

**April 21, 2021**

Board members present for regular session at 10:00 a.m. were: Shelley, Hoadley, Twombly, Walker and Wedemeyer.

Also present: Mandy Berg.

All motions were approved unanimously unless noted otherwise.

Due to heightened public health risk from the coronavirus outbreak, the Board Meeting was held via conference call pursuant to Iowa Code section 21.8.

**MINUTES:** Moved by Twombly and seconded by Hoadley to approve the minutes from April 14, 2021. Approved.

**CLAIMS:** Moved by Walker and seconded by Twombly to approve the following claims:

Vendor Name	Payable Description	Total	Kinzie Service	Service	
Access Systems Leasing	Server Lease	\$1,216.52	Lexipol, LLC	Fy22 Annual Membership	\$900.00
Adair Co Health System	Jail Meals	\$3,577.00	Lumen	Usage Charges	\$0.20
Alliant Energy - IES	Utility - Gas	\$740.79	Marco Technologies LLC	Copier Fees	\$129.75
American Legion Post 265	Flags	\$100.00	McMorrان Lawn Services	Fertilizer & Crabgrass	\$160.00
America's Best Apparel, Inc	Apparel	\$99.00	Mediacom	Phone & Internet	\$792.09
Auxiant	HRA Insurance Trust Claims	\$1,392.41	Meisenheimer, Luke	Safety- Footwear	\$187.24
Bigelow Welding Repair	Angle Iron	\$115.20	Midwest-Wheel Companies	Parts #501	\$66.20
Bm Sales	Custodial Supplies	\$307.00	MMIT Business Solutions Group	Copier Toner	\$77.95
Bomgaars	Bolts	\$7.57	Northland Products Co	Oil/Other Equipment Supplies	\$910.99
Business Forms & Systems	Tax Statement	\$311.00	Office Depot	Office Supplies	\$50.59
Central IA Distributing Inc	Supplies, Lo	\$426.20	Office Machines Company	Office Supplies	\$111.34
Central Iowa Detention	Juvenile Detention Services	\$60.00	O'Halloran International	Parts	\$1,053.38
Central Iowa Ready Mix, Inc.	Bridge Deck Material	\$5,312.00	OSDI - Spacesaver	File System Maintenance	\$466.00
Certified Power Inc Companies	Parts #501	\$238.23	Postmaster	Stamps	\$110.00
Christian Home Association	Shelter Services	\$1,118.48	Quill	Office Supplies	\$79.97
Cintas	Gloves, Filters for Air Masks	\$655.36	Schildberg Const Co Inc	Maintenance Rock	\$181,760.04
Creston Publishing Company	Property Taxes	\$123.00	Seat Treasurer	Seat Ce Training	\$40.00
Cunningham-Reis, LLC	L-LBM11J--73-01	\$10,754.92	Secondary Road Fund	Fuel, Mar 2021	\$287.61
Diamond Oil Co	Diesel	\$903.60	Sickles Trucking & Repair, LLC	Tires, Etc.	\$950.84
Farmers Electric Coop	Intersection Lighting/ Utilities	\$704.50	Southern IA Rural Water	Mt New Meter Pit Install	\$9,637.00
Farmers Lumber Company	Supplies	\$108.67	Stivers Ford	Parts/ Labor	\$2,328.02
Fastenal Company	Safety Glasses & Gloves	\$404.83	Stuart Herald, The	Taxes Due Publication	\$23.00
Fletcher, Tracy	Safety - Footwear	\$213.99	Thomson Reuters - West	Library Plan Charges	\$360.42
Greenfield Lumber Company	Supplies	\$191.43	Transit Works	Laser Receiver	\$2,158.00
Greenfield True Value	Supplies	\$230.28	Truck Center Companies	Parts #501	\$748.55
Gus Construction Co Inc.	L-Lrcbn9p--73-01	\$81,979.21	Twillmann, John D.	Courthouse Mileage	\$48.07
Hopf, Marvin	Township Meeting	\$40.00	Unity Point Clinic	Pre-Employment Drug Test	\$42.00
IA Law Enforcement Academy	Jail Inservice	\$375.00	Verizon Wireless Bellevue	Telephone Service	\$103.30
IA Prison Industries	USC Disinfectant	\$65.60	Visa	Postage, Supplies, Deputy Equip	\$854.41
Inland Truck Parts Co	Mud Flaps	\$113.12	Volvo Trucks Of Omaha Inc	Parts #641	\$542.15
Iowa County Recorders Assn	FY22 Research & Education Dues	\$200.00	Wallace Auto Supply Co	Parts	\$216.41
Iowa Land Records	Maintenance & Support	\$1,072.43	Young, Nancy	VA Rent, May	\$450.00
Jensen Construction Co Inc	L-LBRW35J--73-01	\$284,290.02	Ziegler Inc	Parts/ Blades/ Safety	\$148.05
Jensen, Randall	Pest Control	\$108.00		<b>Grand Total</b>	<b>\$603,492.33</b>
Fund		Amount			
0001 - GENERAL FUND		\$14,843.03			
0002 - GENERAL SUPPLEMENTAL		\$40.00			
0011 - RURAL SERVICES		\$1,592.66			
0020 - SECONDARY ROAD		\$193,622.01			
0021 - LOCAL OPTION SALES TAX		\$382,336.15			
0027 - CONSERVATION LAND		\$9,618.00			
0033 - SPECIAL LAW ENFORCEMENT		\$48.07			
8500 - ADAIR COUNTY INSURANCE TRUST		\$1,392.41			
<b>GRAND TOTAL</b>		<b>\$603,492.33</b>			

