

January 16<sup>th</sup>, 2018

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9 AM on Tuesday, January 16<sup>th</sup>, 2018 with Chairman Jim Cary, Vice-Chair Tom Broeker and Member Bob Beck present.

Unless otherwise noted, all motions passed unanimously.

Changes to Tentative Agenda. Remove item 6B – Abatement request for Harmony Bible Church – 550 Division St., Burlington. The Board felt they did not have the authority to approve this abatement. Harmony requested the item be removed from the agenda.

Meet with Department Heads: County Auditor Terri Johnson reported a media release was received from the Iowa Secretary of State's office launching "Voter Ready" initiative to prepare Iowans for election law changes, including implementation of Voter ID. The educational effort breaks down the process into three simple action steps: register to vote, bring your ID, cast your ballot. Iowans who follow those three steps will have an easy time participating in the 2018 elections. County Engineer Brian Carter reported a small amount of snow was received Sunday. The wind is a bigger issue than the snow. County Attorney Amy Beavers attended the Martin Luther King event at Memorial Auditorium last night. She stated it was a wonderful outstanding event with an amazing speaker. Chief Deputy Jeff White reported a good weekend with very few accidents. Jail Administrator Doug Ervine reported inmate population is 75. It is better than it has been but still over populated. He is working on getting some new hires and the jail budget. Assessor Matt Warner reported the residential reappraisals in small towns (Danville, Mediapolis & Middletown) are currently taking place. Vanguard has finished up West Burlington and Burlington with a few areas left to review then they will move into the rural areas. The new commercial appraisal values are complete. Notices will be mailed towards the end of February. Chairman Cary commented the individual who came to his home was very polite and professional. CDS Director Ken Hyndman reported he is accepting Five Star Quality training registrations for providers. He said it is not very often this kind of provider training is available in our area.

Correspondence: Chairman Cary read a letter received from the Freedom from Religion foundation regarding the Harmony Bible Church abatement request. The Foundation encouraged the Board to strictly enforce its property tax exemption request deadline.

Accounts Payable Claims in the amount of \$1,204,163.86 were approved upon motion made by Broeker and seconded by Beck. Broeker commented approximately \$500,000 is for claims from SEIL (mental health region). Des Moines County serves as the fiscal agent and this is pass thru money.

Payroll Reimbursement Claims in the amount of \$832.55 were approved by Beck and seconded by Broeker.

Resolution #2018-006 for Opioid Litigation and Engagement Letter. The Board discussed the nationwide opioid lawsuit. It will not cost the County any money to join the suit and if there is a settlement the citizens of the County will benefit. Broeker motioned to approve the resolution to join the class action lawsuit. Beck seconded.

#### RESOLUTION NO. 2018-006

TO THE HONORABLE BOARD OF SUPERVISORS OF DES MOINES COUNTY, IOWA

MEMBERS,

**WHEREAS**, Des Moines County ("County") is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and

**WHEREAS**, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are

not unique to County and are, in fact, issues and concerns shared by all other counties in Iowa and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic (“Opioid Epidemic”); and

**WHEREAS**, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and

**WHEREAS**, the National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and

**WHEREAS**, certain of the opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and

**WHEREAS**, County has spent millions in unexpected and unbudgeted time and resources in its programs and services related to the Opioid Epidemic; and

**WHEREAS**, County is responsible for a multitude of programs and services, all of which require County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and

**WHEREAS**, County’s provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet County’s ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to County; and

**WHEREAS**, all sums that County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that County provides to County citizens, residents and visitors; and

**WHEREAS**, County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain of the opioid manufacturers in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and

**WHEREAS**, County has engaged in discussions with representatives of the law firms of Crueger Dickinson LLC, Simmons Hanly Conroy LLC, and von Briesen & Roper, s.c., (the “Law Firms”) related to the potential for County to pursue certain legal claims against certain opioid manufacturers; and

**WHEREAS**, County has been informed that the Law Firms have the requisite skill, experience and wherewithal to prosecute legal claims against certain of the opioid manufacturers on behalf of public entities seeking to hold them responsible for the Opioid Epidemic; and

**WHEREAS**, the Law Firms have proposed that County engage the Law Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law Firms would not be compensated unless County receives a financial benefit as a result of the proposed claims and the Law Firms would advance all claim-related costs and expenses associated with the claims; and

**WHEREAS**, all of the costs and expenses associated with the claims against certain of the opioid manufacturers would be borne by the Law Firms; and

**WHEREAS**, the Law Firms have prepared an engagement letter, which is submitted as part of this Resolution (“Engagement Letter”) specifying the terms and conditions under which the Law Firms would provide legal services to County and otherwise consistent with the terms of this Resolution; and

**WHEREAS**, County is informed that the Iowa Counties Association has engaged in extensive discussions with the Law Firms and has expressed a desire to assist the Law Firms, County and other counties in the prosecution of

claims against certain of the opioid manufacturers; and

**WHEREAS**, County would participate in the prosecution of the claim(s) contemplated in this Resolution and the Engagement Letter by providing information and materials to the Law Firms and, as appropriate, the Iowa State Association of Counties as needed; and

**WHEREAS**, County believes it to be in the best interest of County, its citizens, residents, visitors and taxpayers to join with other counties in and outside Iowa in pursuit of claims against certain of the opioid manufacturers, all upon the terms and conditions set forth in the Engagement Letter; and

**WHEREAS**, by pursuing the claims against certain of the opioid manufacturers, County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by County and other public agencies across the country in dealing with the Opioid Epidemic.

