

Floyd County Board of Supervisors Meeting
October 16, 2023, 9:00 a.m.

The Floyd County Board of Supervisors met in the Board Room of the Floyd County Courthouse 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: Boyd Campbell questioned when there would be a vote on wind turbines; Kuhn referenced his comment at the last meeting about work in progress on the topic. Candi Brandau requested that the Board look at the pipeline ordinance again in reference to local regulation options.

Keifer/Jorgensen moved to approve the October 9, 2023 minutes. Motion carried 3-0.

Jorgensen/Keifer moved to approve the claims presented: County #752-823 and Engineer/Secondary Roads #10209-10229. Motion carried 3-0. The Board discussed a charge to HyVee made on County Attorney Todd Prichard's VISA card for water and snacks that included \$0.35 in sales; the sales tax was reimbursed. This is Prichard's second violation of the credit card policy but was not available to address the other charges so the item will be brought forward again at next week's meeting. The Board discussed an Olive Garden charge made on County Recorder Amy Assink's VISA card where she provided her card for Kim Usher and Jen Hoeft to take to a 1-day vital records conference in Ankeny; the Employee Handbook reads reimbursements for day-trips are payable as a taxable event through payroll, not through the normal claims process; Assink mentioned the credit card policy does not indicate this is an inappropriate use of the county card and staff chose to be fiscally responsible by not incurring an overnight hotel stay. Carr explained IRS rules deem this as a fringe benefit and if an employee chooses to be reimbursed for a meal on a day trip, it is subject to payroll taxes. Staff paid the county to cover the VISA charge and each staff's meal will be processed through payroll. Discussion included thresholds for meals for a policy change consideration. Kuhn/Jorgensen moved to issue a warning to Amy Assink, County Recorder, for inappropriate use of a credit card. Motion carried 3-0.

Updates on various boards/commissions/activities: Supv Jorgensen has had numerous discussions with citizens regarding pros and cons on wind turbines and a moratorium. Supv Keifer attended a landfill meeting. Supv Kuhn is working with Iowa Public Information Board regarding Iowa Sunshine Law training. All three supervisors attended the Zoning Commission meeting regarding wind turbine discussion. Supvs Keifer and Kuhn watched a Pipeline and Hazardous Materials Safety Administration webinar regarding state and county authority with respect to pipelines.

Updates on Law Enforcement Center/Courthouse Project: Supv Keifer received two estimates on the boiler room flu system to use inside air in the room; Keifer has not received a call from Johnson Controls for doing work remotely. Other discussion included putting signage at the new public entrance and still not having a bollard.

At 9:32 a.m., the public hearing for an application from Double Double U, LLC to rezone property from Ag to I-1 for a parcel in SESE 36-96-16 for the purpose of putting up storage buildings on the lot. Zoning Commission Chair Dean Tjaden reported the proposed parcel abuts to the existing parcel with storage units, will use the same driveway entrance on Rotary Park Road, and will initially be used as an area to push snow but will end up being a mirror image of the existing storage units. At Thursday's Commission meeting, one person objected to using high quality farm ground for the application purpose; Zoning Administrator Jeff Sherman reported the CSR of 52 does not support the ground being high quality. The Commission voted unanimously to recommend the zoning change to the supervisors. Auditor Carr reported no comments were received in support of or opposition to the application and added that the proposed parcel is a non-conforming parcel at 1.25 acres but with joining it to the existing 1.5 acre parcel as directed on the survey, it will become a conforming parcel after Double Double U deeds the property to Nick Hopp, Hopp LLC who will join the two parcel by deed into one. The hearing closed at 9:37 a.m.

