

Floyd County Board of Supervisors Meeting
January 28, 2020, 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 Roy Schwickerath, Supv Linda Tjaden, and Supv Doug Kamm.

Kamm/Tjaden moved to approve the agenda as presented. Motion carried 3-0.

Public comment: Doug Lindaman provided a handout called "Floyd County Liability in Budget Review: As to willful corruption and malfeasance by the Floyd County Attorney". An issue regarding his participation in the February 3 Caucus event held at the Charles City High School may result in his arrest. Lindaman's asked the board to have a closed door interview with the county regarding the statute of limitations on his matter and consult outside legal counsel with regard to the county's liability with respect to wrongful conviction, wrongful prosecution and her removal of office.

Tjaden/Schwickerath moved to approve January 13 minutes with a duplicate paragraph removed and approve the January 14, and 20, 2020 meeting minutes. Motion carried 3-0.

Kamm/Tjaden moved to approve the claims presented: County #1889-2018 and Secondary Roads #20521-20538. Motion carried 3-0.

Kamm/Tjaden moved to approve the Treasurer's Settlement Report (Semi-annual Report) ending December 31, 2019. Motion carried 3-0.

There are no items to take action on regarding the law enforcement center/courthouse project.

Kamm/Tjaden moved to approve Res #08-20*, A resolution authorizing and approving a loan Resolution authorizing and approving a Loan Agreement, providing for the issuance of \$7,490,000 General Obligation Law Enforcement Center and Courthouse Bonds, Series 2020A and directing the levy of taxes to pay the same: Be It Resolved by the Board as follows: Section 1. The County shall enter into the 2020 Loan Agreement with the Purchaser in substantially the form as has been placed on file with the Board, providing for a loan to the County in the principal amount of \$7,490,000. Section 2. The Bonds are authorized to be issued in evidence of the obligation of the County under the Loan Agreement dated February 11, 2020 in the denomination of \$5,000 each, or any integral multiple thereof, maturing annually on June 1 in each of the years, in the respective principal amounts and bearing 5% interest from the year 2020 through 2038. Section 3. UMB Bank is hereby designated as the Registrar and Paying Agent for the Bonds. The County shall enter into an agreement with the Registrar, in substantially the form as has been placed on file with the Board; the Chairperson and County Auditor are hereby authorized and directed to sign the Registrar/Paying Agent Agreement on behalf of the County; and the Registrar/Paying Agent Agreement is hereby approved. The County reserves the right to prepay part or all of the principal of the Bonds maturing in the years 2034 to 2038, inclusive, prior to and in any order of maturity, on June 1, 2033, or on any date thereafter upon terms of par and accrued interest. Accrued interest on the Bonds shall be payable semiannually on the first day of June and December in each year, commencing June 1, 2020. Principal of the Bonds shall be payable to the registered owners or their legal representatives upon presentation and surrender of the Bond(s) at the office of the Paying Agent. Section 4. The Bonds shall be issued initially as Depository Bonds, with one fully registered Bond for each maturity date, in principal amounts equal to the amount of principal maturing on each such date, and registered in the name of Cede & Co., as nominee for The Depository Trust Company. On original issue, the Bonds shall be deposited with DTC for the purpose of maintaining a book-entry system for recording the ownership interests of its participants and the transfer of those interests among its participants. Section 5. The Bonds shall be in substantially the following form (See entire text of Resolution for Form of Bond). Section 6. The Bonds shall be executed as herein provided as soon after the adoption of this resolution as may be possible and thereupon shall be delivered to the Registrar for registration, authentication and delivery to or upon the direction of the Purchaser, upon receipt of the loan proceeds, and all action heretofore taken in connection with the 2020 Loan Agreement and the sale of the Bonds is hereby ratified and confirmed in all respects. Section 7. As required by Iowa Code Chapter 76, and for the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the interest on the Bonds as it falls due, and also to pay and discharge the principal thereof at maturity, there is hereby ordered levied on all the taxable property in

