

**BOARD OF SUPERVISORS MEETING
EIGHTEENTH MEETING, 2021 SESSION (18)
APRIL 13, 2021**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 13, 2021 at 8:30 A.M. in the Boardroom with Chairman Snyder presiding, and the following members present: Huseman (via "GoToMeeting") Altena, Merten, and Ringgenberg and with Auditor Susan Lloyd as clerk for the meeting.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Altena, Huseman, Merten, Ringgenberg, and Snyder. Nays: none. Abstentions: none.

Engineer Bret Wilkinson presented information regarding installing a light at the **intersection of M44 & Hwy 3**, which was requested at last week's Supervisors Meeting, by Margie Robinson. Wilkinson stated that Iowa Lakes Electric has a pole on the southwest corner of the intersection, but there is not a light on the pole. The cost of an LED light at that intersection, if it were placed on the existing pole, would be \$1,000. If the County were to put another light in the northeast corner of the intersection, the cost of the second pole and light would be \$4,000. Wilkinson stated that the cost of operating the lights is \$450 per year, for each light. Wilkinson recommends putting up one light, at the southwest corner of the intersection, on the existing pole. Merten suggested contacting the residence, across the road, to be sure that the light wouldn't be too bright shining in to their house. Merten commented that \$450 is too much for the cost of each light, per year, and asked Wilkinson to contact Iowa Lakes Electric for an explanation regarding the yearly cost. The Board tabled any action on this, until a later date.

Engineer Bret Wilkinson received a request from the City of Albert City, for a **flashing stop sign on N14**, where it meets Main Street. Wilkinson stated that the County had placed a 36" stop sign at that location, but people are still running through the intersection without stopping. Wilkinson stated that he thought the City of Albert City might be willing to share the cost, which he estimates at \$1,200. Wilkinson suggested asking the City of Albert City to pay 50% of the cost, with the County paying for the other 50%, plus Secondary Road would install the sign. The consensus of the Board was to have Wilkinson present this proposal to the City of Albert City.

Engineer Bret Wilkinson reviewed his FY'22 IDOT budget that will be submitted to the State, along with his 5-year program for construction and repairs. Wilkinson stated that the Budget was the same as what the Board had approved in March. Wilkinson stated that he would like to add 6 miles of Business 71 and 2 miles of N14 to the FY'22 budget, to be paid from Farm-to-Market Funds, which the Board agreed to. Motion by Ringgenberg, second by Huseman, to accept and authorize the Chair to sign the **State IDOT budget** and **5-year Construction Program**, for FY'22, and submit to IDOT. Carried.

Drainage Engineer Brian Blomme and Assistant to the Drainage Engineer Eric Yunginger, presented the chemical treatment quotes from B & W Control Specialists, on Buena Vista County Drainage Districts & Joint Drainage Districts for 2021. Blomme stated that the quotes are a "not to exceed" amount, with the actual work done on a time and materials basis. Blomme stated that he has been happy with the work done by B & W Control Specialists, and recommended approval. Motion by Merten, second by Altena, to approve the following quotes for **chemical treatment** from B & W Control Specialists for the 2021 spray rotation for the following Drainage Districts: **Jt. DD #16-30-92 MOD** (\$4,500), **Jt. DD #16-30-92 Sac OD** (\$1,750), **JT. DD**

#19-26 MOD (\$2,500), **Jt. DD #274 MOD Sac County only** (\$2,000), **DD #1 Lat 1 OD** (\$2,500), **DD #1 Lat 2 OD** (\$2,000) **DD #3 & 3 Ext.** (\$4,500) **DD #20** (\$2,500) **DD #32** (\$1,000) **DD #34 Lat 1 OD** (\$1,500), **DD #34 Lat 2 OD** (\$12,000), **DD #34 Lat 3 OD** (\$2,500), **DD #49** (\$1,500), **DD #63 OD Easement** (\$1,500), **DD #184** (\$1,500), **DD #205** (\$2,000), **JT. DD #1 MOD** (\$4,500), **JT. DD #183 MOD** (\$2,000), **DD #69** (\$500), **DD #74** (\$500), **DD #99** (\$500), **DD #107** (\$500), **DD #203** (\$500), and to authorize the Chair to sign. Carried.

