

Waterloo, Iowa, November 28, 2023

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: Tavis Hall, Tom Little, Chris Schwartz, Dan Trelka and Linda Laylin, Chair.

Absent: None.

Unless otherwise noted, all actions were approved unanimously.

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

Schwartz moved the following resolution seconded by Hall.

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

31763	EBC	flex spend	752.36
31765	IA DEPT OF REV	st pay	217.03
31766	IA DEPT OF REV	st pay	265.30
31771	ACCESS SYSTEMS	svc	354.00
31772	AHLERS & COONEY PC	svc	453.00
31775	BCI HAWKEYE DIVISION	eqp	5,770.68
31776	BICKLEY, MARK	svc	270.00
31778	BLACK HAWK RENTAL	eqp rent	97.25
31779	BLACKHAWK AUTOMATIC SPRINKLERS INC	eqp rpr	620.00
31782	COTT SYSTEMS	svc	3,350.00
31783	DAN DEERY MOTOR CO INC	eqp rpr	56.96
31784	DUNCAN, TARA	svc	950.00
31785	EMSL ANALYTICAL INC	svc	753.30
31786	FIRESTONE PAYMENT CTR	svc	163.04
31787	FULLER, ANGELA	svc	200.00
31788	INQUIREHIRE	svc	107.00
31790	JOHNSTONE SUPL	eqp	184.43
31792	MENARDS CF	supl	513.83
31793	MENARDS WLOO	eqp	53.96
31794	MENARDS WLOO	supl	289.24
31795	MICROBAC LABS INC	svc	817.00
31796	NEWGREN TODD	reimb	111.00
31797	P&K MIDWEST	eqp rpr	703.29
31798	PER MAR SECURITY SVCS	svc	2,015.73
31799	ROCK STAR REAL EST LLC	rent	275.00
31800	ROST, AYANNA	conf	37.00
31801	SHAHNAZ CORP	rent	250.00
31802	SLED SHED	eqp rent	82.74
31804	US BANK	eqp	25,710.79
31805	WLOO COMMUNITY SCHOOLS	svc	266.65
31809	HAHN, ADAM	conf	106.00
31812	NOGHREHKAR, MATTHEW	conf	106.00
31813	PARMATER, JARED	conf	188.68
31815	SCHMIDT JOSEPH R	reimb	122.76
31816	SCHNEBERGER, CORAL	training	137.15
341372	ABD PROPERTY MGMT	rent	675.00
341373	AIMABLE, MOSES & CHANTELE	rent	225.00
341374	AMAZON CAPITAL SVCS INC	eqp	524.74
341376	ARNOLD MOTOR SUPL	supl	204.63
341377	BLACK HAWK CO LANDFILL	svc	78.69
341378	BOCKES & KUNKLE HOLDINGS LLC	rent	200.00
341379	BUCHANAN CO SHERIFF	shltr	1,950.00
341380	BUDREAU VETERINARY CLINIC	svc	195.00
341382	CAMPBELL SUPL WLOO	supl	55.71
341383	CAPITAL SANITARY SUPL CO INC	supl	686.62
341384	CATHOLIC CHARITIES ARCHDIOCESE OF DUBQ	rent	200.00
341387	CENTURYLINK	util	94.30
341388	CENTURYLINK	util	458.15
341391	COOK'S OUTDOORS	supl	4.25
341393	COOLEY PUMPING	svc	260.00

