

Story County  
Board of Supervisors Meeting  
Minutes

7/21/2015 - Minutes

1. CALL TO ORDER: 10:00 A.M.

The Board of Supervisors met on 7/21/15 at 10:00 a.m. in the Story County Administration Building. Rick Sanders, Paul Toot, and Wayne E. Clinton with Sanders presiding. (all audio of meetings available at [storycountyiowa.gov](http://storycountyiowa.gov))

2. PLEDGE OF ALLEGIANCE:

3. PUBLIC COMMENT #1:

Sanders made remarks about speaking at this juncture versus during the consideration of specific items. He welcomed anyone to speak now on any item on today's agenda. No one accepted.

4. CONSIDERATION OF MINUTES:

I. 7/14/15 Minutes

Clinton moved, Toot seconded approval. Motion carried unanimously (MCU) on a roll call vote.

5. CONSIDERATION OF PERSONNEL ACTIONS:

I. Action Forms:

1) new hire in a) Attorney's Office, effective 8/3/15, for Lynnette Van Wyngarden @ \$2,115.39/bw; effective 8/10/15 for Benjamin Matchan @ \$2,115.39/bw; b) Auditor's Office - temporary hire for Randy Markley @ \$10.50/hr; 2) pay adjustment-longevity in a) Engineer's Office, effective 7/26/15, for Lori Mensing @ \$1,980.17/bw; b) Planning & Development for Ryan Newstrom @ \$1,751.33/bw; c) Secondary Roads (union) for Mike Evans @ \$27.46/hr; d) Sheriff's Office - (union) for John Asmussen @ \$3,442.23/bw; Rodney Briggs @ \$2,085.64/bw; Nancy Denekas @ \$1,902.01/bw; Jason Grubbs @ \$2,322.22/bw; Nicholas Lennie @ \$2,818.36/bw; step increase (union) for Margie Burkle @ \$1,542.08/bw; e) Treasurer's Office for Lori McDonald @ \$1,334.88/bw; Rhonda Sykes @ \$1,638.67/bw; 3) promotion in Attorney's Office, effective 8/9/15, for Ethan Anderson @ \$2,850.36/bw; Shean Fletchall @ \$2,850.36/bw; Tyler Grimm @ \$2,307.69/bw; Jonathan Holscher @ \$2,496.41/bw; Shawna Johnson @ \$2,378.43/bw; Adam Kenworthy @ \$2,307.69/bw; Jesse Ramirez @ \$2,496.41/bw; Crystal Rink @ \$2,897.34/bw; 4) re-hire in Auditor's Office - temporary, effective 8/10/15, for Roy Black @ \$10.50/hr. Clinton moved, Toot seconded the approval of the personnel actions. Roll call vote. (MCU)

6. CONSENT AGENDA:

Toot moved, Clinton seconded to approve consent agenda with addition of utility permits #16-11 and #16-12. Roll call vote. (MCU)

I. Consideration Of Renewal Of Class A Liquor License (LA)(Private Club) For Ames Golf & Country Club, 5752 GW Carver, Ames, IA. Effective 9/10/15 - 9/9/2016 Including Outdoor Service, And Sunday Sales

II. Consideration Of Agreement Between Story County And Juvenile Court Services In Order To Access A County Vehicle And Provide Appropriate Reimbursement To The County At The Rate Approved By The State Of Iowa Per Mile Effective For 3 Year Term Upon Signature

III. Consideration For Facility Rental Contract Between ISU Department Of Recreation Services And Story County For 8/29/15 From 8:00 Am To 11:00 Am No Fee

IV. Consideration Of Contract With Denco Highway Construction Corp., Mingo, IA For HMA Crack Sealing

In The Amount Of \$77,860.00 (Project # CS-2016)

- V. Consideration Of Purchase Agreement With Ziegler CAT, Altoona, Iowa For The Purchase Of CAT 430F2 HRC Tractor Backhoe In The Amount Of \$86,830.00
- VI. Consideration Of 28E Agreement For Insurance Between Story County, Iowa And Story County Extension District Effective 7/1/15 For A One Year Period
- VII. Consideration Of Utility Permit(S): #16-11, #16-12  
Motion carried unanimously (MCU) on a roll call vote.

