

PROCEEDINGS OF THE FRANKLIN COUNTY BOARD OF SUPERVISORS

April 10th, 2023

The Board of Supervisors met at 8:30AM on Monday, April 10th 2023 at the Franklin County Courthouse with Board members Vanness, McVicker, and Lukensmeyer present.

Chairman Vanness led the Pledge of Allegiance.

Motion by McVicker, seconded by Lukensmeyer to approve the Agenda with the addition of approval of drainage minutes. All ayes. Motion carried.

Motion by McVicker, seconded by Lukensmeyer to approve the Board Minutes from the regular meeting and drainage meetings dated 4/3/2023. All ayes. Motion carried.

Public Comment & Board Committee Updates: Lukensmeyer attended Veterans Affairs and the Planning & Zoning meeting. Vanness asked Lukensmeyer where he was with the proposed C-WECS ordinance. Lukensmeyer stated that he should be ready to decide next week and the Board directed the Auditor to place is on the agenda for 4/17. The Auditor let the Board know that the new access control system will be installed at the Courthouse this week.

Jay Waddingham, Secondary Roads Engineer, met with the Board to provide them an update on his department.

Ashley Roberts, Public Health Administrator, met with the Board and gave them an update on her department.

Carissa Sisson, Assessor, met with the Board to provide them an update on her department.

Motion by Lukensmeyer, seconded by McVicker to open the Public Hearing Pertaining to the FY24 Proposed Budget at 10:00AM. All ayes. Motion carried. Chairman Vanness stated he had received a comment from Toni Wilkinson that she opposes the budget. The Auditor briefly reviewed the budget. She noted that the County general levy will be the lowest it's been in 4 years. No other public comment was received. Motion by McVicker, seconded by Lukensmeyer to close the public hearing at 10:05AM. All ayes. Motion carried.

Motion by McVicker, seconded by Lukensmeyer to approve a resolution approving and adopting the FY24 Budget. The resolution reads in full:

RESOLUTION #2022-29

ADOPTION OF THE FRANKLIN COUNTY FISCAL YEAR 2023/2024 PROPOSED BUDGET

WHEREAS the Board of Supervisors held a Public Hearing on Monday, April 10th, 2023 at 10:00AM to receive comments regarding the proposed FY2023/2024 Budget. **WHEREAS**, the FY2023/2024 Budget of expenditures and revenues as was published, per Public Notice, in the March 29th, 2023 issue of the Official County newspaper, Hampton Chronicle and presented at the public hearing on April 10th, 2023. **THEREFORE**, the Board of Supervisors hereby approves the proposed FY2023/2024 Budget as was presented and published. Budget certification attached.

Roll call vote was as follows, Ayes: Lukensmeyer, McVicker, Vanness; Nays: None. Motion carried and resolution duly adopted.

Motion by McVicker, seconded by Lukensmeyer to open a public hearing pertaining to Ordinance 2023D "An Ordinance Authorizing a Moratorium on Utility Scale Battery Energy Systems Permitting & Construction" at 10:15AM. All ayes. Motion carried. Garret Thompson from Franklin REC made some comments about the battery energy systems that they currently have in place. No other comments were received. Motion by McVicker, seconded by Lukensmeyer to close the public hearing at 10:24AM. All ayes. Motion carried.

Motion by Lukensmeyer, seconded by McVicker to approve the 1st Reading & Consideration of Ordinance 2023D "An Ordinance Authorizing a Moratorium on Utility Scale Battery Energy Systems Permitting & Construction". All ayes. Motion carried.

Motion by McVicker, seconded by Lukensmeyer to approve Suspending Rules Requiring Consideration for Ordinance 2023D "Authorizing a Moratorium on Utility Scale Battery Energy Storage Systems Permitting & Construction" at Two Meetings of the Board Prior to the Meeting at Which it is to be Finally Passed Pursuant to Iowa Code §331.302. Lukensmeyer commented that this is not always appropriate, but they have not heard anything to stop them from moving forward with the moratorium. All ayes. Motion carried.

Motion by Lukensmeyer, seconded by McVicker to approve the adoption & final approval of Ordinance 2023D "An Ordinance Authorizing a Moratorium on Utility Scale Battery Energy Storage Systems Permitting & Construction" and Direct Publication in Accordance with Law. Roll call vote was as follows, Ayes: Lukensmeyer, McVicker, Vanness; Nays: None. Motion carried and ordinance duly adopted.

Motion by McVicker, seconded by Lukensmeyer to open a public hearing pertaining to Ordinance 2023E "An Ordinance Authorizing a Moratorium on Commercial Solar Farms Permitting & Construction" at 10:30AM. All ayes. Motion carried. Larry Sailer from Planning & Zoning explained why they recommended the moratorium. He also asked about the taxation of them, which was explained by Assessor Sisson. No other public comment was received. Motion by McVicker, seconded by Vanness to close the public hearing at 10:37AM. All ayes. Motion carried.

Motion by Lukensmeyer, seconded by McVicker to approve the 1st Reading & Consideration of Ordinance 2023E "An Ordinance Authorizing a Moratorium on Commercial Solar Farms Permitting & Construction". All ayes. Motion carried.

Motion by McVicker, seconded by Lukensmeyer to approve suspending Rules Requiring Consideration for Ordinance 2023E "Authorizing a Moratorium on Commercial Solar Farms Permitting & Construction" at Two Meetings of the Board Prior to the Meeting at Which it is to be Finally Passed Pursuant to Iowa Code §331.302. All ayes. Motion carried.

Motion by Lukensmeyer, seconded by McVicker to approve the Adoption & Final Approval of Ordinance 2023E "An Ordinance Authorizing a Moratorium on Commercial Solar Farms Permitting & Construction" and Direct Publication in Accordance with Law. Roll call vote was as follows, Ayes: Lukensmeyer, McVicker, Vanness; Nays: None. Motion carried and ordinance duly adopted.

