

Gummart/Galbri are lawyers for zoning. Lawsuits for Zoning have been placed. Gamble & Sproul would be for the Board of Health budget & expenditures. Question was asked if there have been lawsuits placed against the Board of Health. No comments were shared.

9:30 – Engineer Ben Daleske, Tama County Engineer presented updated Dust Control Policy

The Board of Health meeting was officially called to order by Sherry Parks, Chairman at 9:31 a.m. with Casey Schmidt entering meeting. Board of Health Members present at this time were: Sherry Parks, Micki Ferris, and Casey Schmidt.

Ben presented to Dust Control Policy to supervisors, discussion was held regarding Jesse Warden and how he left, talking with Tammy in regards to this new agreement. Said just wanted to give them a heads up on the agreement. Utility permits were also discussed. There was a woodpecker that damaged a pole. Repairs on 230th Street were reviewed. Official Dust Control Policy ordinance was signed.

Discussion was held about Ragbrai first reading was last week; they waved the second and third reading. Resolution was established.

Claims are approved

Law enforcement contracts were approved.

City chamber has asked about trash cans for the courthouse lawn. Chamber will be buying. Dirk will be emptying the trash cans. Currently there are trash cans available at the north and south the entrances.

Amanda Kriegel, Tama County Treasurer, entered the meeting to discuss abatement on parcel.

9:58 a.m. Casey Schmidt left the meeting.

10:00 a.m. – Retention of Joseph Gamble & Kayla Sproul, attorneys – reference to Board of Health budgets & expenditures. Retention of Gummart/Galbri, attorneys – reference to Zoning.

10:00 agenda item noted retention of lawyers.

Larry Vest stated that Carlton Solomon's and Jon Swanson had been Heartland Pool lawyers in the past. Joseph Gamble and Ken Gummart were contacted to take their place. Everyone works for another firm.

10:01 a.m. Casey Schmidt re-entered the meeting

The Board of Supervisors had Laura Kopsa call Carlton Salmon's in regards to the 10 AM discussion item on the agenda. He was available via speaker phone.

Question was asked “when was this item discussed before today’s meeting”.

Carlton stated “talked to two of you”.

Question was asked about hiring council for a lawsuit. Salmon’s questioned if it should go into close question.

It was shared that the Toledo Newspaper had an article that came out June 9th, where it listed Board Health, Behrens comments, and Apfel's prior septic inspections. The Board of Health has money set aside, to be effective July 1st, in the amount of \$51,000 to be paid out to homeowners. Asked the chair to go to the Board of Health to approve payments. Board of Supervisors wants to see the minutes. They were met with resistance and then they drafted a "demand letter" requesting items be presented with in two weeks. Lori Johnson stated initial request came in with copy of "all policies & procedures". They are not all electronically stored.

Salmon's suggested that the reimbursements to the two homeowners are illegal and to stop the Board of Health's illegal expenditures of reimbursement to the homeowners from happening.

Curt Hilmer stated that the Board of Supervisors had approved their budget during budget sessions held before certification date. Carlton stated that "\$51,000 detail was not discussed".

Carlton stated that the 7/1 payment would be improper/illegal and the Board of Supervisors can take back that amount out of the Board of Health budget.

After the newspaper article, didn't turn over the documents and papers requested.

Comment was shared that these two people are entitled to this money for their repairs.

Carlton stated that the two claims had been reviewed by the Great Risk Solutions People. On February 3rd, a letter was sent to Boley and Stevens to inform them that they were outside of the statute of limitations for their reimbursement request.

Carlton also stated that it is illegal for several other aspects of the law.

Carlton talked to two attorneys, Thursday, with one being Real Estate expert. This person looked at events that took place regarding the Board of Health, and to put a stop to it.

July 31st Carlton will be retiring; he is recommending hiring these two to represent the County.

There is a disagreement regarding the Statutory Law of Iowa.

Comments are made about county suing someone in a county

Curt Hilmer stated, "I have a major problem with the County suing the County".

Carlton stated that Board of Supervisors needed to write Board of Health a letter and ask them to restrain themselves from making these payments

Curt Hilmer said "it's turning into a he said she said pissing match. Should try to fix it and not sue them".

Supervisors can't sue the county. Hilmer said he would like to see it worked out.

Salmon said "time is short".

Carlton stated that the "Board of Supervisors can stop payments, order the Auditor to not pay these two people".

Comment was shared that they would like to see this being resolved without it going to a lawsuits.

Carlton stated “it is a violation of Iowa Code when it becomes personable for these two payments. Want to see that it has stopped before it happened”. “I’m not going to be around”. Need to “take back allocation in the line item”. The person who signs is liable.

Curt stated “should have been tried that way” without personal feelings regarding current and previous staff members.

Suggestion was made to not spend the money, with a temporary injunction.

Casey Schmidt, Board of Health member, asked regarding the statute of limitations. Carlton stated he had reviewed each case when these issues came up and asked when should they have been brought up?

Carlton gave a scenario of Mr. X system was installed May 2016, state agency time of transfer and it passed. “Nothing by law that it needed to be updated”. (Didn't say anything about following Iowa Code Chapter 69).

