

Floyd County Board of Supervisors Meeting
January 9, 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.

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

Public comment: Kylie Lange, Summit Carbon Solutions Pipeline Project Manager, introduced herself.

Kuhn/Jorgensen moved to approve the December 30, 2022 minutes. Motion carried 3-0. Kuhn/Keifer moved to amend the reference to Fenestration Self Assessment Scheme (FENSA) to read Pipeline and Hazardous Materials Safety Administration (PHMSA) in the January 3, 2023 minutes. Motion carried 3-0. Kuhn commented that he does not believe there was a motion and second to appoint Trevis O'Connell, Kathy Carter and Paul Rottinghaus to the Area Development Corp Board. Jorgensen/Keifer moved to table approval of the January 3 minutes until later in the meeting to confirm if there was a motion. Motion carried 3-0.

Jorgensen/Keifer moved to approve the claims presented: County #1452-1550 and Secondary Roads #22673-22693. Motion carried 3-0.

Updates on Law Enforcement Center/Courthouse Project: Brian Shindelar, Samuels Group Site Superintendent provided updates including Dean Snyder Construction working on door hardware and casework; Paulsen Electric is running power to ground floor heating units; Young Plumbing is working on ground floor piping and first floor bathrooms; Young Mechanical is working on first floor duct work, measuring ductwork for ground floor, and second floor inspection; Continental Fire is finishing up ground floor piping; Personified Insulation is working on insulating ductwork; Pro Wall finished framing walls and bulkheads in the boardroom and is taping walls; Jennings Painting is finishing up first floor painting and touching up painting in the Sheriff's office; Jim's Carpet laid floor in the new assessor's office; Zephyr is caulking windows.

Jorgensen reported on his assessment of heat in the courthouse including heating seemed very comfortable, there are icicles dropping from the vents outside of the mechanical room that could be an issue, wondered if pulling cold air for the LP heater from the outside could be pulled from inside the building, and getting windows caulked should help. Keifer reported that there is heat in the Treasurer's office, he is not aware of any other type of supplemental heat, the rooms with electrical heaters need power to them. Kuhn commented suggested departments log temperatures in their offices and report to Keifer and Jorgensen. Brandy Schmidt commented that her office is cold and it seems there is a trend over the weekends that the offices are colder. Auditor Carr commented that she followed up with the idea of pulling air from inside for the LP heater rather than outside and was told there would be condensation buildup with the heat running all the time, the duct work in the back assessor's office should be finished this week and the offices cool down when office doors are closed on weekends.

Jody Applegate, Elderbridge Agency on Aging Executive Assistant, presented information on the annual report including services provided to the agency and specific to Floyd County. The agency is requesting \$13,820 for FY24, a cost of \$3.10/senior.

Library Directors Renee Bartling (Nora Springs), Amy Leaman (Rudd), Elaine Ott (Marble Rock), Annette Dean (Charles City), and Liz Evert (Rockford), each presented information on activities of their areas. The representatives of the Floyd County Library Association are requesting a 2% increase in funding for FY24.

Auditor Carr reported that due to illness, Maria Boyd, Healthy Harvest of Iowa, needed to rescheduled her presentation to the January 17 meeting.

Mark Wicks, Main Street Charles City, presented the agencies annual report, including total volunteer hours since 1994 total 185,280, the value of volunteer time is \$29.95/hour, and recently created an action plan and strategies for business retention and recruitment.

Amy Staudt and Kelsey Uetz, Floyd County Fair Society, provided an update on 2020-2022 activities, facility updates, the 5-year plan, the use of the facilities including Floyd County elections, and the intent to maintain a free fair with the exception of grandstand events. Discussion included a prior request for American Rescue Plan Act funds for a sound system to alert for safety and weather issues.

Heidi Nielson, NIACOG Housing Director, presented initiatives of the agency including funding home repairs to low to moderate income households with preference to elderly and veterans. A draft of a Memorandum

of Understanding includes funding \$3,000 in FY23 as a match for the NIACOG Housing Trust Fund grant opportunities. This is the first funding request since the Floyd County Housing Trust Fund merged with the NIACOG Housing Trust Fund. Neilsen also requested \$3,000 for the FY24 budget.

