

Floyd County Board of Supervisors Meeting
July 17, 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 July 10, 2023 minutes. Motion carried 3-0.

Jorgensen/Keifer moved to approve the claims presented: County 72-153, Secondary Roads #10025-11042 and Drains #15385. Motion carried 3-0.

Updates on various boards/commissions/activities: Supv Keifer attended FMC Landfill, Cultural Entertainment, North Iowa Area Council of Government, North Central Regional Emergency Response, and Transportation Policy Board meetings. Supv Jorgensen reported he was unable to attend the Conservation Board meeting but had numerous conversations on ambulance services.

Updates on Law Enforcement Center/Courthouse Project: Auditor Carr reported on discussion with Jason McLendon, Samuels Group Project Manager, to discuss lack of punch list items being addressed and a window leak that he believes is a bad seal; met with Matt DeBoest, DeBoest Concrete, about the curb work from the courthouse lot to the north parking lot, other cracked sidewalk areas, driveway work with the adjacent property, and not likely being able to complete work until Fall. There is no update on potential contractors to do plaster wall work. Keifer/Jorgensen moved to approve PCO #150 TSG General Conditions June 2023. Motion carried 3-0. Keifer/Jorgensen moved to approve Prochaska's invoice #4760 for \$597.41 and to pay for with American Rescue Plan Act funds. Motion carried 3-0.

Elizabeth Thyer, Gardiner & Company, presented the FY22 Audit Report: Independent Auditor's Reports, Basic Financial Statements and Supplementary Information, Schedule of Findings.

Heidi Kuhl, Northland Securities, presented a Preliminary Official Statement for \$5.1 million in General Obligation Emergency Communications Bonds for 12 years. The Board directed Kuhl to go with 10-year bonds rather than 12. Discussion also included Northland Security's commission, payment of bonding costs, tax impact on 10- versus 12-year bonds, statutory debt limit, the Standard & Poors interview tomorrow, and holding hearings for using any unspent bond proceeds up to \$100,000 per project for items such as ambulance services or maintenance contracts as long as funds are spent within three years of issuance. Keifer/Jorgensen moved to approve Res #30-23* Resolution authorizing the use of a preliminary official statement in connection with the sale of General Obligation Emergency Communications Bonds, Series 2023A: The Board proposed 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 Sections 331.402 and 331.441 for the purpose of paying the cost of acquiring and installing improvements to the E911 emergency communications system and published notice of the proposed action, has held a hearing thereon on July 10; and a Preliminary Official Statement has been prepared to facilitate the sale of General Obligation Emergency Communications Bonds, Series 2023A to be issued in evidence of the County's obligation under the Loan Agreement, and it is now necessary to make provision for the approval of the P.O.S. and to authorize its use by Northland Securities, Inc. as the underwriter of the issuance of the Bonds; Be It Resolved by the Board as follows: Section 1. The County Auditor is hereby authorized to take such action as shall be deemed necessary and appropriate, with the assistance of the Underwriter, to prepare the P.O.S. describing the Bonds and providing for the terms and conditions of their sale, and all action heretofore taken in this regard is hereby ratified and approved. Section 2. The use by the Underwriter of the P.O.S. relating to the Bonds in substantially the form as has been presented to and considered by the Board is approved, and the Underwriter is authorized to prepare and use a final Official Statement for the Bonds substantially in the form of the P.O.S. but with such changes therein as are required to conform the same to the terms of the Bonds and the resolution, when adopted, providing for the sale and issuance of the Bonds. The County Auditor is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. The P.O.S. as of its date is deemed final by the County within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission. Section 3. Further action with respect to the Loan Agreement and the Bonds is hereby adjourned to the meeting of the Board scheduled for July 28, 2023. Section 4. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict. Section 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.

At 10:08 a.m. the public hearing regarding Dallas Kuper's application to rezone 111 acres from Ag-Mining to Commercial-Recreation for the purpose of having campground in N½ Fr NW¼, except parcels, in 1-95-15, St Charles Township, known as 1914 Windfall Ave, Charles City. Dean Tjaden, Zoning Commission Chair, reported on the commission's hearing where they addressed concerns about border fencing, property taxes, a letter from Vicki and Matt Bruening objecting due to traffic on the road and noise from the campground; the commission voted to recommend the application for approval. Dallas Kuper, applicant, informed the board of his intent to start with an initial 25 permanent camp sites with water, sewer and electric hookup with a goal of growing to over 100 sites, a swimming pool, club house, trails for walking and horseback riding. Vicki Bruening expressed concerns of traffic, noise, and smoke; Kuper intends to do damage and dust control, will have curfew, fireworks not allowed, "three strikes, you're out" policy for violators, a permanent site for a manager and a campsite manager. Matt Bruening questioned the benefit of the campground to the county and the mining rights on the property; Tjaden commented that per his discussion with County Attorney Todd Prichard, the county is not responsible for mining rights as far as being transferred and that would be an agreement between the holder of the mining rights and Kuper and believes the traffic on long-term stays, rather than pull-in/pull-out, over the weekend would be minimal. Kuper understands his taxes will go up but feels this is an amazing property with the ability to create an experience and opportunity for families to get outside to enjoy the property and commented that fees will vary dependent on proximity to the pond and opportunities for those who would like to put some sweat equity, such as mowing, camping spots could be reduced or free. Kuhn referenced an e-mail from Prichard on mineral rights that reads the Commission should ensure the applicant has provided proper notice to all interested parties so they know to should show up or not be heard at the hearing and if notice has not been given, the application should be delayed until that is accomplished; Tjaden had a conversation with Prichard that the current owner should contact the mineral rights owner and that question was referred to Kuper; Kuper mentioned he left a voice message with Bruening's office about the hearing and his attorney informed him that if Kuper were to take product off the property, the mineral rights owner would have rights to that. Keifer asked if Kuper spoke with the mineral rights owner what their position was on the rights that exist until 2062; Kuper mentioned he spoke with one of the managers prior to buying the property who said there is no good concrete sand left in the quarry, they were not going to come back in to mine and their goal is to make sure Kuper does not sell product and if they do, they have rights to the revenue from the sale; Tjaden mentioned a new quarry upstream to the Rottinghaus site to get cement quality aggregate. When asked if the Auditor received any objects to or support of the zoning change prior to the hearing, Carr commented on the letter from Bruening received in the Commission's packet and her inquiries about the mineral rights. Keifer commented that he does not believe word of mouth is adequate to address the mining rights; Kuper said he can look into that further before he puts money into infrastructure and will get with his attorney. Tjaden commented that this property will have local ownership with Kuper being from Mitchell County, not an investment company, and commission's standpoint was that it would be much better to have campers rather than dump truck traffic on the road. The hearing closed at 10:29 a.m.