**NOW, THEREFORE, BE IT RESOLVED:**

County authorizes, and agrees to be bound by, the Engagement Letter and hereby directs the appropriate officer of the County to execute the Engagement Letter on behalf of the County; and

**BE IT FURTHER RESOLVED:**

County shall endeavor to faithfully perform all actions required of County in relation to the claims contemplated herein and in the Engagement Letter and hereby directs all County personnel to cooperate with and assist the Law Firms in relation thereto.

The County Auditor shall forward a copy of this Resolution, together with the signed Engagement Letter, to the Law Firms at Erin Dickinson, Crueger Dickinson LLC, 4532 N. Oakland Ave., Whitefish Bay, WI 53211.

Respectfully submitted this 16<sup>th</sup> day of January, 2018.

Jim Cary, Chairperson  
Thomas L. Broeker, Vice-Chair  
Robert W. Beck, Attest

Approval of Contract with Anderson, Larkin & Co. This CPA firm performs the County audit and we are pleased with their work. The total reimbursement shall not be more than \$52,000 for each fiscal year ending June 30, 2018, 2019 and 2020. Broeker motioned to approve. Beck seconded.

Personnel Actions. Correctional Center – Steven Wildar, Part-time Correctional Officer. Resignation effective 1/7/2018. Sandra Windle, Part-time Cook. Resignation effective 1/22/2018. Broeker motioned to approve both actions. Beck seconded. Local Health – Lynne Webb, Nurse. One-day unpaid suspension on 1/16/2018. Broeker motioned to approve. Beck seconded.

Reports received and filed in the Auditor’s Office: General Assistance Report, December 2017 and Clerk’s Report of Fees Collected, December 2017.

Beck motioned to approve minutes for the Board meeting held on January 9<sup>th</sup>, 2018. Seconded by Broeker.

Committee Reports: Beck attended a Local Health Board meeting, DESCOM meeting – they discussed the move in February and a vehicle for transportation and a De-categorization meeting. Broeker attended a Greater Burlington Partnership meeting this morning. GBP closed on the Raider site and anticipate the site being used for economic development purposes. He attended a SEIL Advisory Group meeting. The providers are having problems getting paid by the MCO’s. The SEIL Board of Governors is finishing the region budget for FY19. The Region will pay most of the expenses. Cary attended an 8<sup>th</sup> Judicial District meeting in Fairfield. Director Dan Fell’s evaluation stated he has done a good job. Their proposed budget is cut 9/10 of 1% for a cut of over \$287,000 and they still

need to hire and replace four employees. Cary attended a RUSS meeting and stated the dues are staying the same. Some lagoons RUSS maintains are getting a high level of ammonia. They plan to try a windmill to aerate the lagoon to break down the ammonia. A windmill company is sending a windmill to test and see how it works. If it works it will cost \$2,600 for each lagoon, if not it will cost \$25,000 to add a third cell to each lagoon.

Meeting was adjourned at 9:30 AM.

This Board meeting is recorded and kept on file for two years. The minutes are posted on the county's website [www.dmcourty.com](http://www.dmcourty.com)

Approved January 23, 2018  
Jim Cary, Chairman  
Attest: Terri Johnson, Auditor

#### All January Claims

1st United Presbyterian	pantry	300.00
5th Dist Recorders Asc	fees	10.00
Abc Fire Extinguisher	srvs	315.75
Ability Network	srvs	308.00
Absolute Transport Svc	srvs	1,550.11
Access Energy	srvs	152.17
Advance Corretnl Hlthcr	srvs	9,736.18
Allgood Animal Hospital	srvs	73.00
Alliant Energy/Ipl	srvs	11,036.83
Altorfer	srvs	5,285.36
Anderson, Roberts, P	srvs	162.00
Arya Enterprises	rent	300.00
Aspelmeier Fisch Powe	srvs	385.00
Axon Enterprise	supl	693.16
Bauer Built Tire	parts	1,183.97
Billy Towne	reimb	500.00
Blackhawk Sprinklers	srvs	307.00
Bounceback	fee	750.00
Bradley A. Lane	supl	2,314.50
Brenda Larkin	rent	300.00
Brian Wooldridge	rent	300.00
Bridgeway	srvs	3,322.56
Brockway Co	srvs	216.00
Brozene Hydraulic	parts	131.08
Burke Cleaners	srvs	320.92
Burlington Glass	srvs	3,547.00
Burlington Hawk Eye	publ	1,129.25
Burl Munic Waterwork	srvs	3,662.43
Burl Public Library	fees	52,459.32
Burlington Urban Srvs	srvs	50.00
Calhoun-Burns & Asc	srvs	1,317.60