Jorgensen/Keifer moved to authorize the Auditor and other department heads to destroy certain useless documents over ten years old. Motion carried 3-0.

Jorgensen/Kuhn moved to approve Res #04-22* Allowing certain Secondary Roads Employees to take county vehicles and equipment home and be available on a 24-hour basis: It is determined to be in the best interest of the County and traveling public that certain individuals be given the responsibility of being available on a 24 hour basis so immediate response can be made to accomplish temporary repair or installation of warning devices to inform the traveling public of conditions. Persons designated shall be authorized to take vehicles, communications and other equipment to their residences during times other than normal working hours and are to be used for official purposes only. Roll call vote-Ayes: Kuhn and Jorgensen; Nays: Keifer. Motion carried 2-1.

Keifer/Jorgensen moved to approve a contract for the B20 & S70 asphalt resurfacing project with Heartland Asphalt, Inc of Mason City, IA for \$1,402,230.28. Motion carried 3-0.

Jacob Page, Count Engineer, provided Foreman's minutes including trucks and graders went out on January 3, 4, 5, and 6, general shop maintenance and post trip checks of trucks. Office staff are working on right of way for 155th St and Victory Ave bridge, recertification class for PCC II, Floyd 3rd Ave concept, day labor projects on Packard Ave and 130th St and River Rd, maintenance project with railroad tank car on 130th east of Victory, general office work, budget worksheets, and scheduling interviews for the operator II position. Jorgensen commented on calls and texts about icy roads; Page requested calls be passed on to the engineer's office or the secondary roads superintendent. Kuhn requested Jorgensen attend the January 17 Floyd City Council meeting regarding the 3rd Ave project plans. Page provided information on Iowa's \$500 All Systems Permit effective January 1 for state roads allowing overweight vehicles up to 90,000 pounds on state roads and counties having an option to opt in and then will be forced to be in it in 2025; Page is researching the cost of maintenance due to the heavy loads, the revenue opportunity that goes is fed to counties who opt in, and this could be a future agenda item.

Kuhn opened discussion regarding letters of engagement with Ahlers Cooney, P.C. law firm pertaining to Summit Carbon Solutions and Navigator Heartland Greenway hazardous carbon pipelines in Floyd County to represent the county in intervention with the Iowa Utility Board permitting process and preparation of local ordinances, permits and regulations. Tim Whipple, Ahlers Cooney legal counsel, presented his biography, history of the firm working with counties, issues involved with the pipelines and how he is working with counties to achieve their goals regarding hazardous liquid pipelines. The proposed engagement letters include costs for services charged on an hourly basis for preparation of local ordinances related to location of pipelines and right of way control permitting and intervention in IUB proceedings for each pipeline which includes joint representation with other counties for the Summit proceedings that allows for sharing the cost of and expert witness, legal brief, represent at the hearing; costs would be approximately \$7,000-10,000 for the pipeline ordinance, \$5,000-10,000 on the right-of-way control ordinance and the cost of the IUB intervention is dependent on how long the process drags out, testimony and evidence offered, pleadings and briefs required to write which is driven by the board or the parties involved in the IUB process. Kuhn commented on American Rescue Plan Act, General Fund or Rural Services as sources to pay Ahlers Cooney and after confirming with Iowa State Association of Counties staff regarding appropriateness of using ARPA, proposes to use ARPA funds and prefers to not use Rural Services.

Assistant County Attorney Randy Tilton's review of the engagement letters include any time a person represents multiple entities there is a possibility of conflict but those matters could be resolved unless those involved oppose each other. Provision 12 in the agreement allows any party to bow out of the agreement. The waiver of conflict is common. Tilton does not see any type of problem with the three agreements, commends Whipple for being upfront with the issues, and if there is any problem it is likely not in these agreement but with what the county chooses to do.

