

December 14, 2021

The Board of Supervisors met at 9:00 o'clock A.M. with Jeri Vogt, Chairperson presiding. All members were present.

Minutes of the previous meeting were read and approved.

On motion, the Board recognized claims for the Public Health Department and approved claims for all other departments.

The Board recognized the resignation of Mary Schwery, RN and Jennifer Bruck, Advanced Registered Nurse Practitioner in the Public Health Department.

The Board recognized the resignation of Darin Scheer, Construction Employee I in the Engineer's Department.

The Board recognized the resignation of Dawn Reiser, Motor Vehicle Deputy in the Treasurer's Office.

The Board approved the following Underground Utility Permit:

No. 21-30 – Farmers Mutual Cooperative Telephone Co. – Installation of a fiber cable along 280th St commencing at the intersection of Hwy 141 thence north to 3081 280th St.

A motion was made by Schultz, seconded by Heiden to approve the following resolution:

Resolution 2021-50

NOW, THEREFORE, be it resolved by the Board of Supervisors of Crawford County, Iowa that

The sum of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) is hereby transferred from the Rural Basic Fund #0011 into the Secondary Road Fund #0020.

Voting Aye: Heiden, Rosburg, Schultz, Skoog and Vogt. Motion passed unanimously.

A motion as made by Heiden, seconded by Schultz to approve the LMR closings and authorizing payment for the Bromert property.

Motion was passed unanimously.

A motion was made by Heiden, seconded by Rosburg to approve adding Groundskeeper duties to the custodial staff job description and providing a company cell-phone for call-ins. Call-ins would be a minimum of two hours paid over-time. The over-time will not go towards comp time.

Motion was passed unanimously.

The Board discussed Insurance Renewals.

The Board met with Colin Johnson, County Attorney to discuss Senate File 342 Section XIII regarding the Sheriff's salary recommendation from the Compensation Board.

Due to the above discussion, no action was taken on the Resolution for Elected Official Compensation.

A motion was made by Schultz, seconded by Rosburg to approve the Amendment of the Memorandum of Agreement for the Law Enforcement Center.

Motion was passed unanimously.

A motion was made by Schultz, seconded by Heiden to approve the 28E Agreement between Family Crisis Center and Crawford County.

Motion was passed unanimously.

A motion was made by Heiden, seconded by Rosburg to approve the following resolution:

Resolution 2021-51

RESOLUTION ESTABLISHING A 28E AGREEMENT WITH FAMILY CRISIS CENTER

WHEREAS, Crawford County and Family Crisis Center desire to continue the relationship between the county and the non-profit pursuant to an Iowa Code Chapter 28E agreement;

WHEREAS, Crawford County will provide, along with other counties, funds to Family Crisis Center in return for services related to intimate partner violence safety and advocacy;

NOW, THEREFORE, BE IT RESOLVED BY THE CRAWFORD COUNTY BOARD OF SUPERVISORS that the Agreement known as “28E AGREEMENT FOR FUNDING BETWEEN FAMILY CRISIS CENTER AND CRAWFORD COUNTY,” a copy of which is attached, is approved.

Voting Aye: Heiden, Rosburg, Schultz, Skoog and Vogt. Motion passed unanimously.

A motion was made by Heiden, seconded by Schultz to approve the Bid from Phil’s Landscaping for Snow Removal.

Motion was passed unanimously.

A motion was made by Heiden, seconded by Skoog to approve the following resolution:

RESOLUTION NO. 2021-52

Authorizing Crawford County to Enter into Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., Agree to the Terms of the Iowa Opioid Allocation Memorandum of Understanding and Authorize Entry Into that Memorandum of Understanding

WHEREAS, negotiations to settle claims against several of the Opioid Defendants, specifically McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, 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, copies of the proposed terms of those proposed nationwide settlements have been set forth in the Distributors Master Settlement Agreement and the J&J Master Settlement Agreement (collectively “Settlement Agreements”);

WHEREAS, copies of the Settlement Agreements as well as 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, upon occurrence of certain events as defined in the Settlement Agreements (“Iowa Opioid Funds”);

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 proposed 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, a copy of the Allocation MOU and the Exhibits to that MOU has been provided with this Resolution;

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”), less 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 are set forth in Exhibit 1 to this 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 this 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.” Funds in an LG Abatement Fund shall not be commingled with any other money or funds of the Participating Local Government. 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. 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, each LG Abatement Fund shall be subject to audit in a manner consistent with Code of Iowa §§331.402(2)(i) and 11.6. Any such audit shall be a financial and performance audit to ensure that the LG Abatement Fund disbursements are consistent with the terms of this MOU. If any such audit reveals an expenditure inconsistent with the terms of this MOU, the Participating Local Government shall immediately redirect the funds associated with the inconsistent expenditure to an Opioid Related Expenditure.