the County in each of the years while the Bonds or any of them are outstanding, a tax sufficient for that purpose, and in furtherance of this provision, but not in limitation thereof, there is hereby levied on all the taxable property in the County the following direct annual tax for collection in each of the following fiscal years: (See entire text of Resolution for schedule.) Section 8. A certified copy of this resolution shall be filed with the County Auditor, and the Auditor is hereby instructed to enter for collection and assess the tax hereby authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the County and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the County and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds hereby authorized and for no other purpose whatsoever. Pursuant to Iowa Code Section 76.4, each year while the Bonds remain outstanding and unpaid, any funds of the County which may lawfully be applied for such purpose, may be appropriated, budgeted and, if received, used for the payment of the principal of and interest on the Bonds as the same become due, and, if so appropriated, the taxes for any given fiscal year as provided for in Section 7 of this Resolution, shall be reduced by the amount of such alternate funds as have been appropriated for said purpose and evidenced in the County's budget. Section 9. The interest or principal and both of them falling due in any year or years shall, if necessary, be paid promptly from current available funds of the County in advance of taxes levied and when the taxes shall have been collected, reimbursement shall be made to such current funds in the sum thus advanced. Section 10. It is the intention of the County that interest on the Bonds be and remain excluded from gross income for federal income tax purposes pursuant to the appropriate provisions of the Internal Revenue Code and the Treasury Regulations in effect with respect thereto. The County covenants to comply with the provisions of the Internal Revenue Code and further covenants to comply with the applicable future laws, regulations, published rulings and court decisions as may be necessary to insure that the interest on the Bonds will remain excluded from gross income for federal income tax purposes. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the covenants herein contained. The County hereby designates the Bonds as "Qualified Tax Exempt Obligations" as that term is used in Section 265(b)(3)(B) of the Internal Revenue Code. Section 11. The Securities and Exchange Commission has promulgated certain amendments to Rule 15c2-12 under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) that make it unlawful for an underwriter to participate in the primary offering of municipal securities in a principal amount of \$1,000,000 or more unless, before submitting a bid or entering into a purchase contract for such securities, an underwriter has reasonably determined that the issuer or an obligated person has undertaken in writing for the benefit of the holders of such securities to provide certain disclosure information to prescribed information repositories on a continuing basis so long as such securities are outstanding. On the date of issuance and delivery of the Bonds, the County will execute and deliver a Continuing Disclosure Certificate pursuant to which the County will undertake to comply with the Rule. The County covenants and agrees that it will comply with and carry out the provisions of the Continuing Disclosure Certificate. Any and all of the officers of the County are hereby authorized and directed to take any and all actions as may be necessary to comply with the Rule and the Continuing Disclosure Certificate. Section 12. All resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict. Motion carried 3-0.

Tjaden/Kamm moved to set a public hearing on February 11 at 9:15 a.m. for the purpose of the proposed county maximum property tax dollars for FY21. Motion carried 3-0.

Kamm/Tjaden moved to approve Res 07-20* Policy for Purchase of Right-Of-Way By Floyd County, when needed for Secondary Road projects: The Floyd County Engineer is authorized to purchase the necessary right-of-way for construction and maintenance, using values computed in accordance with the following rate schedule: For additional land beyond the present established right-of-way. 1) By easement or deed: 5.4 times the 100% valuation; 2) Fence removal: Removal of woven wire-barbed wire combination fences shall be paid for at a rate of \$4 per rod; removal of barbed wire only fences shall be paid for at a rate of \$3 per rod, with distances as determined from the survey notes and plans; 3) Fence replacement: Replacement of woven wire-barbed wire combination fences shall be paid for at a rate of \$16 per rod; replacement of barbed wire only fences shall be paid for at a rate of \$14 per rod, with distances as determined from the survey notes and plans; 5) Trees: Consideration will be given to all healthy trees that are located in the house yard area. All trees displaced by right-of-way acquisition that are of a size that will allow relocation will be relocated by county or county contractor. Trees that

cannot be relocated will be replaced, by county or county contractor, with a 1” or 2” nursery stock of similar wood type. Motion carried 3-0.

Tjaden/Kamm moved to approve and authorize the chair to sign the Title VI Non-Discrimination Agreement IDOT and Floyd County and Standard DOT Title VI Assurances. Motion carried 3-0

Engineer’s Report: Rolando provided his timesheet and foreman’s notes. Snow operations have been in effect. Motor-grader operators are scraping roads where needed. Estimates for the bridge replacement project north of Nora Springs were \$471,000; Christianson Brothers, one of three bidders, came in with the low bid at \$501,000. Mathy has low bid of \$2,759,735 for the T38 letting, which was estimated at \$3.3 million; this project will be paid with federal (SWAP) and Farm to Market funds. The T26 project letting will be Feb 25. Corrugated pipe and rock resurfacing lettings are coming up. Plans for day labor projects are in the works. Rolando commented that he thinks the city of Marble Rock should seek a consulting firm to work with them on the dam issue.

The Board continued with FY21 budget planning including updates to Engineer’s revenues, Road Clearing’s expenses, fund balances and levy rates.

Tjaden/Kamm 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

Roy Schwickerath, Chair
Floyd County Board of Supervisors