341394	COUNTRY TERRACE	rent	200.00
341396	DAHL VANHOVE SCHOOF FUNERAL HOME	svc	1,000.00
341397	DICKEYS PRINTING	supl	130.00
341400	ECHO GROUP INC	eqp	636.34
341401	EUROFINS EPK BUILT ENVIRONMENT TESTING	svc	91.41
341402	FEDEX	svc	40.21
341403	FISCHELS HOLDINGS LLC	rent	225.00
341405	GIERKE ROBINSON CO	supl	38.33
341406	GOVERNMENT FORMS AND SUPLS	supl	333.00
341407	GRAINGER INC	svc	71.39
341408	HANIA HOLDINGS LLC	rent	200.00
341409	HOME DEPOT CREDIT SVCS	supl	255.82
341411	HY VEE ACCOUNTS RECEIVABLE	supl	100.00
341412	IBM CORP	svc	4,272.00
341413	IMAGING SPECTRUM INC DBA PAKOR INC	svc	553.54
341414	IA LAW ENFORCEMENT ACADEMY	svc	150.00
341415	IA ONSITE WASTE WATER ASSOC	conf	618.00
341416	IA PARK & REC ASSOC	training	350.00
341417	IA PUBLIC HEALTH ASSOC	supl	110.00
341418	IA SECRETARY OF ST	cert	30.00
341419	IA WATER WELL ASSOC	training	350.00
341420	JENSON LAW FIRM	svc	328.50
341421	K & I PROPERTIES LLC	rent	325.00
341422	L & G HARDWARE	supl	11.49
341423	LA PORTE MOTOR SUPL INC	supl	39.99
341424	LARSON MGMT	rent	200.00
341425	LOYAL 9 MANUFACTURING LLC	eqp	1,471.60
341426	MALLORY SAFETY & SUPL LLC	svc	795.00
341427	MANATTS	supl	378.06
341429	MERCYONE	trans	416.00
341430	MID AMERICAN ENERGY	util	17.69
341432	MID AMERICAN ENERGY	util	11.80
341452	MID AMERICAN ENERGY	util	46.37
341453	MUTUAL WHEEL CO	eqp	40.46
341457	OUTDOOR & MORE	util	42.00
341459	PEOPLES COMMUNITY HEALTH	supl	145.14
341460	PERMITIUM	supl	3,000.00
341463	PRESTO-X	svc	35.20
341465	RESTORATION SVCS INC	svc	3,535.00
341466	ROEDER IMPLEMENT INC	supl	896.58
341468	SHIVE-HATTERY INC	svc	2,868.10
341469	STOKES WELDING	svc	232.36
341470	STOREY KENWORTHY	supl	643.61
341471	SUMMIT FOOD SVC, LLC	food	14,230.55
341472	TEDS HOME AND HARDWARE	furn	2.49
341473	THE SHRED MASTER LLC	svc	107.60
341474	THE WLOO GROUP LLC	rent	200.00
341475	TITAN PROPERTY INVESTMENT	rent	500.00
341478	UNITED LABS	eqp	731.94
341479	USPO	postage	250.00
341480	USPO	postage	8,600.00
341481	US CELLULAR	util	2,277.96
341483	US CELLULAR	util	1,488.19
341485	VARSITY CLEANERS	svc	76.60
341486	WA REAL EST LLC	rent	225.00
341487	WLOO WATER WORKS	util	343.60

GENERAL SUPPLEMENTAL FUND

31789	JACKSON, NEIL F	elec work	21.55
31791	LAWRENCE-RICHARDS, BROOKE	elec work	8.30
31803	TRASK, CONNIE	elec work	4.25
31804	US BANK	supl	858.00
31806	WELCHER, DANIEL	elec work	20.00
31807	COLLUM, LESA A	elec work	17.50
31808	DEWITT GABRIELLE	elec work	10.53
31810	HINDS, KRISTIN	elec work	6.35
31814	PAULHUS, ANTHONY	elec work	56.55

31817	SHOWALTER, KAREN	elec work	22.00
341381	CALHOON, RICK L	elec work	46.00
341390	CLERK OF DISTRICT COURT	restit	904.63
341458	PAYNE, ROD	elec work	19.50
341467	RYDER TRANSPORTATION SVCS	trans	758.29
341470	STOREY KENWORTHY	supl	3,369.50