WHEREAS, County has contracted with the Law Firms for representation in the Litigation and the Law Firms have been representing those entities since 2018 and in consideration for the Law Firms' representation, the County entered into a contract with the Law Firms for a 25% contingency fee applied to County's total recovery from any settlement.

WHEREAS, the Settlement Agreements provide for the payment of attorney's fees and legal expenses owed by States and Participating Local Governments to outside counsel retained for Opioid Litigation. To effectuate this, the Court in the MDL Litigation has established a fund to compensate attorneys representing plaintiffs in the Litigation (the "National Attorney Fee Fund").

WHEREAS, the Law Firms intend to make application to the National Attorney Fee Fund. However, because there is still uncertainty regarding what counsel for litigating local governments will recover as compensation for the large volume of work done and the large out of pocket expense of the Litigation, and whereas the Parties to the Allocation MOU desire to fairly compensate outside counsel for the work done on behalf of the Participating Local Governments in Iowa, the Allocation MOU provides that a fund be created from 15 % of the LG Share attributable to the Litigating Local Governments, less any amounts a Litigating Local Government ("Iowa Backstop Fund")

WHEREAS, the Iowa Backstop Fund is meant to compensate outside counsel for participating local governments only for amounts not recovered at the National Fee Fund attributable to their Iowa clients;

WHEREAS, to be eligible for the Iowa Backstop Fund, the Law Firms must first seek payment from the National Attorneys' Fees Fund and may not recover amounts attributable to Counsel's representation of the County received at the National Attorneys' Fees Fund from the Iowa Backstop Fund;

WHEREAS, the County, by this Resolution, agrees to the creation of the Iowa Backstop Fund in the amount of 15% of the LG Share attributable to the Litigating Local Governments in order to fund a state-level "backstop" for payment of the fees, costs, and disbursements of the Law Firms;

WHEREAS, in no event shall the total of the amounts received by the Law Firms at the National Attorney's Fees Fund related to the County and the amount received at the Iowa Backstop Fund exceed the amount the Law Firms would have been entitled to pursuant their fee contract with the County;

WHEREAS, the County, by this Resolution, shall establish an account for the receipt of the LG Abatement Share consistent with the terms of this Resolution ("the LG Abatement Fund");

WHEREAS, the County's LG Abatement Fund shall be separate from the County's general fund, shall not be commingled with any other County funds, and shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements and the Allocation MOU;

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

WHEREAS, the 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; (3) approves the Allocation MOU; (4) executes the Acknowledgement and Agreement to be Bound to Memorandum of Understanding necessary to execute the Allocation MOU;

WHEREAS, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements by executing the Participation Agreements and to enter into the Allocation MOU by executing the Acknowledgement and Agreement to be Bound to Memorandum of Understanding necessary to execute the Allocation MOU;

NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby approves and authorizes Colin T. Johnson, Crawford County Attorney, to settle and release the County's claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements, Allocation MOU and all exhibits thereto, including taking the following measures:

1. The execution of the Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto.
2. The execution of the Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto.
3. The execution of the Allocation MOU by executing the Acknowledgement and Agreement to be Bound to Memorandum of Understanding.

BE IT FURTHER RESOLVED: the County hereby establishes an account separate and distinct from the County's general fund which shall be 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.

Voting Aye: Heiden, Rosburg, Schultz, Skoog and Vogt. Motion passed unanimously.

A motion was made by Schultz, seconded by Rosburg to set the time, date & location for the Public Hearing regarding the Crawford County Redistricting & Repricing for December 28, 2021 at 10:00 o'clock A.M. in the Board of Supervisors Room.

Motion passed unanimously.

A motion was made by Rosburg, seconded by Schultz to set the time, date & location for the first reading of the Ordinance Establishing Election Precincts in Unincorporated Areas of Crawford County for December 28, 2021 at 10:15 o'clock A.M. in the Board of Supervisors Room.

Motion was passed unanimously.

On motion duly seconded the Board adjourned at 11:39 o'clock A.M.

Agendas for the next meeting are posted and available at the Courthouse on Friday at 4:30 o'clock P.M. preceding the next meeting.

