

Floyd County Board of Supervisors Meeting
March 20, 2023, 9:00 a.m.

The Floyd County Board of Supervisors met at Floyd County Courthouse EOC/Training Room with the following in attendance: Supv Mark Kuhn, Supv Dennis Keifer and Supv Jim Jorgensen.

Jorgensen/Keifer moved to approve the agenda as presented. Motion carried 3-0.

Public comment: none.

Jorgensen/Keifer moved to approve the March 13, 2023 minutes. Motion carried 3-0.

Jorgensen/Keifer moved to approve the claims presented: County #2138-2191 and Secondary Roads #22834-22841. Motion carried 3-0.

Updates on various board/commissions: Supv Jorgensen attended a Decatur Governance Board meeting. Supv Keifer attended the Pure Prairie groundbreaking ceremony and attended the following: Charles City Main Street, North Cedar Aviation Authority, FMC Landfill and staff DHS relocation meetings. Supv Kuhn attended a NIACOG meeting and the Iowa Utilities Board Technical Conference regarding the Summit pipeline permitting processes where several items should be addressed within the next couple of weeks.

Updates on Law Enforcement Center/Courthouse Project: Brian Shindelar, Samuels Group Site Superintendent, provided updates: Dean Snyder Construction is lining up subcontractors; Paulsen Electric is working on ground floor wiring and fixing the neutral wire in existing panels; Young Mechanical is finishing up ductwork in the old Veteran Affairs office; Pro Wall is sanding drywall on ground floor; Noah Detentions is working with Samuels Group on items that Sweeper has not finished and will be ordering hardware. Discussion included retainage funds and going back on Sweeper's bond will cover Noah's costs to finish up items. Keifer/Jorgensen moved to approve PCO #134 Deduct for Work in Room G121 for \$2,535. Motion carried 3-0.

Keifer/Jorgensen moved to postpone action on the Prochaska & Assoc invoice until March 27 and to request information on their printing costs. Motion carried 3-0.

Joanne Robinson, Veterans Memorial Committee president, presented a proposal from Otto's Oasis to update landscaping around the memorial. The Committee will pay for the landscaping and oversee future maintenance, upkeep and weed control. Robinson will follow up with an alternative to the bark due to it blowing around outside of the landscaped area.

The Board reviewed three applications submitted to fill the vacancy for the county attorney position and discussed closed session rules, scheduling interviews to be held during the March 27 board meeting, starting the meeting at 8:30 a.m. to accommodate schedules, interview questions and input about applicants from others.

The Board, Zoning Administrator Jeff Sherman, and Zoning Commissions Dean Tjaden and Ben Rottinghaus discussed the procedural process to refer an upcoming draft of the ordinance restricting and regulating the use of land for the transport of hazardous liquid through a hazardous liquid pipeline to the Zoning Commission for consideration. Kuhn read excerpts from Tjaden's opinion letter to the Charles City Press, including the Commission's protocols and policies being disregarded for the pipeline ordinance and reference to a March 10 article where Kuhn stated the ordinance would be handled from the top down; Kuhn stated he regrets the comment and would like to start over. Zoning Ordinance section 23L requires the Commission to hold public hearings before the Board of Supervisor's hearings. Kuhn has been working with Tim Whipple, Ahlers & Cooney attorney, in providing input on drafts of county ordinances and the petition to intervene process and is very concerned about that impact the two pipelines running primarily through the Supv District 1 area. Kuhn has had conversations with Sherman regarding preparation for commission meetings, notifications to property owners within 500 feet radius of the pipeline easement area, having adequate maps, the Butler County proposed ordinance and wants to ensure the Board's commitment to provide Sherman and the Commission the tools needed to address questions that arise at meetings. Kuhn provided options for a goal between the Board and Commission for the procedural move of the ordinance to the Commission: 1) introduce the proposed draft ordinance at a Board meeting with no discussion or deliberation on the contents of the ordinance by the Board or anyone else but simply refer it to the Commission; 2) the board could simply note that the ordinance has been received and is going the Commission for consideration; 3) the proposed ordinance could go directly to the Commission. Rottinghaus referenced his education of having an engineering degree, his work experience in the ethanol industry, his familiarity of the dangers of CO2 from a coworker losing his life to asphyxiation, the lack of professional courtesy to not include the Commission's input on

drafting of the ordinance and only having Kuhn’s input in the draft seems narrow. Tjaden questioned if the Board would allow the Commission to contract with professional consultants for assistance per Iowa Code [335.8(3)]; Kuhn commented that within the budget the Board could consider assistance, American Rescue Plan Act funds have been used to date, and referenced Whipple’s professional biography. Sherman commented on bringing in people in to defend the ordinance and mentioned Butler County’s ordinance has been provided to the Commission. Kuhn pointed out what he deems as inaccuracies of Tjaden’s letter and wants to make sure the commission holds a fair hearing for those who have opposing opinions; Tjaden guarantees that everyone will have an opportunity to voice their opinion. Consensus of the Board and representatives of the Commission is to have Ahlers and Cooney send the draft ordinance directly to the Commission for review.

At 1:35 p.m., the Cerro Gordo County and Floyd County Boards of Supervisors met via conference call for a Joint Drainage District #6/56 Trustee meeting. Cerro Gordo County Supervisor participation included Supvs Casey Callanan, Chris Watts, and Lori Meacham-Ginapp. Attorney Bob Goodwin also participated by phone.

Watts/Keifer moved to approve the agenda. Motion carried 6-0.

Callanan read Iowa Code 21.5c. Meacham-Ginapp/Kuhn moved to go into closed session per Iowa Code 21.5c to discuss strategy with counsel in matters that are presently in litigation involving Joint Drainage District #6/56. Roll call vote-Ayes: Meecham-Ginapp, Watts, Callanan, Kuhn, Keifer, Jorgensen. Motion carried 6-0.

The Trustees went in closed session at 10:40 a.m. Following roll call vote in closed session, the Trustees voted unanimously to return to open session at 10:50 a.m.

Watts/Kuhn moved to decline the offer presented by Iowa Northern Railroad to settle the lawsuit. Roll call vote-Ayes: Callanan, Meacham-Ginapp, Watts, Kuhn, Keifer, Jorgensen. Motion carried 6-0.

Callanan called the joint meeting of the trustees of Drainage District #6/56 adjourned at 10:54 a.m.

Supv Keifer and Auditor Carr provide an update on the meeting with six Department of Human Services staff regarding relocation to the courthouse. Representatives discussed design plan proposals, benefits of relocating, collaborative efforts for the state and government entity to work together, all having the best interest of the use of taxpayer money and toured the area. Staff expressed concerns of sufficient space for all staff and will provide a follow up of pro and cons, questions and concerns for a future meeting. The relocation would require hiring a firm to design layout options which DHS would have input on as well. Keifer will be the point person for future meetings.

The Board briefly discussed the FY24 budget. Auditor Carr will rework health insurance costs for consideration. All departmental budgets have been received and will be presented at a future meeting.

Future agenda items: Status of nuisance property, appropriation changes, law enforcement center mural and VA memorial landscaping.

Jorgensen/Keifer moved to adjourn. Motion carried 3-0.

ATTEST: _____

Gloria A. Carr
Floyd County Auditor

Mark A. Kuhn, Chair
Floyd County Board of Supervisors