

October 11th, 2022

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9 AM on Tuesday, October 11th, 2022, with Chairman Jim Cary and Member Tom Broeker present. Vice-Chair Shane McCampbell was present via Webex. This meeting was held electronically via Webex and YouTube live streaming. Public input is available in-person, through board email or call in.

Unless otherwise noted, all motions passed unanimously. The Pledge of Allegiance was conducted.

Meet with Department Heads: Auditor Terri Johnson gave an election update. The number of absentee ballot request forms received for ballots to be mailed has reached 1,543. The first day the office is allowed to mail the absentee ballots is October 19th. October 24th is the last day to pre-register and the last day to request a ballot to be mailed for the November Election. IT Director Colin Gerst reported his office is busy rolling out new equipment. He was at an IT event in Des Moines last week and toured the State of Iowa SOC office and they discussed security tools. Sheriff Kevin Glendening stated the jail population is 109 with 26 out of county. Arrests have gone up. They are interviewing for the Office Administrative Assistant position. Land Use Administrator Zach James was present for an agenda item. Conservation Director Chris Lee reported the Big Holloween event went well at the Big Hollow Park. There were about 800 trick or treaters and over 100 volunteers assisted. Thursday, Oct 13th is "Pints for Parks" event at Parkside Brewery to celebrate Conservation's 60 years. October 25th at 6pm the Conservation Board will have a public input meeting at the Drake to discuss how to use the buyout properties on the Tama Road corridor currently managed by Conservation. They will discuss possible uses which could be leasing the properties as campsites, no buildings allowed and will need to follow FEMA/Federal regulations. The Conservation Board will meet on November 2nd to discuss the October 25th results. SEIL CDS Director Ken Hyndman reported SEIL meetings will be held tomorrow. County Attorney Lisa Schaefer stated some of her staff are at a Victim Justice symposium in Des Moines. The attempted murder trial for the West Burlington pool shooting will start next week. Her office is co-sponsoring with Burlington Police Department a Domestic Violence Awareness Vigil on Oct 20th at 6:30 pm. This is an inaugural reboot of the vigils after the passing of Char Blodgett, the past director. The vigil will be in memoriam of Char. She attended the Empower U session for students and was very impressed with all speakers and the questions asked by the students. County Engineer Brian Carter reported temporary traffic lights were setup for work on the Hwy 99 Dry Branch Creek project. Two crossroad culverts are being installed. In general, everything is working OK with a few glitches in the light timing. He emphasized the construction site may be too tight for any farm equipment to pass through. The 115th Ave project is complete, just need some moisture for seeding. There is an opening for a motorgrader position. The job description can be found on the county website and in local papers. Maintenance Director Rodney Bliesener reported his department is busy. Public Health Administrator Christa Poggemiller reported her office is busy. Flu vaccine is available during clinics hours held on Tuesdays and Thursdays from 8:30am to 4:00 pm by appointment or walk-in. There will be a couple of community clinics – October 12th at Danville Community Building from 1:00 to 2:30 pm and on October 19th at Mediapolis City Hall from 2:30 to 4:00 pm. They are waiting for covid vaccine for the 5 to 11 age group. She met with the architects to discuss the new public health building. County Recorder Natalie Steffener reported her office is busy.

Resolution 2022-063 Setting Hourly Rate for Attorneys Appointed by the Iowa District and Associate District Courts to serve as Guardian Ad Litem Pursuant to Iowa Code Chapter 232 was presented. County Attorney Lisa Schaefer explained the four resolutions being presented today and the need to set the hourly rate paid by the county per Iowa Code. Broeker motioned to approve Resolution 2022-063 and seconded by McCampbell.