County Auditor	Claims Paid 12/14/2021		Chairperson
Vendor	Description	Paid	
141 One Stop Llc	Tire Repairs	558.80	
911 Custom	Uniforms	80.00	
Ability Network Inc	Ability Ease, Ability Choice, Ivans	364.66	
Advanced Communication Services	Network Outage	325.00	
Agriland FS Inc	Fuel	992.31	
Ahlers & Associates	Ahlers Electronic Charting	755.00	
Ampride Truck Plaza	Filters	148.53	
Anda, Inc	FP Clinic Supplies	51.86	
Arnold Motor Supply	Batteries	411.88	
ASP Enterprises Inc	Engineering Fabric	2,700.00	
Assman, Paul J	Safety Boots	200.00	
Aureon Communications	Office Telephone	5.67	
Beeck's Window Cleaning	Custodial Service	28.00	
Black Hills Energy	Utilities	3,084.36	
Bomgaars	Uniform	197.64	
Bradley, Rod	Service	1,495.00	
Butler, Curtis J	Damages	2,030.25	
Carpenter Paper Company	Shop Supplies	1,158.42	
Carroll Control Systems Inc	Install A/C Unit	2,700.00	
Carroll County Solid Waste	Landfill Fees	29,113.08	
Carroll Refuse Service	Garbage Service	189.00	
CE Solutions	Meeting Expense	650.00	
Central Iowa Distributing Inc	Custodial Supplies	304.00	
Century Link	E911 Telephone	49.00	
Charm-Tex Inc	Jail Supplies	106.90	
Charter Oak Library	Allocation	2,040.00	
City of Charter Oak	Utilities	48.25	
City of Dow City	Utilities	49.14	
City of Ricketts	Utilities	48.41	
City of Schleswig	Utilities	18.55	
City of Vail	Utilities	37.95	
City of Westside	Utilities	70.55	
Claussen, Renae C	Ads	168.00	
CNH Capital	JCB Parts	2,126.90	
Counsel Office & Document	Equip Maint	56.29	
Crawford Co Broadcasting Corp/KDSN	Ads	182.00	
Crawford County Landfill	50% Per Capita Assessment	27,084.00	
Crawford County Memorial Hospital	PT Services	3,227.00	
Crawford County Sheriff	Serve Notices	1,398.46	
Crawford County Trust & Savings Bank	Check Order	207.78	
Custom Motorcycle & Sm Eng	Equip Rental	544.63	
Denise Derby, CSR, RPR	Transcript	14.50	
Denison Auto Parts and Machine	Hand Tools	1,366.30	
Denison Bulletin Review	Public Hearing Notice	801.05	
Denison Do It Best Hardware	Water Heater	427.64	
Denison Municipal Utilities	Utilities	4,344.52	
Denison Napa	Oil	14.69	
Denker, Dennis	Damages	1,355.00	
Denker, Timothy E	Damages	2,105.50	
Disaster Service Fund	Disaster Appropriation	250,000.00	
Dow City Library	Allocation	2,040.00	
Erlbacher Bros Inc	Hauling	8,756.36	
Ettleman's Oil Co	Fuel	4,236.38	
Eventide Lutheran Home	Nursing Facility Charges	6,356.17	
Evora Consulting Ltd	Annual Services	4,102.32	
Farm Service Cooperative	Seed	221.32	
Farmers Mutual Coop Telephone Co	E911 Telephone	72.86	
First National Bank of Omaha	Supplies/Postage	4,346.16	
Fishy Vibes	Exhibit Maint	64.61	
Franck, Sextro & Blazek, Plc	Legal Service	120.00	
Fredericks, Beverly	Replacing Outstanding Checks	148.44	
Frontier	New Sensaphone	885.03	
Frontier Communications of IA-911	E911 Telephone	822.46	
Government Forms and Supplies	Stamps & Ink Supplies	86.95	
Granzen Sr, John Christopher	Plumbing Repairs	295.00	
Gronewold Bell Kyhnn & Co Pc	Progress Billing	9,750.00	
Growmark FS	Fuel	50,028.07	