Jake Ketzner, Public Information Affairs representative for Summit, and Lange presented information on Summit's partnership with 12 ethanol plants representing Golden Grain and Homeland Energy and their initiative to lowering the carbon score in half, a 30 point reduction once they are in production. Summit filed their IUB permit over a year ago but a hearing has not yet been scheduled. Ketzner mentioned the 5-state project includes 82 counties in Iowa, Nebraska, Minnesota, North Dakota and South Dakota and 57% of miles, including 2,400 landowners, have signed 3,822 easement agreements; over 62% of Iowa's contracts have been signed by 1,026

landowners for 1,785 easements and have disbursed \$117 million; 20.5 of the 25 miles or 82%, a super majority, of pipeline miles routed in Floyd County have signed 62 out of 78 easement agreements, made up of 47 out of 62 landowners with \$4.7 million has been disbursed and there is not a clause that allows if a permit is not issued that the company can get the money back; 89% in Chickasaw and 79% in Cerro Gordo County contracts have been signed. Pipelines are regulated by PHMSA at the federal level and by the IUB at the state level; there would not be an infrastructure project like this if it were regulated at the county level. An independent party estimates that \$870,000 in new money would be paid to Floyd County with the pipeline's property taxes. Lange recommended the county become familiar with PHMSA, part 195 which regulates the millions of pipelines in the ground today. PHMSA requires inspecting 10% of its wells and Summit intends to inspect 100%. PHMSA's new regulation requires valves to be placed at least every 20 miles and in Floyd County automatic shutdown valves are placed almost every five miles of the 25 mile project area with closer placement pending proximity to cities. PHMSA requires a minimum of three feet pipe depth underground and Summit will be going four feet deep and five feet deep from the bottom of ditch areas. Summit has engaged a Minnesota drain pipe company and has a clause in easement agreement to warranty every public and private drain tile crossed indefinitely. For the 25 miles of pipelines in the county, Summit's plans follow a natural gas pipeline except for one area. The underground pipe is 8 inch diameter east of Charles City and then turns into 12 inch going west. Ketzner mentioned that 57% of Iowa's corn goes to ethanol and almost every ethanol plant has signed on with one of the pipeline companies. Corn is essential to the gross domestic product and to jobs in Iowa. Summit is positioning ethanol plants to be competitive in a market demanding low carbon products by cutting the carbon score in half and offering the ability to sell ethanol at a premium and compete with electric vehicles. Headquartered in Ames, Summit employs over 100 fulltime staff and the project brings in 11,000+ union construction jobs mixed from local and outside employees. The \$4.5 billion project is designed for 18 million tons but plans are for 12 million tons. Safety is top priority followed by ag land restoration. There are over 5,000 miles of carbon pipeline that have been in place for over 40 years in the US; Lange will provide a map of existing pipelines. CO2 is not flammable or explosive but it is an asphyxiant which is why PHMSA regulations are in place and plans are designed accordingly. Summit has made over 2,800 route adjustments for landowners and will continue to negotiate with landowners with a goal of 100% volunteer participation. Summit does not have eminent domain authority to acquire easements. Kuhn requested a parcel-by-parcel map of where the pipeline is planned to go through as well as where the two pipelines cross over each other. Whipple does not dispute that PHMSA has the sole authority over pipelines and would not advise counties to write ordinances regarding safety but believes zoning ordinances regulating route adjustment for setbacks is appropriate. Section 8 of the county's ordinance requires pipeline permitting but a hazardous liquid pipeline is not one of them.

Chad Buffington, Vallero Plant Manager, commented their business has evolved to be competitive and needs pipeline projects to be viable. Kuhn commented that their business is appreciate and wanted to make clear that the county is not opposed of the pipelines going through the county but rather wants proper siting and routing.

Craig Schoenfeld, Navigator Heartland Greenway representative, reiterated Ketzner's comments about the value of the pipelines, emphasized projects supporting the benefits of carbon sequestration to facilities like Vallero to get product into new markets domestically as well as other countries, and there being only so much you can do with things like grass strips to lower the carbon output. Navigator would like to work with the county as regulations are developed that could result in common grounds on issues such as depth of pipe or pipe wall thickness that can be worked through construction plans and processes while meeting the county's goals to not prohibit the pipeline. With respect to preemption of regulations, Navigator finds that some setback distances identified in local ordinances are effectively prohibiting pipeline infrastructure projects of any kind to go through counties that follow PHMSA definitions; there have been some cases filed that cause local authorities to defend litigation, a cost burden to taxpayers. Quarterly briefings are being set up across the region with local emergency responders regarding CO2 monitoring, safety precautions, role of responders, and construction technique. Schoenfeld will provide Navigator's estimate of property tax revenue generated. Kuhn reported Butler and Bremer counties have signed with Ahlers Cooney to represent them on the Navigator IUB permit and mentioned that Iowa Communities Insurance Pool provides risk management liability insurance to its members that would cover legal fees up to \$250,000. Whipple said they have no heard from cities, real estate developers, economic development people interested in the land, recruitment prospects, or where cities want to grow; this isn't just about one land owner it's about an ordinance that addresses policy goals on how the county would like to see how the land is used.

