



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, April 07, 2025 at 10:00 AM

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## MINUTES

The Executive Council met in regular session at 10:00 a.m. via conference call. Governor Kim Reynolds presided over the meeting. Treasurer of State Roby Smith, Secretary of Agriculture Mike Naig, Secretary of State Paul Pate and Auditor of State Rob Sand were present.

### 1. Approval of Minutes

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve of the minutes from the Executive Council meeting held on March 3, 2025 and the Board of Canvass meeting held March 24, 2025.

The vote:	Ayes:	Governor Reynolds Treasurer Smith Secretary Naig Secretary Pate Auditor Sand
	Nays:	None

### 2. Personal Appearances

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the following request:

- A. Dennis Harper, Iowa Department of Homeland Security and Emergency Management, was 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 was \$258,667.00.

The vote:	Ayes:	Governor Reynolds Treasurer Smith Secretary Naig Secretary Pate Auditor Sand
	Nays:	None

### 3. Iowa Code §7D.10

Moved by Auditor Sand and seconded by Secretary Naig that the Council approve the following request:

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

The vote:     Ayes:             Governor Reynolds  
                                  Treasurer Smith  
                                  Secretary Naig  
                                  Secretary Pate  
                                  Auditor Sand  
                  Nays:           None

### 4. Outside Counsel

Moved by Secretary Naig and seconded by Treasurer Smith that the Council approve the following Outside Counsel requests:

- 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

The vote: Ayes: Governor Reynolds  
Treasurer Smith  
Secretary Naig  
Secretary Pate  
Auditor Sand  
Nays: None

## 5. Leases

Moved by Secretary Naig and seconded by Secretary Pate that the Council approve the following lease requests:

- 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
- 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 conveyor  
Annual Fee: \$10,496.00
- 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
- 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

- 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
  
- 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

The vote:	Ayes:	Governor Reynolds Treasurer Smith Secretary Naig Secretary Pate Auditor Sand
	Nays:	None

**6. Emergency Allocations**

Moved by Secretary Pate and seconded by Treasurer Smith that the Council approve the following emergency allocation requests:

- A. Department of Natural Resources requested 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 was to cover repair costs. This represents full and final payment and this allocation will be closed.
  
- B. Department of Natural Resources requested 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 was to cover repair costs. This represents full and final payment and this allocation will be closed.
  
- C. Department of Administrative Services requested 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 was to cover repair costs. This represents full and final payment and this allocation will be closed.
  
- D. Department of Administrative Services requested 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 was to cover repair costs. This represents full and final payment and this allocation will be closed.
  
- E. Department of Administrative Services requested an emergency allocation in the amount of \$4,027.03. On January 25, 2025, Vehicle #1497 was damaged by a deer. Request was to cover repair costs.

- F. Department of Administrative Services requested 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 was to cover repair costs. This represents full and final payment and this allocation will be closed.
- G. Department of Natural Resources requested an emergency allocation in the amount of \$7,909.70. On January 18, Vehicle #159 was damaged by a deer. Request was to cover repair costs.
- H. Department of Administrative Services requested 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 was to cover repair costs. This represents full and final payment and this allocation will be closed.
- I. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$25,185.15. On January 17, 2024, Van Allen Hall was damaged due to fain coil failure. Request was to cover repair costs.
- J. Board of Regents - University of Iowa requested 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 was to cover repair costs.
- K. Board of Regents - University of Iowa requested 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 was to cover repair costs.
- L. Board of Regents - University of Iowa requested 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 was to cover repair costs.
- M. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$5,917.00. On October 2, 2024, a window was broken at the Main Library. Request was to cover repair costs.
- N. Board of Regents - University of Iowa requested an emergency allocation in the amount of \$18,562.79. On January 16, 2024, Jefferson Building was damaged due to frozen sprinkler pipe. Request was to cover repair costs.
- O. Board of Regents - University of Iowa requested 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 was to cover repair costs.

The vote:	Ayes:	Governor Reynolds Treasurer Smith Secretary Naig Secretary Pate Auditor Sand
	Nays:	None

## 7. Payment of Cost Items

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the following cost item requests:

- A. Department of Natural Resources .....\$909.00  
Drainage Assessments Pursuant to Iowa Code Section 468.43:  
Clinton           \$909.00
  
- B. Department of Corrections - Mount Pleasant .....\$24,199.28  
On January 13, 2024, subzero temperatures damaged an actuator and steam coil. Request was to cover repair costs. 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 was to cover repair costs. 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 was to cover repair costs. 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 was to cover repair costs. 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 was to cover repair costs. 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 was to cover repair costs. 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 was to cover repair costs. 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
  
- 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

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

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

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

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

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

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

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

- 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
- 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
- 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
- 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
- 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
- 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
- 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
- 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



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

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

The vote:   Ayes:           Governor Reynolds  
                                  Treasurer Smith  
                                  Secretary Naig  
                                  Secretary Pate  
                                  Auditor Sand  
                  Nays:           None

**8. Conveyance of Property**

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the following request:

- 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).

The vote:   Ayes:           Governor Reynolds  
                                  Treasurer Smith  
                                  Secretary Naig  
                                  Secretary Pate  
                                  Auditor Sand  
                  Nays:           None

**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.

**Adjourn Meeting**

Moved by Secretary Pate and seconded by Secretary Naig that the meeting adjourns.

Respectfully submitted,  
*Kristi Onstot*  
Kristi Onstot