RESOLUTION #2022-063

RESOLUTION SETTING HOURLY RATE FOR ATTORNEYS APPOINTED BY THE IOWA DISTRICT AND ASSOCIATE DISTRICT COURTS TO SERVE AS GUARDIAN AD LITEM PURSUANT TO IOWA CODE CHAPTER 232

- a.) **WHEREAS**, Iowa Code § 232.113(2), provides that upon the filing of a petition for termination of parental rights, the court shall appoint counsel for the child identified in the petition as a party to the proceedings. The same person may serve as both the child's counsel and the guardian ad litem, and
- b.) **WHEREAS**, under Iowa Code §232.141(1), the court shall inquire into the ability of the child or the child's parent to pay expenses incurred pursuant to subsection 2 cited above, and the court may order the parent to pay all or part of the costs of the child's legal expenses, and
- c.) **WHEREAS**, Iowa Code §232.141(2)(b) provides that reasonable compensation for an attorney appointed by the court to serve as counsel to any party or as guardian ad litem for a child in juvenile court is an

expense to be charged upon the county in which proceedings are held to the extent provided under Iowa Code §232.141(3), and

- d.) **WHEREAS**, Iowa Code §232.141(3)(c) requires a county, on an annual basis, to pay a base cost to the indigent defense fund created under §85.11, and
- e.) **WHEREAS**, costs incurred under Iowa Code §232.141(2) above shall be paid by the State from the appropriations to the indigent defense fund and in accordance with the rules of the State Public Defender, and
- f.) **WHEREAS**, the Iowa State Public Defender has set said claims at the rate of \$68.00 per hour for appointments made on or after July 1, 2022;

BE IT THEREFORE RESOLVED; that in matters filed pursuant to Chapter 232 of the Code of Iowa, whereby the Court has appointed counsel for a child and a parent is not ordered to pay the expenses of such attorney or wherein the parent was ordered to pay only a portion of such expenses, the Des Moines County Board of Supervisors hereby sets and establishes the hourly rate to be paid to such attorneys in the amount of \$68.00 per hour.

Approved and signed this 11th day of October, 2022.

Jim Cary, Chair
Des Moines County Board of Supervisors

Shane McCampbell, Vice-Chair
Des Moines County Board of Supervisors

Tom Broeker, Member
Des Moines County Board of Supervisors

ATTEST:
Terri Johnson
Des Moines County Auditor

Resolution 2022-064 Setting Hourly Rate for Attorneys Appointed by the Iowa District Court Pursuant to Iowa Code Chapter 232D. Broeker motioned to approve Resolution 2022-064 and seconded by McCampbell.

**RESOLUTION #2022-064
RESOLUTION SETTING HOURLY RATE FOR ATTORNEYS APPOINTED BY THE IOWA DISTRICT
COURT PURSUANT TO IOWA CODE CHAPTER 232D**

- a.) **WHEREAS**, Iowa Code § 232D.303 provides that upon the filing of a petition for appointment of a guardian for a minor pursuant to Iowa Code §232D.301, the court shall appoint an attorney for the minor if the court determines that the interests of the minor are or may be inadequately represented, and
- b.) **WHEREAS**, Iowa Code §232D.304 provides that upon the filing of a petition for appointment of a guardian for a minor, the court shall appoint an attorney for the parent identified in the petition if (1) the parent objects to the appointment of a guardian for the minor and (2) the parent requests appointment of an attorney and the court determines that the parent is indigent, and
- c.) **WHEREAS**, under Iowa Code §232D.505, the court shall inquire into the ability of the minor or the minor's parent to pay expenses incurred pursuant to the guardianship proceedings, and the court may order the minor or the parent to pay all or part of the costs of the legal expenses for the minor or the parent, and
- d.) **WHEREAS**, Iowa Code §232D.505(2) provides that if the court finds that the minor's parents are indigent, or if the minor has no parent, the costs, including the costs of legal expenses, shall be assessed against the county in which the proceeding is pending, and
- e.) **WHEREAS**, the Iowa Legislature has prescribed reasonable compensation and expenses for attorneys appointed by the court to represent indigent clients in Iowa Code §815.7 for fees to attorneys appointed for indigent defense;

- f.) **WHEREAS**, the Iowa State Public Defender has set said claims at the rate of \$68.00 per hour for appointments made on or after July 1, 2022;

BE IT THEREFORE RESOLVED; that in matters filed pursuant to Chapter 232D of the Code of Iowa, whereby the Court has appointed counsel for a minor or a parent of the minor and the minor's parent(s) are determined to be indigent or, the minor has no parent, the Des Moines County Board of Supervisors hereby sets and establishes the hourly rate to be paid to such attorneys in the amount of \$68.00 per hour.