Renee Bartling, Cerro Gordo County resident, commented on the Summit pipeline proposed on an adjacent property owner's cropland property and feels it will negatively impact her home.

Chuck Thorson commented about pipelines coming within 50 feet of a well and wondered why they are surveying the ditch. Kuhn commented about Floyd County's unique Karst topography and the impact of potential pollution going through the fractured limestone into the aquifer where the water we drink comes from. Ketzner commented if a CO2 pipeline ruptures, the carbon rises up into atmospheric conditions; Lange provided an example of CO2 reaction if it got into water would be similar to opening a can of pop where the CO2 wants to escape the liquid, become gaseous and there are several studies published on this. Lange commented that the gas typically flows through the pipes relatively slow at approximately a couple feet per minute. Thorson questioned if there were two big foreign investors behind the pipelines. Kuhn commented that there is a clause in the contracts that they might not be the permanent owners of the pipeline although it is a permanent easement. Ketzner commented that Summit has announced all of its public investors; the vast majority of the investors are in Iowa and other investors include the ethanol plants, John Deere, Continental Resources in Oklahoma, Summit Agricultural Investments is the biggest driver, SK Group from South Korea has a 10% stake in the company, and a fund called TBG Rise that invests in clean energy. There is misinformation that Saudi Arabia is investing but that is not true.

David Payne questioned how far apart the pipelines need to be separated rather than moving the carbon line to the other side of the Avenue of Saints. Ketzner commented that there is something like 46,000 miles of pipeline in Iowa that cross water, gas, etc where one goes under another, for example, if the Summit line were installed first, the Navigator line would go under the Summit. Lange commented that there is a lot going into testing, such as environmental features and cultural sites, and if you are following an existing pipeline, you know you are following a safe zone and easements will abut properties; Summit will have an agreement with Berkshire Hathaway on the existing gas lines going through Charles City economic development area.

A letter from Troy Jaeger was read supporting: 1) the amendment of the county's zoning ordinance to provide commonsense setback distances from homes and businesses, 2) intervening in the IUB docket, 3) developing an ordinance pertaining to the use of secondary road right of way for pipeline companies. Concerns of Summit's proposed pipeline include the proximity to his office and horse barn, Hogslat, the transportation center, hospital, schools, businesses, residents, and emergency services, economic development, southerly winds, release of product, loss of human life and livestock, and eminent domain. Jaeger would like answers to how far the hazardous carbon would travel and does not think any distance under 1.5 miles would be safe from the pipeline.

Kathy Carter, Rockford resident and rural landowner, is directly affected by proposed pipeline. Concerns of the pipeline include being approximately a half mile from school and closer to northern-most residents, the asphyxiant settling and falling to the lower levels, flowing along the Shell Rock River to the town should a rupture occur and travel a quarter of a mile in four minutes, which would not give people much time to evacuate and people may not being able to evacuate because of the oxygen completion on gas combustion engines. Although there were no fatalities in the Mississippi rupture three years ago, dozens of people were injured and many have respiratory and cognitive issues. Carter would like to see some regulations. A Rockford City Council letter sent to the IUB was read regarding the their objection to the exercise of eminent domain on private property for a for-private company and the pipeline being a deterrent to health, safety and environmental concerns in an already struggling community and cause stress on the city, county, hazmat, volunteer fire department and school system.

Clifford Kelly, Floyd County resident and property owner in Illinois where the Dakota Access pipeline goes through, is surprised the pipeline companies cannot answer how many gallons would fall before the valves would shut off and doesn't know the economic development impact. Ethanol plants are highly subsidized and doesn't believe using tax dollars should be used for storage of carbon but rather go into a manufacturing process. Kelly shared his experience with the Dakota Access pipeline on his property inherited in Illinois including an appraisal that showed a loss of value because of the pipeline and his opposition of eminent domain.