Cara Elbert, Planner for NW IA Planning & Development, along with Engineer Tyler Baumbach, WHKS, were present electronically, to discuss the easements in relation to the White Family Trust Project that is part of the **North Raccoon River Watershed Project**. Also present for the discussion was Conservation Director Greg Johnson, Engineer Bret Wilkinson, Drainage Engineer Brian Blomme, and County Attorney Paul Allen. A 30' easement is needed, and there was discussion about adjusting a fence on the property to the south, and the need to contact the landowner. County Attorney Paul Allen will look into whether there is a written easement. Elbert stated that there are four projects going on, and she would like to keep them together. Elbert stated that she will work with everyone, to get the purchase and buyout completed.

The Chair opened the public hearing at 9:30 a.m. for the CDBG Status Hearing on Funded Activities of the **North Raccoon Watershed Project**, with Cara Elbert, Planner for NW IA Planning & Development present electronically. This public hearing on the status of Community Development Block Grant (CDBG) funded activities is being held to comply with citizen participation requirements of Section 507 of the Housing and Community Development Act of 1987. Buena Vista County was awarded \$3,695,107 in CDBG funds on October 11, 2016 to implement water quality projects in the North Raccoon River Watershed.

This need to complete the project derived from the Iowa Economic Development Authorities application to HUD for the National Disaster Resiliency Competition on behalf of nine targeted watersheds throughout Iowa. Once funded, the mission and vision for the projects became known as the Iowa Watershed Approach. The Iowa Watershed Approach (IWA) represents a program through which Iowans are working together to address factors that contribute to floods. This approach is consistent with other statewide programs in Iowa to reduce flooding and improve water quality, such as the Iowa Flood Mitigation Program and the Iowa Nutrient Reduction Strategy. Nine distinct watersheds representing different Iowa landforms will serve as project sites for the IWA. Each will form a Watershed Management Authority, develop a hydrologic assessment and watershed plan, and implement projects in the upper watershed to reduce the magnitude of downstream flooding and to improve water quality during and after flood events. Flood resilience programs will be implemented in each watershed to help increase community resilience to future floods. The Buena Vista County N. Raccoon River Watershed Project is being funded fully through a Community Development Block Grant (CDBG) provided by the Iowa Economic Development Authority. The only matching funds required are on behalf of the property owners who are implementing targeted water quality projects.

General accomplishments to date include setting up the N. Raccoon River Watershed Management Coalition, completing hydrologic assessments of the watershed, development of a watershed management plan, creating partnerships to further create success for the future of the watershed and hiring a watershed coordinator to do landowner outreach and identify targeted water quality projects. The CDBG contract performance target with the Iowa Economic Development Authority (IEDA) ends on December 31, 2021 but will likely be extended six months. It is expected that all of the scope of work will be completed by the end of the contract performance period.

The total project budget as submitted in the CDBG application and under contract between the State of Iowa and Buena Vista County has been amended to is \$2,411,929. As of March 31st, 2021, the time of the last Request for Payment/Activity Status \$1,232,801 has been requested in federal CDBG funds. This equals approximately 51.1% of the project costs. CDBG grant administration invoices submitted by NW IA Planning & Development have totaled \$68,532 to date. There has been one amendment to the CDBG project budget in 2020 to bring the budget from the original award of \$3,695,107 to \$2,411,929. This was due to not having enough water quality projects with landowners who were willing to participate. The scope of project and objectives or beneficiaries has remained the same.

The public hearing is now open to any comments. No written objections have been submitted and no objections were offered during the hearing. Motion by Ringgenberg, second by Huseman, to close the public hearing. Carried.

A public hearing was held on Tuesday, April 13th, 2021 at 9:45am at the Buena Vista County Courthouse to hear comments on the county's application for **CDBG Career Link Grant**. The public hearing was opened at 9:45 am. The hearing was pursuant to the citizen participation requirements of Section 508 of the Housing and Community Development Act of 1987, as amended March 25, 1988. The Iowa Economic Development Administration (IEDA) will advise all CDBG applicants and grantees of the requirements, and of acceptable means to amended, to ensure compliance with said requirements by all applicants for and recipients of CDBG funds administered by the State of Iowa. The public was informed that IEDA requires reasonable public access to all local meetings, project records and information relating to the proposed and actual use of CDBG funds. All CDBG related meetings should be conducted in public buildings.

