

HARDIN COUNTY BOARD OF SUPERVISORS
MINUTES – JANUARY 10, 2018
WEDNESDAY – 10:00 A.M.

Vice-Chair Reneé McClellan called the meeting to order. Also present were Supervisor Lance Granzow; and Megan Dohrman, Micha Cutler, Justin Ites, Jessica Lara, Joe Donald, Jessica Sheridan, Taylor Roll, Rob Maharry, Julie Duhn, Lori Kadner, Don Knoell, Curt Groen, Darrell Hunt, Donna Juber, Don Hirt, Ronnie Mullins, Lisle Cook, Pauline Lloyd, and Nancy Lauver. Supervisor BJ Hoffman was absent.

The Pledge of Allegiance was recited.

Granzow moved, McClellan seconded to approve the agenda as posted. Motion carried.

Granzow moved, McClellan seconded to approve the minutes of January 2, 2018. Motion carried.

Granzow moved, McClellan seconded to approve the minutes of January 8, 2018. Motion carried.

Granzow moved, McClellan seconded to approve the January 10, 2018 claims for payment. Motion carried.

Granzow moved, McClellan seconded to approve the Sheriff's Quarterly Report for 10/01/2017 to 12/31/2017. Motion carried.

Granzow moved, McClellan seconded to approve the Auditor's Monthly Report for December 2017. Motion carried.

Granzow moved, McClellan seconded to table the Treasurer's Semi-Annual Report. Motion carried.

Granzow moved, McClellan seconded to approve the hiring of Ashley Amend, Correctional Officer, Sheriff's Office, effective 1/10/2018 at \$13.12/hour. Motion carried.

Granzow moved, McClellan seconded to approve the Recorder's monthly report for December 2017. Motion carried.

At 10:05 a.m. Vice-Chair McClellan opened the public hearing on a proposed road vacation – 170th St. & Co. Hwy. S56. County Engineer, Taylor Roll, reviewed the proposed road vacation. No oral or written comments or objections were received. The Vice-Chair then closed the public hearing and the following action was taken:

Granzow moved, McClellan seconded that the following Resolution No. 2018-06, Resolution Approving Road Vacation, 170th St. & Co. Hwy. S56, be adopted. Roll Call Vote: "Ayes" Granzow and McClellan. "Nays" None. Absent: Hoffman. Resolution No. 2018-06 is hereby adopted as follows:

RESOLUTION No. 2018-06

WHEREAS, a public hearing was held at 10:05 A.M. on the 10th day of January, 2018, in the Conference Room of the Hardin County Board of Supervisors and,

WHEREAS, There being no objections to the vacating of part of the Hardin County road right-of-way as advertised and,

WHEREAS, There being no claim for damages,

NOW THEREFORE BE IT RESOLVED THAT Hardin County vacates that portion of 170th St. and S56 original with modifications in the Southwest One-quarter (SW1/4)

Section 3 Clay Township and the Northwest One-quarter (NW1/4) of Section 10 in Clay Township originally established on the 7th of July, 1856 more particularly described as:

DESCRIPTION OF PARCEL-C

Commencing at the South One-quarter Corner of Section Three (3), Township Eighty-eight (88) North, Range Nineteen (19) West of the 5th P.M., Hardin County, Iowa; thence N00°27'00"W 776.80 feet along the east line of the SW1/4 of said Section 3; thence S38°25'10"W 150.05 feet to the Point of Beginning; thence continuing S38°25'10"W 337.95 feet along the southeasterly line of the right-of-way as described by recorder's document Yr.2000 No.1361; thence S51°02'10"W 111.00 feet along the southeasterly line of said right-of-way to the southwest line of Parcel-B as described by recorder's document Yr.2008 No.2119; thence N43°37'08"W 105.60 feet along the southwest line of said Parcel-B to the westerly line of said right-of-way; thence N53°57'48"E 119.58 feet along the westerly line of said right-of-way; thence N33°43'19"E 199.20 feet along the westerly line of said right-of-way; thence N02°10'30"W 654.80 feet along the westerly line of said right-of-way to the south line of right-of-way as described by recorder's document Yr.2006 No.4454 and beginning of a non-tangent curve; thence easterly 102.02 feet along a curve concave southeasterly and the south right-of-way line as described by recorder's document Yr.2006 No.4454 having a radius of 170.00 feet through a central angle of 34°23'07" with a chord N73°11'11"E 100.49 feet; thence N89°33'40"E 81.95 feet along the south line of the right-of-way as described by recorder's document Yr.2006 No.4454; thence S00°27'00"E 214.00 feet; thence S06°58'00"W 154.00 feet; thence S05°01'30"E 297.60 feet to the Point of Beginning. NOTE: The east line of the SW1/4 of Section 3-88-19 is assumed to bear N00°27'00"W for the purpose of this description.