Paul Rottinghaus, resident, ADC Board member, housing committee member, and business owner, shared his entrepreneurial investment priorities to entice others to come here, add to our tax base, build up our schools, and bring vibrance to the community. Rottinghaus questions why we should be considering tax dollars for an attorney in Des Moines to object to what is probably something for the common good, particularly prior to the meeting of the IUB and wanted to point out that there is not a consensus that this CO2 project is a bad thing. Rottinghaus signed a Summit pipeline easement on a farm that also has a gas line and a railroad splitting the property. Americans need to address these things in order to advance our communities. The federal government created the tax framework for carbon sequestration. The majority of residents are legitimately concerned with climate change whose primary driver is CO2; the majority of the landowners have agreed to take compensation for any of the negatives, allowing placement of the pipeline on their property. Rottinghaus is not convinced that it is

the opinion of the majority of county residents that we should spend money to stop or impede the pipeline. With respect to CO2 safety concerns, there are millions of miles of pipelines in this country with the dangerous substances such as natural and liquid gas and oil; there are ways to control and manage the safety that needs to be further addressed for people to get comfortable. The ADC board chose to see what happens on the state level in February before considering the Summit easement through the development park; Rottinghaus suggests the county should take this as advise as well before taking action. The sequestration is considered to be environmentally friendly, the pipeline will add to the county's income for property taxes, the local ethanol plant and its employees will benefit, 100% of farmers producing corn will benefit. If the supervisors are going to spend his tax dollars for an attorney, Rottinghaus asks if it is in the best interest in the county as a whole.

Whipple reiterated that there is an implication with a purpose to resist or fight the pipeline but that is not the case. The firm is offering to represent the interest of counties at the local level with their ordinances and land use policies and respond to projects proposed at state level to represent the county's interest. The pipelines are required to submit to the IUB a statement of their relationship to local land use and zoning; unless counties intervene and explain what their local priorities are, it will be forgotten at the state level, just like it was forgotten at the federal level when they passed lucrative tax credits to sequester carbon. It is the desire of the firm to work with counties to implement their goals.

Dean Tjaden, farmer, provided some history back to 1960-1970 when much of the cattle industry exited Iowa following the lower cost feed market of beet pulp and cotton seed to states such as Colorado and Texas. A handout of the USDA Census Cattle on Feed Inventory Data representing the ethanol plant industry in relation to the cattle industry, shows the Floyd County cattle inventory at 7,081 in 2002 and increasing to 17,161 in 2012 which financially represents a net increase of over \$45 million in sales. Modified wet distillers grain product is produced through the ethanol process and delivered within typically a 50-mile radius of the plant. The product provides for better nutritional and palatable feed for the cattle industry at a lower cost than corn, a product that Tjaden uses as a third of their total rations for their cattle. Should we lose the ethanol plants, we will lose the cattle industry as in past history. Tjaden believes we need to help this industry and is not in favor of standing in the way of more regulations or using taxpayer money to fight the locations where it is already federally located.

JR Ackley mentioned his experience of taking a waft of CO2 while making beer after hearing about someone who died at a winery from CO2 exposure, stated it is really bad and he couldn't breathe, and doesn't know how there can be good safety measures. Ackley also cannot figure out where the market is for the product. Ketzner responded about Summit's project where the CO2 currently leaves the facility stacks into the air, would be captured for sequestration and permanently stored a mile underground in North Dakota where it eventually becomes calcified into a rock form. The 425Q tax credits started under President Bush's administration, expanded under President Obama, and expanded again under President Trump who increased the credit to \$50/ton and then President Biden expanded it to \$85/ton for permanent sequestration. Sequestered carbon cannot be used for oil recovery or fracking or anything else. The credit has been supported for economic benefits, ethanol producers and environmental benefits by taking 4-5 million cars off the road. The bulk of the revenue comes from low carbon fuel markets from domestic and other countries who will pay a premium for the reduced carbon reduction in the CO2 score. Summit believes by the end of the decade and with improvement to wind and solar, we will be able to produce carbon zero or carbon negative fuel, an alternate to importing batteries from China. Decarbonizing the industry positions it for success over the next several decades.

