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FOR THE YEAR 2012  
BOARD OF SUPERVISOR'S MINUTE BOOK  
CHEROKEE COUNTY, IOWA  
JUNE 26, 2012

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The Cherokee County Board of Supervisors met in regular session on Tuesday, June 26, 2012 with Larry Prunty, Dean Schmidt, Mark Leeds, and Terry Graybill present. Jeff Simonsen was absent. Dan Whitney, *Chronicle Times*, represented the press. Kristi Petersen, Ben Shuberg, and Jason Titcomb were also in attendance. Unless otherwise indicated, all votes were offered as follows: Ayes - Graybill, Prunty, Leeds, Schmidt; Nays - none; Abstentions - none.

Motion by Leeds, seconded by Prunty to approve the agenda. Motion carried.

Motion by Leeds, seconded by Graybill to approve the minutes of the previous meeting. Motion carried.

Kris Glienke, County Auditor, asked the supervisors "Who is authorized to make changes to employee timecards after they have been approved by an elected official or department manager?"

Leeds replied "From my understanding, you cannot override an elected official."

Graybill added "After you (department manager) sign it, they should be paid."

Glienke asked "Then why do I have an employee who only got paid for 7 hours when he worked 8 ½ hours on a Saturday?"

Kristi Petersen, Human Resources Director and payroll clerk, stated "The employee was paid for a full 8 ½ hours."

Glienke responded "I have his paystub right here and he was only paid for 7 hours."

Petersen responded "I was not clear on the hours he worked."

Glienke continued "I had clearly made a written note about the 8 ½ hours worked on Saturday and I visited with you about it when I took the timecard to you on Monday morning. You have added in your own handwriting that he worked 8 ½ hours and you paid him for 7. I believe you call every other department if you have questions about their timecards. Why is my department continually being targeted? Did you think to call me before you changed my employee's timecard and reduced his pay?"

Petersen replied "I verified with the employee about the hours he worked and he was paid properly."

Glienke corrected "The payroll was completed on Monday and you called my employee down to your office while I was taking minutes during the Tuesday morning Board of Supervisors meeting. You had already changed his timecard and reduced his pay the day before you talked to him."

Petersen stated "I paid the employee his regular 40 hour work week per federal labor laws."

Glienke added "I don't think federal labor laws allow you to not pay an employee for time worked just because you think they should only earn 40 hours."

Petersen again stated "I was unclear about the hours he worked."

Schmidt asked Petersen "Do you have a telephone in your office?"

Prunty added "Legally you have to pay him for the hours he worked."

Glienke explained that the employees that are in charge of elections in her office are the only employees in the courthouse that are required by law to work additional hours and Saturdays.

Glienke asked "I would like the board to consider allowing my Election Technology employee to be paid time and a half for working on Saturday during the Memorial Day Holiday week. He does not get paid for Holidays during his probationary period and did not have the option to work a full 40 hours that week. It is a unique situation that will only happen when three events occur at the same time: (1) Probationary employee with unpaid Memorial Day Holiday (2) Employee with duties required by law to be performed on Saturday (3) The work hours fall during a Federal Primary Election year."

Graybill asked "Shouldn't an employee who works on the weekend get overtime?"

Petersen said "Another employee worked on the weekend and didn't get overtime." Graybill asked what department it was with Petersen reporting that it was a Conservation employee.

Glienke asked "Are you going to let employees work extra hours and on weekends just to earn overtime? My staff works the Saturday of Memorial Day weekend every two years and they do not request or receive additional benefits for it. I do not have all my staff rack up extra time just so they can have extra comp time. My other probationary employee did not have the option of working the holiday or Saturday. Her duties are not election related nor required by law to be performed on Saturday. She receives a short paycheck which has been standard practice. This is a unique situation." Petersen stated that per Federal Labor Laws, the work week is from Monday through Sunday. Glienke emphasized that the County's Personnel Manual states that work hours for

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employees in the Courthouse are Monday through Friday with daily work hours being from 8 to 4:30 with a one hour lunch. Leeds reported that his employer requires a 40 hour work week before overtime, however, the employee is given the opportunity to work additional hours on the weekend. Graybill asked what other county departments do for probationary employees who work on holidays or weekends. Petersen replied that probationary employees in the Law Enforcement Center and Secondary Roads receive time and a half for working on holidays. Graybill suggested that employees should work the physical 40 hours to earn overtime with Leeds agreeing to that interpretation of the policy. Glienke's request for overtime pay was denied, however, the employee should be paid for actual time worked.