The need for the project was identified by Rembrandt Enterprise and Regional Transit Authority (RIDES). The project will shuttle workers for two shifts from Storm Lake to Rembrandt Enterprises in Rembrandt, IA. The application cycle is currently open and the project is anticipated to begin in upon awarding of grant funds.

The total project is estimated to be approximately \$328,000. The local share of this project would be provided by Rembrandt Enterprises and rider fares in the amount of \$160,000. Grant administration would be \$8,000 for a total CDBG request of \$168,000.

A requirement of the CDBG program is that funds must benefit a population of at least 51% of the households are occupied by low or moderate income families It was noted that no businesses or persons will be displaced as a result of this proposed project. In the event that any persons or businesses are displaced as a result of the recommended project, the entities involved in the project will adhere to the requirements of the Uniform Relocation and Assistance and Acquisition Act of 1974, as amended.

The hearing shall then be open for public questions or comments. There were no comments.

Motion by Merten, second by Ringgenberg, to close the public hearing at 9:50 a.m. Carried.

/s/ Kelly Snyder, Chair.....Attest: Sue Lloyd, Buena Vista County Auditor

Motion by Ringgenberg, second by Huseman, to approve and authorize the Chair to sign the **Career Link Funding CDBG Grant** application, regarding transportation to Rembrandt Enterprises in Rembrandt, Iowa. Carried.

Motion by Ringgenberg, second by Merten, to approve and authorize the Chair to sign the **Federal Assurances Signature Page**, regarding the CDBG Program, regarding transportation to Rembrandt Enterprises. Carried.

Motion by Ringgenberg, second by Huseman, to approve and authorize the Chair to sign the **Applicant/Recipient Disclosure/Update Report** for the CDBG Grant Program for Rembrandt Enterprises. Carried.

County Attorney Paul Allen discussed the Statement of Policy and Disclaimers, regarding the County's website. Motion by Merten, second by Altena, to approve the **Compliance Statement, Terms & Conditions, Privacy Policy, and Unlawful Discrimination policy**, regarding the County's website. Carried.

County Attorney Paul Allen was present to discuss the **FFCRA**, which ended 12/31/2020, and became optional. With the signing by President Biden, of the American Rescue Plan Act (**ARPA**), which took effect on April 1, 2021, and is set to expire on September 30, 2021, several policies that were in effect under the FFCRA were revived. The ARPA is similar to FFCRA, but provides a new framework for employers to navigate in response to paid leave requests due to COVID-19 related reasons. Allen stated that ARPA does not require employers to provide paid sick leave for any of the qualifying reasons for COVID leave, however, if an employer chooses to voluntarily extend paid sick leave for COVID-19 qualifying reasons, tax credits are available to offset the cost to the employee, to both public and private employers. Allen commented that since the County isn't having issues and abuse of the current FFCRA policy, he recommended leaving it as is. The consensus of the Board was to leave the FFCRA as is, which the Board extended through 5/31/21, and to readdress it at that time.

Conservation Director/Weed Commission Greg Johnson presented the annual noxious weed resolution. Motion by Ringgenberg, second by Altena, to approve **Resolution #2021-04-13-A**, Public Notice Destruction of Noxious Weeds & Fines Assessed, and to authorize the Chair to sign. Carried.

RESOLUTION #2021-04-13-A
A PUBLIC NOTICE: DESTRUCTION OF NOXIOUS WEEDS & FINES ASSESSED

TO ALL PROPERTY OWNERS:

Be it resolved, by action of the Board of Supervisors of Buena Vista County, Iowa, that pursuant to the provisions of Chapter 317.13 and 317.14, 2021 Code of Iowa, it is hereby ordered:

1-That each owner and each person in the possession or control of any land in Buena Vista County shall cut, burn, spray, or otherwise destroy all noxious weeds thereon, at such times in each year and in such manner as shall prevent said weeds from blooming or coming to maturity, and shall keep said lands free from such growth of any other weeds as shall render the streets or highways adjoining said land unsafe for public travel. Noxious weeds shall be cut, burned, sprayed, or otherwise destroyed on or before the following dates and as often thereafter as is necessary to prevent seed production:

Group 1. June 1, 2021, for Leafy Spurge and Musk Thistle.