Kuhn commented on his years as a supervisor that has never seen a zoning change brought to the board that is inadequate and, in his opinion, illegal; what has been presented today and what was in the packet for the board ensures that the commission's meeting was a violation of the Iowa Open Meetings Law and cannot support any action for zoning change at this time. Kuhn read an e-mail Tjaden sent to Prichard dated July 11 regarding Tjaden's conversation with Jeff Sherman, Zoning Administrator, questioning Sherman's position on posting an agenda not required in advance of the July 12 meeting and that minutes from the prior two meetings were not required; Prichard's response was that there should be a posted agenda and minutes and advised the commission to reschedule the meeting, subject to the requirements of Iowa Code Chapter 21 and if a meeting is held without proper notice, it is a violation and is an illegal meeting. Kuhn mentioned the first minutes of the meeting didn't include that there was a public hearing and another version of the minutes read where Tjaden informed the commission that there was a discrepancy in posting an agenda but the hearing notice was published and with no response from the commission, the meeting was held. Kuhn also mentioned neither of the two recommendations regarding mineral rights from Prichard were complied with. Kuhn's position is to start the whole rezoning process over or otherwise believes the Bruening's could file suit claiming this all improper and the facts would support them. Tjaden responded that Prichard's response was just before the 9 a.m. meeting on Wednesday, conversation w/Prichard on the mineral rights were verbal, and the reason the meeting was held was because the property owners were present and the hearing notice was posted. Kuhn responded Tjaden's e-mail was sent to Prichard on Tuesday at 9:41 a.m. and Prichard responded at 8:51 a.m. to reschedule the commission's meeting and there was no

discrepancy in the law as to when agenda's should be posted and if the supervisor's proceed, it appears as if they are condoning Tjaden's, the Zoning Administrator's and the Zoning Assistant's practice. Kuhn/Keifer moved that the board take no action at this time on the zoning change and to have the Commission restart the entire process. Motion carried 3-0.

Jorgensen/Keifer moved to approve the second reading of Res #28-23* A resolution by the Board to declare emergency medical services (EMS) to be an essential county service as authorized by Iowa Code Section 422D.1. Whereas, Floyd County contracts for EMS for its residents and ensuring efficient and effective EMS coverage is essential for maintaining the health and welfare of its residents; whereas, in order to be able to efficiently and effectively provide EMS to its residents, the Board will proceed with the process under Iowa Code Section 422D.1 to declare emergency medical services as an essential county service in order to allow a local option income surtax and/or an ad valorem property tax for EMS and the creation of a county emergency medical services system advisory council to assist in researching and assessing the service needs of the county and guiding implementation of the same; whereas, on May 8, 2023, the County directed notice of the first meeting to consider this resolution be made and any other actions be taken as necessary to proceed with the process under Iowa Code Section 422D.1 to declare EMS to be an essential county service. Roll call vote: Ayes-Jorgensen, Keifer, Kuhn; motion carried 3-0.

Jorgensen/Keifer moved to void/cancel check #114417 issued in FY23 on June 26, 2023 erroneously to Floyd Co Search & Rescue for \$50 and to reissue the claim for the same amount in the new fiscal year to Floyd County Fire Association. Motion carried 3-0.

Brandi Schmidt, Assessor, reviewed credit and exemption applications. Jorgensen/Keifer moved to approve 13 Disabled Veteran Homestead Tax Credit applications, 214 Homestead Tax Credit and Exemption applications, 1,418 Homestead Tax Credit and Exemption applications for age 65 and older, and 219 Military Service Property Tax Exemption applications and to disallow 15 Homestead Tax Credit and Exemption applications for age 65 and older and 8 Military Service Property Tax Exemption applications. Motion carried 3-0.

The board discussed the fourth year of a recurring thistle weed issue on 20-30 acres of pasture property owned by Kenneth Henderson. Weed Commissioner Adam Sears said Henderson has mowed the thistles before going to seed in the past but this year the thistles haven't been mowed yet. Per Iowa Code 317.21 Weeds, and because it is listed as a State noxious weed that the property owner has failed to take care of, the thistles need to be taken control of by the county and assessed to the property owner. Sears is looking for the board to outline a plan for now and in the future on how to remedy these issues on private property as the weed commissioner's budget cannot support the cost to remedy. The board would like Sears to provide pictures and an update at a future meeting.

Future agenda items: Wind turbine projects, selection of a county inspector for pipelines, and discussion regarding the county's pipeline ordinance in light of the ruling in the southern judicial district for Shelby County.

Keifer/Jorgensen 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