

Floyd County Board of Supervisors Meeting
November 6, 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.

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

Public comment: none.

Jorgensen/Keifer moved to approve the October 30, 2023 minutes. Motion carried 3-0.

Keifer/Jorgensen moved to approve the claims presented: County #921-987 and Engineer/Secondary Roads #10249-10258. Motion carried 3-0.

Updates on various boards/commissions/activities: Supv Keifer attended LEC Owner-Architect-Contractor, Communications Advisory Committee and 911 Commission meetings. Supv Kuhn consulted with various people on drafting the resolution regarding wind and solar energy and battery storage and establishing a moratorium on wind and solar energy projects.

Updates on Law Enforcement Center/Courthouse Project: Supv Keifer and Auditor Carr provided an update on the unfinished project items, including no bollard yet, detention hardware for 3rd and 4th floor, HVAC system air flow leaks, the ceiling in the board of supervisors office, the noise in the board room due to an oversized unit, and other miscellaneous unfinished work. Keifer/Jorgensen moved to approve of Pay Ap #45 for \$55,648.47 and to use American Rescue Act Fund for payment. Motion carried 3-0.

Gail Arjes, Public Health Director and representative of the Floyd County Substance Abuse Prevention Coalition, presented a proposal for use of opioid settlement funds for purposes of messaging activities on public awareness of the opioid epidemic, dangers within our community population and staff in response to opioid related calls for services. Jorgensen/Keifer moved to approve a Floyd County Opioid Settlement Funds Proposal from the Floyd County Substance Abuse Prevention Coalition for \$3,776.50. Motion carried 3-0.

John Robbins, North Iowa Area Council of Governments Senior Planner, presented terms of contracts to amend the county zoning ordinance to include utility-scale wind energy development and battery storage and another contract for utility-scale solar energy. Robbins suggested starting with the amendment for the wind ordinance which likely could be in place within three to six months, pending additional sessions or amendments to the contract. The proposed ordinance is designed to choose one or both contracts with NIACOG. Kuhn thinks the two paragraphs at the end of the resolution are important because of past history of activities of the Zoning Administrator and Commissioner Chair to schedule a meeting date with a requirement of all members of the Zoning Commissioners and Board of Adjustments be in attendance. Jorgensen questioned if Nextera and Invenery would have a seat at the table; Kuhn responded the companies would have time to speak at meetings on their projects. Boyd Campbell suggested having no information on the moratorium in the proposed resolution is a mistake; Kuhn said the Board will be discussing a moratorium on the next agenda and will consider action at a future meeting. Robbins mentioned the moratorium would be a separate document from the approval of the NIACOG contracts. Candi Brandau-Larson questioned if the workshop meetings would be held before educational meetings; Robbins said the schedule could be flexible. Bob Kepple questioned if there was resentment when the MidAmerican turbines were put in years ago; Kuhn said he didn't think there was but at this time members of the board, the companies and citizens believe the ordinance needs to be updated. An e-mail from Janis Skuster regarding questions regarding transparency of their engagement with wind turbines. Kuhn said he has six MidAmerican turbines on his property and has visited with the county attorney who has informed him he does not have a conflict with board activities. Jorgensen commented he was not going to get into what he has on his property but it is public record and can be looked up. Keifer didn't respond.

Keifer/Jorgensen moved to approve Res #42-23* Amending the County Zoning Ordinance Pertaining to Renewable Energy Projects: The Board heard presentations from two wind turbine companies seeking voluntary easements from landowners to develop utility-scale wind projects in the County; the Board was presented with a petition from residents on October 9 calling for the enactment of a moratorium on utility-scale wind projects and requesting an update of the County Ordinance pertaining to utility-scale wind projects and has taken into consideration the concerns and requests of the signers of the petition and the wind turbine companies by discussing options available and how to proceed in the best interest of Floyd County, County residents and Floyd County's agricultural producers at public meetings on October 9, 16, 23, and 30; the Board has requested the help of the