Graybill asked Petersen "So you are going to pay the employee for the hours he worked?" Petersen replied that he had been paid properly. Petersen provided several examples of other situations in the past where employees have or have not received overtime for hours worked on weekends or during probationary periods.

Glienke asked the board "Can we move on now?"

Petersen again stated "I do check with departments about their payroll."

Schmidt advised "Please call department heads before changing their payroll."

The second item Glienke had on the agenda was a request for an employee to carry over earned comp hours. Glienke explained that the employee has an annual family vacation planned over the July 4<sup>th</sup> week and the payout would be the same as if it were on June 30<sup>th</sup> since the employee will not be getting a raise on July 1<sup>st</sup>. The county's policy is to pay out accrued comp time for all employees on June 30<sup>th</sup> except for Conservation and those covered by the Law Enforcement Center's union contract. Schmidt stated that it should not be a problem since that has been past practice with the Board of Supervisors approving comp carryover for employees in many departments.

Motion by Graybill, seconded by Prunty to approve 26.13 hours of comp time to be carried over by Jason Kline, Auditor's Office. Motion carried.

Glienke clarified with the supervisors that wage authorizations previously approved in April for Sara Lucas and Jill Titcomb were to change their status from Auditor's Deputies to Assistants. The board stated that they understood that to be the case when they approved the original requests. Glienke provided certificates revoking the deputy statuses effective July 1, 2012 per Iowa Code Chapter 331.903(2).

Glienke asked if the supervisors would support hiring an outside firm to clean the courthouse when the maintenance person is on vacation. The cleaning has been done in the past by the Auditor's Office with the assistance of Schmidt, Leeds, and two employees from the Assessor's Office. The board advised Glienke to hire a temporary service as needed in the courthouse.

Glienke told the board that it has been brought to her attention that getting county employees to the courthouse at the same time as RAGBRAI participants are starting their second day of their trip could be problematic. Glienke said she did not expect the board to make a decision about changing the hours of the courthouse, but would appreciate input from employees who have been involved in the past so that the county is not adding to the congestion in downtown Cherokee on Monday morning.

Barb Staver, Sheriff's Department, presented a corrected wage authorization and explained that per the Law Enforcement Center's union contract, new deputies must complete a one year probationary time and their wage is \$1.00 lower than the regular pay rate.

Motion by Leeds, seconded by Graybill to approve a \$20.75 corrected wage authorization for Luke Selk, Sheriff's Deputy. Motion carried.

Staver also reported to the supervisors that all new employees in the Sheriff's Department have successfully completed their employment requirements including the Physical Capacity Profile (PCP) test.

Schmidt asked the supervisors if they were ready to act on the claims.

Graybill asked Petersen what her department's \$1200 bill to Turning Technology was for. Petersen reported that it is for 20 clickers to be used for interactive employee training. People will be able to answer questions and the answers will show up on a PowerPoint screen. Schmidt asked what the county would gain from that extra expense. Petersen responded that it will show that people are actually participating in training and not just nodding. Petersen explained that there is no maintenance cost and other departments could use it for educational presentations. Schmidt asked what the county was going to gain from using it. Petersen replied that

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increased participation and actively engaging people in interactive training would be advantageous plus she will be able to get feedback immediately and can track employee's responses during training.

Graybill asked "How much of the IMWCA (work comp) online training have we done?"

Petersen replied "I just got the administrative access to it so I can start looking at that."

Schmidt asked "It took you a year to research that?"

Graybill added "Ed (IMWCA loss control rep) was here a year ago and showed us the online program in your office."

Schmidt asked "Has a sexual harassment class for employees been addressed?"

Petersen replied that she will be working on all different types of training in the near future.

Motion by Prunty, seconded by Graybill to approve the claims for payment as presented. Motion carried. A complete listing is available for review in the County Auditor's office and online.

Motion by Graybill, seconded by Leeds to approve fireworks permits for Tonya Claussen, Douglas Brown, Brian and Kady Smith, and Barbara Staver. Motion carried.

Ryan Kolpin, County Attorney, requested approval of a \$43,000 wage for his employee that does collections. She is currently earning \$32,500 but her duties have increased with a sharing agreement to perform collections for O'Brien County as well. O'Brien County pays for one half of the expense to do the collections.