Candeo Constructio	srvs	60,000.00
Carosh Compliance	srvs	9,750.00
Carquest	supl	346.21
Caspian Village	rent	600.00
Central Ia Detention	fee	1,500.00
Century Link	srvs	1,103.75
Cessford Construction	supl	4,127.21
City of Burlington	reimb	1,822.02
City of Mediapolis	srvs	37.68
Clear Falls	srvs	6.50
Coast To Coast	supl	330.92
Comm Engineering	equip	1,515.58
Coppes Pest Mgmt	srvs	246.00
Copy Systems	srvs	40.23
Counseling Assoc	srvs	3,210.00
Cpg Armor Co	supl	3,588.00
Cray Law Firm	srvs	378.00
Cynthia Weber Willis	row	4,240.00
Dan Mclaughlin	row	4,240.00
Dana A Atkins	row	4,240.00
Dande Workwear	supl	160.00
Danville Savings Bank	loan	190,033.81
Darren Grimshaw	reimb	76.63
Dave Bessine Electric	srvs	2,394.59
Deborah Wellman Rpr	srvs	84.00
Deery Brothers	supl	76.34
Dennis Company	supl	316.22
Des Moines Co Attorney	srvs	75.00
Des Moines Co Auditor	fee	1,261.98
DMC Reg Waste Comm	fee	11,212.90
Des Moines Co News	publ	503.65
Descom	fee	123,892.65
Diamond Realty	rent	400.00
Diamond Vogel Paint	supl	36.41
Dmc Community Srvs	srvs	64,647.54
Doris Hoelzen	rent	425.00
Douds Stone	supl	204,325.00
Ebert Supply	supl	244.40
Ecolab Pest Elim Div	srvs	77.13
Electronic Applications	srvs	782.67
Embellishments & Dsgn	supl	130.50
Fastenal	supl	589.52
First Resources	srvs	87,598.45
Fisher Enterprises	srvs	165.00

Frank Millard & Co	srvs	571.56
French-Reneker	srvs	296.45
Gary Neff	rent	300.00
Gateway Pipe & Supl	supl	18,538.59
Geounlimited	srvs	525.00
Great Prairie Aea	supl	186.38
Great River Busn Health	srvs	45.00
GRHS	srvs	86,463.44
GRMC	srvs	60.00
Great Western Bank	rent	328.00
Greenwood Cleaning	supl	281.97
Greg Mclaughlin	row	4,240.00
Grout Scouts	srvs	10,226.50
H & L Mack Truck	srvs	5,122.70
Harmony Bible Church	rent	5,773.00
Healthcare First	srvs	1,190.00
Henry Co Health Center	srvs	400.00
Henry Co Transition Link	srvs	39,225.17
Henry Schein	supl	270.60
Heritage Medical	supl	132.28
Hillcrest Family Srvs	srvs	99,303.13
Holt Supply	supl	763.65
Hope Haven	srvs	155,496.94
Huffman Welding	supl	330.82
Hydrotex	supl	268.50
Hy-Vee	supl	1,082.16
IAN	fee	80.00
Ia Bridge & Culvert	srvs	64,281.34
Ia Dep of Public Health	supl	71.23
Ia Health Care Asc	fee	675.00
Ia Prison Industries	supl	506.00
Ia Secretary of State	fee	60.00
Iconnectyou	srvs	432.66
Industrial Motors	supl	353.00
IICA	fee	305.00
Iova - Cp	fee	20.00
Isac	fee	1,720.00
Isac Group Unemp	fee	1,343.59
J & S Electronic	supl	2,493.01
J.F. Ahern Co.	srvs	390.48
Jason Rahmus	reimb	937.07
Jennifer Ratliff	srvs	20.00
Jim's Lock & Safe	supl	159.32
Jl Time & Attendance	srvs	25.00