Approved and signed this 11th day of October, 2022.

Jim Cary, Chair
Des Moines County Board of Supervisors

Shane McCampbell, Vice-Chair
Des Moines County Board of Supervisors

Tom Broeker, Member
Des Moines County Board of Supervisors

ATTEST:
Terri Johnson
Des Moines County Auditor

Resolution 2022-065 Setting Hourly Rate for Attorneys Appointed by the Iowa District Court to serve as Guardian Ad Litem or Attorney for a Minor Pursuant to Iowa Code Chapter 598. Broeker motioned to approve Resolution 2022-065 and seconded by McCampbell.

**RESOLUTION 2022-065
RESOLUTION SETTING HOURLY RATE FOR ATTORNEYS APPOINTED
BY THE IOWA DISTRICT COURT TO SERVE AS GUARDIAN AD LITEM OR ATTORNEY FOR A
MINOR PURSUANT TO IOWA CODE CHAPTER 598**

- a.) **WHEREAS**, Iowa Code §598.12 provides that in a dissolution of marriage action involving the custody of minor children, the court may appoint a guardian ad litem to represent the best interests of the minor child(ren) of the parties; and
- b.) **WHEREAS**, Iowa Code §598.12A provides that in a dissolution of marriage action involving the custody of minor children, the court may appoint an attorney to represent the minor child(ren), and
- c.) **WHEREAS**, under Iowa Code §598.12(3), the court shall enter an order in favor of the guardian ad litem for fees and disbursements as submitted by the guardian ad litem and the amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for court costs is indigent, in which event the amount shall be borne by the county.
- d.) **WHEREAS**, under Iowa Code §598.12A(3), the court shall enter an order in favor of the guardian ad litem for fees and disbursements as submitted by the guardian ad litem and the amount shall be charged against the party responsible for court costs unless the court determines that the party responsible for court costs is indigent, in which event the amount shall be borne by the county.
- e.) **WHEREAS**, the Iowa Legislature has prescribed reasonable compensation and expenses for attorneys appointed by the court to represent indigent clients in Iowa Code §815.7 for fees to attorneys appointed for indigent defense;
- f.) **WHEREAS**, the Iowa State Public Defender has set said claims at the rate of \$68.00 per hour for appointments made on or after July 1, 2022;

BE IT THEREFORE RESOLVED; that in matters filed pursuant to Chapter 598 of the Code of Iowa, whereby the Court has appointed an attorney to serve as either guardian ad litem or attorney for a minor child or children in a

dissolution proceeding, the Des Moines County Board of Supervisors hereby sets and establishes the hourly rate to be paid to such attorneys in the amount of \$68.00 per hour.

Approved and signed this 11th day of October, 2022.

Jim Cary, Chair
Des Moines County Board of Supervisors

Shane McCampbell, Vice-Chair
Des Moines County Board of Supervisors

Tom Broeker, Member
Des Moines County Board of Supervisors

ATTEST:
Terri Johnson
Des Moines County Auditor

Resolution 2022-066 Setting Hourly Rate for Attorneys Appointed by the Iowa District Court Pursuant to Iowa Code Chapter 633. Broeker motioned to approve Resolution 2022-066 and seconded by McCampbell.