DESCRIPTION OF PARCEL-D

Commencing at the South One-quarter Corner of Section Three (3), Township Eighty-eight (88) North, Range Nineteen (19) West of the 5th P.M., Hardin County, Iowa; thence N00°27'00"W 776.80 feet along the east line of the SW1/4 of said Section 3; thence S38°25'10"W 150.05 feet; thence continuing S38°25'10"W 337.95 feet along the southeasterly line of the right-of-way as described by recorder's document Yr.2000 No.1361; thence S51°02'10"W 111.00 feet along the southeasterly line of said right-of-way to the southwest line of Parcel-B as described by recorder's document Yr.2008 No.2119 and the Point of Beginning; thence continuing S51°02'10"W 532.10 feet along the south line of said right-of-way and to the south line of the SW1/4 of said Section 3; thence S89°17'00"W 771.25 feet along the south line of the SW1/4 of said Section 3 to the south line of the right-of-way as described by recorder's document Yr.2006 No.4454; thence N44°32'50"E 46.92 feet along the south right-of-way as described by recorder's document Yr.2006 No.4454 to the northerly line of right-of-way as described by recorder's document Yr.2000 No.1361; N89°17'03"E 141.60 feet along said right-of-way; thence N85°41'49"E 131.40 feet along said right-of-way; thence N87°01'49"E 82.10 feet along said right-of-way; thence S88°05'07"E 159.65 feet along said right-of-way; thence N53°34'47"E 306.70 feet along said right-of-way; thence N64°08'59"E 166.70 feet along said right-of-way; thence N53°57'48"E 207.74 feet along said right-of-way to the southwest line of Parcel-B as described by recorder's document Yr.2008 No.1361; thence S43°37'08"E 105.60 feet along the southwest line of said Parcel-B to the Point of Beginning.

NOTE: The east line of the SW1/4 of Section 3-88-19 is assumed to bear N00°27'00"W for the purpose of this description.

DESCRIPTION OF PARCEL-B

Commencing at the North One-quarter Corner of Section Ten (10), Township Eighty-eight (88) North, Range Nineteen (19) West of the 5th P.M., Hardin County, Iowa; thence S89°17'00"W 809.60 feet along the north line of the NW1/4 of said Section 10 to the easterly line of the right-of-way as described by recorder's document Yr.2000 No.1361 and the Point of Beginning; thence continuing S89°17'00"W 771.25 feet to the east line of the right-of-way as described by recorder's document Yr.2006 No.4454; thence S44°32'50"W 46.92 feet; thence N89°17'00"E 750.61 feet to the easterly right-of-way line as described by recorder's document Yr.2000 No.1361; thence N56°54'15"E 63.20 feet along the easterly right-of-way line as described by recorder's document Yr.2000 No.1361 to the Point of Beginning.

NOTE: The north line of the NW1/4 of Section 10-88-19 is assumed to bear S89°17'00"W for the purpose of this description.

Adopted this 10th day of January, 2018.

By: /s/ Reneé McClellan
Vice-Chair

By: /s/ Lance Granzow
Member

I certify that the above is an extract taken from the official proceedings of the Hardin County Board of Supervisors at their 10th day of January, 2018 session, and that the above is a true and correct copy of the record.

Given my hand and seal of Hardin County this 10th day of January, 2018.

/s/ Jessica Lara
Jessica Lara, Hardin County Auditor

Granzow moved, McClellan seconded that the following Resolution No. 2018-07, Opioid Litigation Resolution, be adopted. Roll Call Vote: “Ayes” Granzow and McClellan. “Nays” None. Absent: Hoffman. Resolution No. 2018-07 is hereby adopted as follows:

RESOLUTION NO. 2018-07

TO THE HONORABLE BOARD OF SUPERVISORS OF HARDIN COUNTY, IOWA MEMBERS,

WHEREAS, Hardin County (“County”) is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and

WHEREAS, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to County and are, in fact, issues and concerns shared by all other counties in Iowa and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic (“Opioid Epidemic:); and