Jody A Groen Csr Rpr	srvs	207.00
Joint Safety Committee	fee	12,229.30
Jon Frischkorn	reimb	500.00
Judy Jackson	rent	300.00
Kathy Titus	srvs	1,400.00
Keefe Commissary	supl	440.00
Kenneth Mclaughlin	row	4,240.00
Kenneth M Gerdes	rent	300.00
Kohl Wholesale	supl	6,240.53
L & W Quarries	supl	3,916.59
Laveine Sanitation	srvs	400.00
Leaf	srvs	86.91
Lee Co Health	srvs	400.00
Lee Co Sheriff	fee	16,470.00
Lee Co Extension	fee	10.00
Legislative Srvs Agency	supl	50.00
Lexisnexis	srvs	141.00
Lisco	srvs	500.00
Lloyd Heitmeier	row	3,480.00
Louisa Co Public Hlth	srvs	249.92
Louisa Co Sheriff	fee	1,619.65
Lowe's	supl	206.69
Lunning Chapel	srvs	1,800.00
Lynch Dallas	srvs	240.00
M J Daly Construction	srvs	1,680.00
Martin Equip	supl	169.68
M-B Companies	supl	795.19
McDonald Supply	supl	18.14
Mcfarland-Swan	supl	125.96
Mediapolis Care Facility	srvs	2,448.53
Mepo Public Library	fee	17,486.44
Menards	supl	658.88
Miracle Car Wash	srvs	86.00
Mobil 1 Lube Express	srvs	71.45
Mocic	fee	150.00
Mph Industries	equip	1,759.00
Mt Pleasant News	publ	311.63
Nancy J Derr Csr	srvs	854.50
Nancy Meth	srvs	74.00
Nat'l Cncl For Beh Hlth	srvs	2,000.00
On-Site Info Destruct	srvs	240.06
Optimae Life Srvs	srvs	99,017.97
Per Mar Security	srvs	873.24
Pitney Bowes	srvs	1,038.72

Planet Technologies	srvs	3,047.04
Polk County Health	srvs	9,143.00
Prairie View Mgt	srvs	6,300.00
Praxair Distribution	supl	43.08
Quill	supl	235.67
Racom	srvs	74.04
Rapids Reproductions	srvs	504.04
Rathbun Regional	srvs	274.50
Record Securities	srvs	700.82
Reif Oil	supl	9,918.81
Reserve Account	supl	12,216.28
Ricoh Usa	srvs	162.44
Robert Troutman	rent	300.00
Roberts Tire Center	tires	201.02
Rodney A Wittkamp	rent	250.00
Ron Sourwine	rent	1,275.00
Roto-Rooter	srvs	547.60
Russells Sharpening	supl	90.00
Ryanne Wood	srvs	20,000.00
Safariland	supl	183.65
Salvation Army	pantry	400.00
Schrock Lumber	supl	233.70
Seirpc	equip	580.00
Seth Eberhardt	exam	934.30
Shottenkirk	srvs	457.31
Shred-It Usa	srvs	34.00
Siacc	transport	6,574.39
Siadsa	fee	9,120.00
St Vincent De Paul	pantry	200.00
Staats	supl	39.00
Standard of Beaverdale	supl	106.86
Staples	supl	991.45
Steamboat Landing	rent	300.00
Sterzing	supl	639.00
Steven M Gray Trust	row	4,240.00
Stews Lawn Service	srvs	112.50
Storey Kenworthy	supl	230.44
Stuekerjuergen Law	fee	831.00
Tenco Industries	srvs	151,283.50
Titan Machinery	equip	4,281.65
Tyler Technologies	srvs	19,081.48
U Ia College of Medicine	srvs	1,800.00
Uline	supl	52.17
Uniform Den	supl	61.73



United States Treasury	fee	19.53
Us Bank	supl	8,465.26
Us Cellular	srvs	835.15
Van Buren Co Health	srvs	1,246.36
Van Buren Job Opp	srvs	4,787.99
Vanguard Appraisals	srvs	126,851.80
Verizon	srvs	3,517.95
Visa	supl	7,679.92
Walmart	supl	33.32
Wapello Co Health	srvs	273.22
Washburn Laundry	supl	275.11
Washington Co Jail	fee	1,500.00
West Burl Hydraulic	supl	120.79
West Payment Center	srvs	729.36
Wex Bank	fuel	5,293.28
Williams Excavation	srvs	511.70
Windstream	srvs	693.93
Winger Service	srvs	155.50
Yarmouth Oil & Lp	fuel	620.50
Young House Family S	fee	139.95
Zaiser's Landscaping	srvs	320.00
	grand total	2,015,654.29

0001 General Basic	271,466.17
0002 General Supp	204,238.29
0003 GIS	1,147.36
0008 Correct Facility Res	418.91
0010 MHDD Services	19,491.26
0011 Rural Srvs Basic	81,158.66
0017 2018 GO Bond	22,144.56
0018 Residential Care Fac	1,183.20
0019 Law Library	50.00
0020 Secondary Roads	440,374.54
0027 Conservation Reserve	1,566.99
0029 Crisis Center	2,288.82
4000 Emergency Mngmt	601.62
4010 E911 Surcharge	1,407.45
4012 Communications	19.53
4100 County Assessor	129,481.43
4150 MHDS Region	838,615.50