



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, April 07, 2025 at 10:00 AM

AGENDA

MEMBERS OF COUNCIL

Hon. Kim Reynolds | **Governor**

Hon. Paul D. Pate | **Secretary of State**

Hon. Rob Sand | **Auditor of State**

Hon. Roby Smith | **Treasurer of State**

Hon. Mike Naig | **Secretary of Agriculture**

Teleconference Only

Conference Call Phone Number: (877) 304-9269

Conference Code Pin: 364626

1. **Approval of Minutes**

- A. Approval of the minutes from the Executive Council meeting held on March 3, 2025 and the Board of Canvass meeting held March 24, 2025.

2. **Personal Appearances**

- A. Dennis Harper, Iowa Department of Homeland Security and Emergency Management, will be present to request the approval of Hazard Mitigation Financial Assistance, with an estimated total state liability of this request as \$823,333.00 (Iowa Code 29C.7).

Amount requested for the Treasurer's Office to transfer at this time is \$258,667.00

3. **Iowa Code §7D.10**

- A. Attorney General's office requests Payment for Expenses under Iowa Code §7D.10 in the amount of \$16,490.51.

4. Outside Counsel

- A. The Department of Justice, Attorney General's Office, requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Chance, Diana v. University of Iowa and State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.
Attorney: Ryan Clark
505 5th Avenue
Suite 729
Des Moines, IA 50309
Rate: \$175.00 Per Hour

- B. The Department of Justice, Attorney General's Office, requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Peppers, Amber v. Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.
Attorney: Ryan Clark
505 5th Avenue
Suite 729
Des Moines, IA 50309
Rate: \$175.00 Per Hour

- C. The Department of Justice, Attorney General's Office, requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Valipouralmasi, Azam v. University of Iowa and State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.
Attorney: Ryan Clark
505 5th Avenue
Suite 729
Des Moines, IA 50309
Rate: \$175.00 Per Hour

- D. The Department of Justice, Attorney General's Office, requests renewal of the retention of Kevin Cmelik, to represent State of Iowa in criminal appeals cases for the remaining fiscal year, with an option of renewal. Amounts paid under the contract would be paid from the Office's Forfeiture Fund.

Attorney: Kevin Cmelik
814 Shawnee Avenue
Des Moines, IA 50313
Rate: \$60/hour

5. Leases

A. Lease between DNR and SCF Fleeting LLC

Date of Lease: December 1, 2024 to November 30, 2029

Legal Description: Commencing at the Northwest Corner of Block 6 of the Town of Marquette, Clayton County, Iowa.

Purpose: Repair facility

Annual Fee: \$8,057.40

Michael Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

B. Lease between DNR and Viserion Grain, LLC

Date of Lease: July 1, 2023 to December 31, 2027

Legal Description: Mississippi River frontage at river mile 633.3 in Section 22, Township 75 North, Range 3 West of the 5th P.M., Clayton County, Iowa

Purpose: Rail yard and grain conveyer

Annual Fee: \$10,496.00

Michael Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

C. Lease between DNR and L.G. Everist, Inc.

Date of Lease: January 1, 2025 to December 31, 2029

Legal Description: Missouri River frontage at river mile 727.3 in the Southwest Quarter of Section 13, Township 88 North, Range 48 West of the 5th P.M., Woodbury County, Iowa.

Purpose: Loading and unloading

Annual Fee: \$469.42

Michael Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

D. Lease between DNR and Mark Keniston and Brenda J. Keniston, Co-Trustees of the Keniston Revocable Trust

Date of Lease: November 1, 2024 to October 31, 2029

Legal Description: Government Lot 8 of Section 18, Township 96 North, Range 32 West of the 5th P.M., Palo Alto County, Iowa

Purpose: Portions of a garage, concrete approach and driveway

Annual Fee: \$248.00

Michael Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

E. Lease between DNR and Walter Marine Enterprises, Inc.

Date of Lease: November 1, 2024 to October 30, 2029

Legal Description: Mississippi River frontage as river mile 473.4 on the Southeast Quarter of Section 22, Township 77 North, Range 2 East of the 5th P.M., Scott County, Iowa

Purpose: Flat barge deck

Annual Fee: \$967.20

Michael Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

- F. Lease between DNR and City of Marquette
Date of Lease: December 1, 2024 to November 30, 2029
Legal Description: Commencing at the Northwest Corner of Block 6 of the Town of Marquette, Clayton County, Iowa.
Purpose: Observation deck and pier
Annual Fee: \$309.90

Michael Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

6. Emergency Allocations

- A. Department of Natural Resources is requesting a supplemental emergency allocation in the amount of \$2,522.00. This brings the total allocation to \$14,670.00. On July 12, 2024, flooding damaged Odessa Wildlife Management area in Louisa County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- B. Department of Natural Resources is requesting a supplemental emergency allocation in the amount of \$1,714.07. This brings the total allocation to \$10,907.01. On August 10, 2024, Lynn Lorenzen boat dock partially collapsed at Ventura Access along Clear Lake. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- C. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$76.50. This brings the total allocation to \$4,530.57. On October 30, 2024, Vehicle #106144 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- D. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$111.00. This brings the total allocation to \$6,056.65. On November 4, 2024, Vehicle #2215 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- E. Department of Administrative Services is requesting an emergency allocation in the amount of \$4,027.03. On January 25, 2025, Vehicle #1497 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- F. Department of Administrative Services is requesting a supplemental emergency allocation in the amount of \$145.00. This brings the total allocation to \$5,925.80. On December 15, 2024, Vehicle #824 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- G. Department of Natural Resources is requesting an emergency allocation in the amount of \$7,909.70. On January 18, Vehicle #159 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- H. Department of Administrative Services is requesting an emergency allocation and reimbursement in the amount of \$3,978.45. On January 26, 2025, a Department of Public Safety's bearcat rescue vehicle was damaged by vandalism. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and reimbursement. This represents full and final payment and this allocation will be closed.

