

Floyd County Board of Supervisors Meeting
June 26, 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.

Keifer/Jorgensen moved to approve the June 19, 2023 minutes. Motion carried 3-0.

Jorgensen/Keifer moved to approve the claims presented: County 2979-3076, Secondary Roads #23030-23047 and Drains #15382-15384. Motion carried 3-0.

Updates on various boards/commissions/activities: Supv Jorgensen attended Early Childhood Iowa and FMC Decat Governance Board meetings. Supv Keifer attended Charles City Chamber of Commerce and North Cedar Regional Aviation Authority meetings. Supv Kuhn attended a County Social Services-Human Resources Committee meeting. Kuhn mentioned the Second District Judicial Board will no longer exist because of the State's re-organizational plan.

Updates on Law Enforcement Center/Courthouse Project: County Social Services has been billed for the first-floor office work and plan to pay by the end of the fiscal year. Prochaska is compiling punch list items. There is no news to report on seeking plaster wall work. Auditor Carr will look into prices for a chair rail in the board room and get bids on concrete curb work for the new crosswalk area. Keifer provided a quote for a tree and some plantings in the north atrium area, but it did not include drainage-type work, landscape fabric or rock. Kuhn would like some different ideas to consider other than the boulders. Keifer/Jorgensen moved to approve PCO #149 TSG General Conditions May 2023 for \$5,593.60. Motion carried 3-0.

Keifer/Jorgensen moved to approve Res #22-23* Resolution to set the date for a public hearing on proposal to enter into a General Obligation Emergency Communications Loan Agreement and to borrow the money thereunder: The Board proposes to enter into a General Obligation Emergency Communications Loan Agreement and to borrow money in a principal amount not to exceed \$5,100,000, pursuant to the provisions of Iowa Code 331.402 and 331.441(2)(b)(17) for the purpose of paying the cost, to that extent, of acquiring and installing improvements to the E911 emergency communications system, and it is now necessary to fix a date of meeting of this Board at which it is proposed to take action on the proposal to enter into the Loan Agreement and to give notice thereof as required by such law; be it resolved by the Board as follows: 1) The Board shall meet on July 10 at the Floyd County Courthouse at 9:15 a.m. at which time and place a hearing will be held and proceedings will be instituted and action taken to enter into the Loan Agreement. 2) The Auditor is hereby directed to give notice of the proposed action on the Loan Agreement setting forth the amount and purpose thereof, the time when and place where the said meeting will be held by publication at least once, not less than four and not more than twenty days before the meeting, in a legal newspaper which has a general circulation in the County. 3) Pursuant to Section 1.150-2 of the Income Tax Regulations of the Internal Revenue Service, the County declares (a) that it intends to undertake the above-referenced Project which is reasonably estimated to cost, in the aggregate, approximately \$5,100,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of bonds, notes or other obligations, or (ii) expenditures made not earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the County, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Project have heretofore been made by the County and no expenditures will be made by the County until after the date of this Resolution or a prior intent resolution of the County, and (c) that the County reasonably expects to reimburse the expenditures made for costs of the County out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations. 4) All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict. 5) This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law. Roll call vote: Ayes-Keifer, Jorgensen, Kuhn; motion carried 3-0.

Jorgensen/Keifer moved to approve the Memorandum of Understanding AmeriCorps Foster Grandparent Program Agreement including a contribution of \$2,500 for FY23. Motion carried 3-0.

The Board discussed services for a drainage utility resolution and procedures, comparing ISG and Bolton & Menk professional services, and Bob Goodwin, Goodwin Law Office attorney, for legal advice. Kuhn/Jorgensen

moved to table action on engagement of services for preparing a drainage utility resolution and procedures and for consideration of legal services until the next board meeting. Motion carried 3-0.

