

Board of Supervisors Minutes

August 21, 2023

The Tama County Board of Supervisors met at 8:30 a.m. August 21, 2023. Present: 1st District Supervisor, Curt Hilmer; 2nd District Supervisor, Bill Faircloth and 3rd District Supervisor, Dan Anderson.

8:30 – 9:15 Employee/Department Head Time

9:15 – 9:30 Public Comment on Agenda Items The Pledge of Allegiance was recited.

Present: Supervisors Hilmer, Faircloth, Anderson. Tama County Auditor Laura Kopsa, Assistant Auditor Karen Rohrs, several members of the public. Deputy Sheriff Evans was also present. Rochelle Fuller from Senator Grassley's office was present and shared what their office in Cedar Rapids can do for citizens. There were comments from the people present about the agenda item concerning a de-appropriation in the public health budget regarding time and transfer in the amount of \$51,000.

9:30 Motion by Hilmer, seconded by Anderson to approve the minutes of the August 14th regular meeting. All voted aye. Motion carried

The Board met with Ben Daleske, Tama County Engineer, to get a road projects report.

Tammy Wise, HR/Insurance Administrator, she presented a 28E Agreement with Marshall County to share the Zoning and Weed Commissioner operations and costs. This has been in discussion for a few weeks. Motion by Anderson, seconded by Hilmer to approve the following resolution:

RESOLUTION 8-21-2023A

A Resolution to Enter Into a 28E Agreement to Share Zoning & Weed Commissioner Operations and Costs

WHEREAS, the Marshall County Board of Supervisors have approved a 28E Agreement to share Zoning and Weed & Commissioner with Tama County, and;

WHEREAS, the Tama County Board of Supervisors are interested in sharing these positions also,

THEREFORE BE IT RESOLVED, that the Tama County Board of Supervisors hereby approves the 28E Agreement to share Zoning and Weed Commissioner Operations and Costs.

Roll call vote: Hilmer, aye. Faircloth, aye. Anderson, aye. Motion carried. Bill Faircloth, Chairman, Tama County Board of Supervisors. Laura Kopsa, Tama County Auditor.

At 9:45 Chairman Faircloth opened a public hearing regarding precinct redistricting due to the addition of two new Supervisors Districts. Public comments: There was discussion about how this was determined by the Commission. The goal is to try to keep the voting precincts as close to the same number and location while accommodating two new supervisor districts. At 9:45 Chairman Faircloth closed the public hearing. Motion by Hilmer, seconded by Anderson to approve the 1st public hearing. All voted aye. Motion carried. The next hearing/reading is Monday August 28th at 10:00 am in the Supervisors meeting room.

Motion by Hilmer, seconded by Anderson to approve the Annual Urban Renewal Report for Fiscal Year 2022-2023 as presented by the Auditor. All voted aye. Motion carried.

Motion by Anderson, seconded by Hilmer to approve authorizing the Tama County Treasurer on the Conservation Holding Account at the State Bank of Toledo. All voted aye. Motion carried.

Marty Wymore from Region 6 was present to ask the Supervisors for their support of the Region 6 Housing Trust Fund in Tama County. The County's share for this year would be \$17,665.00. Motion by Anderson, seconded by Hilmer to approve the following resolution as presented by Region 6 Planning Commission:

RESOLUTION 8-21-2023C

**A RESOLUTION TO APPROVE THE REGION 6 HOUSING TRUST FUND
TAMA COUNTY CASH CONTRIBUTION**

Whereas the Region 6 Housing Trust Fund can annually apply for approximately \$415,865 of Iowa Finance Authority State Housing Trust Funds if the trust fund secures \$95,649 of local contributions, and
Whereas the per capita state share for Tama County is \$76,804 if \$17,665 of local assistance is secured, and
Whereas the housing trust fund has expended \$385,390 of funds from 2015 to 2022, which is slightly lower than the per capita level - \$442,273 but we have several big projects upcoming in Toledo, and
Whereas all the applicants must have annual incomes under 80% of the county median as determined by HUD.
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF TAMA COUNTY:
Section 1: Tama County will provide \$17,665 of cash to support the 2024 Region 6 Housing Trust Fund application. This assistance will be provided in FY 2024/2025.

Roll call vote: Hilmer, aye. Faircloth, aye. Anderson, aye. Motion carried. Bill Faircloth, Chairman, Tama County Board of Supervisors. Laura Kopsa, Tama County Auditor.