Approved. Karen Seley joined via conference call at 10:02 a.m.

**FIREWORKS PERMIT APPLICATION:** Moved by Wedemeyer and seconded by Walker to approve the fireworks application for the Adair County Fair Association for the Adair County Fair with proof of insurance. Approved. Caleb Nelson, Adair County Free Press, joined via conference call at 10:04 a.m.

**COVID-19 UPDATES & DISCUSSION:** The Board discussed COVID vaccines and side effects. Everything has been running smoothly at the courthouse.

**REDISTRICTING COMMISSION:** Auditor Berg presented information regarding the Temporary Redistricting Commission. The Board will need to appoint and certify names to the Auditor by May 15, 2021. This commission can be made up of 3, 5, or 7 people and all members must be eligible electors of Adair County at the time of appointment. The majority party of the supervisors will appoint the majority of members and the minority party of supervisors will appoint the remaining members to the commission. The Board will also need to set a per diem for the commission and the last Temporary Redistricting Commission was paid \$50.00 per diem which included all mileage and expenses. The commission usually meets 3 to 4 times. At this time, the County has not received any census information. Population data is set to be released April 30<sup>th</sup> and the census block data is not set to be released until September 30<sup>th</sup> and tentatively, Legislative districts will not be set until October 15<sup>th</sup>. The County will then have no more than 90 days to complete County precinct changes once the Legislative districts are set. These new boundaries would go into effect January 15, 2022. Supervisor Twombly stated he thinks it would be a good idea to have a five-member commission and have each supervisor appoint a member. Twombly also thought staying with a \$50.00 per diem including mileage and expenses sounded fair. Each board member will start looking for their appointments and bring it back to certify to the Auditor at the beginning of May.

**POSTAGE METER RENTAL:** Brenda Wallace, County Treasurer entered at 10:09 a.m. Nick Kauffman entered at 10:10 a.m. Treasurer Wallace explained to the Board that it is time to renew the postage meter contract with Pitney Bowes. Wallace had some other companies show some interest in bidding, but received no other bids as most didn't think they would be able to compete with Pitney Bowes. The five-year contract Wallace presented would be a total increase of \$565 over the five years which included the cost for new equipment. Moved by Twombly and seconded by Wedemeyer to approve the postage meter contract renewal with Pitney Bowes with a cost of \$48.87 per month. Approved.

**INFOMAX:** This appointment will be re-scheduled at a later date.

Supervisor Walker updated the other board members on a recent broadband study meeting. Residents in Adair and Guthrie County are encouraged to complete a broadband survey by May 15<sup>th</sup>. Auditor Berg stated they would post the link to the survey on the County website to help encourage individuals to complete the survey. Walker stated that it has made it harder to get the word out for Adair and Guthrie Counties since Sarah Gomez has left Midwest Partnership. Ric Hansen, KJAN; Mandy Billings, KSOM; and Matt Ott, MidAmerican Energy joined via conference call at 10:35 a.m.

