GRIFFIN	remib	120.00

JAIL COMMISSARY FUND

28200	IRS	fed pay	150.75
28203	SSI	fica	465.80
28216	BOB BARKER CO INC	supl	3,608.49
28254	US BANK	supl	104.88
334286	CHARM-TEX	supl	872.50
334351	TURNKEY CORRECTIONS	food	5,579.67
334358	US CELLULAR	util	640.07

CONSERVATION TRUST FUND

28226	FASTENAL CO	supl	55.89
28241	MENARDS WLOO	supl	91.54
28254	US BANK	supl	132.28
334348	THILL, SETH	alloc	1,500.00

ARP FUND

28254	US BANK	eqp	714.00
-------	---------	-----	--------

RURAL WATER FUND

334364	WLOO WATER WORKS	util	216.17
--------	------------------	------	--------

RURAL SEWER FUND

334364	WLOO WATER WORKS	util	216.16
--------	------------------	------	--------

INS TRUST FUND

28204	NAVITUS HEALTH SOLS	ins	29,524.69
28205	NAVITUS HEALTH SOLS	ins	2,643.50
28206	IA INS DIVISION	ins	101.59
28209	PREFERRED ONE INS CO	ins	115,392.30
334261	INS STRATEGIES CONSULT	ins	975.00

SOLID WASTE ADMIN FUND

28200	IRS	fed pay	549.51
28203	SSI	fica	666.24

E911 SVC COMMISSION FUND

28218	CFU	util	1,200.00
28219	CFU	util	102.50
28223	EAST CENTRAL IA RURAL ELEC	util	198.41
334269	AMERICAN TOWER CORP	util	8,288.15
334281	CENTURYLINK	util	162.96
334292	DUNKERTON TELEPHONE COOP	util	726.02
334317	MID AMERICAN ENERGY	util	303.63
334318	MID AMERICAN ENERGY	util	287.30
334319	MID AMERICAN ENERGY	util	268.85

EMERGENCY MGMT FUND

28200	IRS	fed pay	291.06
28203	SSI	fica	408.54

CONS COMM FUND

28198	AFLAC	oth pay	238.90
28199	COLLECTION SVC CENTER	oth pay	607.37
28200	INTERNAL REVENUE SVC	fed pay	6,318.44
28201	NATIONWIDE RETIREMENT	def comp	125.00
28202	NATIONWIDE RETIREMENT SOLS	def comp	50.00
28203	SSI	fica	10,319.08

28210	PECU	oth pay	852.00
28254	US BANK	supl	75.00
28258	EASTMAN, PATRICK	training	17.55
334284	CENTURYLINK	util	65.04
334289	COURIER	publ	25.76
334341	SHRED-IT USA	svc	52.00
334342	STAPLES CREDIT PLAN	supl	204.98
334359	US CELLULAR	util	46.42

CO ASSESSOR FUND

28200	IRS	fed pay	2,387.88
28201	NATIONWIDE RETIREMENT	def comp	1,395.00
28202	NATIONWIDE RETIREMENT SOLS	def comp	325.00
28203	SSI	fica	4,376.16
28210	PECU	oth pay	2,025.00
334314	MARCO INC	supl	185.23

AYES: Laylin, Little, Schwartz, Trelka, White.

NAYS: None. Resolution adopted.

PRESENTATION - Traci Mallaro and Lorelei Redfern presented on the Jump-In Community Project, asking support for a public access pool at the new Cedar Falls High School. They said that indoor pool facilities are poor in Black Hawk County and contribute to the loss in population in the Cedar Valley. They said that such pools are needed to teach swimming and lifesaving courses. Much of the \$21 million cost has been raised or promised, and they asked the Board to consider contributing \$995,000, which could come from county American Rescue Plan funding, and which would make the project eligible for a state Community Attraction and Tourism grant. Trelka asked if they would accept a lesser amount. They would.

RECEIVE PROJECT UPDATES FROM DEPARTMENT HEADS/ELECTED OFFICIALS. County Engineer Cathy Nicholas said road projects have been wrapped up for the season, that rock is still being placed on some roads, that seven miles of sealcoating was completed last week, and that the Lincoln Road bridge should be finished in about three weeks.

Building Superintendent Rory Geving introduced new safety coordinator Brad Metcalf.

