

**BOARD OF SUPERVISORS MEETING
FORTY-SECOND MEETING, 2021 SESSION (42)
OCTOBER 19, 2021**

The Buena Vista County Board of Supervisors met in special session on Tuesday, October 19, 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 Huseman, second by Merten, to **approve the agenda**. Carried.

Engineer Bret Wilkinson requested the Board allow him to purchase a truck body for the shop truck. Motion by Ringgenberg, second by Altena, to approve and allow the County Engineer to purchase a **2021 Chevy 3500 60" CA DRW**, from Steffen Truck Equipment, Inc., in the amount of \$24,030.00. Carried.

Engineer Bret Wilkinson informed the Board that he has received a **request from the City of Truesdale**, to plow their side streets. Wilkinson stated that the department usually doesn't plow side streets, as they don't want to damage yards due to using larger equipment. Wilkinson stated that the department does some plowing in Rembrandt and Linn Grove, but there are two graders in Rembrandt, so they plow streets on their way out to clear the county roads. Wilkinson stated that this is not the "normal" for Secondary Roads to plow city side streets, and asked the Board how they would like him to respond to Truesdale's request, as he would like an answer soon, as winter is coming. Merten asked Wilkinson to contact Truesdale and ask them if this is a priority, or can the snow removal take place later, when the crew is done with the county roads. Merten stated that Secondary Roads needs to hit the priorities first.

Engineer Wilkinson asked the Board if they had reviewed the new **farm lease** forms that he handed out at the last meeting. Merten commented that he doesn't want to make any changes to the farm lease for the Whitney Pit ground, it's not the best ground up there. Merten is okay with keeping it cash rent. Wilkinson stated that there were newer updated forms. Merten stated that it would be okay to use a new updated farm lease form, and send it to the tenant, and if he doesn't like it, he will contact the Board.

Secondary Road Report: The crew has been mowing, edge rutting along the roads, and mounting snow equipment; Wilkinson stated that they need to haul additional sand down here before winter.

Motion by Huseman, second by Ringgenberg, to approve the **minutes** of 10/12/21, as printed, and the following **reports**: September 30 Conservation Board minutes, and September Solid Waste Commission minutes. Carried.

Motion by Ringgenberg, second by Altena, to acknowledge receipt of a letter from Jane Besaw, regarding her concerns on the **Platinum Crush rezoning** request. Carried.

The time arrived for the Board to take action on the five amendments to the Buena Vista County Comprehensive Development Plan (Comp Plan) and possible adoption of the Comp Plan, as recommended by the Zoning Commission. Motion by Ringgenberg, second by Merten, to approve the amendment of the SW ¼ of the SW ¼ of Section 14 Township 91 Range 91 North West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Commercial, and authorize the Chair to sign **Resolution #2021-10-19-B**. Ayes all. Nays none. Motion carried.

RESOLUTION #2021-10-19-B

WHEREAS the Buena Vista County Zoning Commission held a public hearing on a proposed amendment to the proposed and recommended future land use map in the proposed Comprehensive Plan for the following property: SW ¼ of the SW ¼ of Section 14 Township 91 North, Range 38 West of the 5th P.M. in Buena Vista County, Iowa. The property is situated on the East side of 50th Ave, and the north side of 570th Street, in Nokomis Township from Agricultural to Commercial; and

WHEREAS, the Zoning Commission recommends amendment of the SW ¼ of the SW ¼ of Section 14 Township 91 North, Range 38 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Commercial; and

WHEREAS the Board of Supervisors held a public hearing for public comments on the amendment of the SW ¼ of the SW ¼ of Section 14 Township 91 North, Range 38 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Commercial.

THEREFORE, the Buena Vista County Board of Supervisors approves the amendment of the SW ¼ of the SW ¼ of Section 14 Township 91 North, Range 38 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Commercial.

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

Motion by Merten, second by Altena, to approve the amendment of Part of the North ½ of the NE ¼ of Section 17 Township 91 North Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Industrial, and authorize the Chair to sign **Resolution #2021-10-19-C**. Ayes all. Nays none. Motion carried.