**SOLAR PANEL DECOMMISSIONING PLAN & ORDINANCE:** Melissa Larson, County Attorney entered at 10:27 a.m. Larson distributed a copy of the second draft of the Solar Ordinance and Proposed Language document of things that could be added to the ordinance. Auditor Berg had received two letters in her office regarding the solar panels and distributed them to the Board: one from Matt Ott, MidAmerican Energy and the other from resident Roger Partlow. Andrea Beane, Duane Avey, Jordan Oster, Joanie Finck, and Jayne Stephen joined via conference call at 10:35 a.m. Sheriff Jeff Vandewater entered at 10:38 a.m. and then exited at 10:46 a.m. Attorney Larson presented the second draft of the ordinance with approved changes from last week's board meeting. Larson also presented other proposed language that could be added to the ordinance including language for the airport, eminent domain, an appeals process, and permit fees. Attorney Larson had spoken to Becky Haase at the City of Greenfield who expressed concern about whether the City would have jurisdiction to regulate the areas outside of the airport. Larson's proposed language that would add a row under the setbacks Section 4(1) of the ordinance that would include a five-mile setback requirement from the property line for Public and Private Airports. The Board discussed whether private airports needed to be included in the setbacks and Larson didn't seem to think it would be a problem to remove private from the description. Moved by Shelley and seconded by Wedemeyer to approve and add the airport proposed language to the ordinance after striking the words "private airport" from the protected area description. Approved. Larson moved onto the Eminent Domain proposed language stating that the utility board does have the ability to grant permission to allow utility companies to use eminent domain. Larson utilized language that two other Counties had used in their ordinances. Moved by Hoadley and seconded by Wedemeyer to include the proposed eminent domain language in the ordinance. Hoadley, aye; Twombly, aye; Walker, aye; Wedemeyer, aye; and Shelley, nay. Approved. Larson went over the proposed language for an appeal option for someone who wanted to have solar on their property if the total acreage cap has already been met or exceeded. Larson explained that she did not have a lot of guidance on this with the County not being zoned, but still thinks we can come up with a good form and process. Supervisor Wedemeyer thinks the appeal process would be a good idea. Wedemeyer likes having a cap within the ordinance so solar doesn't get out of hand and the appeal process would allow the Board to know what is going on and make it so the Board could at least look at projects individually. Moved by Twombly and seconded by Wedemeyer to allow the proposed language for the appeal process to be included in the solar ordinance. Additional comments were made on the motion: Supervisor Shelley stated that there would have to be a lot more work after this to achieve the appeal process and wondered if the form needed to be done before the ordinance was approved. Larson stated that the appeal process form did not necessarily need to be in the ordinance or before the ordinance was passed, but it could be done at the same time. Supervisor Shelley then asked if there was an appeal, would the Board have to hold a public hearing? Attorney Larson stated she would have to look more into that question since the County does not have zoning. Motion Approved. Larson went over the proposed language for adding a permit fee to the ordinance. Larson stated that the permit process would obviously take up some of the Engineer's time and that the proposed \$100 fee seems like a fair amount and would help offset the County's expense. Moved by Shelley and seconded by Hoadley to include the permit fee proposed language in the solar ordinance. Approved. Larson also wanted to address some of the comments submitted in MidAmerican's letter and explained what changes would need to be made to the ordinance to clarify things. These changes included language to clarify that setback measurements would be to the closest items and not all items, that language could be added to clarify that setbacks would not include underground facilities or project fencing, to strike references to "easement agreements" and replace with the wording "agreements", and to remove the setbacks to project substations. The Board discussed these changes: Supervisor Wedemeyer stated that he wasn't sure why fencing wouldn't be considered the

property line. Supervisor Hoadley stated that she feels fencing should be subject to setbacks. Supervisor Walker agrees with MidAmerican that project fencing should not be included in the setbacks. Supervisor Shelley stated that the underground cables shouldn't be considered in setbacks and aren't any different than the cables for the wind turbines. Supervisors Hoadley and Wedemeyer discussed if this should be a permit issue and if it should be considered on a case-by-case basis. Supervisor Shelley stated he didn't think the fencing would be an issue as it is not any different than what is normally done and believes we need to clarify that setbacks do not apply to the underground cables and fencing. The Board discussed the 400-acre cap and what that cap includes. Supervisor Shelley doesn't want to be negligent on the cap language and thinks it should be more specific. Supervisor Wedemeyer and Supervisor Hoadley agreed that the cap would cover the entire developed project area which would include any grass strips or roads related to the project. Attorney Larson stated we could identify the cap as "developed project area" under Section 2 and add a definition of the "developed project area" under the Section 1 Definitions. Moved by Wedemeyer and seconded by Twombly to add a definition of "developed project area" and to include the language in the ordinance under Section 2 for the cap. Approved. Moved by Twombly and seconded by Walker to clarify the language in the ordinance under Section 2(2)(e) to state that the setback measurements are between the *closest* items of the property equipment to the property line. Approved. Moved by Wedemeyer and seconded by Twombly to add clarifying language in the ordinance that setbacks do not apply to project fencing and underground facilities. Approved. Moved by Walker and seconded by Twombly to change the language throughout the ordinance to take out the wording "easement agreements" and replace with the wording "agreements" as a blanket for all agreements. Approved. The Board discussed substations and whether substations should be included in the setbacks. Supervisor Hoadley stated she didn't think there was a plan to add more substations for the solar projects and doesn't think new substations should be allowed. Supervisor Wedemeyer stated if it is included in the setbacks, the Board would then have to start regulating substations and that is not something he thinks they should have to do. Moved by Shelley and seconded by Walker to strike substations from Section 3(2)(e) stating that substations should not be included in the setback measurements. Approved. Attorney Larson will draft another ordinance and then send to Auditor Berg to distribute. The Board would like to expedite the process and meet again on Friday, April 23<sup>rd</sup> at 8:15 a.m. to go over the revisions in the ordinance and to possibly set a public hearing date. The Board discussed the decommissioning plan and will review this again on Friday. Larson exited at 11:16 a.m.