**RESOLUTION #2022-066
RESOLUTION SETTING HOURLY RATE FOR ATTORNEYS
APPOINTED BY THE IOWA DISTRICT COURT
PURSUANT TO IOWA CODE CHAPTER 633**

- a.) **WHEREAS**, Iowa Code §633.561(1) provides that in a proceeding for the appointment of a guardian or conservator for an adult or a conservator for a minor, if the respondent is an adult and is not the petitioner, the respondent is entitled to representation by an attorney; and
- b.) **WHEREAS**, Iowa Code §633.561(3) provides that if the respondent is entitled to representation and is indigent or incapable of requesting counsel, the court shall appoint an attorney to represent the respondent, and
- c.) **WHEREAS**, Iowa Code 633.561(3) further provides that the cost of court appointed counsel for indigents shall be assessed against the county in which the proceedings are pending, and
- d.) **WHEREAS**, the Iowa Legislature has prescribed reasonable compensation and expenses for attorneys appointed by the court to represent indigent clients in Iowa Code §815.7 for fees to attorneys appointed for indigent defense;
- e.) **WHEREAS**, the Iowa State Public Defender has set said claims at the rate of \$68.00 per hour for appointments made on or after July 1, 2022;

BE IT THEREFORE RESOLVED; that in matters filed pursuant to Chapter 633D of the Code of Iowa, whereby the Court has appointed counsel for the respondent who the court has determined to be indigent, the Des Moines County Board of Supervisors hereby sets and establishes the hourly rate to be paid to such attorneys in the amount of \$68.00 per hour.

Approved and signed this 11th day of October, 2022.

Jim Cary, Chair
Des Moines County Board of Supervisors

Shane McCampbell, Vice-Chair
Des Moines County Board of Supervisors

Tom Broeker, Member
Des Moines County Board of Supervisors

ATTEST:
Terri Johnson
Des Moines County Auditor

Class C Liquor License for Bar Candy for a 10/15 Wedding at Myers Wedding Barn was presented. Broeker motioned to approve and seconded by McCampbell.

Class C Liquor License for the Camp Wedding on 11/12 at Barn of the Ridge was presented. McCampbell motioned to approve and seconded by Broeker.

Resolution 2022-067 and Approval of Final Plat for Clay Hill Subdivision was presented. Land Use Administrator Zach James discussed the subdivision. He stated there is one condition on the subdivision. This is a one lot subdivision containing 33.54 acres located in SW1/4 of Section 9 and all of Lot 8 in section 16 in Danville Twp. Owner is Clay Hill Trust. Subdivider is Mary & Ron Lair, 17301 220th Ave., New London, IA. Broeker motioned to approve and seconded by McCampbell.

**DES MOINES COUNTY
BOARD OF SUPERVISORS
RESOLUTION #2022-067**

WHEREAS Section 354.8 of the Code of Iowa states that a governing body shall certify by resolution the approval of a subdivision plat, and,

WHEREAS the Final Plat for **Clay Hill Subdivision** has been reviewed for conformance to applicable County standards by the Des Moines County Auditor, Health Department, Secondary Roads Department, and Land Use Department and has been duly recommended by the aforementioned entities for approval,

NOW THEREFORE, BE IT RESOLVED: That the Board of Supervisors hereby approves the Final Plat of **Clay Hill Subdivision**, with the following condition:

- A portion of Lot A is currently enrolled in the Conservation Reserve Program (CRP) through the USDA Farm Service Agency. If the ground in this area is disturbed prior to the expiration of the CRP easement, Des Moines County shall not be held responsible for any penalties associated with violating the CRP agreement.

Approved and adopted this 11th day of October, 2022.

DES MOINES COUNTY BOARD OF SUPERVISORS

Jim Cary, Chair
Shane McCampbell, Vice Chair
Tom Broeker, Member

ATTEST: Terri Johnson, County Auditor

Resolution 2022-068 Resolution ordering Construction for Des Moines County Correctional Facility Re-Roof Project and Fixing a Date for the Public Hearing and Taking Bids. Maintenance Supervisor Rodney Bliesener commented on the project. Cary read the resolution into record. Broeker motioned to approve and seconded by McCampbell.