SECONDARY ROADS FUND

31773	ANTON SALES	supl	35.50
31774	ASPRO INC	supl	76.95
31777	BLACK HAWK RENTAL	eqp rent	319.84
31780	CFU	util	8.50
31781	CFU	util	56.36
31804	US BANK	supl	1,690.88
341375	ARNOLD MOTOR SUPL	supl	8.30
341389	CENTURYLINK	util	187.50
341392	COOLEY PUMPING	eqp	35.00
341398	DONS TRUCK SALES INC	eqp rpr	14,030.05
341399	DUMONT IMPLEMENT CO INC	supl	4,010.16
341404	FREEDOM BUILDINGS INC	eqp rpr	2,804.23
341431	MID AMERICAN ENERGY	util	12.05
341447	MID AMERICAN ENERGY	util	19.68
341448	MID AMERICAN ENERGY	util	10.42
341449	MID AMERICAN ENERGY	util	15.50
341450	MID AMERICAN ENERGY	util	170.80
341451	MID AMERICAN ENERGY	util	11.33
341455	NAPA AUTO PARTS	supl	333.48
341456	NORTHERN IA CONSTRUCTION	supl	2,365.00
341461	PHELPS UNIFORM SPECIALIST	svc	67.12
341462	POMP'S TIRE SVC	eqp	1,769.52
341476	TRUCK CTR CO	svc	2,972.75

RESOURCE/ENHANCE/PROTECT FUND

341468	SHIVE-HATTERY INC	svc	1,370.50
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JAIL COMMISSARY FUND

31804	US BANK	supl	163.81
341477	TURNKEY CORRECTIONS	food	7,552.43
341482	US CELLULAR	util	611.44

CONSERVATION TRUST FUND

31792	MENARDS CF	supl	121.35
31804	US BANK	eqp	1,118.60
341464	PRINT INNOVATIONS	supl	40.00

ARP FUND

341395	COURIER	publ	90.97
341410	HUDSON HARDWARE PLUMBING & HEATING	eqp	36,855.36

ROADS & BRIDGES - D/S FUND

31767	UMB BANK NA	bonds	5,265.00
31769	UMB BANK NA	bonds	39,486.50

E911-GO BONDS - D/S FUND

31768	UMB BANK NA	bonds	22,800.00
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SOLID WASTE-GO BONDS D/S FUND

31768	UMB BANK NA	bonds	12,250.00
31769	UMB BANK NA	bonds	31,950.00
31770	UMB BANK NA	bonds	72,194.44

CAPITAL IMPROVEMENT PLAN - D/S FUND

31767	UMB BANK NA	bonds	1,235.00
31769	UMB BANK NA	bonds	463.50

CAPITAL IMPROVEMENTS - CAP FUND

341454	MYERS POLARIS INC	eqp	974.97
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RURAL SEWER FUND

341433	MID AMERICAN ENERGY	util	16.69
341434	MID AMERICAN ENERGY	util	37.19
341435	MID AMERICAN ENERGY	util	57.62
341436	MID AMERICAN ENERGY	util	23.68
341437	MID AMERICAN ENERGY	util	32.73
341438	MID AMERICAN ENERGY	util	15.76
341439	MID AMERICAN ENERGY	util	18.18
341440	MID AMERICAN ENERGY	util	19.70
341441	MID AMERICAN ENERGY	util	21.86
341442	MID AMERICAN ENERGY	util	14.58
341443	MID AMERICAN ENERGY	util	17.27
341444	MID AMERICAN ENERGY	util	13.06
341445	MID AMERICAN ENERGY	util	17.73
341446	MID AMERICAN ENERGY	util	16.53

INS TRUST FUND

31761	NAVITUS HEALTH SOLUTIONS	ins	23,906.56
31762	WELLMARK INC	ins	64,336.39
31764	WELLMARK INC	ins	99,213.66

E911 SVC COMMISSION FUND

31804	US BANK	training	457.96
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EMERGENCY MGMT FUND

341385	CENTURYLINK	util	75.01
341386	CENTURYLINK	util	500.35

CONS COMM CENT FUND

31804	US BANK	training	1,426.52
31811	LOLLEY, KELSEY	training	213.49
341484	US CELLULAR	util	46.62

CO ASSESSOR FUND

31804	US BANK	edu	932.96
341428	MARCO INC	supl	185.23

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

NAYS: None. Resolution adopted.