7. PUBLIC HEARING ITEMS:

None

8. ADDITIONAL ITEMS:

- I. Consideration Of Resolution #16-06, Opposed To The Permitting And Construction Of The Proposed Pipeline By Dakota Access - Linda Murken, Devita Harden

Devita Harden and Linda Murken, representatives of the local chapter of the League of Women Voters (LWV). Sanders provided information to the public about today's process. The resolution will be introduced by members of the local chapter of the LWV which brought the issue and the resolution to the Board. Sanders will call people to the microphone to speak. He asked Harden and Murken to speak first. Harden expressed her appreciation for the opportunity. Murken provided background on the League's past concerns with environmental issues. Murken urged the BOS to oppose the proposed pipeline construction. She provided detail of what will happen if the construction permit is approved.

Eminent domain will be used to build to build the pipeline across Iowa. Murken provided examples of what happens when a pipeline breaks, including pollution of the aquifer. The proposed resolution does not have the force of law but it sends a message. Murken asked the BOS to file an objection to the pipeline construction with Iowa Utilities Board (IUB) on behalf of its citizens. Sanders spoke about meeting with Murken and Harden prior to today. He and the League do not always agree but he appreciates the League's energy and efforts. Sanders then called members of the public to the microphone to make comments. Erv Klaas, Ames, past member of the Story County Soil & Water Commission, spoke about a pipeline's effects on water quality and soil fertility, biology, compactness and drainage. He urged the Board to sign the resolution. Angie Carter, Ames, member of the LWV, spoke in favor of the resolution. She stated concerns about the use of eminent domain by out-of-state corporations and tragic examples of pipeline breaks across the nation. The pumping station, proposed to be constructed in Story County, will only carry \$250,000 in liability insurance which is grossly inadequate. Arden Greiner, Sherman Township, spoke in favor of the pipeline and development. Mark Cooper, Des Moines, President of local chapter of AFL/CIO, stated that organized labor supports the construction of pipeline. IUB has a process in place to let all parties be heard. Oil from North Dakota will pass through Iowa regardless of method. Ed Wiederstein, Audubon, representing MAIN (Midwest Alliance for Agriculture Infrastructure Now), spoke in support of the pipeline. Erich Schmidt, Des Moines, representing Local 353, spoke against the resolution. He said both supporters and opponents should letters to the IUB. Brandy Lingelbach, Cambridge, Local 353, spoke against the resolution.

She hopes IUB approves the project due to the increase in construction jobs. People should use the process on the IUB website. Larry Koehrsen, Ames, opposes the pipeline on environmental grounds.

Devita Harden, Nevada, stated the impact of underground oil spills will create the kind of damage we cannot even conceive. Linda Murken, Franklin Township, stated there are 250 pipeline breaks per year.

Ignoring the environmental issues and property damage is unconscionable. James Piazza, Jr., Des Moines, Local 234, spoke in favor of the pipeline. He stated there is a regulatory process in place and that statutory framework and the eminent domain process is the proper method. The LWV has stated that the resolution has no force of law but passage will set precedence and send a negative message to other economic development entities and energy producers. He respectfully requests the BOS not approve resolution. Sanders asked for any additional speakers. John Klaus, Ames, stated opposition to the pipeline due to its negative environmental impact. James Evanson, Des Moines, Local 234, stated pipeline construction helps the local economy. Sanders asked if anyone else wished to speak. Arden Greiner, Sherman Township, reiterated his support for the pipeline. He asked about current

pipelines in the County. Toot stated several are routed through Story County. Angie Carter, Ames, spoke again. She spoke about the difference between natural gas pipelines, which exist in Story County, and oil pipelines which don't. She stated support for industry but not industry with a negative impact. She spoke about the risks to soil and drainage tile. John Klaus, Ames, spoke again and stated there are solutions to meeting our energy needs without building a scar across America. Arden Greiner, Sherman Township, again stated his support for the pipeline. He asked about the language of the resolution. Sanders stated the liability insurance for the pumping station is a concern but so is the possible derailment of an oil train. Sanders summed up concerns stated by the speakers:

underfunded liability for the proposed pumping station; eminent domain; environmental concerns, including soil and water quality and drainage; transport safety; economic development; and the proper process for objections/support. He expressed appreciation for all speakers. Whether or not the Board's meeting is the proper forum, everyone had a chance today to air concerns. He asked if anyone else wished to speak. David Hoffman, Ames, stated using eminent domain to transfer use of land from one private owner to another must meet the highest standard and the proposed pipeline fails to meet this standard. Clinton thanked everyone for their comments. He stated no opinions are going to be changed today. He spoke about his previous environmental and land use service and discussions which mirror today's. Clinton spoke about his past conversations with members of the League and his studies of the argument. He urged everyone to read all viewpoints, not just the ones that support their opinions. The concerns are legitimate. Clinton also serves on the Story County Conservation Board and the proposed pipeline impacts the Heart of Iowa Nature Trail (HOINT). To date, he has not seen sufficient evidence warranting opposition of construction. Toot stated he appreciates the input of the public and that concern is warranted. He further stated this body's resolution is not the appropriate venue for opposition or support. His main concerns are eminent domain and the underfunding of the liability for the pumping station. As presented, he does not believe he can support the resolution.

Clinton moved to defer action. He spoke about deferring action or amending or modifying the resolution. Sanders stated the Board can bring it up again at any time. Discussion took place. Motion died for lack of a second. Clinton stated he consulted with the Iowa State Association of Counties (ISAC) and no county has taken any similar action to date. It may occur in the future. Supervisors are concerned across Iowa.

Five minute recess was called by Sanders at 11:12 a.m. Meeting reconvened at 11:17 a.m.

## II. Considerations Of Clean Air/Tobacco Use Policy (For 7 Day Review) - Alissa Wignall

Human Resources Director, reported on the original policy and the updated draft presented today. The draft will be circulated for seven-day review. Toot stated he noticed the need for an update to include tobacco use of all kinds. He has spoken with Conservation regarding campgrounds and public spaces.

Toot suggests the Conservation Board determine its own enforcement. The updated policy includes vaping devices and chewing tobacco. Sanders asked for clarification about the facilities managed by Conservation. Sanders clarified that the updated policy changes smoke-free to tobacco-free. Clinton asked for clarification about vehicles and buildings as opposed to exterior spaces. Under current policy, employees who choose to smoke can do so off-grounds. Does this change at all? Toot said the Conservation Board will make its own policy. Monica Reynolds, Altoona, vaping business owner, urged the Board to understand the difference between vaping and smoking, and the effect on employee productivity. Cory Halfhill, Urbandale, business partner with Reynolds, stated vaping is a clean product.

Sanders clarified that the policy was internal to Story County buildings and grounds, not an ordinance affecting private businesses. He asked for additional comments. Brian Vanderheyden, Story County Prevention Policy Board, Youth & Shelter Services (YSS), provided comments about the dangers of vaping for the Board to consider. Judie Hoffman, Ames, Healthiest Ames representative, supports the amended policy as presented. She spoke about tobacco prevention and that e-cigarettes are not a smoking-cessation tool. James Krogh, Urbandale, spoke in favor of e-cigarettes as they allowed him to move from smoking to vaping. People need to be respectful about use. Denise Denton, Story County Policy Prevention Board, spoke about safety concerns, carcinogens, and nicotine. Susie Halfhill, Urbandale, owner of Vape-On shop in Ames, asked about impact to the customer testing station.

Sanders clarified that this policy only applies to county-owned buildings and properties. Stephen Holmes, County Attorney, concurred. Toot stated the policy does not condemn usage, just keeps it off of property owned by Story County. Susie Halfhill said please do not compare vaping to smoking. We are fighting to educate the public and lawmakers. This is not smoking. Sanders reiterated the intent of the policy. Holmes stated County-owned vehicles are also included.