Moved by Trelka, seconded by Schwartz that the MINUTES of the Board Meeting held September 20, 2022 be and are hereby approved as submitted. Motion carried.

CONSENT AGENDA

Laylin moved the following RESOLUTION seconded by Schwartz.

- A. TO APPROVE, RECEIVE, PLACE ON FILE WITH THE COUNTY AUDITOR
 - 1. The Board of Supervisors APPROVE INTERGOVERNMENTAL JOURNAL ENTRIES, and that the County Auditor be authorized and directed to TRANSFER monies within the various funds as submitted. (None)
- B. TO RECEIVE AND PLACE ON FILE WITH THE COUNTY AUDITOR
 - 1. The PERMIT FOR UTILITY WORK WITHIN THE RIGHT-OF-WAY for Iowa Regional Utility Association of Newton, Iowa for placement of underground water utility on County right-of-way under Gibson Road as recommended by Catherine Nicholas, County Engineer.

AYES: Laylin, Little, Schwartz, Trelka, White.

NAYS: None. Resolution adopted.

CONSENT AGENDA ENDS

Schwartz moved the following resolution seconded by Laylin.

BE IT HEREBY RESOLVED that the pledge of support for Iowa's 2019-2023 Strategic Highway Safety Plan and the overall vision of Zero Fatalities on Iowa's public roadways be approved and that the chair sign for same.

Nicholas said this would allow the county to apply for road safety grants for rumble strips etc.

PROCLAMATION BLACK HAWK COUNTY PLEDGE

In this pledge, I formalize Black Hawk County's support for the goals in Iowa's 2019-2023 Strategic Highway Safety Plan (SHSP) and the overall vision of Zero Fatalities on Iowa's public roadways. Zero Fatalities is already the personal goal of every road user. Implementation of the safety strategies outlined in this Local Road Safety Plan (LRSP) will help road users keep that personal goal of staying safe while driving, walking, or riding on Black Hawk County's roadways. Black Hawk County has shown that dedication to proven safety programs and projects can reduce traffic fatalities and serious injuries. Black Hawk County is committed to enhancing existing programs that work and implementing the safety strategies outlined in the LRSP to continue to drive down fatalities and serious injuries. In accordance with the LRSP, Black Hawk County will continue to take the necessary steps to improve safety on the county's roadways in order to realize our goal of zero traffic fatalities by 2040.

AYES: Laylin, Little, Schwartz, Trelka, White.

NAYS: None. Resolution adopted.

Laylin moved the following resolution seconded by Trelka.

BE IT HEREBY RESOLVED that the agreement between Black Hawk County and Navitus Health Solutions for compliance services related to prescription drug reporting requirements under the Consolidate Appropriations Act with an annual fee of \$2,500 be approved and direct the chair to sign for same.

Human Resources Director Amanda Fesenmeyer said the fee would come from the fee structure already in place.

AYES: Laylin, Little, Schwartz, Trelka, White.

NAYS: None. Resolution adopted.

Laylin moved the following resolution seconded by Schwartz.

BE IT HEREBY RESOLVED that the COOPERATIVE AGREEMENT between Black Hawk County and City of Elk Run Heights for improvements to the guardrail at Elk Run Road Bridge over Elk Run Creek within Black Hawk County (Project LFM-6001- -7X-07) be approved and direct the Chair to sign for same as recommended by Catherine Nicholas, County Engineer.

Nicholas said that the project cost is estimated around \$53,000, and half of the cost will be paid by the city of Elk Run Heights.

AYES: Laylin, Little, Schwartz, Trelka, White.

NAYS: None. Resolution adopted.

Little moved the following resolution seconded by Schwartz.

BE IT HEREBY RESOLVED to direct the County Auditor to advertise for a public hearing/bid opening to be held at 9:05AM on Tuesday, October 18, 2022, in Board Room 201 of the Black Hawk County Courthouse, 316 E. 5th Street, Waterloo, Iowa on the proposed FY23 Revetment Project L-7011 in various locations throughout Black Hawk County.

Nicholas said that this was based on inspections last year identifying locations that need revetment to protect them from high water. She expects the work to be done by the end of the fiscal year.

AYES: Laylin, Little, Schwartz, Trelka, White.

NAYS: None. Resolution adopted.

