

March 21, 2023

The Winnebago County Board of Supervisors met in session at 9:00 A.M. March 21, 2023 adjourned from March 14, 2023.

Present: Supervisors Smith, Jensvold, and Durby

Absent:

On a motion by Durby and seconded by Smith the Supervisors moved to approve the Minutes from the March 14, 2023 Board Meeting and approve the Agenda for March 21, 2023. All voted aye. Motion carried.

On a motion by Smith and seconded by Durby the Supervisors moved to approve the petition by the landowners of DD 76 to become a Supervisor controlled district versus a landowner trustee controlled district and set the canvass for April 4, 2023. All voted aye. Motion carried.

Robert Schwartz, Conservation discussed the Nature Center updates.

Scott Meinders, Engineer and Ethan Schutter, Maintenance Supervisor discussed Secondary Road matters including spot loading rock and working on ruts.

On a motion by Jensvold and seconded by Smith the Supervisors moved to approve the temporary easement for bridge replacement project, Buffalo Township, Section 9. All voted aye. Motion carried.

On a motion by Durby and seconded by Smith the Supervisors moved to approve the following resolution. All voted aye. Motion carried.

RESOLUTION NO. 03-21-23-20-001

ESTABLISHING AND AUTHORIZING THE COUNTY ENGINEER TO POST AND HAVE ENFORCED, FIVE (5) TON AXLE WEIGHT LIMITS, FOR A PERIOD NOT TO EXCEED 90 DAYS, ON ALL ROAD WITHIN THE JURISDICTION OF WINNEBAGO COUNTY, IOWA.

WHEREAS, the Board of Supervisors is empowered under authority of Section 321.236(8), 321.255 and 321.471 to 321.473 of the Code of Iowa to prohibit the operation of vehicles upon Secondary Roads or to impose restrictions as to weight of vehicles to be operated upon said secondary roads, except implements of husbandry as defined in Section 321.1, for a total period not to exceed ninety days from date of signed resolution, whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced, and

WHEREAS, severe spring weather conditions have caused certain secondary roads to be incapable of bearing the customary traffic thereon without undue damages,

NOW THEREFORE BE IT RESOLVED by the Winnebago County Board of Supervisors that the County Engineer be authorized to order any of the Secondary Roads closed to vehicles in excess of five (5) tons per axle weight, wherever he deems it necessary and for the period of time deemed expedient (not to exceed 90 days), by erecting signs in accordance with Section 321.472.

BE IT FURTHER RESOLVED that the County Engineer may grant permits of exemption upon a showing that there is a need to move to market farm produce of a type subject to rapid spoilage, or loss of value or to move any farm feeds or fuel for home hearing purposes.

Passed and approved this 21st day of March, 2023.

RECOMMENDED:



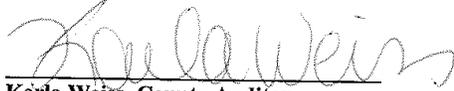
Scott Meinders, County Engineer

**BOARD OF SUPERVISORS OF
WINNEBAGO COUNTY, IOWA**



Bill Jensvold, Chair

ATTEST:



Karla Weiss, County Auditor

On a motion by Jensvold and seconded by Durby the Supervisors moved to approve plans and specifications for E-9-W1 Bridge replacement, Project No. BRS-CO95(79)—60-95. All voted aye. Motion carried.

On a motion by Jensvold and seconded by Smith the Supervisors moved to approve the Utility Permit for WCTA to bury fiber optic cable on 20th Ave. All voted aye. Motion carried.

On a motion by Durby and seconded by Smith the Supervisors moved to approve the purchase of new equipment for the Sheriff's department pending a public hearing. All voted aye. Motion carried.

Julie Sorenson, Public Health discussed the Environmental Health/Sanitarian position.

Julie Sorenson, Public Health discussed the Public Health Building addition.