Leeds said "I'm not here to argue the fact that you need to raise her wage, but we paid your paralegal a higher wage because of her education and experience."

Kolpin responded "I told you guys when I hired my paralegal that I was going to bring my collections staff wages up to the same level."

Graybill asked if this employee has specific education that is required for the job. Kolpin replied that she has 10 years experience in collections, 8 years working in a private law firm, and a bachelor's degree that isn't specifically related to the legal field but is valued just the same. Graybill stated that he would be more comfortable with a \$42,000 wage since it is slightly lower than the certified paralegal's salary and then asked what happens to the salary if O'Brien County drops their side of the agreement.

Kolpin replied "The salary increase is with a stipulation that we continue the sharing agreement with O'Brien County."

Leeds asked if the summer intern on the agenda has anything to do with the collections program.

Kolpin responded "No, I meant to talk to you about that earlier. The state has a program to try and get new people into County Attorney positions." The intern will be a third year law student next year and has already started working in Ida County. The state funds half of the cost so Ida will pay 25% and the final 25% would come out of the Cherokee County Attorney's collections fund.

Motion by Graybill, seconded by Leeds to approve a \$42,000 wage authorization effective July 1, 2012 for Wendy Koch, County Attorney Legal Assistant/Collections. Motion carried.

Ben Shuberg, Emergency Management Coordinator, told the supervisors "You know what I'm here for! I want up to \$20,000 from the Rural Betterment Fund to pay for the project down there (Sheriff's Office). I have already been here several times and I want a yes or no answer today."

Graybill replied "I've heard from the public and they're saying no. The people I've talked to would like to see a building attached to the fire station to house the rig, where the rig can be used as the EOC (Emergency Operation Center). What do we do if a tornado wipes out the communications center and the two emergency stations are in the same building?"

Shuberg asked "Who are you talking to? I have an idea who it is but I'm not worried about what the taxpayers say."

Shuberg told Graybill "We're not talking about the rig. I don't want to run into the problems that the city and county did at the LEC. I get along with everybody. I don't want to co-mingle our stuff with the city again."

Leeds suggested that the supervisors need to look at all possible options.

Shuberg replied "I have a hard time believing that your giving \$50,000 to the Yacht Club is more important than an EOC."

Prunty added that they should wait until they have the full board for any decisions because the public does not appear to want the EOC at all.

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Schmidt added "When the taxpayers tell us no, we have to listen."

Shuberg replied "I got the impression you were in favor of it after you toured the Sheriff's office last week."

Graybill stated "I will always say no if it's in the same building."

Shuberg responded "I don't think you completely understand. You are only one voice and I'll agree to disagree with you."

Schmidt replied "Give us a little more time. We need more input from the taxpayers and a full board to discuss it further."

Shuberg added "That is fine. It has been dragging out for several weeks anyway. I wanted to use it for RAGBRAI. I'll keep coming back."

Motion by Graybill, seconded by Prunty to appropriate the 2012/2013 fiscal year budget at 100% for all departments. Motion carried.

Motion by Graybill, seconded by Leeds to approve the Cost Allocation Plan for fiscal year ending June 30, 2011 including DHS Local Administrative Expenses to be reimbursed to Cherokee County from federal funds in 2012/2013. Motion carried.

Mark Leeds, Landfill Commission Chairman, reported that he had met with Mike Hunter and Les Todd, Cherokee State Bank; Donna Burkhardt, Burkhardt & Dawson, CPA; Kris Glienke, County Auditor; and Larry Prunty, Cherokee County Supervisor to discuss the current debt obligations of the landfill. Cherokee State Bank agreed to renew a \$300,000 loan that the previous Landfill Chairman had borrowed with payment terms extended to 5 years. The bank also agreed to lend \$100,000 to the landfill for 90 days to cover an annual July payment to the DNR based on tonnage buried in the landfill. Leeds reviewed the landfill's projected budget for 2012/2013 as well as the expected cash flow. The increased rates to all agency members including the cities and county effective July 1, 2012 is expected to cover the budgeted expenditures, however, additional funding will be needed to fulfill the loans at Cherokee State Bank.

There being no further business, Chairman Schmidt adjourned the meeting at 10:34 a.m.

All board agendas and minutes are available online at [www.cherokeecountyiowa.com](http://www.cherokeecountyiowa.com).

Attest: \_\_\_\_\_

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Dean Schmidt, Chairman

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Sara Lucas, Deputy Auditor