

Floyd County Board of Supervisors Meeting
July 14, 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 and Supv Doug Kamm.

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

Public comment: none.

Tjaden/Kamm moved to approve the June 22, 23, and July 1, 2020 meeting minutes with a correction to the June 23 claims to remove Rottinghaus Farms as a voided unredeemed warrant due to a claim being reissued. Motion carried 3-0.

Tjaden/Kamm moved to approve the claims presented: County #3299-3344 & 1-128, Secondary Roads #20847-20886 and Drains #15011-15012. Motion carried 3-0.

Law Enforcement Center/Courthouse Project: Kamm/Tjaden moved to approve the change order #4 from Dean Snyder Construction for \$4,773 to upsize the storm drainage line. Motion carried 3-0. Tjaden/Kamm moved to approve Pay Ap #8 for \$1,105,800. Motion carried 3-0.

The Board noted that there are 84 total coronavirus (COVID-19) cases in Floyd County. Supv Schwickerath commented that there is no action to be taken and staff seems to be satisfied with the processes in place at county facilities.

No action was taken on appointments to boards/commissions. To gender balance and fill vacancies for the Board of Adjustments an appointment of a male and a female or two females is needed and the Zoning Commission needs a female appointment.

The Board noted Tim Laube's promotion to Secondary Road Superintendent and Drainage Foreman.

Engineer's Report: Rolando provided his timesheet and foreman's notes. Shouldering on T38 continues and should wrap up shortly. The bridge approach on S70 was poured. Crews have been mowing. The underground storage tank in Rudd was approved for \$2,650 in testing funds. A second bin for cardboard was requested by staff at the Collection Site; Rolando will find out costs. The Chickasaw County Board of Supervisors would like to know if Floyd County is interested in attending the 6-county supervisor meeting in August or joining the group to be a 7-county entity.

The public hearing for the Urban Revitalization Plan, Floyd County UR-5 opened at 10:20 a.m. The Auditor reported she has received no written or oral comments in support of or opposed to the Plan but there are some internal things to be addressed with the applicant who is requesting tax exemption benefits including zoning requirements, access entry to the parcel, and filing a new application if the Plan is approved. Chris Diggins, North Iowa Area Council of Governments representative, commented that the plan is unique because it is for a single parcel but rather than deviating, the plan reads the same as a normal plan NIACOG would write as it meets state scrutiny. The Plan covers a 3-year, 100% tax exemption and runs for 10 years for other potential development. Discussion regarding zoning included if the property should be changed from Commercial, C-1 as "manufacture or treatment of products clearly incidental to the conduct of the retail business conducted on the premises", to Industrial; Lezlie Weber, Zoning Administrator, was asked to follow up with the applicant on how material is fabricated and if the applicant has a sales tax permit, and check with the Assessor regarding how they classify industrial and commercial with respect to commercial rollback. The Iowa DOT contacted Auditor Carr this morning to clarify that the State is purchasing property from Land Group LLC, Brandon and Marlene Fox, and Phillip E. Redding Revocable Trust to use for station points for the Floyd intersection project so the land-locked issue will be resolved as deeds are recorded. The hearing closed at 9:36 a.m. Diggins commented that no action on the Plan needs to be taken today as the public has a 30-day opportunity from today to request a hearing. Pending no request for another hearing, on August 25 the Board could approve the Plan and then an ordinance designating the urban revitalization area would need to be passed.

Tjaden/Kamm moved to set a public hearing for August 25 at 9:15 a.m. for An Ordinance Designating Certain Areas of Floyd County, Iowa, as Urban Revitalization Areas. Motion carried 3-0.

The Board recessed at 9:40 a.m. and reconvened in the third floor District Court Room at 10:00 a.m.

The hearing for proposed repairs and improvements for Drainage District #1 opened at 10 a.m. Kent Rode, Bolton Menk Engineer, commented that repairs are required of the Trustees to keep the facilities in good condition and objections to improvements have to be written down and submitted to the Trustees before the end of the hearing and there is an opportunity for a remonstrance if the majority of the landowners meeting more than 50% by number and 70% of the land would stop an improvement or the Trustees could stop an improvement if the project is perceived as not feasible or cost effective. Auditor Carr reported that several property owners contacted the Auditor's Office on the Bolton Menk Engineer's Report but not necessarily gave support or opposition but rather explanation of the report and four letters were received and read: 1) Mark G. Stevens is in agreement with the repairs but suggested this is not the time to do an improvement; the letters was supported with signatures by residents of the district; 2) James Halbach wrote that either a repair or an improvement would cause hardship; 3) Gary and Sandra Quade wrote in regard to not having access to tiles in the district, Quade's tiles drain to the north outside of this district, a desire to be removed from this district, and suggests a reclassification be conducted; 4) Joe Estes provided seven questions to be addressed as his way to object to the improvement; Rode addressed the seven questions. Kurt Hoeft, Wetland/CREP Field Specialist, replied to Carr's e-mail regarding potential for government programs was read and an evaluation could be done if the property owner was interested. Supv Kamm mentioned that Chuck Thorson reported to him that he is not in favor of an improvement. Via telephone, Connie Baker, property owner, expressed her opposition to an improvement, inquired about assessments and potential damage to landscaping; Tyler Conley, Bolton Menk rep, commented that this property has no tile work being done on it.

