



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, June 05, 2023 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 May 1, 2023.

### 2. **Personal Appearances**

A. Christie Templeton, Department of Human Services, will be present to request a Resolution of Funds in the amount of \$360,000.00 pursuant to Iowa Code §29C.20A with regard to Governor's Proclamation of a State of Disaster Emergency for Allamakee, Benton, Clayton, Dubuque, Iowa, Jackson, Jasper, Marshall, Muscatine, Poweshiek, Scott and Story counties.

B. Christie Templeton, Department of Human Services, will be present to request a Resolution of Funds in the amount of \$200,000.00 pursuant to Iowa Code §29C.20A with regard to Governor's Proclamation of a State of Disaster Emergency for Scott County.

### 3. **Iowa Code §7D.10**

A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$10,400.00.

#### 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 *John Baker v. Iowa Veterans Home 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: \$160.00 Per Hour

#### 5. Litigation Expense Fund

- A. Request from the Department of Revenue to transfer \$100,000 for FYE 2024 to pay anticipated litigation expenses for the forthcoming fiscal year.

#### 6. Leases

- A. Lease between DNR and Hendricks River Logistics, LLC  
Date of Lease: June 1, 2023 to May 31, 2028  
Legal Description: The area is described as a barge fleeting facility at Mississippi River Mile 370.8, near the town on Montrose, located in Sections 19 & 30, Township 66 North, Range 5 West of the 5th P.M., Lee County, Iowa. The site consists of four segments: one segment is 350 feet of depth by 400 feet of frontage and three segments are 150 feet of depth by 1000 feet of frontage.  
Purpose: Barge fleeting  
Annual Fee: \$25,847.64

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

- B. Lease between DNR and Daniel D. Hummel  
Date of Lease: October 31, 2023 to December 31, 2027  
Legal Description: A parcel of land approximately 6 feet by 24 feet located below the ordinary high-water line of East Okobojo Lake and adjacent to Lot 14 of East Okobojo subdivision in Dickinson County, Iowa.  
Purpose: Continued presence of a concrete wall and boat launch  
Annual Fee: \$150.00

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

- C. Lease between DNR and Consolidated Grain and Barge Co.  
Date of Lease: July 1, 2023 to May 31, 2028  
Legal Description: A parcel of the bed of the Mississippi River in Section 1, 6, and 7 Township 93 North, Range 2 and 3 West of the 5th P.M., Clayton County, Iowa, at approximate River Miles 624.1-622.28.  
Purpose: Barge fleeting  
Annual Fee: \$30,660.00

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

- D. Lease between DNR and RGL, LLC  
Date of Lease: January 1, 2023 and December 31, 2027  
Legal Description: A parcel 240 feet of frontage by 100 feet of depth located at Mississippi River mile 451.1 in Section 22, Township 76 North, Range 2 West of the 5th P.M., Muscatine County, Iowa.  
Purpose: Barge loading and unloading of sand  
Annual Fee: \$1,500.00

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

- E. Lease between DNR and Alter Trading Corporation  
Date of Lease: January 1, 2023 and December 31, 2027  
Legal Description: A parcel 670 feet long by 200 feet wide with a 150-foot-long by 35-foot-wide appendage located in Section 24, Township 77 North, Range 2 East, Scott County, Iowa adjacent to property owned by the tenant at 6725 S. Concord Street, Davenport, Iowa at Mississippi River Mile 475.4.  
Purpose: Barge loading and unloading of scrap metal, steel, and other products and materials in the ordinary course of the Tenant's business.  
Annual Fee: \$12,134.50

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

- F. Lease between DNR and Flint Hills Resources Pine Bend, LLC  
Date of Lease: June 1, 2023 to December 31, 2027  
Legal Description: A portion of the Mississippi River approximately 170 feet in frontage and 100 feet in depth at river mile 475.4 in the NE 1/4 of the NW fractional 1/4 of Section 24, Township 77 North, Range 2 East in Scott County, Iowa.  
Purpose: Docking and mooring to load and unload petroleum products  
Annual Fee: \$1,237.60

