

April 24, 2024

Board members present for regular session at 9:00 a.m. were: Baier, Hoadley, Twombly, and Walker. Wedemeyer joined via conference phone. Also present: Mandy Berg, Caleb Nelson, Tanya Lamb, Colleen & Jerry Oxley, Paul Ehm, Clel Baudler, Gene Hardisty, Curt Beane, Dan Dreher, and Randy Caviness. Mandy Billings – KSOM, Ric Hansen - KJAN, Nick Phillips – Applied Digital, Lance Cummings – Applied Digital, Jennifer Nichols – Atlantic News Telegraph joined via conference call.

All motions were approved unanimously unless noted otherwise.

MINUTES: Moved by Twombly and seconded by Hoadley to approve the regular minutes from April 17, 2024. Approved.

TOWNSHIP CLERK WAGES: Moved by Hoadley and seconded by Baier to approve the township clerk wages for Diane McCall for \$80.00. Approved.

MANURE MANAGEMENT PLAN: Moved by Twombly and seconded by Baier to acknowledge receipt of the manure management plan update for Bench S Enterprises. Approved.

WEED COMMISSIONER: Official Notice – Moved by Baier and seconded by Hoadley to approve and for the Weed Commissioner to publish the Weed Commissioner's Official Notice. Approved. **IRVM Plan Resolution** – Moved by Baier and seconded by Hoadley to approve **Resolution #2024-31** – Approval Of Adair County Integrated Roadside Vegetation Management Plan. WHEREAS, Adair County regards integrated roadside vegetation management as a long term approach to managing roadside vegetation; and WHEREAS, the primary function of the secondary road right-of-way is to provide for safe and efficient transportation; and THEREFORE, Adair County hereby adopts the Integrated Roadside Vegetation Management Plan addressing goals, methods, and organization for the roadside management plan. Roll call: Walker, aye; Hoadley, aye; Baier, aye; Twombly, aye; and Wedemeyer, aye. Approved. Jensen exited and Nick Kauffman entered at 9:05 a.m.

ENGINEER: Award Resolution – Moved by Twombly and seconded by Baier to approve **Resolution #2024-32** – Award of Bid for Project L-LRCBN17R-73-01 300th St.: - This project involves replacing an existing timber box culvert with a reinforced concrete box culvert along Adair County 300th St. The project will also include the placement of revetment, granular surfacing, and seeding. BE IT RESOLVED, by the Adair County Board of Supervisors, as follows: Section 1: That bid for L-LRCBN1 7R-73-01 be awarded to the low bidder, GUS CONSTRUCTION CO., INC., CASEY, IA for the total cost of \$135,376.04. Section 2: That the chair be authorized to sign the contract documents on behalf of the board. Section.3: That this resolution shall take effect immediately. Roll call: Walker, aye; Hoadley, aye; Baier, aye; Twombly, aye; and Wedemeyer, aye. Approved. **Resolution to Set Public Hearing** – Moved by Baier and seconded by Hoadley to approve **Resolution #2024-33** – WHEREAS, a memorandum from the County Engineer has been filed with the Adair County Board of Supervisors asking that action be taken to vacate and close a section of Adair County Secondary Road, as described as follows: That portion of "292nd Ave.", of which a previous record of establishment or petition could not be determined, commencing at a point located 1155 feet southwesterly of the northeast corner of the northwest quarter of the northeast quarter of Section 8, Township 74 North, Range 33 West of the 5th P.M., said point also known to be the intersection point of observed 292nd Ave. and Bridgewater Rd. thence in a southwesterly direction along the observed centerline of 292nd Ave., a distance of 1100.00 feet. NOW, THEREFORE BE IT RESOLVED that a hearing on the proposed vacation will be held by the Adair County Board of Supervisors in their office, Adair County Courthouse, Greenfield, Iowa 50849, at 9:30 AM on Wednesday, May 1, 2024, in accordance with Iowa Code Chapter 306. Roll call: Walker, aye; Hoadley, aye; Baier, aye; Twombly, aye; and Wedemeyer, aye. Approved. **Maintenance & Activities Report** – Engineer Kauffman gave the Board an update on the following projects: certified letters to remove trees and trash from right of way, Gus working on N36 Lee box culvert, Henningson will come in June or July for Henry A. Wallace, been busy with bridge inspections. Kauffman exited at 9:12 a.m.

PUBLIC HEARING – PROPOSED ORDINANCE #40: Moved Hoadley and seconded by Baier to open the public hearing at 9:15 a.m. on Proposed Ordinance #40 – An ordinance Regulating the Placement of Data Centers on Property Located in Adair County, Iowa. Chair Walker performed the first reading of the proposed ordinance and copies of a second draft of the ordinance were distributed. The following spoke in favor of an ordinance: Paul Ehm and Dan Dreher. The following people spoke against the ordinance: Randy Caviness, Nick Phillips, Lance Cummings, Clel Baudler, and Gene Hardisty. Moved by Twombly and seconded by Hoadley to close the public hearing at 9:33 a.m. Supervisor Twombly stated he believes we should follow our County Attorney's advice and not take any action on the ordinance. With the grandfather clause being inserted, it is not going to apply to this data center and with the setbacks listed, it could narrow a 160-acre parcel down to 20 usable acres. Twombly stated that an ordinance should not be drawn up any time something comes up that someone doesn't like. Twombly thinks we should allow the data center to be put in and see how it goes and put in zoning for any future projects if needed. Moved by Twombly and seconded by Walker to not move forward with the proposed ordinance. Supervisor Hoadley stated she had spent a lot of time talking with Nick Phillips at Applied Digital and explained to him how we were treated by MidAmerican when the wind turbines came in. Twombly argued that this has nothing to do with MidAmerican and he doesn't want Hoadley to cost the County \$50,000 in attorney fees again like with MidAmerican. Hoadley would like Applied Digital to show us good faith, not just tell us, like MidAmerican. There is no way we can stop the project, but she would like them to build further off the Dreher property. Hoadley stated that we do need something to bring money and jobs into the County, but is not sure we need any more data centers. Supervisor Walker stated he thought we should hold off on the ordinance. Supervisor Wedemeyer stated he does not want to slow progress or stop anything, but wish Applied Digital would have brought in a plan to see. If the County had planning and zoning, we would have plans in hand and would be able to see measurements and have some of these questions answered. Wedemeyer thinks that if we at least have setbacks in place, it will bring companies to the table to discuss and be forced to answer questions. Supervisor Baier stated that we have two ends of the spectrum here and need to find middle ground. We need jobs to allow our kids to be able to live and stay here, but on the other hand, if he were to build a hog site, there would be guidelines he would have to follow. Baier

