

Sibley, Iowa
September 11, 2020

The Osceola County Board of Supervisors met pursuant to law and adjournment at 8:45 am at the Osceola County Courthouse courtroom with the following members present: Jerry Helmers, LeRoy DeBoer, Mike Schulte, Jayson VandeHoef, and Ed Jones.

Schulte moves to approve the September 11, 2020 agenda with the correction of the agenda item purchase of OSVS should have been OVCS instead. Second by Helmers. All vote aye. Motion carried.

It was moved by DeBoer, second by Helmers to approve the August 28, 2020 minutes. All vote aye. Motion carried.

VandeHoef moves to appoint Ashley Hensch to the Board of Health. Second by Helmers. All vote aye. Motion carried.

The board meet with department heads.

John Torbet, executive director from Iowa Drainage Association. He updated the board on some legislation items and explained the Regional Conservation Partnership grant.

Dan Eckert, interim engineer presented documentation from Wayne Schlotfeld, Tyler Avenue Project Engineer regarding liquidated damages. Schlotfeld calculated liquidated damages to be \$65,176.84. In the contract with Godbersen-Smith Construction the agreed completion date was supposed to have been October 1, 2019. The substantial completion date was not until July 13, 2020 which was 286 days minus estimated winter shut down of 168 days totalling 118 days, times the contract rate of \$400 per day, for liquidated damages that would equal \$47,200. He also figured in patch work for the City of Ocheyedan Main street of \$8,024.75 plus additional engineering costs of \$9,952.09 to get to liquidates damages of \$65,176.84. The county still owes Godbersen-Smith Construction the retainage amount of \$115,769.87. Schlotfeldt recommends the county pays \$50,593.03 of the \$115,769.87 to Godbersen-Smith Construction. Eckert will submit the proposed contract change order to Godbersen-Smith Construction.

Chris Bennett, project architect informed the board that three bids were received for the courthouse window replacement project. Northern Plains Construction bid was \$333,000; Schiebout Window and Door bid was \$379,831.91; and The Wilson Group bid was \$491,792.00. After reviewing the bids, it was discovered that Northern Plains Construction used different window for the basement that eliminated the hardware provided elsewhere. Windows with the hardware meeting bid specs would increase their bid by \$36,000 so the actual bid would be \$369,000. After talking to Northern Plains Construction, they offered to split the \$36,000 three ways so that Pella, and Northern Plains Construction would each absorb 1/3 of additional cost and the County would pay \$12,000 beyond the base bid. Nolan McGowan, county attorney advises the board that if low bid was accepted the county could run a risk of exposure since the low bid was not responsive to the specifications. It was moved by VandeHoef, second by Schulte to award the bid to Schiebout Window and Door for \$379,831.91 with Alternate #1 add for triple pane glass for an additional \$16,277.79. The boards desire is to keep wood window sill, if that is not possible Alternate #2 would be accepted using Solid Surface sill with a deduct of -\$3,280.26. All vote aye. Motion carried.

Stephanie Nepl, economic development visited with the board regarding a county-wide shopping promotion. For shoppers who shop in Osceola County they would turn in their receipts in order to have a chance to win a gift certificate to participating businesses. She has heard approximately from 40 businesses in the county who would be willing to participate. The board would support purchasing a \$100 gift card from each participating business. She will reach out to the other businesses she has not heard from. She will present a proposal for the board to review at the next board meeting.

Dan Eckert, interim engineer told the board that Dickinson County Board of Supervisors discussed doing a month by month extension of the engineer service agreement until January then would have to re-evaluate the situation. The board asked Dan if would be willing to say on if found an engineer who does not have is PE license and he would be willing to do that.

VandeHoef moves to enter in closed session under Iowa Code 21.5 (I) to discuss engineer's position. Second by DeBoer. Aye-VandeHoef, DeBoer, Schulte, Helmers, Jones. Nay -None Motion carried.

It was moved by Helmers, second by VandeHoef to enter into regular session. All vote aye. Motion carried.