Drainage Lead, Colette Bruns, met with the Board to discuss DD68. Full minutes may be obtained from the Drainage Lead or on the County website.

Audrey Emery, Human Resource Director, met with the board regarding post-offer physicals for Temporary Hires. After discussion, Motion by Lukensmeyer, seconded by McVicker to have Human Resources implement post-offer physicals immediately and amend the employee handbook, if necessary. All ayes. Motion carried.

The Board considered a recommendation from the Planning & Zoning Commission requesting a moratorium on Large-Scale Carbon Capture (CO₂) Pipeline Systems in Regards to Permitting & Construction. After discussion, Motion by McVicker, Seconded by Lukensmeyer to set a public hearing to consider a moratorium on permitting & construction of Large-Scale Carbon Capture (CO₂) Pipeline Systems for Monday, April 24th at 10:15AM at the Franklin County Law Enforcement Center. All ayes. Motion carried.

The Board considered a recommendation from the Planning & Zoning Commission requesting a moratorium on Low Energy Nuclear Reactions (LENAR) or Cold Fusion in Regards to Permitting & Construction. After discussion, Motion by McVicker, Seconded by Lukensmeyer to set a public hearing to consider a moratorium on LENAR & Cold Storage systems in regards to permitting & construction for Monday, April 24th at 11:15AM at the Franklin County Law Enforcement Center. All ayes. Motion carried.

Motion by McVicker, seconded by Lukensmeyer to approve a resolution setting the Franklin County Noxious Weed Control for Summer of 2023. The resolution reads in full:

RESOLUTION 2023-28
FRANKLIN COUNTY NOXIOUS WEED CONTROL
SUMMER OF 2023

BE IT RESOLVED BY THE Board of Supervisors of Franklin County, Iowa, that pursuant to provisions of Chapter 317, Code of Iowa, it is hereby ordered:

- 1) That each owner and each person in the possession or control of any land shall cut, burn or otherwise destroy all weeds thereon, as defined in this Chapter, as such times in each year and in such manner as shall prevent said weeds from blooming bearing seeds or coming to maturity, and shall keep said lands free from such growth of any other seeds as shall render the streets or highways adjoining said land unsafe for public travel. Weeds shall be cut, burned or otherwise destroyed on or before the following date and as often thereafter as necessary to prevent seed production: June 15: Leafy spurge; Marijuana Plants; Perennial Pepper-grass; Buckthorn Rhamnus, not to include Rhamnus Frangula; Sour Dock Perennial Smooth Dock Perennial, Sheep Sorrel Perennial, Canadian Thistle; Russian Knapweed; Buckhorn; Perennial, Wild Mustard Annual, European Morning Glory or Field Bindweed; Wild Carrot Biennial, also known as Queen Anne's Lace; Poison Hemlock, Multiflora Rose, Common Ragweed; Wild Parsnip, Horse Nettle; Perennial Sow Thistle; Quack Grass; Butterprint Annual; Cocklebur; Bull Thistle; Wild Sunflower Annual; Teasel Biennial; Puncture Vine Annual; Shattercane Annual and all other species of Thistles belonging in genera of Cirsium and Carduus. At all times and on all land Palmer Amaranth must be eradicated
- 2) That each owner and each person in the possession or control of land including right of way in Franklin County infested with any noxious weeds as defined in Iowa Code Chapter 317, above shall destroy the existing weeds within five days and shall adopt a program of weed destruction described by the Weed Commissioner which in five years may be expected to destroy and will immediately keep under control such infestations of said noxious weeds.
- 3) That if the owners or persons in possession or control of any land including right of way in Franklin County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including cost of serving notice and other costs, if any, to be assessed against the real estate. Applicable County or State ordinances whatever is more stringent can be implemented.
- 4) It will be the responsibility of each owner and each person in the possession or control of land to destroy said weeds in Franklin County Secondary Road ditches.
- 5) The County Auditor be and is hereby directed to cause notice of the making and entering the foregoing order by one publication in each of the official newspapers of the County.

BE IT FURTHER RESOLVED that Franklin County be designated as a weed control unit.

Roll call vote was as follows, Ayes: Lukensmeyer, McVicker, Vanness; Nays: None. Motion carried and resolution duly adopted.

The Board discussed who would handle Planning & Zoning matters during the absence of Zoning Administrator, Dan Tilkes. Motion by Lukensmeyer, Seconded by McVicker to approve the use of public health employee, Casey Ditch, in regards to Planning & Zoning during Dan Tilkes' absence in May. All ayes. Motion carried.

Motion by McVicker, seconded by Lukensmeyer to approve a Memorandum of Understanding between Franklin County and the Franklin County Conference Board & Assessor. All ayes. Motion carried.

Motion by Lukensmeyer, seconded by McVicker to declare April as National Child Abuse Prevention Month in Franklin County and order the Clock Tower to Blue for the Month of April in honor. All ayes. Motion carried.

The Board discussed an amendment to the FY23 Budget. The public hearing is scheduled for April 24th 2023 at 10:00AM.

The Board acknowledged the Recorders Quarterly Report for Q3 of FY2023.

The Board acknowledged the Auditor's Quarterly Report for Q3 of FY2023.

The Board acknowledged the Veterans Affairs Quarterly Report for Q3 of FY2023.

The Auditor discussed the payment of the Secondary Roads invoice from RTVision. The Board directed the Auditor to pay all invoices for RTVision from General Services.

Motion by McVicker, seconded by Lukensmeyer to adjourn at 11:40AM until Monday, April 17th, 2023, at 8:30AM at the Franklin County Courthouse. All ayes. Motion carried.

ATTEST: