

November 4, 2020

The Des Moines County Board of Supervisors met in regular session at the Court House in Burlington at 9 AM on Wednesday November 4, 2020 with Chairman Tom Broeker and Member Bob Beck present. Present via WebEx Vice-Chair Jim Cary. This meeting was held with limited capacity due to COVID-19 and electronically via WebEx and YouTube live streaming. Public input was available through board email or call in.

A work session scheduled after the meeting was held at the Conservation Office. Unless otherwise noted, all motions passed unanimously. The Pledge of Allegiance was conducted.

Meet with Department Heads: County Auditor Terri Johnson reported the Absentee Board did a fantastic job. They were here for 2 days. Everything went smoothly at the polls and a big thank you to all the poll workers and congratulations to all the elected officials. There were 13,270 absentee ballots sent out and 12,812 were returned and counted. The final canvass is next Tuesday, November 10th. There will be a special Absentee Board meeting on Thursday, November 5th at 1pm to review the provisional ballots and any new absentee ballots that have arrived. On November 12th there will be an audit conducted, as required by the Secretary of State, on a precinct yet to be determined. IT Director Colin Gerst stated his office is busy and that over the course of the next year the county website will be changed to DesMoinesCounty.Iowa.gov. At this time using dmcounty.com will still connect you to the county website. County Engineer Brian Carter stated that Highway 99 closed at 4pm on Monday. A detour route has been set up and there is traffic control. Road crews are still ditching as long as weather permits. Assistant Land Use Administrator Jarred Lassiter reported that there is another subdivision out for review. CDS Director Ken Hyndman reported that SEIL is finishing up applications for the Cares Act. Sheriff-Elect Kevin Glendening reported that everything is going well and they will be holding departmental interviews for the two open deputy positions. The Jail's occupancy is at 82 and there are 8 adults that are being housed out of the county. Via WebEx: Conservation Director Chris Lee reported they are transitioning into winter mode. All water has been turned off in parks except for Big Hollow. Clerk of Court Jackie Myers reported that her office is busy. Jury trials have begun with 10-15 potential jurors allowed in the courtroom at a time. Potential jurors have a designated time to appear and that seems to be working well. The term for the magistrate-nominated committee members expires this year. Myers is looking for two attorneys to serve on this committee and has sent out nomination papers to attorneys. There are also 3 community members and Myers is hopeful that they will stay on.

COVID-19 Update. Local Health Administrator Christa Poggemiller reported her department is busy and the County currently has 1,673 cases of COVID with a 15.8% rolling 14-day count. They are continuing to offer flu shots in the office from 1:30pm – 4pm Tuesday and Thursdays. If you are sick, please stay home. If you are out and about, please use social distancing.

Correspondence - Chairman Broeker read an email from Corn Belt Ports stating, “that the Mississippi River Ports of Eastern Iowa and Western Illinois came in as the 81st largest port in the nation”. Senator Grassley acknowledged this by saying “This is a well-deserved recognition as Iowa serves as a major multimodal transportation center and the number one producer and exporter of corn. Before this announcement, Iowa was the only {Mississippi River} state that didn’t have a federally recognized port.” Member Beck mentioned Vicki Stoller and Two Rivers Drainage District.

Accounts Payable Claims in the amount of \$1,271,162.42 was presented. Beck motioned to approve and seconded by Cary.

Payroll Reimbursement Claims in the amount of \$355.99 was presented. Beck motioned to approve and seconded by Cary.

Resolution 2020-046 Appointing commission to Mid-American Port Commission was read into record by Broeker. Beck motioned to approve and seconded by Cary.

Des Moines County, Iowa
RESOLUTION NO. 2020-046

WHEREAS, The Mid-America Port Commission (Commission) was established under joint authorizing legislation in Iowa, Illinois and Missouri, herein referred to as the “Mid-America Port Commission Agreement” and is recognized and authorized in Chapter 28K, Code of Iowa; and

WHEREAS, The Commission is granted any power or powers, privileges, or authority exercised or

capable of exercise by a public agency of this state may be exercised and enjoyed jointly according to the powers delegated to the Commission in Chapter 28K, Code of Iowa; and

WHEREAS, The Commission is governed by a nine (9) Commissioners, where each state appoints three (3) Commissioners: two (2) Commissioners each appointed by resolution from each states' counties included in the geographic boundaries and one (1) Commissioner from each state appointed by that state's governor; and

WHEREAS, The Chairpersons of the Jefferson, Van Buren, Wapello, Lee, Henry, and Des Moines County Boards of Supervisors in Iowa shall jointly elect two (2) Commissioners to serve on the Commission Board, and

WHEREAS, The Commission boundaries includes the following six (6) counties in Southeast Iowa: Lee County, Henry County, Des Moines County, Van Buren County, Jefferson County and Wapello County, eleven (11) counties in West central Illinois and nine (9) counties in Northeast Missouri; and

WHEREAS, There is an Iowa Commissioner vacancy on the Commission Board that is one (1) of two (2) the county appointed Commissioners, and

WHEREAS, The Des Moines County Board of Supervisors are actively involved in promoting, furthering and strengthening tri-state relations by seeking qualified Commissioners for the Mid-America Port Commission; and

NOW THEREFORE BE IT RESOLVED that Des Moines County, Iowa, elects Denise Boyer of Lee County, IA to be a Commissioner of the Mid-America Port Commission.