Motion by Toot to approve the Clean Air/Tobacco Use Policy, with additional amended language regarding Conservation, pending seven-day review. Seconded by Clinton. Roll call vote. MCU

- III. Consideration Of Development Agreement For Timber Road Estates Subdivision - Ryan Newstrom  
County Planner of Planning and Development, provided background information and details. Related items are further down the agenda. Clinton moved, Toot seconded the approval of the Development Agreement for Timber Road Estates Subdivision. Roll call vote. (MCU)
  - IV. Consideration Of Resolution #16-01, Approving The Final Residential Parcel Subdivision Plat Of Timberline Estates Located On Certain Lands Under The Ownership Of Gene And Lynne Gabus Located In Section 32 Of Sherman Township. - Ryan Newstrom  
County Planner of Planning and Development, presented background information. The plat is a subdivision of one lot into two. All requirements have been met. Staff recommends approval. Toot moved, Clinton seconded the approval of Resolution #16-01, approving the final residential parcel subdivision plat of Timberline Estates. Roll call vote. (MCU)
  - V. Consideration Of Resolution #16-05, The Final Subdivision Plat Of Timber Road Estates Located On Certain Lands Under The Ownership Of Ronald D And Jean F Finch Located In Section 34 Of Washington Township - Ryan Newstrom  
County Planner of Planning and Development, provided background information. The plat is for a large subdivision due east from City of Kelley. The land was rezoned in 2010. He provided aerial views and maps. The cities of Ames and Kelley both waived subdivision review. There were minor changes to preliminary plat approved in October. Newstrom noted error corrections to the legal description. The development agreement is approved. Staff recommends approval of Option 1. Clinton moved, Toot seconded the approval of Resolution #16-05, the final subdivision plat of Timber Road Estates. Roll call vote. (MCU)
  - VI. Consideration Of Resolution #16-07, Assignment Of Fund Balances - Lisa Markley  
Item moved to 7/28/15 meeting.
  - VII. Acknowledge Receipt Of 2015 Urban Renewal Area Project Applications, Discussion And Consideration Of Review Process And Schedule - Leanne Harter  
County Outreach and Special Projects Manager, reported on the receipt of six applications for 2015. She listed tax increment financing (TIF) goals and necessary matches. Total cost of submitted projects is \$2.5M; the requested funding is \$250,047. She presented the schedule to the Board and listed applicable meeting dates and public hearings. Sanders stated he will be out August 18 and, perhaps, August 11. He will miss presentations. Toot stated no action will be taken on those days. Toot moved, Clinton seconded the Acknowledgement of Receipt of 2015 Urban Renewal Area Project Applications and Approval of the Review Process and Schedule. Roll call vote. (MCU)
9. AGENCY REPORTS:
10. DEPARTMENTAL REPORTS:
11. OTHER REPORTS:
- I. Update Of FY15 Quarterly Financial Report - Lisa Markley  
Item moved to 7/28/15 meeting.
  - II. Update On The City Hall Campus Project In Nevada - Mayor Lynn Lathrop And Brett Barker  
Mayor Lynn Lathrop and Brett Barker. The Board moved the item to immediately following Consent Agenda. Lathrop and Barker introduced themselves. Lathrop thanked the BOS and the County and provided history about the property. The intent of the project is to attract people to downtown Nevada. Barker provided additional detail. The committee worked with public input and feedback; the final design creates a community focal point. He provided examples and details about features. Lathrop spoke about how the project meets eligibility requirements for funding. Barker provided detail about funding breakdown. About 45% came from the County. Private funding provided planters, benches,

and memorial bricks. All information is available on Nevada's website. Lathrop spoke about the positive impacts for the city and the county. Sanders thanked Lathrop and Barker. He provided background information for the audience. Toot asked when construction would begin. Lathrop said September. Clinton thanked both.

12. LIAISON ASSIGNMENTS & COMMITTEE MEETINGS UPDATES:

None

13. PUBLIC FORUM #2:

None

14. ANNOUNCEMENTS FROM THE SUPERVISORS:

None

15. ADJOURNMENT:

Toot moved, Sanders seconded to adjourn at 12 noon. Roll call vote. (MCU)