RESOLUTION #2021-10-19-C

WHEREAS the Buena Vista County Zoning Commission held a public hearing on a proposed amendment to the proposed and recommended future land use map in the proposed Comprehensive Plan for the following property: Part of North ½ of the NE ¼ of Section 17 Township 91 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa. The property is situated on the North side of 560th Street, and approx. 1300 east of 90th Ave, in Washington Township from Agricultural to Industrial; and

WHEREAS, the Zoning Commission recommends amendment of Part of North ½ of the NE ¼ of Section 17 Township 91 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Industrial; and

WHEREAS the Board of Supervisors held a public hearing for public comments on the amendment of Part of North ½ of the NE ¼ of Section 17 Township 91 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Industrial.

THEREFORE, the Buena Vista County Board of Supervisors approves the amendment of Part of North ½ of the NE ¼ of Section 17 Township 91 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Industrial.

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

Motion by Huseman, second by Merten, to approve the amendment of the SE ¼ of the SE ¼ of Section 12 Township 92 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Transitional Agricultural to Commercial, and authorize the Chair to sign **Resolution #2021-10-19-D**. Ayes all. Nays none. Motion carried.

RESOLUTION #2021-10-19-D

WHEREAS the Buena Vista County Zoning Commission held a public hearing on a proposed amendment to the proposed and recommended future land use map in the proposed Comprehensive Plan for the following property: SE ¼ of the SE ¼ of Section 12 Township 92 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa. The property is situated on the West side of HWY 71, and approx. 1920 feet south of 490th Street, in Scott Township, from Transitional Agricultural to Commercial; and

WHEREAS, the Zoning Commission recommends amendment of the SE ¼ of the SE ¼ of Section 12 Township 92 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Transitional Agricultural to Commercial; and

WHEREAS the Board of Supervisors held a public hearing for public comments on the amendment of the SE ¼ of the SE ¼ of Section 12 Township 92 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Transitional Agricultural to Commercial.

THEREFORE, the Buena Vista County Board of Supervisor approves the amendment of the SE ¼ of the SE ¼ of Section 12 Township 92 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Transitional Agricultural to Commercial.

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

Motion by Merten, second by Ringgenberg, to approve the amendment of the North ½ of the NE ¼ of the NE 1/4 of Section 20 Township 90 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Industrial, and authorize the Chair to sign **Resolution #2021-10-19-E**. Ayes all. Nays none. Motion carried.

RESOLUTION #2021-10-19-E

WHEREAS the Buena Vista County Zoning Commission held a public hearing on a proposed amendment to the proposed and recommended future land use map in the proposed Comprehensive Plan for the following property: North ½, of the NE ¼ of the NE ¼ of Section 20 Township 90 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa. The property is situated on the South side of 50th Ave, and east of the Storm Lake Airport, in Hayes Township, from Agricultural to Industrial; and

WHEREAS the Zoning Commission recommends amendment of the North ½, of the NE ¼ of the NE ¼ of Section 20 Township 90 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Industrial; and

WHEREAS, the Zoning Commission recommended amendment of the North ½, of the NE ¼ of the NE ¼ of Section 20 Township 90 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Industrial.

THEREFORE, the Buena Vista County Board of Supervisors approves the amendment of the North ½, of the NE ¼ of the NE ¼ of Section 20 Township 90 North, Range 37 West of the 5th P.M. in

Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Agricultural to Industrial.

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

Motion by Merten, second by Huseman, to approve the amendment of Section 31 Township 91 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa on the future land use map of the Comprehensive Plan from Transitional Agricultural to Industrial, and authorize the Chair to sign **Resolution #2021-10-19-F**. Ayes all. Nays none. Motion carried.

RESOLUTION #2021-10-19-F

WHEREAS the Buena Vista County Zoning Commission held a public hearing on a proposed amendment to the proposed and recommended future land use map in the proposed Comprehensive Plan for the following property: Section 31, Township 91 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa. The property is situated on the South side of Hwy 7, and East of 70th Avenue, in Washington Township from Transitional Agricultural to Industrial; and

WHEREAS, the Zoning Commission recommends amendment of the Section 31, Township 91 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa, on the future land use map of the Comprehensive Plan from Transitional Agricultural to Industrial; and

WHEREAS the Buena Vista County Board of Supervisors held a public hearing on a proposed amendment to the proposed and recommended future land use map in the proposed Comprehensive Plan for the following property: Section 31, Township 91 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa. The property is situated on the South side of Hwy 7, and East of 70th Avenue, in Washington Township from Transitional Agricultural to Industrial.

THEREFORE, the Buena Vista County Board of Supervisors approves the amendment of Section 31, Township 91 North, Range 37 West of the 5th P.M. in Buena Vista County, Iowa, on the future land use map of the Comprehensive Plan from Transitional Agricultural to Industrial.

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

Motion by Ringgenberg, second by Huseman, to adopt the Buena Vista County Comprehensive Development Plan, as amended, and to authorize the Chair to sign **Resolution #2021-10-19-A**. Ayes all. Nays none. Motion carried.

RESOLUTION #2021-10-19-A

WHEREAS the Buena Vista County Board of Supervisors previously hired JEO to complete a Comprehensive Plan. With support of the Zoning Commission, there was a town hall meeting in every incorporated town in the county and input was gathered from both rural and incorporated areas as to the needs and future goals of the people; and

WHEREAS the Buena Vista County Zoning Commission held a public hearing concerning the comprehensive plan; and

WHEREAS, upon a vote of the majority of the Zoning Commission, the Zoning Commission submitted its final report containing the Commission’s recommendation to adopt the Comprehensive Plan to the Board of Supervisors; and

WHEREAS the Board of Supervisors held a public hearing for public comments on the Comprehensive Plan, that was submitted as the Final Report from the Zoning Commission.

WHEREAS the Board of Supervisors has approved amendments as recommended by the Zoning Commission to the proposed Comprehensive Plan.

THEREFORE, upon a vote of the majority of the Board of Supervisors, the Supervisors voted to adopt the Buena Vista County Comprehensive Development Plan, as amended.

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

Next on the agenda was the continuation of the rezoning request for Platinum Crush, LLC, in Section 31 Washington Township, and the 1st Reading of Ordinance 6.1A-26. The Board acknowledged the petition that was previously submitted at the September 21st meeting, from Mike Brostad and Todd Brechwald, homeowners located within 200' of the property located south of Highway 7 in Section 31 Washington Township, voicing a strong objection to the proposed rezoning request of Platinum Crush LLC. All five members of the Board of Supervisors were present for the 1st Reading of Ordinance 6.1A-26, the rezoning request for Platinum Crush, LLC, in Section 31 Washington Township. Motion by Merten, second by Ringgenberg, to approve the 1st Reading of Ordinance 6.1A-26, the rezoning request for Platinum Crush, LLC, in Section 31 Washington Township. Ayes all. Nays none. Motion carried.

Motion by Merten, second by Huseman, to set the 2nd Reading of Ordinance 6.1A-26, the rezoning request for Platinum Crush, LLC, in Section 31 Washington Township, for Tuesday, October 26, 2021, at 9:35 a.m. in the Secondary Road Conference Room, 526 Radio Road, in Storm Lake, IA. Ayes all. Nays none. Motion carried.

Hear the Public- Platinum Crush: Terry Bauer stated that he lives at Lake Creek, and was part of the founding group. Bauer stated that before the change is made to zoning, there needs to be a traffic count, and a survey of the traffic on Highway 7 east and west. Bauer lives on Villa Road, and said that when a semi comes off of M36 and heads south on the gravel road, there is so much dust, he can't see the semi. Bauer stated that it was obvious that the Board is going to approve this rezoning request, and stressed that the entrance for the Platinum Crush plant must be on the east, he doesn't want trucks coming from the north and west. Bauer stated that IDOT needs to come up with answers on where to enter the plant. Bauer stated that there is a water shortage for Storm Lake, Lakeside, and Lake Creek, and now this will add an additional 400,000 gallons of water per day, how will this affect everyone? Bauer stated that he does OSHA training, stating the importance of a noise assessment. Bauer, referring to the smell of the plant, stated that the people living to the south, haven't been involved at all. Bauer stated that the Board set a precedent with the tax abatement they gave to the Valero plant in Albert City, and the county is just starting to collect taxes on that property. Bauer stated that a tax abatement for Platinum Crush should be short term, so that there are tax dollars coming in to help pay for the roads, when they fall apart, and not be a burden to the taxpayers. Bauer stated that home owner valuations will see a 30% decrease, with no new people moving in. Bauer urged the Board to make it mandatory to have traffic enter the plant from the east, to help the Lake Creek residents. State Representative Gary Worthan stated that the buzz word is "value added", and this is a value-added project. Currently, the beans are shipped out of here, to other places, and then coming back to the area as bean meal. Worthan stated that the plant will be competing for beans, and says that .10/bushel is undershooting. Worthan commented to look at other plants, in Sgt. Bluff, Eagle Grove, Sheldon, and Cargill in Sioux City, all close to residential areas. Worthan stated that problems can be handled by having windbreaks to help with noise and odor. Worthan stated that this is a once in a lifetime opportunity, and we have three feed plants that will benefit, at Larrabee, Pomeroy, and Storm Lake. Worthan said that M36 could be extended, paving 70th Ave. to C63. The county would have expenses, but could be negotiated. Worthan stated that he has experience in commercial trucking business, and truckers take the best route. Beans coming from the north will take M36, and beans from the south will use 70th Ave. Worthan stated that we have to get this going, for economics. Paul Havens encouraged the Board to move slowly, get the financial incentives resolved before the 3rd reading of the Ordinance. Havens is concerned as to what Platinum Crush is going to do to mitigate damages to the owners at Lake Creek. Havens stated that the