The Board discussed approving the first reading and setting a date for a second reading or approving the application as final today; Kuhn mentioned he prefers having a second reading. Jorgensen/Keifer moved to approve Res #37-23 Zoning Change – Double Double, LLC: Whereas, Nick Hopp, representing Double Double U, LLC, filed with the Zoning Commission documentation to support an application to rezone from AG to I-1, 1.25 acres of parcel #07-36-476-003-00, per survey recorded in Document #2023 1730 described as Parcel H in St Charles Township; October 3, 2023 Notice of Publication on the application to rezone was timely published for the Zoning Commission hearing held on October 12 and Supervisor hearing held on October 16; the Commission

reviewed the information and based on Iowa Code, the Floyd County Zoning Ordinance and Regulations, and the Floyd County Comprehensive Plan, voted to recommend to the Board to approve said application. Upon the Supervisor's review and after closing their Hearing for the subject property the following actions were taken: Approve the first reading to rezone 1.25 acres and set October 23 for the second reading and review of the application. Nick Hopp commented that the Board approved the application at one meeting last year and asked for consideration of the same today. With no other comments, Kuhn requested a roll call vote: Ayes-Jorgensen, Keifer, Kuhn; motion carried 3-0.

John Robbins, NIACOG Senior Planner, and the Board discussed services NIACOG can provide to update the county's zoning ordinance regarding industrial wind systems, training and educating the commission and supervisors on processes, permitting and discuss renewable energy in the county's comprehensive plan. Robbins advised putting minimum requirements, expanding the application process, decommissioning of materials at the end of useful life, how property needs to be returned to original state, and performance bonds. Consideration should be given to impact on roads during construction phase, a development agreement for road use, signage in case of emergencies, utility scaled battery storage, and getting a developer who is not involved with the current projects. Robbins will provide a draft contract for services that will be based on the number and types of meetings, believes an ordinance could be completed within three to six months at a cost of approximately \$2,000. The Board and Tjaden agree to focus on an ordinance and then a long-term plan to review the comprehensive plan. Robbins mentioned the county's comprehensive plan already addresses renewable energy so the need to update the plan may not be necessary. Sherman suggested considering solar energy in the ordinance. Robbins said it is a very regular type of process and makes sense to do a moratorium; a moratorium requires a defined purpose and timeline.

The Board discussed the intent of the July 24 board meeting when they voted to have all county boards and commissions appointed by the supervisors to review the Iowa Sunshine Laws training presentation no later than their next scheduled meeting. Kuhn does not think there was very good compliance with this and reached out to an Iowa Public Information Board representative who could come to Floyd County to present to the county and other public entities. Kuhn/Keifer moved to request a representative from the Iowa Public Information Board for all boards/commission that fall under the Iowa Sunshine law. Motion carried 3-0.

Kuhn informed the Board that he visited with Tim Whipple, Ahlers-Cooney attorney, regarding the \$105 invoice for services. Whipple discovered the invoice should have been covered by all seven counties, not just Floyd County, but he will cancel the invoice so no one will be charged.

Jorgensen/Keifer moved to approve the 2023 Weed Commissioner's Report. Motion carried 3-0.

Keifer/Jorgensen moved to approve a Temporary Easement Agreement between Floyd County and the City of Charles City to install ADA compliant sidewalk pavement within the right-of-way adjacent to the courthouse property. Motion carried 3-0.

The Board noted a 6-month pay increase of \$0.50 for Jennifer Hoeft, Recorder's Clerk from \$20 to \$20.50/hour that was approved at budget time. Assink requested Hoeft's pay be increased an additional \$0.50/hour on top of the originally planned \$0.50/hour. Keifer/Jorgensen moved to approve an additional \$0.50 increase for Jennifer Hoeft to go from \$20.50 to \$21.00 per hour effective October 10, 2023. Motion carried 3-0.

Jacob Page, County Engineer, provided Secondary Road activities including crews working on work orders, drive permits, blading roads, mowing gravels, general shop maintenance, sign inventory and the Niles bridge channel realignment and bank armoring. Office staff are working on 155th and Victory Ave bridge replacement project, day labor projects, general office work, and a federal RAISE Grant application for the Orchard bridge.

Future agenda items: Todd Prichard's credit card violation, flue project, wind turbine moratorium and NIACOG's proposal on zoning ordinance.

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

ATTEST: _____

Gloria A. Carr
Floyd County Auditor

Mark A. Kuhn, Chair
Floyd County Board of Supervisors