VandeHoef moves to have a special meeting on Friday, September 18th, time to be determined, to interview an applicant for the engineer's position. Second by Helmers. All vote aye. Motion carried.

The board discussed the tile that needs to be repaired on the county's property at the Enterprise Park. After talking to Rocky Marco he thought would cost approximately \$600 to repair the tile. They will check to make sure not in a drainage district. It was moved by Schulte to have Mega, Inc repair the tile at the Enterprise Park for no more than \$600. Second by Jones. Aye-DeBoer, Jones, Helmers, Schulte, Nay-VandeHoef. All vote aye. Motion carried.

The board reviewed the Conflict of Interest Policy. VandeHoef noted that the policy language exceeds the language in Iowa State Code and would like to see the language added to include non-biological children. DeBoer moves to approve the Conflict of Interest Policy. Second by Jones. Aye-DeBoer, Jones, Helmers, Schulte. Nay-VandeHoef. All vote aye. Motion carried.

It was moved by Schulte, second by Helmers to approve the following resolution:

RESOLUTION #3 20/21

REQUESTING REIMBURSEMENT FROM THE IOWA COVID-19 GOVERNMENT RELIEF FUND

A resolution by Osceola County to request reimbursement for eligible costs related to the COVID-19 public health emergency from the Iowa COVID-19 Government Relief Fund.

WHEREAS, the United States Congress approved the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide economic relief related to the COVID-19 pandemic.

WHEREAS, Governor Kim Reynolds allocated \$125 million of the State of Iowa's CARES Act funding to local governments for direct expenses incurred in response to the COVID-19 emergency.

WHEREAS, local government funding reimbursements may only be used for necessary expenditures incurred due to the COVID-19 pandemic, were not accounted for in the current fiscal year county budget, were incurred during the time period of March 1, 2020 through December 30, 2020 and have not been reimbursed from other sources.

NOW, THEREFORE BE IT RESOLVED, Osceola County requests reimbursement of \$ 75,535.57 in eligible expenditures in response to the COVID-19 public health emergency.

BE IT FURTHER RESOLVED, Osceola County affirms that the above requests for reimbursement follow all formal published Federal and State of Iowa guidance on how the funds should be spent, and understand if the reimbursements are misrepresented, the local government will be liable for any applicable penalty and interest.

Aye- Schulte, Helmers, VandeHoef, DeBoer, Jones. Motion carried

HEREBY RESOLVED by the Board of Supervisors for Osceola County on this 11th day of September, 2020.

It was move by Helmers, second by Schulte to approve to purchase an OVCS absentee voting equipment for \$7,850. All vote aye. Motion carried.

Smith Construction submitted a vendor request for masonry construction. Helmers moves to approve the vendor request for Smith Construction. Second by VandeHoef. All vote aye. Motion carried.

The board discussed contracting with Northwest Iowa Planning and Development for zoning services. Currently the engineer's office handles the zoning for the county. It was moved by VandeHoef, second by Helmers to table the contract with Northwest Iowa Planning and Development with the intention of having the Engineer continue to be the zoning administrator. All vote aye. Motion carried.

It was moved Helmers to approve the third and final reading of Ordinance #54 An Ordinance Amending the 2013 Zoning Ordinance for Osceola County, Iowa by Amending Article XIII, Wind Energy Regulations, Section 13.7 Review and Approval, Subsection 2, Agency Notice/Review. Second by Schulte. All vote aye. Motion carried.

Rochelle VanTilburg, auditor explained to the board about the Presidential directive to defer the payment of employee social security tax from September through December, 2020. She informed the board this is not a tax break but a deferral of FICA tax until 2021. Helmers moves not to have the county participate in Presidential directive to defer employee social security tax. Second by DeBoer. All vote aye. Motion carried.

The board reviewed payroll registers from September 2nd, 9th, and 11th.

It was moved by Schulte, second by DeBoer to approve the payment of claims submitted by the auditor's office. All vote aye. Motion carried.