RECEIVE PROJECT UPDATES FROM DEPARTMENT HEADS/ELECTED OFFICIALS. County Engineer Cathy Nicholas gave an update on her discussion of secondary road assessment districts (see minutes of November 21). She has learned that the district lasts for the life of the improvement, which in the case of an asphalt overlay as found in Linn County may be 15-20 years, but for the sealcoating in contemplation for Big Woods and Mount Vernon Roads it would be a three-year average, so the assessment district would be in effect for a three-year period, after which another assessment district process would be needed. She said this would be an administrative burden and consequently she is no longer seeking a public hearing to consider the matter. She said the proponent who initiated petitions for a district may contact the supervisors to discuss it further. Nicholas also asked the public to slow down and make room for snowplows and reminded the public that county plows clear roads from 5 am to 5 pm and doesn't have a night shift like the Iowa Department of Transportation.

Conservation Director Mike Hendrickson said the Hickory Hills holiday light show starts Friday December 1 and will be open every Friday and Saturday night from 6-9pm through December 23.

Moved by Hall, seconded by Schwartz that the MINUTES of the Board Meeting held November 21, 2023 be and are hereby approved as submitted. Motion carried.

**CONSENT AGENDA**

Schwartz moved the following RESOLUTION seconded by Trelka.

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)
2. The PAYROLL ADJUSTMENTS submitted by the various departments and the County Auditor be authorized and directed to adjust his records accordingly.

NAME	TITLE	TO	DATE	CHANGE
<b>SHERIFF, TONY THOMPSON</b>				
Berumez, Michael	Booking Clerk	\$27.59	11/12/2023	Increment Raise
Brasch, Deanna	Account Specialist	\$21.77	11/20/2023	Change of Position
Dulin, Nicole	Deputy Sheriff	\$28.64	11/14/2023	Termination
Mhooon, Kashaunda	Victim Witness Coordinator	\$22.06	11/13/2023	Change of Position
Stevenson, Kaylee	Detention Officer	\$24.76	11/14/2023	Termination
Tejeda-Gasca, Stephanie	Detention Officer	\$24.49	12/1/2023	Shift Change
<b>ENGINEER, CATHERINE NICHOLAS</b>				
Lindquist, Chad	Labor/Equipment Operator	\$26.95	11/12/2023	Step Increase

3. The Fiscal Year 2023 OPIOID FUNDS PUBLIC ANNUAL REPORT.
- B. TO RECEIVE AND PLACE ON FILE WITH THE COUNTY AUDITOR
1. The SALE OF EQUIPMENT from the Conservation Department for the following equipment: Road Grader #T15, 1975 John Deere 570A, Serial #003174T, County Asset #800709015.
  2. The CERTIFICATE OF INSURANCE for A-Line Striping & Sweeping; Barnhart Northeast, Inc.; Best Way Builders, LLC; C.J. Moyna & Sons, LLC; Invision Architecture, LLC; IITI Group Abatement/Infection Control; Kapaun Consulting Engineers P.C.; Kluesner Construction, Inc.; Origin Design Co.; Overhead Door Company of Waterloo Inc.; Perspective Consulting Partners, LLC; Propio LS LLC; Seegers Truck Line Inc.; Stickfort Electric; Staveley Construction; US Foods Inc.; Urban Services, LLC and Ziegler Inc.
  3. The electronic notice from the DNR for the electronic receipt and approval of the MANURE MANAGEMENT PLAN (MMP) update submitted by Rick Happel d/b/a Happel Farms Lester Twp ID#65097 located at 7642 Lester Road, Dunkerton, IA in Black Hawk County pursuant to 567 Iowa Administrative Code §455B.
  4. The electronic notice from the DNR for the electronic receipt and approval of the MANURE MANAGEMENT PLAN (MMP) update submitted by Todd Neil d/b/a Todd Neil ID#61736 located at 8411 Adams Road, Fairbank, IA in Black Hawk County pursuant to 567 Iowa Administrative Code §455B.
- C. TO APPROVE AND DIRECT THE CHAIR TO SIGN  
The NEW APPLICATION for a Class “C” RETAIL ALCOHOL LICENSE, including outdoor service area, submitted by Ahavah Venue, 1902 E. Schrock Road, Waterloo.

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

NAYS: None. Resolution adopted.