would like to come to the table and have a discussion on setbacks; his major concern is occupied houses. Supervisor Wedemeyer stated he doesn't want to lose growth and most of the calls he has received for the data center have been positive with people excited for the growth. He doesn't think these setbacks are going to derail the data center plans. Nick Phillips stated it is still very early which is why no plans were brought when meeting with the Supervisors. They don't want to displace residents, but they just haven't had a chance to reach out to everyone and get their plans together. Phillips stated their purpose when coming to the Board was just out of courtesy and to give a heads up to the Board and that they are willing to work with us. They are used to working with setbacks in a lot of communities they build in. Roll Call Vote on the motion to not move forward with the Ordinance: Baier, nay; Hoadley, nay; Walker, aye; Twombly, aye; and Wedemeyer, nay. Motion failed. Moved by Wedemeyer and seconded by Baier to make the following changes to the ordinance and set another reading and public hearing on the ordinance: change the property line setback to 300 feet; occupied residence setback to 1,200 feet; and the occupied area, occupied farm building, and occupied building setbacks to 500 feet; add the wording "a recorded" agreement in the Applicability Section; and change "Data Center" to "Large Scale Commercial or Industrial Building" and include a definition. Approved. Moved by Wedemeyer and seconded by Baier to set the second reading and public hearing for May 8th at 9:15 a.m. Approved. Ehm, Dreher, Beane, and Oxleys exited and Kauffman entered at 10:03 a.m.

PUBLIC HEARING – VACATE PORTION OF AFTON AVE: Moved by Baier and seconded by Hoadley to open the public hearing to vacate the portion of Afton Ave. at 10:03 a.m. Approved. No comments were received by the Engineer, Board, or by the public. Engineer Kauffman stated that the Board had previously discussed supplying the pipe and two connecting bands. Moved by Baier and seconded by Hoadley to close the public hearing at 10:04 a.m. Approved. **Resolution** – Moved by Baier and seconded by Hoadley to approve **Resolution #2024-34** – WHEREAS, A public hearing was conducted on April 24, 2024, at 9:30 AM following publication and service of notice as required by law on the proposed vacation and closure of a portion of County Secondary Road, described as follows: That portion of "Afton Ave.", established October 21st 1879 (See Road Record Book 3, Page 127), commencing at the southwest corner of the northwest quarter of the northeast quarter of Section 18, Township 77 North, Range 33 West of the 5^h P.M., running north along the west line of the northwest quarter of the northeast quarter of said section to a point of intersection with County Road G-30, also known as "Anita-Adair Road". WHEREAS, An existing bridge (FHWA #58390) located on Afton Ave. within the portion to be vacated has been removed, excluding the substructure. WHEREAS, No objections have been received, either in writing or by persons present. NOW THEREFORE BE IT RESOLVED by the Adair County Board of Supervisors that the section of this road from the southwest corner of the northwest quarter of the northeast quarter of Section 18, Township 77 North, Range 33 West of the 5^h P.M., running north along the west line of the northwest quarter of the northeast quarter of said section to a point of intersection with County Road G-30, also known as "Anita-Adair Road", be ordered vacated and closed. Roll call: Walker, aye; Hoadley, aye; Baier, aye; Twombly, aye; and Wedemeyer, aye. Approved. Kauffman exited and Jeremy Rounds entered at 10:05 a.m. Baudler and Hardisty exited at 10:06 a.m.

COMPREHENSIVE PLAN & ZONING ORDINANCES: Jeremy Rounds, Southern Iowa Council of Governments, talked with the Board about the process of getting the County's Comprehensive Plan Updated and an overview of the process of putting planning and zoning in the County. Rounds stated that the County would need to have a Board of Adjustment to make recommendations to the Board, but many things would still come to the Supervisors for approval. Rounds recommends that the Board should create a committee to update the Comprehensive Plan and get their goals in place on how they want their plan compiled, including price point and timeframe. After that, the County should put out an RFP and go through a process to select a firm. SICOG would be happy to do a basic comprehensive plan for the County, but it just depends on how the County wants it completed. It would take about a year and a half to complete and quoted \$35,000 paid in quarterly installments. Auditor Berg will get a copy of the County's current plan to SICOG.

ADJOURNMENT: Moved by Baier and seconded by Hoadley to adjourn at 10:39 a.m. Approved.

ADAIR COUNTY BOARD OF SUPERVISORS: _____ Jerry Walker, Chair

ATTEST: _____ Mandy Berg, Auditor