Moved by Schwartz, seconded by Laylin to receive and place on file the BHC Extension (007), Reconciliation Statement, Affidavits, and Published Report Agricultural Extension Education Operating Fund July 1, 2021, to June 30, 2022. Motion carried.

Discussion – Iowa Code as it relates to the utilization of sixty percent of the moneys collected from inmates for Room and Board. Assistant County Attorney Michael Treinen said that former Finance Director James Perry asked him in April to investigate the legal usage of inmate room and board fees. He said that *Code of Iowa* Section 356.7 requires that 60% of the moneys collected shall be used for courthouse security equipment and law enforcement personnel costs, infrastructure improvements of a jail, including new or remodeling costs; infrastructure improvements of juvenile detention facilities, including new or remodeling costs; or medical and prescription drug costs of inmates in jail. The remaining 40% is unrestricted. Treinen heard from legal counsel for the Iowa State Association of Counties and from Perry that a handful of counties they had contacted all put the 40% into the county general fund. Trelka asked if the law gives the board of supervisors complete control of the 40%. Treinen said it does.

Sheriff Tony Thompson said that 80% of the sheriffs in the state function the same as the Black Hawk County Sheriff's Office has done since before he was sheriff, using the 40% to fund departmental expenditures that otherwise would need to be paid from tax askings, like SWAT equipment, executive chairs, and tuckpointing the jail. Trelka questioned expenditures for a cotton candy machine, an ice cream machine and laser tag. Thompson said that since 2010 the department has held a training day for staff families to teach gun safety, since it is introducing guns into their households. The items identified were primarily for the entertainment of children too young for the training. He said that it brings a sense of family into what the department does, that it is a reasonable expense, but they didn't want to take it from tax askings. He said the Board could take control of the funds, but it should be aware of potential pitfalls. Trelka said that he just wanted to follow the law. Thompson said that the sheriff having discretion in the spending of the 40% was allowable under the law. White said he wanted to look taxpayers in the eye and say they have been spending the money right. Laylin asked Thompson if there could be better communication with the Board on the expenditures. Thompson said his office has been transparent in that all expenses are sent through the auditor's office and are approved by the supervisors and that they are reviewed annually by an independent auditor, but additional steps, like highlighting certain expenditures, could be taken. Trelka said that now that the supervisors have educated themselves about the law, they are liable if they don't follow it. Schwartz said that Thompson laid out how the funds are spent and that to imply that he wasn't following the law wasn't warranted. Little said that he thought the County Attorney's Office was collecting the fees. Treinen said that it provides assistance, but the work is primarily done by the Sheriff's Office. Little asked Thompson if the Board passes a resolution giving itself control of the 40%, would the sheriff not collect room and board fees from inmates. Thompson said he wouldn't prioritize it. Little said that if the 40% went to pay for health services it would be to the advantage of the sheriff. Thompson said that it would benefit health services, but would be a disadvantage for the training that he outlined earlier. He said he was still working with Naphcare and the jail food service on getting costs down. He had told supervisors years ago that he wouldn't use tax funds for the shooting range, but this change would affect that. Laylin asked if other departments collecting fees didn't have to bring the amounts before the Board. Nicholas cited an example.

Trelka moved the following resolution seconded by White.

BE IT HEREBY RESOLVED that pursuant to Iowa Code Section 356.7, jail administration, room, and board proceeds shall be allocated as follows:

- i. Sixty percent of jail administration, room, and board proceeds shall be restricted and tracked for expenses enumerated under Iowa Code Section 356.7(5);
- ii. Forty percent of jail administration, room, and board proceeds shall be unrestricted in the county general fund, and the use of such unrestricted proceeds shall be determined by the Board of Supervisors; and
- iii. Accumulated unspent proceeds not allocated for expenses enumerated under Iowa Code Section 356.7(5) shall be maintained as unrestricted in the county general fund, and the use of such unrestricted accumulated proceeds shall be determined by the Board of Supervisors.

AYES: Trelka.

NAYS: Laylin, Little, Schwartz, White. Resolution failed.

Little said he opposed the motion because he thought it should include language as to how the 40% would be spent, and if he voted on the prevailing side, he would be allowed to bring an action later to reconsider the vote. He asked Trelka to provide additional language to be considered at a future meeting.

On motion and vote the meeting adjourned.