### CONSENT AGENDA ENDS

The Board considered approving the Urban County Coalition (UCC) 2024 Legislative Priorities. Schwartz said he had asked about including something about a standalone emergency management tax levy and hadn't heard back about it, and he didn't want to vote until that had been considered. Laylin said the matter could be tabled for a week.

DISCUSSION – County Zoning Regulations and County Road Vacations. Tim Youngblut said he would like Youngblut Road vacated from 300 feet south of Washburn Road to where it dead ends at his home. He said his family rather than the county has been maintaining the road for about 100 years. He said he has had issues with a neighbor using the road as it enters his property, but he has been told by the county sheriff that anyone can turn around there because it's a public road. Engineer Nicholas said her office would like to vacate as much of the road as possible, but if the county surrendered its permanent easement for the road the land would revert to the underlying titleholders, and the east half of the road for the first 300 feet south of Washburn Road would go to the neighbor in question, Cory Tharp, and Youngblut would only be able to use one side of the road. Youngblut said Tharp would likely park trucks on his side of the road, denying use of the road to Youngblut. Nicholas said her department is hesitant to leave the 300 feet unvacated because it would be difficult for the county to plow that portion and be able to turn a motor grader around at the end. Youngblut said that he would continue to plow the full road as he has done for 40 years. Laylin said the county would still have a responsibility for the 300 feet. She asked if Tharp would have concerns about vacating all but the 300 feet. Youngblut said Tharp said he would be okay with that at a fencing meeting. Assistant County Attorney Mike Treinen said he didn't recall that conversation, but he didn't see why Tharp would have a problem with it. Nicholas said if the 300 feet is unvacated and Youngblut continued to plow it, operationally it would be the same situation as it is today. Treinen said there could be liability to the county depending on how the road is plowed, and a future owner may demand that the county plow it. Schwartz asked if reclassifying the 300 feet as a Class B Road would resolve the situation. Nicholas said it would, as the county would not have an obligation to maintain it. Treinen said he saw no reason that couldn't be done. Laylin said the matter could be taken up by the Engineer and legal counsel.

Youngblut said he had complaints about County Zoning Administrator Seth Hyberger. (The county contracts with the city of Waterloo for zoning services.) He said he received a letter from Hyberger saying that aerial photography indicated he had placed rip-rap along the Cedar River without a permit, but he found that no other neighbors with the same circumstances had gotten letters, and that on calling Hyberger he learned that it had been reported by Tharp rather than seen on aerial photography. Youngblut said he hadn't placed rip-rap there since 2004, and his father had a permit to do it. He then received a letter from Hyberger which said the zoning ordinance allows for incidental grading and maintenance of a vehicular use area within the floodway, which is what he observed at Tharp's property after a complaint by Youngblut, but Youngblut said there is no such exception the ordinance, and he has hundreds of pictures showing Tharp moving concrete precast blocks onto the floodway and filling them with three dump-truck loads of rock.

Waterloo City Planner Aric Schroeder said County Facilities Director Rory Geving and code enforcement staff inspected the property for evidence of an alleged trucking business but could find no proof, although this can be revisited, and a citation could be issued if a violation of the ordinance is found. The filling and grading issue can be further investigated, but there is a fine line between a violation and property upkeep of a gravel driveway and parking lot. If the filling and grading is as substantive as Youngblut alleges, a floodplan permit would be required. Youngblut said he has pictures of what zoning officials saw on the property. Laylin asked him to send the pictures to the Board.

Youngblut said that Tharp illegally moved a river dike on his property and moved it back when required to by Zoning officials but didn't put it back the way it was and didn't seed it, weakening flood protection in the neighborhood. He said he could show where dirt was pushed through his fence when the dike was being moved back. Schroeder said the berm was moved without approval and the Department of Natural Resources gave Tharp the option of moving the berm back, and it was moved to the satisfaction of Zoning officials. He said seeding is a good idea but not required.

Geving said that on several trips to the site he saw a semi tractor and trailer, but he could not ascertain whether that was for the owner's personal use or for the purposes of a trucking company. Youngblut said that according to the minutes of the Board of Adjustment, when Tharp asked for permission to locate a trucking company on the site, he was told that he couldn't keep trucks on the property because that would constitute a trucking company.

On motion and vote the meeting adjourned.