NIACOG to assist the Zoning Commission and the Board in amending the Ordinance pertaining to utility-scale wind and solar projects and battery storage projects; the Board believes the development of Floyd County's renewable wind and solar energy resources has the potential to benefit the County and County residents by providing lease or easement payments to landowners, increasing needed property tax revenue to the County, increasing the use of the County's clean, renewable energy resources, and by enhancing local economic development through job creation; and the Board desires to facilitate the construction, installation and operation of Floyd County's renewable wind and solar energy resources in a manner that ensures the protection of the health, safety and welfare of the residents of Floyd County, and avoids any adverse impacts to the residents of Floyd County and Floyd County's agricultural producers; the Board seeks to balance the needs, interests, and concerns of Floyd County, County residents, Floyd County's agricultural producers and the renewable energy companies seeking to develop renewable energy projects in the County; the Board seeks to ensure a timely, expeditious, thorough, transparent and open-to-the-public review and amendment of the Ordinance pertaining to utility-scale wind and solar energy projects and battery storage projects. Be it resolved, the Board hereby approves an Agreement Between the North Iowa Area Council of Governments and Floyd County pertaining to amending the Zoning Ordinance for utility-scale wind development, battery storage and related sections of the ordinance in accordance with Iowa Code Chapter 335 County Zoning. Payment for the agreement with NIACOG shall be from American Rescue Plan Act funds. Be it further resolved, the Zoning Commission shall comply with Iowa Code Chapter 21, the Iowa Open Meetings Law, during all meetings regarding amending the ordinance pertaining to renewable energy projects, including all listening sessions, workshops and public hearings, and the chair of the Commission or the Zoning Administrator shall not impose any requirement that all members of the Commission and the Board of Adjustment be present to schedule and/or conduct business at any meeting of the Commission. Roll call vote: Keifer, Jorgensen, Kuhn - motion carried 3-0.

The Board discussed putting a moratorium on utility-scale wind and solar energy and battery storage. Prichard commented he has reviewed resolutions and ordinances on moratoriums and would recommend doing an ordinance over a resolution but is perfectly fine with resolution. Two things are needed to withstand court scrutiny or challenge: 1) a rational basis on why the county would be doing a moratorium, such as a) the board has the authority, jurisdiction and responsibility to manage and regulate; b) responsibilities regarding making sure wind turbines do not interfere with communication systems; c) public interest; 2) keep the resolve portion of the resolution or ordinance simple, appeal anything that is in conflict of the ordinance, a severability clause, and a repeal period that would lift the moratorium. Robbins mentioned a company with a wind turbine project would have to go through a survey with an FCC approval with regard to wind turbine interference with communication towers. Isaac Lamppa, Invenergy representative, mentioned the FCC study conducted for Chickasaw County, their avoidance of Fresnel zones, a request that Invenergy be excluded from the moratorium because of the 45+ landowner agreements in place already with \$3.86 million invested already and the current ordinance has been planned upon with their project. Kuhn mentioned Invenergy is seeking 22,000 acres in the community and has not been issued a permit in the county. Scott Hinz does not see a reason why the county would need a moratorium. Campbell said there are reasons for the moratorium to protect the citizenry. Lamppa commented that Invenergy does a lot of voluntary studies that address concerns and would like to see the county move forward with a development agreement that could address any other concerns the county may have. Tom Treharne, Nextera Energy representative, requested if the county does a moratorium that it would allow the ability to place MET towers in the county during the moratorium; Prichard commented that the Cerro Gordo County Ordinance has language that wouldn't prevent installation of MET towers.

Keifer/Jorgensen moved to approve 11 new Family Farm Tax Credit applications and to disallow two applications. Motion carried 3-0.

The Board was in consensus to continue with Kalen Schlader and Cheryl Erb as their representatives to the Compensation Board through June 30, 2025.

Kuhn informed the Board that Iowa Public Information Board Executive Director Erika Eckley will present the Iowa Sunshine Law meeting on December 12 from 10 a.m. until noon in the EOC/Training Room and be available by Zoom. Eckley suggested other jurisdictions be invited to the meeting as well. There will be no charge for the training.

The Board noted the Charles City Area Development Audit Report for FY23. Supv Kuhn will report back on the reference to payments to the City of Charles City from the Avenue of Saint's Development Park.

The Board discussed a \$901.40 refund from Ahlers-Cooney for adjustments on invoices for Summit IUB Proceedings. Auditor Carr presented some concerns on charges from December 2022 and overlap of service hours on a prior and the current Summit invoice. No action will be taken at this time on the Summit invoices until Ahlers-Cooney can review the information. Jorgensen/Keifer moved to approve payment of \$204.92 to Ahlers Cooney for Navigator IUB Proceedings and to use American Rescue Plan Act funds. Motion carried 3-0.

Future agenda items: holding educational meetings and listening sessions on the utility-scale wind ordinance, meeting with mayors for 28E agreements for Law Enforcement, Elderbridge Agency on Aging presentation and FY25 budget request, appointments to various/boards commissions ending December 2023, medical examiner services and canvasses for the city/school election.

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