APPROVED this 4th day of November 2020.

Tom L. Broeker
Chairman, Board of Supervisors

Terri Johnson
County Auditor

Resolution 2020-047 Authorizing the issuance of a General Obligation Bridge Replacement Loan Agreement Anticipation Project Note in a principle amount not to exceed \$1,000,000. Beck motioned to approve and seconded by Cary.

RESOLUTION NO.2020-047

Authorizing the issuance of a General Obligation Bridge Replacement Loan Agreement Anticipation Project Note in a principal amount not to exceed \$1,000,000

WHEREAS, the Board of Supervisors of Des Moines County, State of Iowa, has heretofore proposed to enter into a General Obligation Loan Agreement (the "Loan Agreement") pursuant to the provisions of Section 331.402 of the Code of Iowa, for the purpose of financing the County's Highway 99 Bridge Replacement Project (the "Project"), and the County has published notice of such proposal and held a hearing thereon; and

WHEREAS, it is necessary to authorize the issuance of a General Obligation Bridge Replacement Loan Agreement Anticipation Project Note (the "Project Note") in an amount not to exceed \$1,000,000;

NOW, THEREFORE, Be It Resolved by the Board of Supervisors of Des Moines County, Iowa, as follows:

Section 1. The Project Note is hereby authorized to be issued to Danville State Savings Bank (the "Purchaser"), in anticipation of the receipt of and being payable from sources to be received and expended in connection with the Project. The Project Note shall be signed by the Chairperson and attested by the County Auditor and delivered to the Purchaser, shall mature on December 1, 2022, and shall bear interest at the rate of 2.00% per annum payable as set out in the Project Note, except as the provisions hereinafter set forth with respect to redemption prior to maturity may be or become applicable hereto.

Section 2. Advances on the Project Note may be requested by the County Auditor in such amounts and at such times as are needed to pay the cost of the Project, and the date and amount of each advance shall be

entered by the Purchaser on the Schedule of Advances and Payments on the Project Note, and each advance shall bear interest from the date of such entry.

The County Auditor is hereby designated as the Registrar and Paying Agent for the Project Note and may be hereinafter referred to as the "Registrar" or the "Paying Agent."

The County reserves the right to prepay principal of the Project Note in whole or in part on any date prior to maturity upon terms of par and accrued interest. The date and amount of each such payment shall be entered by the Purchaser on the Schedule of Advances and Payments on the Project Note. All principal so prepaid shall cease to bear interest on the redemption date.

The Project Note shall be fully registered as to both principal and interest in the name of the owner in the records of the County kept for such purpose, after which no transfer shall be valid unless made on said records by the County Auditor, and then only upon a written instrument of transfer satisfactory to the County Auditor, duly executed by the registered owner or the duly authorized attorney for such registered owner.

Section 3. The Project Note shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF IOWA
DES MOINES COUNTY

GENERAL OBLIGATION BRIDGE REPLACEMENT LOAN AGREEMENT ANTICIPATION PROJECT NOTE

DATED DATE: November 4, 2020

MAXIMUM PRINCIPAL AMOUNT: \$1,000,000

INTEREST RATE: 2.00%

MATURITY DATE: December 1, 2022

Des Moines County, Iowa (the "County"), for value received, promises to pay to Danville State Savings Bank, Danville, Iowa (the "Purchaser"), its successors or assigns, the maximum principal sum of ONE MILLION DOLLARS (\$1,000,000), or so much of that amount as has been advanced by the Purchaser hereunder and noted on the Schedule of Advances and Payments hereon, in lawful money of the United States of America upon presentation and surrender of this Project Note to the County Auditor, Burlington, Iowa (hereinafter referred to as the "Registrar" or the "Paying Agent"), with interest thereon from the date of each advance until paid at the rate of 2.00% per annum, payable on each June 1 and December 1 until maturity, or upon prepayment of this instrument as hereinafter provided.