Resolution # 2022-068

**Resolution ordering Construction for
Des Moines County Correctional Facility Re-Roof and Exterior Finish Projects**

and Fixing a Date for the Public Hearing and Taking Bids

WHEREAS, the Board of Supervisors has caused to be prepared plans, specifications and form of contract, together with estimate of cost, which are now on file in the office of Klingner and Associates, and

WHEREAS, the Public Hearing will be held Tuesday, November 8th, 2022 at 9:00 a.m. in the Board Room at the Des Moines County Courthouse, and

WHEREAS, the plans, specifications and form of contract are deemed suitable for the making of the public improvements; and

WHEREAS, before the plans, specifications, form of contract and estimate of cost may be adopted, and a contract for the construction of the public improvements is entered into, it is necessary, pursuant to Chapter 26, Code of Iowa, to hold a public hearing and to advertise for bids:

BE IT FURTHER RESOLVED, that the County Auditor is hereby directed to publish notice of public hearing in Des Moines County. Publication shall be not less than four days nor more than twenty days prior to the date hereinafter fixed as the date for a public hearing on the plans, specifications, form of contract and estimate of costs for the project, the hearing to be at 9:00 A.M. on November 8, 2022.

BE IT THEREFORE RESOLVED that this resolution shall take effect immediately.

APPROVED this 11th day of October 2022.

DES MOINES COUNTY BOARD OF SUPERVISORS

Jim Cary, Chairman
Shane McCampbell, Vice-Chairman
Tom Broeker, Member

ATTEST: Terri Johnson, Auditor

Resolution 2022-069 Resolution ordering Construction for Des Moines County Correctional Facility Exterior Finish Project and Fixing a Date for the Public Hearing and Taking Bids. Cary read the resolution into record. Broeker motioned to approve and seconded by McCampbell.

Resolution # 2022-069

**Resolution ordering Construction for
Des Moines County Correctional Facility Exterior Finish Project
and Fixing a Date for the Public Hearing and Taking Bids**

WHEREAS, the Board of Supervisors has caused to be prepared plans, specifications and form of contract, together with estimate of cost, which are now on file in the office of Klingner and Associates, and

WHEREAS, the Public Hearing will be held Tuesday, November 8th, 2022 at 9:00 a.m. in the Board Room at the Des Moines County Courthouse, and

WHEREAS, the plans, specifications and form of contract are deemed suitable for the making of the public improvements; and

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BE IT FURTHER RESOLVED, that the County Auditor is hereby directed to publish notice of public hearing in Des Moines County. Publication shall be not less than four days nor more than twenty days prior to the date hereinafter fixed as the date for a public hearing on the plans, specifications, form of contract and estimate of costs for the project, the hearing to be at 9:00 A.M. on November 8, 2022.

BE IT THEREFORE RESOLVED that this resolution shall take effect immediately.

APPROVED this 11th day of October 2022.

DES MOINES COUNTY BOARD OF SUPERVISORS

Jim Cary, Chairman
Shane McCampbell, Vice-Chairman
Tom Broeker, Member

ATTEST: Terri Johnson, Auditor

Personnel Actions: Recorder – Renae Wellborn, Clerk II. 18-month anniversary. New rate \$34,856.11 yr., effective 10/12. Broeker motioned to approve and seconded by McCampbell. Secondary Roads – Thomas Watznauer, Maintenance. Resignation effective 10/11. Broeker motioned to approve and seconded by McCampbell.

Reports received and filed in the Auditor’s Office: Recorder’s Report of Fees Collected, September 2022

McCampbell motioned to approve the October 4th, 2022, meeting minutes and seconded by Broeker.

Committee Reports. Broeker attended the County Safety Meeting. They have decided to rotate the meetings to the other county facilities. This will allow the safety committee members to see the other facilities and possible issues. He attended the Public Health meeting with the architect designing the new public health facility. McCampbell attended a Landfill meeting.

No public input was received.

Meeting was adjourned at 9:44 AM.

This Board meeting is recorded. The meeting minutes and audio are posted on the county’s website www.dmcountry.com

Approved October 18th, 2022
Jim Cary, Chair
Attest: Terri Johnson, Auditor