The following claims were approved and ordered to be paid:

| | | |
|----------------------------------|---------------|--------------|
| 4b's LLC | Rent | \$400.00 |
| A-1 Portables | Services | \$125.00 |
| Ag Vantage FS Inc | Fuel | \$9,582.82 |
| AH Hermel Co | Supplies | \$2,318.36 |
| Alliant Energy | Utilities | \$608.73 |
| Amazon Capital Services | Supplies | \$500.86 |
| Assuredpartners Great Plains LLC | Services | \$1,680.00 |
| AT&T Mobility | Telephone | \$330.16 |
| Austin Office Products | Supplies | \$83.16 |
| Black Hills Energy | Utilities | \$36.62 |
| BMC Aggregates LLC | Rock | \$125,936.27 |
| Bob Barker Co | Supplies | \$603.50 |
| Bomgaars | Supplies | \$706.91 |
| Capital Court Reporting LLC | Services | \$355.60 |
| Cataldo Funeral Home | Services | \$1,718.66 |
| Central Iowa Detention | Services | \$13,526.64 |
| Charm-Tex Inc | Supplies | \$303.60 |
| Chase Card Services | Supplies | \$865.14 |
| Cintas Corporation | Supplies | \$566.79 |
| City of Buffalo Center | Utilities | \$37.53 |
| Clear View Auto Glass | Parts | \$480.00 |
| Crittenton Center | Services | \$233.25 |
| Daniela Flores | Services | \$350.00 |
| DH Hydraulics | Supplies | \$199.68 |
| Duncan Heights Inc | Services | \$612.00 |
| Electronic Engineering | Supplies | \$600.85 |
| Eric Hythecker | Reimbursement | \$19.98 |
| Farmers Coop Assn | Fuel | \$2,108.65 |
| Fastenal | Supplies | \$794.43 |
| Five Star Cooperative | Fuel | \$104.33 |
| Five Star Shop Service | Supplies | \$284.95 |
| Fleener Auto Parts & Service | Services | \$120.00 |
| Forest City Chamber | Advertising | \$300.00 |

| | | |
|--------------------------------|---------------|-------------|
| Forest City Ford | Services | \$62.00 |
| Forest City Post Office | Postage | \$359.05 |
| Galls LLC | Supplies | \$650.88 |
| Hancock County Health System | Services | \$5,016.92 |
| Hawkeye Communication | Services | \$141.00 |
| Heartland Power | Utilities | \$1,041.24 |
| Heiman Inc | Services | \$984.00 |
| Huber Supply Co | Supplies | \$170.98 |
| Hy-Vee Inc | Jail Food | \$9,211.30 |
| Iowa Law Enforce Academy | Education | \$375.00 |
| Iowa Secretary of State | Notary Fee | \$30.00 |
| IP Pathways | Services | \$847.32 |
| ISAC | Education | \$400.00 |
| ISSDA | Education | \$375.00 |
| IT Savvy LLC | Supplies | \$400.60 |
| John Deere Financial | Supplies | \$27.68 |
| Julie Swenson | Mileage | \$280.35 |
| Karla Weiss | Mileage | \$236.38 |
| Kelsey Beenken | Reimbursement | \$406.03 |
| Kimball Midwest | Supplies | \$353.28 |
| Kingland Construction Services | Services | \$77,037.43 |
| Kris Engineering Inc | Supplies | \$4,549.09 |
| Kwik Trip Inc | Fuel | \$9,145.85 |
| Lake Mills Graphic Inc | Advertising | \$43.00 |
| Language Line Services | Services | \$44.65 |
| Legal Shield | Services | \$164.46 |
| Mail Services | Services | \$412.17 |
| Mark Johnson | Rent | \$425.00 |
| Martin Gardner Arch | Services | \$1,108.18 |
| Martins Flag Co | Supplies | \$394.08 |
| MDS Records Management | Services | \$49.00 |
| Meaghan Welter | Reimbursement | \$40.50 |
| Medline Industries Inc | Supplies | \$67.32 |
| Melissa Michaelis | Mileage | \$149.39 |
| Mid-America Publishing Corp | Advertising | \$459.57 |
| Midwest Group Benefits | Services | \$810.50 |
| Midwest Wheel & Equip Co | Parts | \$839.49 |
| Nancy Nelson | Well Repair | \$500.00 |
| Next Generation Technologies | Services | \$1,822.99 |
| Nicole Templeton | Reimbursement | \$149.53 |
| Northwood Anchor | Advertising | \$205.20 |
| NSB Bank | Loan Payoff | \$33,280.00 |
| Nuway - K&H Coop | Fuel | \$1,210.33 |
| ODP Business Solutions LLC | Supplies | \$186.03 |
| Pakor | Supplies | \$291.43 |
| Petroblend Corp | Supplies | \$4,490.60 |
| Pitney Bowes | Postage | \$165.33 |
| Reliance Standard Life Ins Co | Services | \$1,551.09 |
| Ricoh SA Inc | Services | \$340.56 |
| Robert Schwartz | Reimbursement | \$40.00 |

