

Floyd County Board of Supervisors Meeting  
April 28, 2020, 9:00 AM

UNAPPROVED MINUTES

The Floyd County Board of Supervisors met in the Assembly Room of the Floyd County Courthouse with the following in attendance: Supv Roy Schwickerath, Supv Linda Tjaden (by phone/Webex) and Supv Doug Kamm. Due to the COVID-19 pandemic, in-person access to this meeting was limited to 10 people in the Assembly Room and a conference call-in option was made available to any interested parties.

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

Public comment: none.

Updates on various boards/commissions/activities: Supv Kamm attended two Community Foundation Disaster Recovery Advisory Committee meetings and an Airport Authority meeting where they let the taxi improvement project and learned that the local match is being covered by the federal government due to COVID-19. Supv Tjaden attended the following meetings: Website Committee, Northeast Iowa Workforce, Juvenile Detention Center, LEC/Courthouse Subcontractor and Core Team, and a First Responders webinar. Supv Schwickerath attended the following meetings: Dept Head, County Social Services Regional and Executive Board, Ambulance Commission where they are working on Request for Information as well as a temporary contract with AMR for July 1, and listened to the ISAC and Public Health webinars.

Tjaden/Kamm moved to approve the April 13 and 14, 2020 meeting minutes. Motion carried 3-0.

Kamm/Tjaden moved to approve the claims presented: County #2723-2815, Secondary Roads #20703-20725, and Drainage #15006. Motion carried 3-0.

Law Enforcement Center/Courthouse project: Brian Shindelar, Samuels Group, commented that the elevator walls should be completed by tomorrow, still have some footings to be poured, setting precast walls may start May 11 and take about a week, precast ceilings will start after that, load bearing walls are being worked on now and several non-load bearing walls will start at a later date, and second floor walls will likely start before ground floor. Supv Tjaden provided an update on the subcontractor meeting discussion regarding courthouse work, impact on the entire courthouse, relocation of all offices except the jail proposed to start in June or July with judicial department, move the rest except jail in September, and hope to only move the jail when the addition is ready, and Shawn Foutch's 500 N Grand project starting in FY21/22. Shindelar commented that relocation seems inevitable due to multiple breakthroughs between floors, losing heat at some point in the project, possibly having electrical issues, asbestos removal, timing of window replacement and air exchange system. Bernie Solomon, IT Director, commented that the court system has assigned a project manager for the ICN/UPN, he visited the school and took pics, WIN fiber project is 120 days out, UPN is 30-60 days out.

Kamm/Tjaden moved to approve the Floyd County Telecommuting Agreement. Motion carried 3-0.

The Board discussed coronavirus (COVID-19) issues. Discussion included when to unlock the courthouse and putting a plan together to do so. This will be discussed at the Department Head meeting later today. Supv Tjaden reminded that if anyone has time available to help with things such as scanning in the Recorder's office would be helpful.

Kamm/Tjaden moved to approve the publication of the Notice to the Public: Noxious Weeds Must Be Destroyed. Motion carried 3-0.

Tjaden/Kamm moved to approve the liquor license application for Derailed Corporation at 1406 Hwy 218N. Motion carried 3-0.

At 9:42 a.m. the public hearing opened for the FY20 County Budget amendment. No written or oral objections to or support of the amendment were reported. The hearing closed at 9:43 a.m. Auditor Carr provided a review of the amended items.

Kamm/Tjaden moved to approve Res\* #18-20 Budget Amendment and Appropriations: Floyd County has certain departmental budgets in need of adjustment since the FY20 county budget was certified on March 12, 2019; and the Board timely published notice on April 14, 2020 and held a public hearing on April 28, 2020 for the FY20 county budget amendment; Be it resolved by the Board to adopt the FY20 Amendment of the County Budget and to approve county departmental budget appropriations for FY20 as follows: Revenues-Dept 20 Engineer

increase \$700,374, Dept 22 Conservation increase \$37,856, Dept 35 Child Support Recovery decrease \$10,224, Dept 68 Conservation Capital Projects increase \$29,000, and Dept 99 (Fund 32000) increase \$1,973,341, totaling \$2,730,347; Expenses-Dept 01 Board of Supervisors increase \$9,544, Dept 04 County Attorney increase \$27,197, Dept 05 Sheriff increase \$18,843, Dept 22 Conservation \$22,540, Dept 32 Public Defender increase \$15,000, Dept 35 Child Support Recovery decrease \$10,224, Dept 43 Debt Service (Fund 40001) decrease \$1,584, Dept 68 Conservation Capital Projects (Fund 68000) increase \$50,000, totaling \$131,316. Motion carried 3-0.

Engineer's Report: Rolando provided his timesheet and foreman's notes. Work continues on the S70 bridge and the paving project from the 7-Mile corner north is expected to start soon. Gravel roads are looking pretty good. Work orders for tiling, culverts, spot rocking are coming through.

The Board noted the following personnel changes: Janice Lovik, Home Care Aide, receives a pay increase from \$13.11 to \$13.64 per hour due to completion of required hours of employment effective May 1, Norma Sprague, Home Care Aide, receives a pay increase from \$12.76 to \$13.11 per hour due to completion of required hours of employment effective April 17, Andrea McFarland, Home Care Aide, will be changing from full-time to part-time status effective April 27, Angela Chapman, Registered Nurse, is resigning effective May 1, and Alex Buseman, Assessor Appraiser/GIS Technician, resigning effective May 1.