Eric Welch, Summit Carbon Solutions Pipeline Engineering Manager, presented handouts on the preliminary design of pipeline going through Floyd County including an expansion with Absolute Energy, an ethanol plant in St Ansgar. Welch stated the proposed new 6-inch diameter pipeline will run approximately 31 miles through Mitchell and Floyd counties, adding approximately 11 miles to the 25 miles of pipeline proposed in Floyd County. This portion of the project will be on a separate timeline from the initial project and have its own permitting process with the Iowa Utilities Board (IUB) and construction schedule. Public meetings will be held in August. Other considerations such as geohazard analyzes, scour and lateral migration studies, water body crossings, proximity to populated areas and occupied structures will influence the final route. As the project gains momentum, it is certain that new connections will become an ongoing part of the ever-expanding system footprint.

Kuhn presented a drone-type view of the east/west Summit route to the proposed new line from the north connecting in an area northeast of Rockford and commented on letters from City of Rockford and Rudd-Rockford-Marble Rock Community School District filed with IUB regarding health, safety, and environmental, concerns of the original proposed pipeline and written prior to the additional proposed line. Kuhn also expressed concern of bringing 370,000 metric tons of CO2 approximately a half mile from the school and approximately 1,900 feet from at least one large hog confinement. Welch stated the concerns are valid and will be taken into consideration with the placement of the line. Kuhn noted Summit or Navigator representative were not at the 2-day Pipeline and Hazardous Material Safety Administration (PHMSA) meeting earlier this month. In response to Kuhn's question regarding why Summit is opposing plumb modeling, Welch commented that Summit will release a plumb scenario and go through it with emergency responders and management teams but the work is not complete but will be shared with the communities. Jason Webster, Emergency Management Coordinator, mentioned he has not been contacted by Summit since his employment in October 2022; Welch responded Summit has learned that some contacts have not been made and will check in to it.

In response to George Cummings question regarding installation of capture, storage and pressurization equipment at the ethanol plant, Welch said they will. In response to Cummings question regarding if the sequestration site gets paid for storage, Welch said Summit will only be sequestering the CO2 and anyone who owns surface area under their ground where CO2 is sequestered will get paid. Keifer questioned if Summit is being paid for sequestering the oxygen as well as the carbon; Welch responded Summit will not separate the oxygen from the carbon.

Pam Lines, Zoning Commissioner, mentioned she has heard the Board has received a document from Navigator with their comments on the proposed ordinance; Ryan Keller, Navigator representative, commented that he sent the document to Jeff Sherman, Zoning Administrator, and Dean Tjaden, Zoning Commission Chair, last week; Lines would like this information before the July 12 Zoning Commission meeting. Lines mentioned the Commission has received an 18-page document with ordinance comments from Summit; the Board has not received a document from Summit and would like to see it.

Linda Tjaden questioned when the board approved distances established in the proposed ordinance as referenced several times by Tim Whipple, Ahlers-Cooney attorney, during the Zoning Commission workshop; Kuhn commented the board hired Whipple's firm to develop an ordinance and at that time, Kuhn was appointed to be a point person to work with Whipple, and they did tinker with some of Tim's proposals offered initially. In response to Tjaden's question on how Supvs Jorgensen and Keifer felt about not having any input, Jorgensen commented Whipple's statements gave the perception that the whole board did have input which was not correct as he didn't see the proposal until shortly before Sherman received it. Keifer commented he didn't think it was an issue to not have input on the ordinance and that there are only theories and opinions, not science, behind safety such as Navigator may think that a 250 feet setback from a house is safe but 1,000 or 1,500 feet would be safer; Kuhn commented that the Commission can amend, approve, or reject the proposed ordinance and at the Zoning Commission's workshop, Whipple made suggestions on separated distances that the Commission could delve into. Keller clarified that there have been scientific experimental studies specifically scaled to pipelines to help guide and provide greater standards than PHMSA which Navigator has utilized their initial setbacks for routing and would be happy to share the information; Keifer would like Keller to provide the information. Kuhn commented that PHMSA is working to develop procedures and rules that will strengthen emergency preparedness, emergency response and other safety concerns specific to unique characteristics to CO2.