Motion by Hilmer, seconded by Anderson to re-appoint Peter Eikamp, Dysart, to the Civil Service Commission. His term expired August 15, 2023 and he has agreed to serve another 6 year term. All voted aye. Motion carried.

At 10:00 Chairman Faircloth opened a public hearing to discuss a possible de-appropriation for funds for the Public Health Department. Public comments: The issue at hand is regarding septic systems and the required inspection at the time of the sale of a rural property. In 2020 there was a property that failed the inspection at the time of a sale. It had passed a little over two years prior to that. Chris Behrens, County Sanitarian, was present to answer questions regarding Chapter 69, Time & Transfer. Inspectors are the third party who does the inspections. Not the sanitarian. He feels whether or not the agreement made with the client is right, it was done in good faith. The Public Health Board was trying to do what was right and fair. Chairman Faircloth quoted the Iowa Code that applies to this situation and the statute of limitations in the code that states there is a two year limit. This situation came to light after the two year limit where the county can remedy it. This claim was turned into the county's liability insurance and was denied due to the statute of limitations. The Supervisors were not aware of this limit when the budget item was approved. They have been advised by their attorney and the insurance attorney that it would be an illegal use of taxpayer money to pay this claim. The Board of Health is who made the agreement with the client, not the Supervisors. Behrens stated the current guidance for septic systems is anything under 500 gallons is a fail. The system in question has a 400 gallon tank. He also stated the system was leaking and has no baffles. He had Cory Frank from the DNR look at this also and he was in agreement with Behrens. Behrens feels the Supervisors should listen to the expert on this and the DNR agrees with him. It was suggested the Supervisors meet with the DNR. Ashley Steven, the homeowner affected, asked the Supervisors what research have you done since we last met? You need to check with more than one attorney and not from the same firm as your current attorney. Her attorney reads the code as a five year statute not two years. Faircloth shared that Iowa Code 67.5 states the limitation is two years because of time constraints on County's because of budgeting timelines. The five year limit is for other situations. Stevens shared that because of her being required to repair/replace her septic system so she could sell her home, which she did in good faith based on her agreement with the Board of Health to pay for half of the costs, she is now out \$15,000, which is a hardship on her. She is a single mom with three children. You have now changed my financial status. I was told one thing, agreed to it and repaired my septic system so I could sell my home with the understanding that I would be reimbursed for half of it and now the County is pulling out of that agreement. That is illegal and called an estoppel. This could end with a lawsuit. Be responsible for your actions. I live by my word. There was much discussion from the public in attendance regarding this matter and suggestions to meet with the DNR, the injured party, Public Health Board, Sanitarian and get some other opinions. Communication here is vitally important, you need to find a solution agreeable to everyone. Some feel the issue is with the past and current sanitarians. If we don't pay claims like this, it could cost the county more money for lawsuits and lawyers. Ms. Stevens stated she asked the Supervisors to do the research and feels they did not. She stated she didn't do anything wrong but the county has twice. The Supervisors stated they do not want to be writing illegal checks with taxpayer money.

At 10:49 Chairman Faircloth closed the public hearing. Motion by Anderson, seconded by Faircloth to approve the following resolution to de-appropriate funds for the Public Health Department in the amount of \$51,000 for FY 2024.

RESOLUTION 8-21-2023B

WHEREAS, the Tama County Board of Supervisors have held two public hearings regarding the de-appropriation of funds for the Tama County Public Health Department due to a specific line item in their budget being for claims that are past the two year limitation and;

WHEREAS, the Supervisors have sought legal advice on the matter regarding the limitation;

THEREFORE BE IT RESOLVED, that the Tama County Supervisors de-appropriate \$51,000 from the Tama County Public Health budget item Time and Transfer.

Roll call vote: Hilmer, nay. Faircloth, aye. Anderson, aye. Motion carried. Bill Faircloth, Chairman, Tama County Board of Supervisors. Laura Kopsa, Tama County Auditor.

Laura Kopsa, Tama County Auditor, shared that on June 26, 2023 the Supervisors approved a transfer of funds for Tama County Conservation into their Land Acquisition and Development Fund. This is a yearly transfer. The amount is determined after the close of the fiscal year. The amount has been determined to be \$330,000. She wanted to make the Supervisors aware of the amount.

Motion by Anderson, seconded by Hilmer to approve the claims for payment as presented. All voted aye. Motion carried.

Chairman Faircloth adjourned the meeting at 10:54 a.m.