

**BOARD OF SUPERVISORS MEETING
THIRTY-NINETH MEETING, 2021 SESSION (39)
SEPTEMBER 28, 2021**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 28, 2021 at 8:30 A.M. in the Secondary Road Conference Room with Chairman Snyder presiding, and the following members present: Altena, Huseman, 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.

Motion by Merten, second by Ringgenberg, to **approve the agenda**. Carried.

Engineer Bret Wilkinson informed the Board that he conducted interviews last week for the E01 position, and recommends Dane Lenhart, for the position. Motion by Merten, second by Huseman, to approve the hiring of Dane Lenhart as an **Equipment Operator I**, effective October 11, 2021, at a rate of \$25.45, which is \$2.00 under the Operator I rate, with increases at 6-month reviews for the first two years and also eligible for any raises given by the Board of Supervisors. Carried.

Engineer Bret Wilkinson requested that the Board declare the belly dump trailer, that was totaled in the accident, as excess equipment, since he was allowed to purchase it back from the insurance company for \$7,250, and allow him to sell it. Motion by Ringgenberg, second by Altena, to declare the belly dump trailer as **excess equipment**, and allow the Engineer to sell it. Carried.

Engineer Bret Wilkinson informed the Board that he received numbers from the insurance company on the **Mack truck** that was totaled. The insurance will give \$44,350 for the truck, with the option of the County to keep the truck and receive a payment of \$33,500. Wilkinson stated that it isn't worth buying it back, it would be better to take the insurance money for it. The consensus of the Board was to allow the insurance company to have the truck, and the county would take the \$44,350 insurance amount.

Secondary Road Report: Wilkinson stated that the contractor is running behind on the M50 bridge project, due to the supplier not having the box culvert available until November 16. The contractor would still like to do the project, but the proposal was to place asphalt, and they won't be able to do that, as it will be too late and too cold for the asphalt. Wilkinson stated that they could leave it limestone until spring, but then that creates a maintenance issue all winter, and will develop potholes. Another option would be to use concrete and insulate, but that costs more, and then you have the issue of what to do with it later. The contractor could also wait and start in the spring. Wilkinson asked the Board to think about it for a few weeks, and then he will add it to a future agenda for a decision; Wilkinson stated that he will be attending the Conservation Board meeting Thursday night, to talk about the Linn Grove Dam. Wilkinson stated that he has talked to a DOT engineer in regards to traffic impact on Hwy 7, where the proposed Platinum Crush LLC plant would like to build. According to the DOT guidelines, a traffic impact study isn't needed, because there isn't a new entrance on to Hwy 7, and the threshold is 500 new vehicles per day to be considered a large project. The DOT doesn't consider this a large project, and they will not do the analysis themselves. Wilkinson stated that someone else could do the analysis of the traffic, and then pass it on to the DOT to review.

Nurse Administrator Julie Sather informed the Board that she has an employee that is in need of donated time for a family medical emergency, as she had limited paid time off and has exhausted all that was available. Motion by Merten, second by Altena, to allow county employees to **gift vacation or comp time** to employee #1061, in the Public Health Department. Carried.

Nurse Administrator Julie Sather informed the Board that **COVID** is busy, and testing is taking 4-5 days to get the results back. Pfizer booster shots are recommended six months after the first two shots, but there are no boosters available for Moderna or Johnson & Johnson, at this point. Sather stated that her department will be giving **flu shots** on Fridays from 9:00 a.m. – noon, and 1:00 p.m. – 4:00 p.m.

Motion by Huseman, second by Ringgenberg, to approve the **minutes** of 9/21/21, as printed, today's **claims approval list**, **stamped drainage warrant register**, and the following **reports**: September Emergency Management Commission minutes, July NW IA Planning & Development Commission minutes, July NW IA YES Center minutes, June E911 Service Board minutes, September Safety minutes, and August Central IA Detention Commission minutes. Carried.

Motion by Ringgenberg, second by Altena, to approve and authorize the Chair to sign the **Jt. DD #105-64 Lat 3** work order, with an estimated cost of \$600 for tile repairs. Carried.

Motion by Merten, second by Huseman, to approve and authorize the Chair to sign Application for Payment #3 for McCarty Custom, Inc., for **DD #101 Open Ditch** repair, in the amount of \$40,392.08, pending arrival of the original signed paperwork from the contractor. Carried.

Motion by Ringgenberg, second by Merten, to approve and authorize the Chair to sign **Resolution #2021-09-28-A**, Administration of the Buena Vista County Community Development Block Grant (CDBG) 21-CRLET-005. Carried.

RESOLUTION #2021-09-28-A

A RESOLUTION OF THE COUNTY OF BUENA VISTA COUNTY, IOWA
TO REQUEST THE ASSISTANCE OF THE STAFF OF THE
NORTHWEST IOWA PLANNING AND DEVELOPMENT COMMISSION.

WHEREAS, the County of Buena Vista County has agreed to the Intergovernmental Cooperation Agreement creating the Northwest Iowa Planning and Development Commission (hereinafter called the Planning Agency) and is a member in good standing; and

WHEREAS, the County wishes to engage the Planning Agency to provide certain technical and professional services in connection with...

Administration of the Buena Vista County Community Development Block Grant (CDBG) 21-CRLET-005

WHEREAS, Article III.E of the Intergovernmental Cooperation Agreement gives the Planning Agency the responsibilities outlined in Chapters 28H and 28I, Code of Iowa;

NOW THEREFORE BE IT RESOLVED, by the County Board of Supervisors of Buena Vista County, Iowa that the Planning Agency be requested to provide staff assistance in the above mentioned project; and

BE IT FURTHER RESOLVED THAT, the County Board of Supervisors understands and will comply with Policy Council guidelines regarding the assessments of costs of the Planning Agency staff assistance.

Passed, approved and adopted this 28th day of September, 2021.

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

Motion by Huseman, second by Merten, to acknowledge receipt of letters of support for the proposed **Platinum Crush LLC** plant, from Cindy and Kent Smith, Leigh Madsen, Ron Mortensen, and Stalcup Ag Service, along with a letter from Neal Kuehl requesting that the Board deny the rezoning request of Platinum Crush LLC. Carried.

State Public Defender Jeff Wright and Asst. State Public Defender Kurt Swaim met with the Board to discuss placing a **public defender** in the BV County Courthouse. Swaim stated that there are fewer and fewer

private attorneys in rural areas that will take on public defender cases. Swaim stated that thanks to Representative Gary Worthan, his subcommittee recommended that the legislature authorize sending ten public defenders in to rural areas of Iowa, and Buena Vista County is one of those locations. The public defender will be a State of Iowa employee, and paid by the state, however, they would need office space in the Courthouse. County Attorney Paul Allen had suggested to the Board, that the public defender be housed in the old I.T. room. State Public Defender Wright stated that it is a good idea to have attorneys come here, live here, and maybe they will want to stay in the area. Wright stated that the public defender would be supervised out of the Sioux City office. Swaim stated that they would prepare a lease, for the use of office space in the Courthouse, and forward it on to County Attorney Paul Allen for his review, and then to the Board for approval.

The time arrived for the Board to continue the discussion of the Platinum Crush rezoning request from Ag (A-1) to Industrial (I) in Section 31 Washington Township. There were 35 people online for the meeting, and 60 people in person. Motion by Ringgenberg, to table any action on the rezoning request of Platinum Crush LLC to October 19. The motion died for a lack of a second. Snyder stated that the Board doesn't want it to go away, but that the county still has to go through the process, and the developers understand that. Merten stated that he wants to table it for one week. The public asked what the holdup was on the rezoning request, which Snyder stated that the Comprehensive Development Plan needs to be updated first, which has to start with the Zoning Board, and then given to the Board of Supervisors for approval. Motion by Merten, second by Ringgenberg, to table the rezoning request of **Platinum Crush LLC** for one week. Carried.