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

- G. Lease between DNR and George R. and Mary B. Wandling  
 Date of Lease: January 1, 2023 to December 31, 2028  
 Legal Description: Dedicated public land approximately 5' x 10' adjacent to Lots 16 & 17 Bock A, Triboji Beach, Dickinson County, Iowa.  
 Purpose: Continue presence of existing pump house and storage area  
 Annual Fee: \$150.00

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

**7. Emergency Allocations**

- A. Iowa Communications Network is requesting an emergency allocation in the amount of \$10,270.00. On January 23, 2023, a cable was vandalized along SE 1th Street at Bridge North of MLK Parkway. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

**8. Payment of Cost Items**

- A. Department of Administrative Services.....\$7,188.94  
 On November 15, 2022, Vehicle # 1650 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, \$1,381.25 will be reverted and this allocation closed.

- B. Wandro & Associates, P.C. ....\$1,650.00  
 2501 Grand Avenue, Suite B  
 Des Moines, IA 50312  
Unclaimed Property Probate Matters

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

- C. Gray Miller Persh, LLP.....\$1,679.60  
 2233 Wisconsin Avenue NW  
 Suite 226  
 Washington, D.C. 20007  
Iowa PBS

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

- D. Richard J. Bennett, Sr.....\$1,572.00  
 PO Box 65666  
 West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General’s Office

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

- E. Thomas Hillers.....\$6,935.00  
112 Main St West, Suite 100  
State Center, IA 50247  
Tribal cases when the offenses are committed by non-natives against non-natives (or without a victim) on the Sac and Fox Indian Settlement in Tama County

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the General Fund.

- F. Thomas Hillers.....\$5,000.00  
112 Main St West, Suite 100  
State Center, IA 50247  
Tribal cases when the offenses are committed by non-natives against non-natives (or without a victim) on the Sac and Fox Indian Settlement in Tama County

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the General Fund.

- G. Patterson Law Firm L.L.P.....\$816.00  
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

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

- H. Patterson Law Firm L.L.P.....\$112.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Donald Briggie v. Iowa DOT, State of Iowa and Second Injury Fund of Iowa

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

- I. Patterson Law Firm L.L.P.....\$114.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Dawn Cline v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa

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

- J. Patterson Law Firm L.L.P.....\$656.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
David Denny v. University of Iowa and State of Iowa and Second Injury Fund of Iowa

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

- K. Patterson Law Firm L.L.P.....\$368.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Jason Hawk v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa

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

- L. Patterson Law Firm L.L.P.....\$32.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Luanna Hollingsworth v. Woodward Resource Center and State of Iowa and Second Injury Fund of Iowa

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

- M. Patterson Law Firm L.L.P.....\$193.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Joseph Bernard Lampe v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa

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

- N. Patterson Law Firm L.L.P.....\$1,142.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Gail Martens v. University of Iowa and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, 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.....\$48.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Leland Mitchell v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, 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.....\$96.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Ronald Simmons v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, 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.....\$112.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Debbie Wessels v. Department of Correctional Services and State of Iowa and Second Injury Fund of Iowa

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

**9. Conveyance of Property**

- A. Request from the Department of Cultural Affairs, to approve the transfer of property held by the Department of Cultural Affairs on behalf of the State of Iowa pursuant to Iowa Code §303.8(2)(a).

**10. Information Items**

- A. The City of Eldora made their eleventh Contingency Loan payment of \$20,000.00. This loan was approved for \$196,800.00 on October 18, 2010, and is prorated not to exceed twenty years. Total repayment to date: \$175,000.00.
- B. The City of Nashua made their third Contingency Loan payment of \$37,746.65. This loan was approved for \$754,933.00 on March 8, 2021, and is prorated not to exceed twenty years. Total repayment to date: \$744,140.65.
- C. Fremont County made their third Contingency Loan payment of \$8,000.00. This loan was approved for \$131,250.00 on October 19, 2020, and is prorated not to exceed twenty years. Total repayment to date: \$22,562.50.

**11. Adjourn Meeting**