Rode explained that drainage district facilities are for the benefit of the property owners, the landowners in the district were responsible for paying for the original 1915 establishment of the district and for subsequent work done in the district through assessments/not taxes, and tools such as lidar technology today are used to determine watershed boundaries and benefits to property owners. Five factors used to determine benefit for reclassification were provided. Maps showing original district boundaries, proposed boundaries, repair and improvement areas to main and submain tiles were reviewed. Rode encouraged property owners to provide non-district tile information/maps to better classify property and to talk with agencies regarding water quality, such as Natural Resource Conservation Services or Department of Agricultural and Land Stewardship. The proposed repair replaces tiles in only a portion of the main and one submain in the same proximity of the existing tile and with the same tile size, estimated with a \$477,000 assessment to property owners and mentioned it is likely that tile repairs in other areas would need to be done in the near future at additional costs. The proposed improvement provides for installing tiles deeper and increasing the size of tiles, estimated with a \$1,470,000 assessment to property owners. Rode explained the process for reclassification and annexation and recommends these processes be done with either the repair or improvement.

Additional comments were made: 1) Mark Stevens shared how he acquired his property and put his perspective on his position on repairs and improvements and questioned how much redundancy would there be in the repair area if the improvement was done at a later date; Rode commented that a repair is done at its original size in the same place where the improvement would be done in more depth with a larger tile and Conley mentioned there could be a second new tile laid later along the repaired tile but work would still be done in the same area. Stevens also commented that would like a list of what he should do in the future to make sure the tile stays in good repair. 2) Ana Blickenderfer questioned how property owners are held accountable for tree roots; Rode explained that Trustees count on property owners to report problems to the Engineer's office and landowner maintenance to prevent tree growth over tile is critical. 3) Steve Wiltse commented that he sees no benefit to the tile or harm to his property with either repair or improvement option; Rode commented that sometimes property owners are unaware that they shed water to the facilities and some don't realize they can take advantage of tiling to a facility. 4) Gary Quade commented on the Washington School Watershed districts that were created years ago and he is being assessed in both; Rode explained that if the Trustees vote to reclassify the property, Quade's property would not have any benefit in this district. 5) Joe Estes questioned if payments is interest on payments distributed over 20 years; Rode commented that there would be interest and Carr reported that the county has set 5% on the principal. Estes asked if spread payments would be transferred to a new owner if property was sold; Rode thought they would go with the new property owner and Carr thought it would need to be part of negotiations for closing on the property. Estes also questioned how tile repaired with cost spread several years ago that are not yet paid is handled if an improvement done now causes taking out was done with the previous project; Rode commented that an improvement would be a new cost. 6) Kyle Mehmen, representing Kathleen Claussen, requested a more accurate cost per landowner; Rode commented that a preliminary reclassification could be done and if there was consideration to do an improvement, he would suggest this but not for a repair. 7) Daniel Schmitt thinks the repair is sufficient; Rode commented that you potentially could do the repair area proposed but over potentially a 10-year

period repairs would be needed in other areas and you could have the same cost of an improvement but not have the benefit of an improvement. 8) Richard Oleson questioned the 6% interest referenced in the report; Carr commented that there are two interest rates, one for stamped warrants for bills paid prior to assessment and one for eligible assessments spreads, both set at 5%. Rode and Conley explained the processes for doing a preliminary versus final reclassification, a timeline for bidding and completing the project, a completion hearing when work is accepted, and damages considered. Rode commented the project also has a proposed cost for potential televising to determine if repairs are needed in some other areas.

The hearing closed at 11:38 a.m.

Schwickerath/Tjaden moved to go through with the reclassification, annexation and proceed with the repair as presented by Bolten Menk for Drainage District #1. Motion carried 3-0. The repair includes Division 1 and 2, alternates for road costs, televising/inspection of tile lines as needed, basic engineering services and other non-construction costs as applicable, estimated at \$550,000 of which \$477,000 is assessible to property owners.

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

ATTEST: _____
Gloria A. Carr
Floyd County Auditor

Roy Schwickerath, Chair
Floyd County Board of Supervisors