Board adopted the Comp Plan, but it doesn't make sense. Havens stated that the Board can amend one parcel to make it Industrial, but according to the Board's "plan", residential land needs separation, and all Lake Creek has, is the highway. Havens stated that the Board is supposed to protect the residential areas, and the rights of all landowners should be protected. Havens said that farmers don't consider odor as a nuisance, and commented that he is familiar with economics and how it works. Merten commented back to Havens, asking him what classification of land does Lake Creek have on the West, North, and East of them. Merten said that it is Ag, and according to what Havens says, the county is in violation. Havens stated that Ag doesn't bother Lake Creek, it is the Industrial. Merten commented that the farmers can bring in manure and apply it to the Ag areas. Havens stated that he is not saying to separate Ag, and said that the Board is ignoring their own policy. Neil Krummen, from Linn Grove, thanked the Board of Supervisors for listening and their willingness to solve problems, stating that the Board is trying to be fair to everyone, good job. Ringgenberg stated that this is the first step in negotiating, there are still permits required and incentives to discuss. LuAnn Jacobson asked if all of the meetings would be open to the public. County Attorney Paul Allen commented that it would depend on what Platinum Crush was applying for, as the county may not be involved. Jacobson stated that she would like the railroad to be a part of it, she wants a berm and trees, and the location of the tracks. Nick Bowdish, one of the developers of Platinum Crush, stated that they want to be good neighbors, and if anyone has questions, give him a call. Bowdish stated that he wants an open line of communications, as they want to do everything they can, to be a good neighbor.

Hear the Public—Other: County Attorney Paul Allen informed the Board that Assistant County Attorney Ashley Herrig will be receiving the **Staff Attorney Award of Merit**, in November. This award recognizes and rewards experienced staff attorneys who have earned distinguished records of accomplishment, dedication and service to the Association, their communities, and to the public. Allen and the Board congratulated Herrig on receiving this award.

Hear the Public—Other: County Attorney Paul Allen informed the Board that the Facilities Committee had met, to discuss the request to house the **Public Defender** in the office next to the Recorder's Office. Allen was informed that the committee was not going to recommend placement of the Public Defender in the office adjacent to the Recorder's Office, due to a security issue and safety of the employees in the Recorder's Office. County Recorder Curtis Reis spoke with Sheriff Elston about this issue, and was told by Sheriff Elston that he was also concerned about security. Allen stated that criminals are already coming in to the Courthouse, to pay fines, to meet with their attorney, or to appear in court. Allen stated that Retired Judge John Duffy has already contacted the departments on the 2nd floor of the Courthouse, asking them not to allow the Public Defender to use any space on 2nd floor, and is planning on contacting the 3rd Judicial District Judge to ask that the Public Defender be denied using any office in the Courthouse. Allen commented that the Judicial Branch shouldn't decide what happens on the first floor of the Courthouse.

There being no further business, motion by Merten, second by Huseman, to adjourn the meeting at 10:13 a.m. until Tuesday, October 26 at 8:30 a.m. for a regular session. Carried.