

Floyd County Board of Supervisors Meeting
July 24, 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: George Cummings asked if the county has had any response from the Soo Green Lines public hearing; Kuhn responded he has not. Cummings also mentioned the Summit pipeline meeting for the St Ansgar lateral being held August 8 at noon in Mitchell County and 6 p.m. at the Floyd County Fairgrounds.

Keifer/Jorgensen moved to approve the July 17, 2023 minutes. Motion carried 3-0.

Jorgensen/Keifer moved to approve the claims presented: County 154-185, Secondary Roads #11043-11055 and Drains #15386. Motion carried 3-0.

Updates on various boards/commissions/activities: Supv Keifer attended Veteran Affairs, Board of Health, North Cedar Aviation Authority and Joint Entity meetings. Supv Kuhn participated in the Standard & Poors rating interview, attended County Social Services Human Resources meeting, met with Ahlers & Cooney Attorney Tim Whipple regarding pipeline topics, met with Area Development Corp Executive Director regarding their action on the Iowa Utilities Board's (IUB) intervention hearing, and met with Ahlers & Cooney attorney Mike Galloway regarding a personnel issue. All three supervisors attended the Floyd County Fair.

Updates on Law Enforcement Center/Courthouse Project: Last week's Owner-Architect-Contractor meeting was postponed until today. Punch list items are being worked on. Neither Keifer nor Auditor Carr have received responses on plaster wall repair to be performed by local contractors but each will make attempts again; the Board may need to reconsider PCO #148 at Friday's board meeting to get the work completed. Keifer commented that Jason McLendon, Samuels Group project manager will be removing PCO #143 Boiler and Water Heater Flu Relocation as an alternate option is being considered. Supv Kuhn commented that there will be a special meeting on Friday instead of Monday in case any items need to be considered.

The Board discussed suspending further consideration of the hazardous liquid pipeline ordinance for two reasons: 1) today was the Iowa Utilities Board (IUB) deadline to file testimony in the Summit Carbon Solutions case so time has run out to consider a county pipeline ordinance for the Summit docket; 2) the Board is aware of Judge Rose's injunction and preliminary decision in the Shelby County vs Couser case whereby the injunction filed prevents Shelby County from enforcing its ordinance so it would be prudent to wait until a judge rules on the two cases filed in the northern district. Kuhn suggested if there are parts of the ordinance in the two northern counties that are struck down, Floyd County's proposed ordinance could be amended. Jorgensen commented that the county has spent \$28,430 to date for Ahlers & Cooney services; Kuhn commented additional costs over the \$19,874 spent to date on the ordinance process is what would be suspended at this time and costs on the Summit and Navigator IUB proceedings will continue, and that Floyd County shares no cost of the Shelby County lawsuit. Keifer mentioned there seems to be a big difference in Shelby County's ordinance compared to Floyd County's and wondered if the judge's ruling in Shelby County was based on some of the fees and setbacks attached to their ordinance. Doug Lindaman commented he believes the Shelby County judge's primary ruling seems to be based on the authority rests with the state or federal authority, not the local authority, and the fees were a secondary item.

Dean Tjaden, Zoning Commission chair, mentioned a concern of citizens at their workshop meeting wondering if anyone involved in the pipeline with respect to taking fees or having ownership in an ethanol plant should recuse themselves from voting on issues related to the pipeline and read from a followup e-mail with County Attorney Todd Prichard that a person who has direct dealings with the pipeline should possibly recuse from voting and a person having financial interest in a corporate entity who stands to gain if the ordinance is adopted could be perceived as a conflict of interest and would be advised to not take part in the vote. Tjaden mentioned one commissioner has direct dealings with the pipeline so Tjaden would ask that person to recuse from voting and he intends to recuse himself from voting due to an appearance of conflict if the ordinance comes to a vote. Tjaden asked if any supervisors should recuse themselves if they have a conflict of interest; Kuhn responded that this is not an agenda item so would not ask the other supervisors to respond but the board could get legal expertise from the county's human resource attorney and address this at a future time.

Kuhn/Keifer moved to communicate with the Planning and Zoning Commission to suspend further consideration on the hazardous liquid pipeline ordinance until the case in the Northern District of Iowa is resolved. Motion carried 3-0.

Kuhn mentioned two people he consulted with believe the Zoning Commission did violate the Iowa Open Meetings Law and held an illegal meeting last week. The Board is responsible for appointing various people to boards and commissions and suggests making all review the law. Tjaden commented he wholeheartedly supports this. Keifer/Jorgensen moved to request all boards, commissions and advisory councils appointed by the Board and Drainage District Trustees review Iowa Sunshine Laws training presentation no later than their next scheduled meeting. Motion carried 3-0. Kuhn suggested a personal call to appointees to let them know of this action.

Kuhn/Keifer moved to approve the third and final 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. First reading – July 10, 2023, second reading – July 17, 2023, and third reading July 24, 2023. Therefore, be it resolved that Floyd County hereby declares emergency medical services to be an essential county services and that Floyd County direct any other actions be taken as necessary to proceed with the process under Iowa Code Section 422D.1 to declare EMS be an essential county service. Roll call vote: Ayes-Kuhn, Keifer, Jorgensen; motion carried 3-0.

Kuhn/Jorgensen moved to approve an Amendment to Iowa Department of Transportation, City of Charles City, and Floyd County for the Cedar Valley Transportation Center Joint Powers 28E Agreement. Motion carried 3-0.

Keifer/Jorgensen moved to fund the FY24 Property Tax Credit and Exemption Funding at Homestead, Elderly & Disabled and Military Service Tax Exemptions at 100%, Ag Land at 21.71514547% and Family Farm at 15.46027379%

Future agenda items: pipeline inspection and wind turbine projects.

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