| | | |
|---------------------------|------------|--------------|
| SA Architects Inc | Services | \$12,000.00 |
| Safety Kleen Systems Inc | Services | \$379.10 |
| Sanofi Pasteur Inc | Supplies | \$88.89 |
| Schneider Geospatial LLC | Services | \$2,547.00 |
| Schott Funeral Home | Services | \$2,995.00 |
| Shanna Eastvold | Mileage | \$192.44 |
| Staples Credit Plan | Supplies | \$37.08 |
| State Hygienic Laboratory | Supplies | \$33.50 |
| Terrell Durby | Mileage | \$86.46 |
| US Cellular | Telephone | \$46.42 |
| Verizon Wireless | Telephone | \$51.45 |
| Visa | Supplies | \$1,834.89 |
| Visual Edge IT Inc | Services | \$33.02 |
| Wade Thompson Trucking | Services | \$890.66 |
| WCTA | Telephone | \$199.52 |
| Wellmark BC/BS | Health Ins | \$106,029.41 |
| Windstream | Telephone | \$123.84 |

On a motion by Durby and seconded by Smith the Supervisors moved to approve the following Resolution. All voted aye. Motion carried.

RESOLUTION NO. 03-21-2023-01-01

Authorizing Winnebago County to Enter Into the Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc.,

WHEREAS, in 2018, the County Board of Supervisors authorized Winnebago County (the “County”) to enter into an engagement agreement with Crueger Dickinson LLC, Simmons Hanly Conroy LLC and von Briesen & Roper, s.c. (the “Law Firms”) to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for the impact on of the Opioid Epidemic on the County and resources necessary to combat the opioid epidemic;

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants in 2018 and have been litigating against the Opioid Defendants since that time;

WHEREAS, negotiations to settle claims against several of the Opioid Defendants, specifically Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc (the “Settling Defendants”) have been ongoing for several years;

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims involved in the Litigation;

WHEREAS, the proposed terms of those proposed nationwide settlements are set forth in the Teva and Allergan Settlement Agreement and the Walmart, Walgreens, and CVS Settlement Agreement (collectively “Settlement Agreements”);

WHEREAS, the Settlement Agreements as well as a summary of the main terms of the Settlement Agreements, the deadlines for submitting the Participation Agreements to the Settlement Agreements and the MDL Court’s Order setting deadlines for any Plaintiff who declines to enter into the Settlement Agreements have been provided to the County prior to the execution of this Resolution;

WHEREAS, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Iowa including to the State of Iowa and Participating Subdivisions, as that term is defined in the Settlement Agreements (“Iowa Opioid Funds”), upon occurrence of certain events as defined in the Settlement Agreements;

WHEREAS, the Law Firms have engaged in extensive discussions with the State Attorney General’s Office (“AGO”) as to how the Iowa Opioid Funds will be allocated, which has resulted in the Iowa Opioid Allocation Memorandum of Understanding (“Allocation MOU”), which is an agreement between all of the entities who are signatories to the Allocation MOU;

WHEREAS, the Allocation MOU divides Iowa Opioid Funds as follows: (i) 50% to the State (“the Iowa Abatement Share”) and (ii) 50% to Participating Local Governments (“LG Share”), net of fees and costs allocated to the Iowa Backstop Fund as set forth in Section D of the Allocation MOU and in this Resolution (“LG Abatement Share”);

WHEREAS, the LG Abatement Share shall be distributed in direct payments to the Counties that are Participating Local Governments according to the allocation model developed in connection with the proposed negotiating class in the National Prescription Opiate Litigation (MDL No. 2804) in the amounts set forth on Exhibit 2 to the Allocation MOU (“Direct Distribution Percentage”). The Direct Distribution Percentage will be multiplied by the total LG Abatement Share to arrive at the total allocation to the Participating Local Government (the “Direct Distribution Amount”);

WHEREAS, 100% of the Iowa Abatement Share and the LG Abatement Share, regardless of allocation, shall be utilized only for Opioid Related Expenditures incurred after the Effective Date of this MOU. The list of approved Opioid Related Expenditures is set forth in Exhibit 1 of the MOU (Iowa State – Local Allocation MOU).