Kuhn commented that Floyd County will have 49.2 miles of CO2 pipelines, more than any other county except Sioux County; zoning is the only way that the county can regulate land usage and where the proper place would be to place an industrial pipeline. Cummings asked if the Board has been contacted by a company that places units at ethanol plants that eliminate the need for a pipeline; Kuhn said he was contacted by Carbon Sync last week. Sherman informed the Board that the Commission will hold a hearing on the proposed ordinance on June 12 at 9 a.m. in the EOC/Training Room.

Two estimates were received for the cleanup of the Tesch property near Nora Springs, one from Kamm Excavating for \$16,430 and one from Zimmermans Digging & Demo LLC for \$9,050. Jorgensen/Keifer moved to approve Zimmermans Digging & Demo LLC for \$9,050 to remedy the nuisance on the Tesch property near Nora Springs. Motion carried 3-0.

The Board discussed a Zoning Commission notice for Dallas Kuper to rezone a parcel from Agricultural-Mining (AM) to Commercial-Recreation (CR) for the purpose of establishing a camping area. Kuhn suggested grammatical changes to the notice and questioned if there should also be a notice of the pipeline ordinance hearing. Sherman was asked to confer with Attorney Todd Prichard and rewrite the notice as deemed appropriate.

Keifer/Jorgensen moved to reject terrorism insurance coverage with EMC Insurance Companies for FY24 policy. Motion carried 3-0. Carr reviewed deductibles or the renewal.

Jorgensen/Keifer moved to transfer \$49,500 from General Fund to Conservation Reserve Fund. Motion carried 3-0.

Jorgensen/Keifer moved to re-appoint Doug Johnson to the Conservation Board for another 5-year term. Motion carried 3-0.

Keifer/Jorgensen moved to assess Drainage District #3, lateral 8, \$2,000 and allow assessments over \$500 to be allowed a 10-year spread at 5% interest. Motion carried 3-0.

Jorgensen/Keifer moved to assess Drainage District #3, lateral E, \$1,000 and allow assessments over \$500 to be allowed a 10-year spread at 5% interest. Motion carried 3-0.

Carr mentioned that a previous work order Drainage District #3, lateral 18, was found to be a private tile, not a mutual tile.

Jorgensen/Keifer moved to assess Drainage District #26, lateral 13, \$3,500 and allow assessments over \$500 to be allowed a 10-year spread at 5% interest. Motion carried 3-0.

The Board discussed new Willow trees growing in Drainage District #1 in an area where the trees were grubbed out a couple of years ago. The consensus of the Board was to have Secondary Roads remove or spray the trees.

Jorgensen/Keifer moved to approve Res #23-23* Interfund Operating Transfer: It is desired to transfer monies from the General Basic Fund to the Secondary Road Fund; said operating transfer of \$123,110 from the General Basic Fund to the Secondary Road Fund is for taxes collected; therefore, the Board authorizes said transfer and directs the Auditor to correct her books accordingly and notify the Treasurer of the operating transfer accompanying this notification with copy of this resolution and the record of its adoption. Roll call vote: Ayes-Jorgensen, Keifer, Kuhn; motion carried 3-0.

Keifer/Jorgensen moved to approve Res #24-23* Interfund Operating Transfer: It is desired to transfer monies from the Rural Services Basic Fund to the Secondary Road Fund; said operating transfer of \$1,414,245 from the Rural Services Basic Fund to the Secondary Road Fund is for taxes collected; therefore, the Board authorizes said transfer and the Auditor is directed to correct her books accordingly and notify the Treasurer of the operating transfer, accompanying the notification with a copy of this resolution and the record of its adoption. Roll call vote: Ayes-Keifer, Jorgensen, Kuhn; motion carried 3-0.