**ENGINEER: Award Contract** – Moved by Walker and seconded by Hoadley to approve **Resolution #2021-25** – WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the N34 Richland Bridge Replacement Project (BROS-SWAP-C001(113)–SE-01), hereafter referred to as "the project" is in the best interest of Adair County, Iowa, and the residents thereof. The project is defined as The replacement of an existing steel girder bridge with a new continuous concrete slab bridge located on 330th St. approximately 1700 feet west of Kent Ave.; and WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Adair County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and IT IS THEREFORE RESOLVED by Board to accept the bid from Herberger Construction Co., Inc. in the amount of \$544,955.75 and awards the associated contract(s) to the same; BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and BE IT FURTHER RESOLVED by the Board of Supervisors of Adair County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Nick Kauffman, P.E., the County Engineer for Adair County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county. Roll Call Vote: Shelley, aye; Twombly, aye; Walker, aye; Wedemeyer, aye; and Hoadley, aye. Approved. **Road Use Agreement** – Engineer Kauffman presented the Road Use Agreement for the Heartland Divide II project in Audubon County to the Board. Kauffman explained that they will be coming into Adair County for substation access and have a haul route within the County. Kauffman explained that this is the same road use agreement we've had the last few times and that a third-party person will drive the roads weekly looking to see if conditions of the roads need improvement. Kauffman can also make recommendations for improvements. Moved by Twombly and seconded by Wedemeyer to approve the Heartland Divide II Road Use Agreement per Engineer Kauffman's recommendation. Approved. **Road Upgrade** – Kauffman explained that he has been approached by Tyler Raasch regarding building a house along a Level B road and wondering if it could be upgraded to a Level A road. Kauffman discussed his concerns with the drainage of the road and it currently having no ditches. The County would have to remove trees in order to widen the road and build the road up. Kauffman also discussed these concerns with Raasch as well as his concerns that if it was kept as a Level B road that there wouldn't be all season access in case of emergencies as those roads are not maintained and snow is not removed on Level B roads. Supervisor Twombly would only be in favor of making the it a Level A road if it could be made a special assessment and the expense would go back on Raasch. Supervisor Shelley stated that he could not justify the cost and is not in favor of upgrading the road just for one person. Supervisor Walker thought it would be a better option for Raasch if he used his dad's driveway for access back to where he wants to build. Kauffman stated that the County has allowed individuals to upgrade and rock roads at their own expense, but the County would not maintain them. Kauffman will meet with Raasch again in the next couple of days. **Report of Maintenance & Activities** – Engineer Kauffman gave an update to the Board on the following projects: W35 Jefferson bridge deck, N22 Jackson deck pour, N11 Jefferson, N9 Prussia, Kauffman will start bridge inspections and has 65 to complete by May, contract rock, trees for Orient Yards, City shed and taking down the old shop. **Closed Session Engineer Contract** – Moved by Twombly and seconded by Walker for the Board to go into closed session per Engineer Kauffman's request under Iowa Code Section 21.5(1)(i) at 11:44 a.m. Approved. Moved by Twombly and seconded by Hoadley to end the closed session at 11:48 a.m. Approved. Moved by Hoadley and seconded by Twombly to make the changes to the Engineer's Contract that were discussed in closed session. Approved.

**ADJOURNMENT:** Moved by Twombly and seconded by Walker to adjourn at 11:49 a.m. Approved.

**ADAIR COUNTY BOARD OF SUPERVISORS:** \_\_\_\_\_ Steve Shelley, Chairman

**ATTEST:** \_\_\_\_\_ Mandy Berg, Auditor