

October 3, 2018

Board members present for regular session at 8:00 a.m. were: Hoadley, Homan, Shelley, Twombly, and Wedemeyer.

Also present: Mindy Schaefer, Hugh Cain, and Brent Hinders

All motions were approved unanimously unless noted otherwise.

CLOSED SESSION: Moved by Wedemeyer and seconded by Twombly to enter into a closed session per Iowa Code Section 21.5(1)(c) to discuss matters with counsel where litigation is imminent at 8:00 a.m. Roll call vote: Hoadley, aye; Twombly, aye; Shelley, aye; Homan, aye; and Wedemeyer, aye. Approved. Moved by Twombly and seconded by Hoadley to exit the closed session at 8:56 a.m. Approved.

The Board meeting was moved to the Courtroom of the Courthouse. Also present were: Tanya Lamb, Jade Zimmerline, Caleb Nelson, Mark Zaccone, Bart Knox, Karen Seley, Vern Blazek, Joanie Finck, Judy Neal, Glenna Finney, Mike Lamb, Tom Reavely, Deb Lilly, Mary Lou Lamb, Eric Jeanneret, Lynn Schwartz, Adam Jablonski, Matt Ott, Jon Andreasen, Mary Long, Colleen Oxley, Paul Ehm, Chris Waverly, Mike Bobst, Linda Bobst, Jim Zimmerline, Janet Zimmerline, Tom Robinson, Galen Geidel, David Schwartz, Josh Rardin, Steph Cach, Kathy Foster, Gary Cooper, Deloris Bennett, Evelyn Hopf, Arne Nielsen, Carol Herrmann, Lori Nelson, Becky Geidel, Doug Geidel, Jerry Oxley, Sieanna Rawlings.

MINUTES: Moved by Wedemeyer and seconded by Homan to approve the September 26, 2018 and September 28, 2018 minutes. Approved.

TOWNSHIP CLERK WAGES: Moved by Shelley and seconded by Twombly to approve the township clerk wages for Grand River Township Clerk Rebecca Luers for \$20.00; Orient Township Clerk Julia Frederick for \$20.00; and Richland Township Clerk Marvin Hopf for \$40.00. Approved.

FY18 URBAN RENEWAL (TIF) ANNUAL REPORT: Auditor Schaefer discussed the FY18 Urban Renewal Annual Report with the Board. Moved by Wedemeyer and seconded by Shelley to approve and to sign the FY18 TIF Annual Report and instruct the Auditor to file with State. Approved.

VETERANS AFFAIRS – OFFICE LEASE: Dennis Kellenberg entered at 9:00 a.m. Kellenberg discussed the conditions of the former VA Office with the Board of Supervisors. The lease is in the middle of a contract that terms in June 2019. Section 11 of the lease states that “In the event of damage to the premises, so that Tenant is unable to conduct business on the premises, this lease may be terminated at the option of either party. Such termination shall be effected by notice of one party to the other within twenty days after such notice; and both parties shall thereafter be released from all future obligations hereunder.” The termination letter from the VA Commission stated that the reason for termination was water damage and mold. Kellenberg stated that the only damage was a few ceiling tiles that fell when the roof was taken off in the wind storm and there was only one day that the VA could not work in the office. Kellenberg stated he feels the reason the VA does not want to work in his building is due to the director having a breathing problem. He stated that there is not a provision in the lease to terminate due to health problems of the Director. Kellenberg also indicated that the basement was wet when the VA Commission decided to use the office space and it has not been a problem until now. Kellenberg stated that the VA Commission does not have the right to terminate the contract that only the Board of Supervisors can do that. The lease is \$400/month, Kellenberg is disputing that there was sufficient damage to warrant termination of the lease, and is expecting the remainder of the contract be paid. Hoadley abstained from any further discussion in this agenda item. Shelley stated that the County needs to ask an attorney for an opinion. Shelley stated that we owe the \$400/month until further information is available to the damage. The group discussed that the County Attorney has a conflict and cannot represent either side of this issue. Moved by Shelley and seconded by Twombly to send the information to an attorney for a legal opinion. Approved.

OPEN RECORDS REQUEST: Hugh Cain, Attorney discussed the open records request that was sent by Attorney Thomas Reavely. Shelley stated that the County needs to hire an attorney to handle the request due to the sheer size and the nature of the request. Moved by Shelley and seconded by Wedemeyer to higher Hopkins & Huebner, P.C. to represent the County on the open records request. Approved.

PUBLIC HEARING – ORDINANCE 31A – AN AMENDMENT TO ORDINANCE NO. 31 – ASSESSMENT OF WIND ENERGY CONVERSION PROPERTY: Shelley stated that he has a contract with Mid-American and declare his son, daughter-in-law and wife also have a contract and stepped back from the table and did not participate in the discussion. Moved by Wedemeyer and seconded by Homan to open the public hearing for Ordinance 31A – An Amendment To Ordinance No. 31 – Assessment Of Wind Energy Conversion Property at 9:30 a.m. Approved. The Chair conducted the 3rd reading of Ordinance 31A – An Amendment To Ordinance No. 31 – Assessment Of Wind Energy Conversion Property. The County Auditor received 6 emails or letters, of which 2 were in support of wind farms and 4 were in opposition to the wind farms. Copies of the correspondence were given to the Supervisors. The following people spoke in opposition to the wind farms: Karen Seley, Joanie Finck, Tom Reavely, Colleen Oxley, Mary Long, Paul Ehm. The following people spoke in support of the wind farms: Vern Blazek, Judy Neal, Adam Jablonski. Moved by Homan and seconded by Twombly to close the public hearing at 10:03 a.m. Approve. Moved Twombly and seconded by Wedemeyer to reopen the meeting. Approved. Hoadley discussed doing a comprehensive ordinance without a cap and a moratorium. The group discussed if a comprehensive ordinance would grandfather in any contracts and easements that are already signed. Attorney Cain stated that it is not appropriate to discuss legal ramifications at this time. The question was asked on who would do the research on a comprehensive ordinance. Moved by Homan and seconded by Hoadley to table the comprehensive ordinance discussion until next week. Approved. Moved by Wedemeyer and seconded by Twombly to make two small amendments to the current draft of Ordinance 31A: Section b3 adding the word “regular” before “public gathering” and in Section d adding the words “including easements” after “is contracted”. Approved. Moved by Wedemeyer and seconded by Twombly to approve **Resolution #2018-41** – Approval Of Ordinance Number 31a An Amendment To Ordinance 31 – Assessment Of Wind Energy Conversion Property. Whereas, the Board of Supervisors of the County of Adair, State of Iowa, after public notice and hearing as prescribed by law; and Whereas, the purpose of the ordinance is to amend Ordinance No. 31 - Assessment Of Wind Energy Conversion Property by adding an additional section and to exercise the County’s police powers under the County Home Rule Implementation Act Iowa Code Chapter 331 and 335.3; Therefore, the Board

hereby adopts Ordinance 31A, with the ordinance to be effective 0 days after final publication of said ordinance. Roll call vote: Hoadley, aye; Wedemeyer, aye; Homan, aye; Shelley, abstain; and Twombly, aye. Approved.

ADJOURNMENT: Moved by Twombly and seconded by Wedemeyer to adjourn at 10:14 a.m. Approved.

ADAIR COUNTY BOARD OF SUPERVISORS: _____ Jodie Hoadley, Chairman

ATTEST: _____ Mindy Schaefer, Auditor