The Board recessed for five minutes at 11:27 a.m.

Keifer/Jorgensen moved to appropriate \$50,000 from General Supplemental Fund to Emergency Management Fund. Motion carried 3-0

Jorgensen/Keifer moved to approve FY24 wage/salary certifications with Jason Webster at a 3% increase and excluding Child Support Recovery and Decat/CPPC until the next meeting. Motion carried 3-0.

Keifer/Jorgensen moved to approve Res #25-23* Appropriations: The Board has approved the FY24 budget; the Board has reviewed said budget and the budgets of the various departments; therefore, the Board appropriates budgeted amounts for each department for FY24 as follows: 90% for Board of Supervisors, Auditor, Treasurer, Attorney, Sheriff, Clerk of Court, Recorder, Courthouse, REAP, Records Management, Engineer, Veteran Affairs, Conservation, Health Board, Weed Commission, Human Services, Medical Examiner, Public Defender, County Libraries, Child Support Recovery, General Assistance, Public Health/Home Health Care, Sanitary Disposal, Road Clearing, Debt Service, General Services, Data Processing, Planning & Zoning, Safety/Risk Management, Juvenile Probation, Communications/Dispatch, Conservation Reserve, County Government Assistance, Non-Departmental and 100% for Assessor, FMC Early Childhood Iowa, Community Partnerships for Protecting Children, Decat/Families Together, 911 Surcharge, 911 Department, Emergency Management. Roll call vote: Ayes-Keifer, Jorgensen, Kuhn; motion carried 3-0.

Jorgensen/Keifer moved to approve Res #26-23* Public Purpose Service by County Expenditures for Economic Development: The Board has reviewed budgets and various requests for funding for economic development and has determined that economic development, including new industry, housing, business and job creation to be of benefit to the taxpayers of Floyd County and to be in the public interest; therefore, be it resolved, by the Board that the expenditure of public funds for economic development in the FY24 budget is hereby approved with specific claims for reimbursement to be reviewed and approved by the Board as part of its regular proceedings. Roll call vote: Ayes-Jorgensen, Keifer, Kuhn; Motion carried 3-0.

The Board noted the retirement of Barb Dobson, Child Support Recovery employee, effective June 30.

Sherman provided a revised notice with the zoning change and the pipeline ordinance. After discussion, Kuhn asked Sherman to see if Attorney Prichard was available to address questions regarding the notice.

Jorgensen/Keifer moved to approve changes to the Floyd County Employee Handbook effective July 1, 2023. Motion carried 3-0. The Board will act on a resolution at the July 10 meeting to address employees who have worked less than a year with respect to vacation earned.

The Board recessed for 15 minutes.

Prichard, Sherman, Jen Solomon, Zoning Assistant, and the Board continued discussion regarding the notice for the zoning change and the pipeline ordinance. Discussion included suggested grammatical changes, publication in official county newspapers, confusion with the two items being in one notice and timeline for publication. With the Board not having an agenda item to set a date/time for a public hearing on the pipeline ordinance, Sherman will publish a separate notice with just the Zoning Commission's hearing and pending the outcome of the Commission's hearing, the Board will take action on setting a date/time on their hearing at a future meeting. Keifer/Jorgensen moved to set a public hearing on July 17 at 9:30 a.m. at the Floyd County Courthouse for an application from Dallas Kuper to rezone a parcel from AM to CR in the N½ FR NW ¼ EX Parcels in S1-T95N-R15W. Motion carried 3-0

Future agenda items: Resolution for utility infrastructure across drainage districts, drainage district management of trees, and pipeline ordinance hearing.

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

**This is a summary of the resolution; full text of resolutions may be inspected during normal business hours in the Floyd County Auditor's office and at www.floydcoia.org.*

ATTEST: _____
Gloria A. Carr
Floyd County Auditor

Mark A. Kuhn, Chair
Floyd County Board of Supervisors