A year and 1/2 later, this should have been disapproved two years earlier. Stuck with repair by 7/1. Carlton stated “Iowa Code 670.5 is two years statute of limitation”. If mistake was made by the 1st sanitarian on 5/1/16, two years statute of limitation starts running that day, even if it is not known by the homeowner, expires 5/1/18”. Limitation starts the day the previous Sanitarian approved the system.

Casey Schmidt questioned the approval date of initial date being used for statute of limitation

Laura Wilson asked, since it has past the statute of limitation it makes it an illegal expenditure.

The Board of Supervisors are given the statue to sign claims. The Board of Supervisors reviews and then claims are paid. Claim is denied, person who has claim has to file a suit.

They receive claims and pay the claims. Board of Health is paying claims circumvents the entire procedure. Curt asked “when the claims were made. They budgeted money to pay those claims”. February 3, 2023, a denial letter was sent to claimants by Great Risk.

Carlton stated he had went through them very carefully and made sure statute was met. Mr. Long, Claims Representative of Heartland Risk Pool, was contacted regarding the statute of limitations. Limitation was run in both cases. Curt said “They did not discuss it before letter was sent”.

Curt asked “who do I file a claim with?” Response from Carlton was “claim is filed with the auditor's?”

Laura Kopsa clarified that each claims is approved by each department and submitted to the Auditor’s Office. The Auditor’s office runs a report and is given to the Board of Supervisors. They review this report every Monday morning.

Lori Johnson stated that it was specifically pointed at the budget session, about the \$51,000 budget line item. Bill stated they didn’t know the statute of limitation at that time.

Comment was made regarding June 9th article and comment made by current sanitarian in article. And that a motion was made to pay those two homeowners. The Board of Health website doesn’t list any meeting minutes after January 2023.

Board of Supervisors properly renegotiated by council. It was asked that the Board of Health hold a Special meeting to discuss these matters to not pay the homeowners until this can be resolved. Their next regular scheduled meeting is Monday, June 26th.

Sherry Parks stated that the newspaper obtained copies of the Board of Health Meeting Minutes from the Tama County website. There wasn't a refusal on not providing the information. Policies are across the street and always available. They did not approve of the article. It was stated that initial request was for "all policies".

Motion was made to retain attorneys, if need be, regarding this matter to make sure Board of Supervisors is properly represented by council, by Dan Anderson. Bill seconded. Curt refrained. Carlton Salmon stated the rates would be \$170/hour.

Zoning is a separate issue. Coverage before Carlton leaves from his office to protect Zoning from outside forces. Curt made a motion to approve hiring the zoning lawyers. The coverage for the lawyers would begin once Carlton leaves. Regarding these issues from the past year and a ½. It was stated that they are being retained for the Board of Supervisors attorneys.

Sherry Parks asked "if they are retaining for Zoning, shouldn't they be retaining one for the Board of Health. The Board of Health has contacted county council but have not hired the lawyer. You're retaining for Zoning but not us, is that fair"?

Laura Kopsa stated "Board of Supervisors oversees Zoning; Board of Health oversees Sanitarian, that is the difference".

Bill asked if the Board of Health was open to not making payments.

Sherry said there should be a discussion

Bill replied that it "needs to be done quick".

Sherry said "not sure why it is illegal. Statute of limitation means has to be paid within in the time frame". The next Board of Health meeting is Monday. Comments again were "Time had lapsed and will be an illegal payment".

Sherry said that "the newspaper article is being held against us". They are trying to follow the law by following Chapter 69. Micki Ferris stated, "We have no governance over the newspaper due to "freedom of speech". Sherry said, "But it's been held against us".

Curt commented, "If these payments are not made, then wouldn't the homeowners come back wanting payment. Why not settle".

Sherry said "We thought it made sense to try and save the tax payer money".

Richard Arp stated "lawyers are expensive. Want to try and save money. Time has lapsed". There may be other complaints. Need to find a way to figure this out without having to find a lawyer. I think you can figure something out".

Dan stated, need to do something before the 1st of July. Richard asked “Will the Board of Supervisors be in trouble for changing their minds? Need to figure something out”.

Curt stated that he would like to see something worked out.

Comment was made Tama County paying for both sides and will be more expensive.

Janet Wilson stated “add up the payments, will be greater if not settled on the amount listed”. Agree not to pay. Strict deadlines, could this be delayed?

Budget was approved to spend after July 1.

John Winklepleck stated “Lawyers from this law firm could be better or give better/different advice. What he has to say has always been gospel. He has not always been accurate. You're retaining two of his lawyers.

Sherry said “is pretty open to ask the board. There needs to be conversations with the Board of Health. They were hit with this out of the blue”. Noon Monday, and will be put on agenda to visit about this.

Casey Schmidt stated “details need to be reviewed with them so everyone is on the same page”.

John Winklepleck stated that “irrelevant how the paper got ahold of it, it's out there. If accurate, entitled to put it in the paper. Not keeping it quiet. Keeping mouth shut and covering up and hoping it will go away. It never will. Truth will be the best defense”.

Curt stated “I think we're all on board for meeting with them to delay payment until agreement is made”.

The Board of Health will put this topic on their agenda for their Monday meeting.

Future Meeting Dates: June 20, 2023.

The Board of Health meeting adjourned at 10:45 a.m.

Respectfully Submitted,

Lori Johnson, Assistant Director/CFO