



EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, June 05, 2023 at 10:00 AM

MINUTES

The Executive Council met in regular session at 10:00 a.m. via conference call. Governor Kim Reynolds presided over the meeting. Secretary of State Paul Pate, Treasurer of State Roby Smith, and Secretary of Agriculture Mike Naig were present. Auditor of State Rob Sand arrived after 3. Iowa Code §7D.10.

1. Approval of Minutes

Moved by Secretary Naig and seconded by Treasurer Smith that the Council approve the minutes from the Executive Council meeting held on May 1, 2023.

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

2. Personal Appearances

- A. Christie Templeton, Department of Human Services, was 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.

Moved by Secretary Pate and seconded by Secretary Naig that the Executive Council approve the request.

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

- B. Christie Templeton, Department of Human Services, was 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.

Moved by Secretary Pate and seconded by Treasurer Smith that the Executive Council approve the request.

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

3. Iowa Code §7D.10

Moved by Secretary Naig and seconded by Secretary Pate that the Council approve the request from the Attorney General’s Office for payment of Expenses Under Iowa Code §7D.10 in the amount of \$43,638.33 for prosecuting cases under Iowa Code chapter 229A.

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

4. Outside Counsel

Moved by Treasurer Smith seconded by Secretary Naig that the Council approve the request from the Department of Justice, Attorney General’s office as follows:

- A. The Department of Justice, Attorney General’s office requested 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

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

5. Litigation Expense Fund

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

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

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

6. Leases

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

- 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

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

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

- 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 Okoboji Lake and adjacent to Lot 14 of East Okoboji subdivision in Dickinson County, Iowa.
Purpose: Continued presence of a concrete wall and boat launch
Annual Fee: \$150.00

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

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

- 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

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

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

- 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

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

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

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

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

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

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

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

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

- 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

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

7. Emergency Allocations

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the following emergency allocation items:

- A. Iowa Communications Network requested 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 was to cover repair costs.

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

8. Payment of Cost Items

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

- A. Department of Administrative Services.....\$7,188.94
 On November 15, 2022, Vehicle # 1650 was damaged by a deer. Request was to cover repair costs. 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

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

- 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
- 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
- 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
- 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
- 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
- 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
- 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

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

9. Conveyance of Property

Moved by Secretary Pate and seconded by Treasurer Smith that the Council 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).

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

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.
- C. 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.
- D. 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.

Adjourn Meeting

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

Respectfully submitted,

Victoria Newton
Victoria Newton