- I. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$25,185.15. On January 17, 2024, Van Allen Hall was damaged due to fan coil failure. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- J. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$16,222.71. On January 18, 2024, Performing Arts Annex were damaged due to frozen and burst fan coil. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- K. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$307,714.12. On February 12, 2024, multiple floors at Pappajohn Business Building were damaged due to failed commode valve. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- L. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$5,678.82. On January 24, 2024, gutters at the Medical Education Building were damaged due to weight of snow and ice melting from the room. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

M. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$5,917.00. On October 2, 2024, a window was broken at the Main Library. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends allocation subject to audit of actual invoices.

N. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$18,562.79. On January 16, 2024, Jefferson Building was damaged due to frozen sprinkler pipe. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends allocation subject to audit of actual invoices.

O. Board of Regents - University of Iowa is requesting an emergency allocation in the amount of \$12,192.60. On January 17, 2024, Field House was damaged due to frozen and burst fain coil. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends allocation subject to audit of actual invoices.

7. Payment of Cost Items

A. Department of Natural Resources\$909.00
Drainage Assessments Pursuant to Iowa Code Section 468.43:

Clinton \$909.00

Kevin Protzmann, Assistant Attorney General, has reviewed this request and recommends payment.

B. Department of Corrections - Mount Pleasant\$24,199.28
On January 13, 2024, subzero temperatures damaged an actuator and steam coil. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$1,068.30 will be reverted and this allocation closed.

C. Department of Natural Resources\$321,027.52
On March 5, 2022, Red Haw State Park was damaged by a tornado. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents partial payment.

D. Department of Natural Resources\$3,250.00
On May 23, 2024, Lake Manawa State Park was damaged as a result of flooding at Mosquito Creek. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment.

- E. Department of Natural Resources\$6,290.68
On June 22, 2024, Dolliver Memorial State Park was damaged by flooding. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$63.17 will be reverted and this allocation closed.

- F. Department of Administrative Services\$2,234.49
On December 3, 2024, Vehicle #1035 was damaged by a deer. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$3,537.65 will be reverted and this allocation closed.

- G. Department of Administrative Services\$5,570.99
On November 13, 2024, Vehicle #491 was damaged by a deer. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$48.00 will be reverted and this allocation closed.

- H. Department of Administrative Services\$4,492.65
On November 2, 2024, Vehicle #403 was damaged by a deer. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment.

- I. Richard J. Bennett, Sr.....\$5,406.00
PO Box 65666
West Des Moines, IA 50265
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General’s Office

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Attorney General’s Office’s Forfeiture Fund.

- J. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$544.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Natural Resources.

- K. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$3,000.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Legal Services to state agencies on issues related to the visa status of prospective state employees

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Revenue.

L. Gray Miller Persh, LLP.....\$1,060.80
2233 Wisconsin Avenue NW
Suite 226
Washington, D.C. 20007
Iowa PBS

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from Iowa PBS.

M. Marquess & Hoyer Law Office, P.C.....\$6,000.00
203 W. High Street
P.O. Box 51
Toledo, IA 52342
Criminal Prosecution for Meskwaki Settlement Matters

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the General Fund.

N. Patterson Law Firm L.L.P.....\$80.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Amy Ausborn v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

O. Patterson Law Firm L.L.P.....\$80.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Amy Ausborn v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

P. Patterson Law Firm L.L.P.....\$80.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Therese Blake v. Woodward Resource Center and State of Iowa and Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

Q. Patterson Law Firm L.L.P.....\$64.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Patricia Brown v. Iowa Correctional Institution for Women, State of Iowa, Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

R. Patterson Law Firm L.L.P.....\$368.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Diane Chase v. Woodward Resource Center and State of Iowa and Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

S. Patterson Law Firm L.L.P.....\$1,357.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Diane Chase v. Woodward Resource Center and State of Iowa and Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

T. Patterson Law Firm L.L.P.....\$208.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Karen Crew v. University of Iowa Hospitals and Clinics, State of Iowa, Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

U. Patterson Law Firm L.L.P.....\$944.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Grilli, Charles v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

V. Patterson Law Firm L.L.P.....\$128.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
John Larson v. Newton Correctional Facility and Clinics and State of Iowa and Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

W. Patterson Law Firm L.L.P.....\$464.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Mendenhall, Mark v. Clarinda Correctional Facility and State of Iowa, Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

X. Patterson Law Firm L.L.P.....\$718.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Shana Overstreet v. University of Iowa Hospitals and Clinics, State of Iowa and Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

Y. Patterson Law Firm L.L.P.....\$96.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Brad Stevenson v. Iowa Department of Transportation, State of Iowa, Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

Z. Patterson Law Firm L.L.P.....\$298.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Douglas Stufflebeam v. University of Northern Iowa and State of Iowa and Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

AA. Patterson Law Firm L.L.P.....\$64.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Katherine Williams v. 6th Judicial District and Second Injury Fund of Iowa

Leif Olson, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

8. Conveyance of Property

- A. Request from the Department of Public Defense, Iowa National Guard, to approve the land patent transfer of property held by the Iowa National Guard on behalf of the State of Iowa pursuant to Iowa Code §29A.57(2).

9. Information Items

- A. Notification from the Council of the City of Cedar Falls regarding a proposed Resolution of Necessity.
- B. On behalf of University of Iowa Health Care, the Attorney General’s office submits this request for special counsel and to waive the statutory caps on contingency fees. The request to waive the caps requires 30 days’ notice to the Executive Council.

10. Adjourn Meeting