

Floyd County Board of Supervisors Meeting  
October 31, 2016, 9:00 AM

UNAPPROVED MINUTES

The Floyd County Board of Supervisors met in the Board Room of the Floyd County Courthouse with the following in attendance: Supv Mark Kuhn, Roy Schwickerath, and Supv Doug Kamm.

Kamm/Schwickerath moved to approve the agenda as presented. Motion carried 2-0.

Public comment: none

Updates on various boards/commissions/activities: Supv Kamm attended the following meetings: Chamber of Commerce, Veterans Affairs, NIACOG, and FMC Landfill. Supv Schwickerath attended the following meetings: County Social Services, Conservation Board, Transportation, Community Revitalization, North Central Regional Response, Jail/Law Enforcement, Business Improvement, and NIVC. Supv Schwickerath reported that a proposal for Prochaska Archcitech's services for the next phase of the Jail/Law Enforcement will likely be presented at the next regular board meeting.

The board discussed the fire alarm system replacement plan.

The Board noted the wage increase for Angie Chapman, Public Health RN, from \$20.45 to \$21.45 per hour due to completion of her probationary period.

The Board noted the fees collected by the Clerk of Court for the month of October 2016.

The Board recessed at 9:15 until 9:25 a.m. Supv Kuhn arrived at the meeting.

The Board, Sheriff Rick Lynch, and Deputy Jeff Crooks discussed weapons in the courthouse. Kuhn presented the following documents: 1) the County's current prohibition of weapons plan implemented 15 years ago, 2) an April 2003 Attorney General Opinion #03-4-1 regarding the validity of a ban of weapons permitted in a city hall for non-professional permit carriers, 3) a December 2010 letter from Assistant Iowa Attorney General Michael Bennett, 4) an Administrative Order from Judge Kurt Wilke regarding the matter of weapons and firearms prohibition in the court areas, 5) an official notice signage for affected areas as ordered by Judge Wilke, 6) a memorandum from Judicial Law Clerk Nick Crosby stating that the county has the authority to restrict the possession of firearms/weapons by persons with a nonprofessional permit to carry in property owned or directly controlled by the municipality. Two sections of an Attorney General opinion #03-4-1 were read: "Further, we believe it is highly unlikely that chapter 724 would be interpreted by the Iowa courts as granting concealed weapon permit holders an absolute and unqualified right to be in possession of a firearm at any time or place." and "Based upon these considerations, we conclude that Iowa courts would likely construe the preemption provision contained in Iowa Code section 724.28 narrowly and would recognize the authority of a city to exercise its home rule power to place restrictions upon the possession of weapons which would apply only to buildings owned or directly controlled by the city." In 2010, the legislature enacted a senate file that questioned the ability of a nonprofessional permit holder from carrying a permit in the building. Bennett's letter upheld the 2003 AG's opinion and suggested local regulation of firearm possession on a county or city would be best implemented through a resolution or motion. Kuhn commented that his position is that the county needs to be consistent with Judge Wilke's order directing signage banning weapons for the second, third and fourth floors of the courthouse by banning weapons on all floors of the courthouse. Kamm commented that not having signs posted hasn't been a problem and doing so could be dangerous and attract legal issues. Schwickerath commented that he's not ready to put the expense out for staff, metal detectors or other devices to detect weapons but the county should give the tools to the legal system so they have some standing to stop a person who is carrying. Lynch mentioned that gun lockers are available for nonprofessional permit carriers to store weapons if needed when visiting the courthouse. At this time, the Board will seek advice of the county attorney's office to for language on signs prohibiting weapons and penalties of violators. The Board will take official action at the next regular Board meeting.

Drew Engebrecht, Cindy Hennigar, Maureen Jakoby, Holmes Murphy representatives, and Mark Melrose, Melrose Insurance agent, provided 2017 renewal information for health insurance. Representatives were asked to bring another option for prescription drug plans. Melrose provided Delta Dental renewal rates reflecting an increase of 3%.

Deputy Ben Kostka was not present to discuss his issue of health/dental insurance pay back. This agenda item could be added to a future agenda item if Kostka so desires.

Future agenda items: Contract for Prochaska Architect to be split with the city of Charles City.  
Schwickerath/Kamm moved to adjourn. Motion carried 3-0.

ATTEST: \_\_\_\_\_

Gloria A. Carr  
Floyd County Auditor

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Mark A. Kuhn, Chair  
Floyd County Board of Supervisors