WHEREAS at least 75% of the Iowa Abatement Share and 75% of the LG Abatement Share shall be utilized for only the “Core Strategies” listed in Schedule A of Exhibit 1 to Allocation MOU;

WHEREAS, every Participating Local Government that receives a Direct Distribution Amount shall create a separate fund on its financial books and records that is designated for the receipt and expenditure of the entity’s Direct Distribution Amount, called the “LG Abatement Fund;”

WHEREAS, Funds in an LG Abatement Fund shall not be commingled with any other money or funds of the Participating Local Government, but a Participating Local Government may invest LG Abatement Fund funds consistent with the investment of other funds of a Participating Local Government;

WHEREAS, Funds in a LG Abatement Fund may be expended by a Participating Local Government only for Opioid Related Expenditures, shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU and, for avoidance of doubt, funds in a LG Abatement Fund may not be expended for costs, disbursements or payments made or incurred prior to the Settlement;

WHEREAS, if any audit required by the Allocation MOU reveals an expenditure inconsistent with the terms of the Allocation MOU, the Participating Local Government shall immediately redirect the funds associated with the inconsistent expenditure to an Opioid Related Expenditure;

WHEREAS, the County must comply annually with the reporting requirements in the Allocation MOU;

WHEREAS, if the County elects to become a Participating Subdivision in the Settlement Agreements it will receive the benefits associated with the Settlement Agreement and the Allocation MOU, provided the County (a) approves the Settlement Agreements; (b) executes the Participation Agreements stating the County's intention to be bound by the Settlement Agreements;

WHEREAS, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements by executing the Participation Agreements.

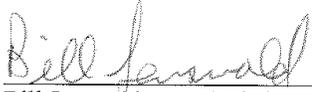
NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby approves and authorizes Kelsey Beenken to settle and release the County's claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements by taking the following measures:

1. The execution and delivery of the Participation Agreement to the Settlement Agreements and any and all documents ancillary thereto.
3. The execution and delivery of any and all further and other documents necessary to effectuate the foregoing and the terms of this Resolution.

BE IT FURTHER RESOLVED: the County shall deposit the LG Share in its account titled "LG Abatement Fund" to receive the LG Abatement Share from the Settlement Agreements.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Adopted by the Winnebago County Board of Supervisors this 21st day of March, 2023



Bill Jensvold, Board Chair

ATTEST:



Karla Weiss, County Auditor

There was discussion regarding election equipment. Jensvold discussed the ERIC system and how the Iowa Secretary of State is removing Iowa from the system. Jensvold also discussed how he believes the State will be going to not using machines and Winnebago County should not purchase new equipment. Auditor Karla Weiss discussed the Unison Election Equipment we use has served us well, but is over 12 years old, and since it is computer equipment it has simply outlived its lifespan. The County did two administrative recounts for the Primary Election and while everything was correct it is best to have new equipment.

On a motion by Durby and seconded by Smith the Supervisors moved to approve the contract with Henry M. Adkins & Son. Inc. All voted aye. Motion carried.

The contract for Scott Levine for Rural Recycling will be on the agenda next week.

There was discussion regarding the employment contract for the County Engineer. This will be on the agenda next week for approval.

There was much discussion regarding the budget.

On a motion by Durby and seconded by Smith the Supervisors moved to set the Public Hearing for the FY 2023-2024 budget for April 18, 2023 at 9:00 A.M. All voted aye. Motion carried.

The following Manure Management plan was received by the Auditor's office: Grant 8 Site #69845 in Winnebago County, Iowa.

The session was adjourned until 8:30 A.M. March 28, 2023.

Bill Jensvold, Chairperson

Attest: _____
Karla Weiss, County Auditor