WHEREAS, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and

WHEREAS, the National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and

WHEREAS, certain of the opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and

WHEREAS, County has spent money related to the opioid epidemic and will likely have to spend more money in the future in unexpected and unbudgeted time and resources in its programs, law enforcement (inclusive of prosecution costs) and services related to the Opioid Epidemic; and

WHEREAS, County is responsible for a multitude of programs and services, all of which require County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and

WHEREAS, County's provision of programs and services may become more and more difficult every year because the costs associated with the apprehension and prosecution of criminal offenders, along with the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet County's ability to generate revenue is limited for a variety of reasons, including stagnant or declining revenues to the County, including less state and federal aid to County; and

WHEREAS, all sums that County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that County provides to County citizens, residents and visitors; and

WHEREAS, County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain of the opioid manufacturers in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and

WHEREAS, County has engaged in discussions with representatives of the law firms of Crueger Dickinson LLC, Simmons Hanly Conroy LLC, and von Briesen & Roper, s.c., (the "Law Firms") related to the potential for County to pursue certain legal claims against certain opioid manufacturers; and

WHEREAS, County has been informed that the Law Firms have the requisite skill, experience and wherewithal to prosecute legal claims against certain of the opioid manufacturers on behalf of public entities seeking to hold them responsible for the Opioid Epidemic; and

WHEREAS, the Law Firms have proposed that County engage the Law Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law Firms would not be compensated unless County receives a financial benefit as a result of the proposed claims and the Law Firms would advance all claim-related costs and expenses associated with the claims; and

WHEREAS, all of the costs and expenses associated with the claims against certain of the opioid manufacturers would be borne by the Law Firms; and

WHEREAS, the Law Firms have prepared an engagement letter, which is submitted as part of this Resolution ("Engagement Letter") specifying the terms and conditions under which the Law Firms would provide legal services to County and otherwise consistent with the terms of this Resolution; and

WHEREAS, County is informed that the Iowa Counties Association has engaged in extensive discussions with the Law Firms and has expressed a desire to assist the Law Firms, County and other counties in the prosecution of claims against certain of the opioid manufacturers; and

WHEREAS, County would participate in the prosecution of the claim(s) contemplated in this Resolution and the Engagement Letter by providing information and materials to the Law Firms and, as appropriate, the Wisconsin Counties Association as needed; and

WHEREAS, County believes it to be in the best interest of County, its citizens, residents, visitors and taxpayers to join with other counties in and outside Wisconsin in pursuit of claims against certain of the opioid manufacturers, all upon the terms and conditions set forth in the Engagement Letter; and

WHEREAS, by pursuing the claims against certain of the opioid manufacturers, County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by County and other public agencies across the country in dealing with the Opioid Epidemic.

NOW, THEREFORE, BE IT RESOLVED:

County authorizes, and agrees to be bound by, the Engagement Letter and hereby directs the appropriate officer of the County to execute the Engagement Letter on behalf of the County; and this authority is retroactive to the date the letter was signed by Hardin County Attorney, Richard N. Dunn; and said authority is confirmed by this Resolution; and

BE IT FURTHER RESOLVED:

County shall endeavor to faithfully perform all actions required of County in relation to the claims contemplated herein and in the Engagement Letter and hereby directs all County personnel to cooperate with and assist the Law Firms in relation thereto.

Whereupon, the Chairman of the Board of Supervisors declared said Resolution duly passed and adopted this 10th day of January, 2018.

/s/ Reneé McClellan
Reneé McClellan, Vice-Chair
Board of Supervisors

Attest:

/s/ Jessica Lara
Jessica Lara
Hardin County Auditor

Granzow moved, McClellan seconded to table receipt of the DNR's determination on the Endeavor Farms, LLC/Twister Finisher Farms, located in Section 24 of Eldora Township. Motion carried.

Granzow moved, McClellan seconded to table action on the IRVM Brush Policy. Motion carried.

Granzow moved, McClellan seconded to table action on the Noxious Weed Policy. Motion carried.

Granzow moved, McClellan seconded to approve the Weed Commissioner's Report. Motion carried.

Utility Permits: None.

Secondary Roads Department:
County Engineer, Taylor Roll, updated the Board on the Secondary Roads Department, and addressed questions. No action was necessary; informational only.

Other Business: None.

Granzow moved, McClellan seconded to adjourn until January 17, 2017. Motion carried.

BJ Hoffman, Chairman
Board of Supervisors

Jessica Lara
Hardin County Auditor