The Purchaser has made a commitment to make advances (the "Advances") to the County in an aggregate principal amount not to exceed \$1,000,000 under this Project Note. Each such Advance made by the Purchaser shall be entered by the Purchaser on the Schedule of Advances and Payments hereon and shall bear interest from the date of such entry.

This Project Note is issued by the County for the purpose of paying the cost, to that extent, of financing the County's Highway 99 Bridge Replacement Project (the "Project"), and is issued under authority of Section 76.13 of the Code of Iowa in anticipation of the receipt of and is payable from the proceeds of an authorized loan agreement (the "Loan Agreement") and other revenues and sources to become available prior to the Maturity Date.

The County reserves the right to prepay principal of this Project Note, in whole or in part, at any time prior to the Maturity Date, upon terms of par and accrued interest to the date of such prepayment. Each such payment shall be entered on the Schedule of Advances and Payments hereon and such amount shall cease to bear interest on the prepayment date.

This Project Note shall be fully registered as to both principal and interest in the name of the owner in the records of the County kept for such purpose, after which no transfer shall be valid unless made on said records by the County Auditor, and then only upon a written instrument of transfer satisfactory to the County Auditor, duly executed by the registered owner or the duly authorized attorney for such registered owner.

And It Is Hereby Certified and Recited that all acts, conditions and things required by the laws and Constitution of the State of Iowa, to exist, to be had, to be done or to be performed precedent to and in the issue of

this Project Note were and have been properly existent, had, done and performed in regular and due form and time; and that the total indebtedness of the County, including this Project Note, does not exceed any constitutional or statutory limitations.

IN TESTIMONY WHEREOF, Des Moines County, Iowa, by its Board of Supervisors, has caused this Project Note to be executed by its Chairperson and attested by its County Auditor, as of November 4, 2020.

DES MOINES COUNTY, IOWA

By: Tom Broeker, Chairperson

Attest: Terri Johnson, County Auditor

Section 4. The revenues anticipated to be received by the County with respect to the Loan Agreement are hereby appropriated to the payment of the Project Note.

Section 5. It is the intention of the County that interest on the Project Note be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations in effect with respect thereto (all of the foregoing herein referred to as the "Internal Revenue Code"). In furtherance thereof, the County covenants to comply with the provisions of the Internal Revenue Code as they may from time to time be in effect or amended and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Project Note will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained.

The County hereby designates the Project Note as a "Qualified Tax-Exempt Obligation" as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code.

Section 6. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved November 4, 2020.

Tom L Broeker, Chairman

Attest: Terri Johnson, County Auditor

STATE OF IOWA
DES MOINES COUNTY

SS:

I, the undersigned, County Auditor of Des Moines County, Iowa, do hereby certify that attached hereto is a true and correct copy of the proceedings of the Board of Supervisors of the County relating to the issuance of a General Obligation Bridge Replacement Loan Agreement Anticipation Project Note in the maximum principal amount of \$1,000,000.

WITNESS MY HAND this 4th day of November, 2020.

Terri Johnson
County Auditor

Resolution 2020-048 and Final Plat for First Addition to BT Farms Subdivision. Assistant Land Use Administrator Lassiter stated that this resolution is solely being proposed so that the 15-acre piece to the south of Lot 1 can be sold. Lassiter recommends approval. Beck motioned to approve and seconded by Cary.

**DES MOINES COUNTY
BOARD OF SUPERVISORS
RESOLUTION #2020-048**

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 **First Addition to BT Farms Subdivision** has been reviewed for conformance to applicable County standards by the Des Moines County Health Department, Secondary Roads Department, County Auditor, Zoning Commission Chair 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 **First Addition to BT Farms Subdivision**.

Approved and adopted this 4th day of November 2020.

DES MOINES COUNTY BOARD OF SUPERVISORS

Tom L. Broeker, Chair

Jim Cary, Vice-Chair

Robert W. Beck, Member

ATTEST: Terri Johnson, County Auditor

Class C Liquor License for Barn on the Ridge Edmonds Wedding on 11/12 was presented. Beck motioned to approve and seconded by Cary.

Personnel Actions. Auditor's Office – Jack Engel, PT Clerk – Temporary. Resignation effective 10/24/2020. Jennifer Engel, PT Clerk – Temporary. Position ends November 3rd. New rate \$10.00 hr., effective 10/26/2020. Teresa Hicks, PT Clerk – Temporary. Position ending date extended as needed. Effective 10/31/2020. Beck motioned to approve and seconded by Cary.

Future Agenda Items – Engineers contract, SEIRPC Zoning commission update and work sessions.

Committee Reports. Beck attended a DeCat meeting via ZOOM.

Meeting was adjourned at 9:49 AM.

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

Approved November 10th, 2020

Tom Broeker, Chairman

Attest: Terri Johnson, Auditor