Group 2. July 1, 2021, for Canada Thistle and Field Bindweed.

Group 3. August 1, 2021, for Palmer Amaranth, Multiflora Rose, Bull and Plumeless Thistles.

2-That each owner and each person in possession or control of any lands in Buena Vista County infested with any noxious weeds listed for eradication or control by the Agriculture and Land Stewardship Department Administrative Rules Chapter 58.4 shall adopt a program of weed destruction described by

the Weed Commissioner 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 in Buena Vista County fail to comply with the foregoing orders, the Weed Commissioner shall cause this to be done and the expense of said work, including costs of serving notice and other costs, if any, to be assessed against the real estate upon which the noxious weeds are destroyed.

4-That the County Weed Commissioner be and is hereby directed to cause notice of making and entering of the foregoing order by one publication each of the Official Newspapers of the County.

5-Anyone wishing not to have noxious weeds sprayed within the right-of-way adjacent to dwellings or property by Buena Vista County, he or she shall sign an annual agreement by June 1st at the County Conservation Board Office and receive official signs to be posted on each side of the area designated and shall be responsible to destroy such weeds, all season.

6-Buena Vista County primarily uses Milestone and TerraVue herbicide for noxious weed control within the road right-of-way. For individuals who harvest hay from the County's right-of-way consult the Milestone and TerraVue label for possible haying and grazing restrictions. Any additional concerns may be directed to the County Weed Commissioner.

7-The Weed Commissioner, Greg Johnson or Deputy Weed Commissioner, Brian Jones are located at the Buena Vista County Conservation Board office. 377 440th Street, Peterson, Iowa 51047. Telephone-712-295-7985.

PENALTY

Be it further Resolved, that upon failure to comply by the date prescribed in an order, pursuant to Chapter 317, for destruction of weeds, the weed commissioner, following notice, may enter upon the land without consent and have the weeds destroyed with the costs of such action taxed against the real estate on which the weeds were destroyed, or may impose a penalty of \$10.00 per day for each day, up to ten days, that the owner or person in possession or control of the land fails to comply, after which, the weed commissioner, following notice, may enter upon the land without consent and have the weeds destroyed with the costs of such action taxed against the real estate on which the weeds were destroyed.

Passed and approved this 13th day of April, 2021.

/s/ Kelly Snyder, Chair-BV County Board of Supervisors.....Attest: Susan K. Lloyd, County Auditor

Motion by Ringgenberg, second by Merten, to approve the minutes of 4/6/21 as corrected, today's claims approval list, stamped drainage warrant register, and the following reports: BV Solid Waste Planning Area 2021 Comprehensive Plan update, April Manager's Report-Landfill, March Solid Waste Commission minutes, April Safety meeting minutes, FY'20 Central Service Cost Allocation Plan, and Quarterly North Raccoon Watershed minutes. Carried.

Motion by Huseman, second by Merten, to approve and authorize the Chair to sign the cyber insurance renewal application. Carried.

Motion by Merten, second by Altena, to authorize the chair to sign the Certification of FY'20 Cost Allocation Plan (CASI). Carried.

Hear the Public: Env Health/Zoning Director Kim Johnson came in to inform the Board that today she received the draft permit for Gold 8—Tom Witt construction permit for Facility ID #65931.

Supervisor Meeting Reports: Ringgenberg will attend the Board of Health meeting this week, and more meetings next week; Snyder and Merten toured the Rembrandt Enterprises facility, and attended a meeting on a proposed new housing addition.

Supervisors Snyder and Altena interviewed the candidates for the **Recorder's position**, and stated that the selection and appointment will be made at 8:00 a.m. on Monday, May 3, 2021.

There being no further business, motion by Ringgenberg, second by Altena, to adjourn the meeting at 11:12 a.m. until Tuesday, April 20 at 8:30 a.m. for a special session. Carried.