George Cummings, landowner in Floyd and Hardin counties, questioned if the pipeline infrastructure asset is depreciable; Schoenfeld responded it is but he does not know how fast. Cummings commented that 90% of CO2 today is used for enhanced oil recovery and eligible for \$55/ton and wondered if the CO2 will be used to enhance more oil production. Cummings supports the ethanol industry, is aware of carbon capture alternative initiatives that will likely replace some of the carbon sequestration, shared activities of the Iowa Easement Team, provided statistics of county and city who have submitted petitions to the IUB, and encourages the board to hire Ahlers Cooney to represent the county.

Brian Parrot commented that the key issue is routing which should be the ultimate decision of the supervisors and supports the county hiring an attorney.

Linda Tjaden commented that there are other means of doing ordinances such as using our own county attorney's office, questioned the use of ARPA funds for Ahlers Cooney services, encourages the board to read the specific rules and regulations of the US Treasury report, requests the board review the list of potential uses of funds the previous board considered and hopes they will be able to look back in 10 years to recognize how funds used

benefited the county. Kuhn responded that he was a supervisor when the board contracted NIACOG to rewrite the zoning ordinance, local representation has neither the time or expertise to know how to deal with the pipeline issues, several counties are using ARPA funds to pay for outside counsel services to prepare ordinances and representation to the IUB, and the current board members have been following and researching pipeline issues.

Michelle Krumwiedi mentioned both pipelines are going through family lands and one pipeline is proposed to locate 400 feet across the road from their house. Krumwiedi claims bullying tactics were used by holding eminent domain over their heads before her husband and his brother finally signed Summit agreements. Although her husband's main concerns are eminent domain, she believes the pipelines are unsafe and encourages the board to sign agreements with Ahlers Cooney.

Josh Marth commented that he has caught Summit surveyors with Texas license plates trespassing and law enforcement involvement to run them off the ground. There are measures to conduct their surveys but they chose to try to sneak on the property. As of last week, the Marth family is being sued by Summit for failing to let them on the property. Marth is adamantly opposed to the pipeline proposed to run about 200 yards from his house and the Marth family will never sign an agreement. Marth encourages the board to sign up with Ahler Cooney.

Ketzner said Summit wants to be a good neighbor and partner. It is essential that these projects move forward. Summit does not believe counties should have a role in ordinance because pipelines are regulated by state and federal law and what they have seen proposed in other counties essentially kills a project.

Ben Rottinghaus, a member of the Floyd County Zoning Commission, was surprised and disappointed to learn the supervisors are considering hiring outside counsel before informing the commission.

Barb Lauderbach commented that she supports hiring a lawyer because it is the only way residents of the county will have any significant input and she is against eminent domain.

Kuhn provided highlights of the October 26 Area Development Corporation board letter to the IUB including being overall neutral on the pipeline issue, hold substantive concerns pertaining to its location, in 2020 the ADC purchased 75.34 acres of farmland for \$2.156 million of taxpayer dollars and christened it the Avenue of Saints Development Park, it is deemed as one of the most marketable industrial sites in the Midwest, and is one of 29 state certified and shovel-ready sites. The original easement offer was \$48,095 and was increased to \$299,000 and required the withdrawal of the letter to the IUB. The pipeline project puts the north 24 acres of the area unmarketable other than for use of a paved parking lot.

Keifer commented that ethanol plants have been around for approximately 30 years and all of the sudden carbon is a problem. These carbon pipelines are going to make their money from tax credits so even if we don't have land involved, the taxpayers are paying for it. Iowa's carbon footprint is only 2%. Corn crop requires 800 million ton of carbon to grow. Carbon is not a pollutant; every living thing needs two things, carbon and water. Keifer doesn't understand the urgency to protect the ethanol plants and doesn't think they will go out of business.

Jorgensen commented that the federal government is saying carbon is an issue, so we need to go through the hoops to capture it. If we don't go through the process to capture the carbon, ethanol plants will either get mothballed or put to 50% of capacity which would not be good for the farming environment locally or throughout Iowa. Jorgensen would like to see the county go through the budget process, understand ARPA funds better and know how the expenditure is going to affect us. Whipple estimates a total of \$100,000 of his time and the cost to the county would be depending on who is signing on with the intervention.