Hallett Materials	Granular Maint Material	9,481.52
Harrison County REC	Utilities	809.01
Healy, John J	Unloading Charges	2,627.88
Henry M Adkins & Sons Inc	License & Annual Software	9,040.00
HTC Inc	Parts	1,250.79
Ice Technologies, Inc	Service	298.24
ID Apparel	Uniforms	10.70
Intoximeters Inc	Intoximeter Supplies	415.00
Iowa County Attorneys Association	Fall Conference	350.00
Iowa Law Enforcement Academy	Academy	50.00
Iowa Office of the State Medical Examiner	Autopsy/Toxicology/Transcription	2,106.72
Iowa Secretary of State	Notary Renewal	60.00
Iowa State Association of Counties	Conference Registration	690.00
Iowa State University Extension/Crawford Co	Schooling	175.00
ITsavvy Llc	New Switch & Monitors	2,982.00
Jim Hawk Truck Trailers Inc	Parts	495.88
Joe's Welding	Bolts	963.37
John Deere Financial	Equip Maint	3,122.21
K & M Tire Inc	Tires	465.00
Kasperbauer Cleaners Inc	Custodial Service	123.89
L G Everist Inc	Bridge Material	17,079.13
Lally, Ken	Damages	2,391.00
Lawson Products Inc	Hand Tools	700.95
Lincoln Highway Animal Hospital	K9 Meds	171.96
Long Lines, Llc	Ethernet Circuit	350.00
Manilla Library	Allocation	2,040.00
Manilla Times Llc	Board Proceedings/Notices	138.97
Martens, Terri	Reimb Shipping Charge	16.02
Martin Marietta Materials	Limestone	20,333.76
Matheson Tri-Gas Inc	Welding Supplies	162.70
Meseck, Brandon	Safety Boots	200.00
Metal Culverts Inc	CMP	61,749.14
Midamerican Energy	Utilities	1,488.99
Midwest Automatic Fire Sprinkler Co	Quarterly Inspection	205.00
	HIPPA/Compliance Consulting	
Midwest Compliance Associates	Svcs	1,000.00
Mohr, Chad	Damages	2,232.00
National Assn for Home Care	Membership Dues	1,800.00
New Cooperative Inc	Fuel	11,118.79
Newman Traffic Signs	Signs	423.66
Norelius Comm Library	Allocation	19,800.00
Observer, The	Board Proceedings/Notices	193.48
Oden Enterprises Inc	Steel H-Piling	31,873.80
Office Depot	Tax Forms	246.08
Office Stop, The	Office Supplies	211.65
Ohde Funeral Home	Cremation	650.00
	Hospice Meds & Med Mgmnt	
Optum Hospice Pharmacy Services	Therapy	2,217.64
O'Reilly Automotive Inc	Auto Accessories	97.68
Oriental Trading Company Inc	Prog Supplies	195.34
Performance Tire & Service	Tires	20,974.24
Plunkett's Pest Control Inc	Pest Control	130.00
Postmaster	PO Box Rent	113.00
PPP Design	Quarterly Hosting	77.63
Quandt Repair	Auto Service/Repair	65.45
R & S Waste Systems Inc	Garbage Pickup	30.00
Racom Corporation	Equipment	6,637.50
Rasmussen Lumber Co	Maint/Bldgs, Grounds Repair	176.07
Reimer Lohman & Reitz	Legal Service	204.60
Reserve Account	Postage	100.00
RL Craft	Repair	299.30
Schaller Telephone Co	Telephone Service	33.34
Schleswig Library	Allocation	2,040.00
Schneider Geospatial, Llc	911 Data Layers	6,000.00
Sibbel, Martha A	Reimbursement Fall Conf	458.05
TASC - Total Admin Svcs Corp	Compliance Fee Assessment	400.00
Team Ford Lincoln	Vehicle Repair	865.18
Thrifty White Stores	Reimburseable Supplies	59.76
TK Elevator Corporation	Elevator Service	399.42
Topko Home Health Equipment	Reimburseable Supplies	489.96
UMB Bank, NA	Admin Fees	250.00
V & H Tire Co Inc	Auto Service/Repair	264.90
Vanguard Appraisals Inc	Service Plus Support	2,160.00
Verizon Wireless	Calling Card/Car Computer	800.78
Volkert Sales Lc	Tune-Up/Mower	89.95
Wal-Mart	Shop Supplies	255.04
Wellmark BC/BS of SD	Claims/Fees Paid	101,573.28
West Central Iowa Rural Water Assn	Utilities	88.50
Western Iowa Networks	Phone/Wifi	937.86
Western Iowa Power Coop	Electrical Service	1,016.86
Westside Public Library	Allocation	2,040.00
WIN	Shared Internet	1,292.80
Windstream	E911 Telephone	670.42
Wonder, Rod	Damages	3,728.00
Woodbury County Sheriff	Service	45.00
Ziegler Inc	Blades	22,480.39

Fund Totals	
0001 General Basic	80,131.88
0002 General Supplemental	260,659.08
0011 Rural Basic	58,021.33
0020 Secondary Road	263,097.42
0029 Cabin Fund - Special Rev	126.24
0037 Tower Maintenance	521.38
2400 - Debt Service-Jail/Central PI	250.00
4000 Disaster Service	6,637.50
4010 E911	9,325.55
4100 Assessor	2,852.02
7900 Sanitary Disposal - Landfill	46,025.15
8500 Self-Insurance Internal Serv Fnd	101,973.28
	829,620.83