The Board and Randy Tilton, Asst County Attorney, discussed the all-terrain vehicles (ATV) and utility vehicles (UTV) ordinance draft. Discussion included opening up restrictions against riding on hard-surface county roads, unlawful operations causing road maintenance, maximum 35-mile per hour speed limit where other traffic may be moving at 55 mph or faster, registering vehicles pursuant to Iowa Code, prohibition to drive on state roads, crossing a state road, not being permitted in County Conservation parks, operator must have a valid drivers license, certification requirements for persons age 16-18, carrying proof of liability insurance requirements, lawful operations and \$750 and \$1,000 civil penalty infractions for violators. Supvs Tjaden and Kamm and Deputy Pat Shirley have had positive feedback about implementing an ordinance; Supv Schwickerath mentioned he heard one comment regarding "we do not need them on the roads". The Board will set a public hearing and order publication notices at the next regular board meeting.

The Board noted the receipt of the Central Services Cost Allocation Plan for FY19 as prepared by Cost Advisory Services, Inc. Information provides for a total state reimbursement payable to the county of \$46,448 for indirect costs.

The Board reviewed a recent drainage repair in Drainage District #9 where the Secondary Road superintendent authorized the hiring of Julius Bryant to do the tile repair. Discussion included how to handle reporting and authorization of work to tiling companies when the Secondary Roads Department is too busy or not able to do the repair. The consensus of the Board is if Secondary Roads crews are busy when an issue arises, the Engineer's office should communicate with Board if Secondary Roads authorizes the hiring of a tiler to do repair work so as to not prevent the work from starting as soon as possible and then put discussion on the next board meeting agenda for update on the project.

Scott Glaser, property owner in Drainage District #9, and the Board discussed a main tile that is only about 12 inches deep, tile is broke and cause a wash out CRP ground. Julius Bryant repaired tile. Glaser suggested abandoning the old tile, hooking into a place where the tile is good, and relocating it out to the edge of the waterway and still ending up in the tree area. The Board directed Glaser to get a written proposal on how to repair the issue.

Future agenda items: set hearing ATV/UTV ordinance, contracts for Child Support Recovery, Decat and CPPC, and Engineer staff pay increase for FY21.

*\*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](http://www.floydcoia.org).*

Kamm Tjaden/ moved to adjourn. Motion carried 3-0.

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

Gloria A. Carr  
Floyd County Auditor

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Roy Schwickerath, Chair  
Floyd County Board of Supervisors

Drainage District #6 (Floyd)/#56 (Cerro Gordo) Trustees Joint Meeting  
April 28, 2020, 10:30 a.m.

UNAPPROVED MINUTES

The Cerro Gordo County and Floyd County Boards of Supervisors met at their respective courthouses to conduct a conference call meeting of the Joint Drainage District #6/56 Trustees. Cerro Gordo County Supervisor participation included Supvs Tim Latham, Chris Watts, and Casey Callanan. Floyd County Board of Supervisor participation included Supvs Roy Schwickerath, Doug Kamm, and Linda Tjaden.

Callanan/Watts moved to approve the agenda as presented. Motion carried 6-0.

Bob Goodwin, Goodwin Law Office Drainage Attorney, reviewed past court proceedings regarding litigation between Iowa Norther Railway Company and the drainage district. In December 2019, Goodwin filed a Motion for Summary Judgement with affidavits from multiple people stating that the boring method is a standard procedure and will not interrupt the operation of the rail line. On April 3, 2020, the district judge ruled that the Trustees must file for permission from the Surface Transportation Board (STB) to install the culvert. Goodwin explained that drilling would be 15-16 ft below the rail line and if laser surveys conducted during the process showed a disruption, the project would be stopped. Goodwin has samples that support there is no requirement to seek permission to the STB to install a culvert.

Goodwin is seeking direction on two options for the Trustees to consider are to: 1) Goodwin's recommendation is to file the request for permission with STB, expect within two months to have a response that the district does not need to file for permission with STB and then proceed with the project as planned; 2) appeal to the Iowa Supreme Court that the judge is wrong in her ruling which could take a year and could be remained back to trial court which could take another year.

Schwickerath/Watts moved to have Goodwin file a petition with the Surface Transportation Board to obtain authority to install a culvert to complete the Joint Drainage District #6/#56 project. Motion carried 6-0.

Other discussion was in regard to further delay of the project to which Goodwin responded that Precision Tunneling will have a cost adjustment and if the railroad does not install the culvert, the law says the railroad will have to pay the expenses to install the culvert and the attorney fees. Kent Rode, Bolten & Menck Sr Project Manager, commented that Precision Tunneling has been waiting to proceed and we are at their mercy in terms of their schedule.

Schwickerath/Watt moved to adjourn. Motion carried 6-0.

ATTEST: \_\_\_\_\_  
Gloria A. Carr  
Floyd County Auditor

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Roy Schwickerath, Chair  
Floyd County Board of Supervisors