Hear the Public: Several people were in attendance to voice their opinions regarding the rezoning request of Platinum Crush LLC, in Section 31 Washington Township. Neal Kuehl stated that he understands the economic advantage, but states that there are better locations in the County for this plant to go. Kuehl stated that the Shell Rock site, in Butler County, is in an industrial site, and the proposed site here is not an industrial area. Kuehl stated that farmers believe that this will increase their bottom line by adding \$0.10-\$0.12 per bushel of beans, which is a 1% increase. Another gentleman spoke up stating that if the plant pays \$22 per hour, plus overtime and benefits, we can't let this go. Kuehl's main point was that industrial needs to be located elsewhere, stating Albert City acclimated very well to Valero, maybe it should go there. Huseman stated that he didn't think that Albert City fits their needs. Another gentleman stated that he was looking at the economics of it, and that this would be open to farmers for bean meal. Another gentleman stated that this area supplies a lot of beans, and farmers could haul direct to the plant and not the elevator. He stated that every town was started from ag ground. Neil Krummen stated that Hubbard was Ag or Industrial, and that Iowa Pellets was there before Lake Creek. Ben Hollesen stated that \$0.12 per bushel does make a difference to the farmers, and stated that we need to pay attention and not run the young farmers out of business. Brian Jackson stated that this is the largest investment to B V County, and said that he can't believe there is a question whether to approve this rezoning request. Jackson stated that it will increase values, create sixty new jobs and other side businesses. Jackson stated that he farms 1,500 acres, and this would be an additional \$11,250 more income in his pocket. Jackson stated that 6.5 counties can furnish what this plant needs, and the company is looking at other places. Jessob Steffen stated that he worked at an ag business before, 12-hour shifts with overtime, so these employees would have a \$60,000 salary, plus benefits. Zoning Commission member Melanie Anderson, stated that she is in favor of the rezoning request, which impacts 2,800 farmers. Anderson stated that the developers moved the plant further south, and it will create jobs and will benefit young farmers. Anderson stated that Tyson has both a hog and turkey facility in Storm Lake, and the company can create landscaping to make this a win-win. Paul Havens stated that the zoning is an R-1, and parks and recreation is in the uses of an R-1 classification. Havens stated that the old feed mill was there before zoning. Havens stated that the whole parcel is zoned commercial, which is non-conforming, and so the feed mill could not be rebuilt. Al Clark stated that he is concerned about the economic benefits. Clark stated that he came here from Cedar Falls, and the area by the University of Northern Iowa used to be ag, and is now industrial. Clark stated that he knows Shell Rock, and that area used to be ag. Clark stated that this opportunity will create a lot of other jobs, construction of houses for workers. Clark stated that the developers are accommodating, they moved the plant further south down the road, but they need access to the railroad. Clark stated that noise can be reduced by dirt berm and

trees. Clark said he is passionate about seeing this project happen, and if the company needs a water source, the City of Alta has excess water. Max Taber stated he was a retired farmer, and questioned what he read in the paper, stating that this was the only location suitable in BV County for Platinum Crush. Snyder stated that this site met all of the company's needs. Merten stated that Platinum Crush has been working with Iowa Lakes Corridor, and they looked at and searched out other locations. Merten stated that the area between Alta and Aurelia was targeted, but the landowners wouldn't sell, and you can't force people to sell land they don't want to sell. Ringgenberg stated that the Iowa Lakes Corridor has been working with the developers for months. Merten stated that the Board didn't know anything about this project until it came to the Zoning Commission. Brad Strader asked the Board if the company has been challenged before at other locations, and if so why. The developers were not present to answer these questions. A 15-year tax abatement was mentioned, and questions about who would pay for the road improvements. Snyder stated that he wants to see Buena Vista County prosper, and he is excited by the whole project. John Pitstick stated the developers are only looking at themselves, want zoning and then build. Stan Bibler commented to go out to Jackson, NE, look at the beans coming to Alta and that will be moving out of here. Bibler stated that the company knows what they are doing. Kevin Jesse stated that where he and his wife live, they chose to live, but have had to deal with projects that have affected their farm. Jesse stated that when Hwy 71 was redone, that affected his farm; he also had three farms that have Dakota Access pipeline go through. Jesse commented that every road you travel, people give up a lot for the benefit of all of us. Jesse stated that he supports the project and the supervisors.

There being no further business, motion by Merten, second by Huseman, to adjourn the meeting at 11:13 a.m. until Tuesday, October 5 at 8:30 a.m. for a special session. Carried.