Kuhn believes entering into the agreements with Ahlers Cooney is a worthy investment and would prefer the pipeline would be moved entirely out of the industrial park. If we intervene with the IUB, they will conduct a parcel by parcel process. Kuhn feels it is very important to intervene in the process.

Jeff Sherman, Zoning Administrator, questioned if the city zoning department is looking at this because the ADC industrial park area is in the corporate area and our zoning ordinances would not apply. Kuhn is not aware if the city is doing anything and finds it interesting that the county is willing to stand up and fight for our economic development future and we should ask the city why they aren't. The city was fully represented by the Asset Management Committee by the Mayor.

Ed Olsen agreed with Kuhn's concern that we paid \$2.1 million for the property and they were willing to give up rights for \$299,000. Olesen agrees this has to go in front of the state, needs to be dealt with at the county level first and then be prepared to have legal representation to address concerns.

Whipple commented that a question should be asked if the carbon line would change the status of the certified site. There are different sets of regulations applicable to natural gas versus carbon pipelines. Kuhn mentioned the site certification expires in 2025. PHMSA stated there will be new regulations. The ADC Board should clarify the impact of signing an easement with not knowing if new regulations will prevent recertification.

Lange met with the ADC Board multiple times about four different route options. Summit gave the rights to a parking lot which is all they had rights to do with a natural gas pipeline. Lange worked with Tim Fox, ADC executive director, the agreement came through with good faith negotiations, no land value was lost with the pipeline, and flags were placed on the property for members to see and discussion included deeper buried pipes. Lange became involved with negotiations late in the project and knows the Iowa corridor was looked at but is not aware if there were plans to move the pipeline outside of the industrial park area. The property is landlocked based on all the neighbors signing easements. Keifer commented that the natural gas lines are essential to the development area but the carbon line is not. Ketzner responded that this is essential to the long-term viability to Iowa. Kuhn mentioned the Inflation Reduction Act of 2022 increased federal tax credits for companies like Summit to claim capturing sequestered carbon by 70%, amounting to more than \$40 billion over the next 12 years.

Auditor Carr inquired what an ordinance might look like for distance locations that wouldn't prohibit the line going through the county. Whipple commented that Floyd County will need to look at what goals they have for uses in an ag district. Shelby County Board of Health looked at two studies on carbon dioxide and how it travels, one study recommended at 700+ feet and the other was 1,200 or 1,300 feet so they recommended 1,000 feet from an occupied structure in order to give people enough time to evacuate. Two miles has nothing to do with evacuation but has to do with cities who did not want to impact their economic development. Story County doesn't use the permitting process but they have a formula to determine separation distance for structures and the pipeline developer meets it and it just becomes a principle permitted use. Ketzner commented that these processes at two years into the project has the potential to change 82% of miles with signed easement agreements.

Barb Lauterbach commented that this is our land, these are our lives and thinks the county needs legal representation to protect ourselves.

Kuhn/Keifer moved the approval of the letters of engagement with Ahlers Cooney in the matter of ordinances, permits and regulations Motion carried 2-0 with Supv Jorgensen abstaining.

The board recessed at 2 p.m. and reconvened at 2:15 p.m.

Jorgensen/Keifer moved to appoint JR Ackley to the NIACOG Board. Motion carried 3-0.

Jorgensen/Keifer moved to appoint Randy Heitz and Trevis O'Connell to the Charles City Area Development Corporation to a 2-year term. Motion carried 3-0

The Board conducted FY24 budget revenues for the following departments: General Assistance, Veterans Affairs, Conservation, REAP, Weed Commission, Conservation Reserve, Child Support Recovery Unit, Recorder, Recorder Records Management, and Treasurer.

The Board listened to the January 3 audio recording confirming the minutes were correctly reported as Kuhn/Keifer motioning to appoint Trevis O'Connell, Kathy Carter and Paul Rottinghaus to the Area Development Board but no action was taken on the motion. Jorgensen/Keifer moved to approve the January 3, 2023 minutes as amended with the PHMSA correction only. Motion carried 3-0.

Future agenda items: Prochaska litigation and audit of the county.

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