

**BOARD OF SUPERVISORS MEETING
TWELVTH MEETING, 2022 SESSION (12)
MARCH 15, 2022**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 15, 2022 at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Altena, Huseman, and Ringgenberg and with Auditor Susan Lloyd as clerk for the meeting. Absent: Snyder.

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

Motion by Ringgenberg, second by Huseman, to amend **today's agenda**, adding two action items: setting a public hearing for the Platinum Crush Development Agreement and setting the 1st reading of the TIF Ordinance. Carried.

Motion by Huseman, second by Altena, to approve the **minutes** of 3/8/22, as corrected, today's **claims approval list**, **stamped drainage warrant register**, and the following **reports**: March Courthouse Safety Committee minutes, February Buena Vista County Landfill minutes, and February Conservation Board Minutes. Carried.

Motion by Ringgenberg, second by Altena, to authorize the creation of **Special Revenue Fund 0035** County Attorney Forfeiture Fund, and to **transfer** \$24,033.65 from the General Basic Fund to this new fund, as this is the current balance of the forfeiture funds that are currently included in the General Basic Fund total. Carried.

Supervisor Meeting Reports: Ringgenberg mentioned that Public Health was interested in assuming the duties of the General Relief Director, pending approval by the Board of Health and the Board of Supervisors; Merten attended the ISAC Spring Conference last week, and stated that Snyder had attended County Day at the Capitol last week, along with the ISAC Spring Conference.

County Attorney Paul Allen was present for his appointment. Motion by Ringgenberg, second by Altena, to go into **closed session** (at 8:49 a.m.) under Chapter 21.5(1)(c) of the 2022 Code of Iowa, to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation, and Chapter 21.5(1)(g) of the 2022 Code of Iowa, to avoid disclosure of specific law enforcement matters, such as current or proposed investigations or inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection. Ayes: Altena, Huseman, Merten, Ringgenberg. Nays: None. Motion carried.

Motion by Huseman, second by Altena, to go out of **closed session** at 9:00 a.m. Carried.

This being the time and place fixed for a public hearing on the matter of the adoption of the proposed **Platinum Urban Renewal Plan**, the Chairperson first asked for the report of the Chairperson, or his delegate, with respect to the consultation held with the affected taxing entities to discuss the proposed Plan. The Board was informed that the consultation was duly held as ordered by the Board, and that no written recommendations were received from affected taxing entities. The report of the Chairperson, or his delegate, with respect to the consultation was placed on file for consideration by the Board.

The County also was informed that the proposed Plan had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the County as a whole, as set forth in the minutes or report of the Commission. The Commission's report or minutes were placed on file for consideration by the Board.

The Chairperson then asked the County Auditor whether any written comments had been filed with respect to the proposed Plan, and the County Auditor reported that no written comments thereto had been filed. The Chairperson then called for any oral comments to the adoption of the Platinum Urban Renewal Plan and none were made. The public hearing was then closed by motion of Ringgenberg and second by Huseman. Carried.

Board Member Huseman then introduced the following **Resolution #2022-03-15-A** entitled "RESOLUTION DETERMINING AN AREA OF THE COUNTY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE COUNTY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING THE PLATINUM URBAN RENEWAL PLAN" and moved: that the Resolution be adopted.

Board Member Altena seconded the motion. The roll was called, and the vote was: Ayes: Altena, Huseman, Merten, Ringgenberg. Nays: None. Whereupon, the Chairperson declared the measure duly adopted.

RESOLUTION NO. 2202-03-15-A

RESOLUTION DETERMINING AN AREA OF THE COUNTY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE COUNTY; DESIGNATING SUCH AREA AS APPROPRIATE FOR URBAN RENEWAL PROJECTS; AND ADOPTING THE PLATINUM URBAN RENEWAL PLAN

WHEREAS, it is hereby found and determined that one or more economic development areas, as defined in Chapter 403, Code of Iowa, exist within the County and the rehabilitation, conservation, redevelopment, development, or combination thereof, of the area is necessary in the interest of the public health, safety, or welfare of the residents of the County; and

WHEREAS, this Board has caused there to be prepared a proposed Platinum Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for the Platinum Urban Renewal Area ("Area" or "Urban Renewal Area"), which proposed Plan is attached hereto as Exhibit 1 and which is incorporated herein by reference; and

WHEREAS, the purpose of the Plan is to form the Platinum Urban Renewal Area as an area suitable for economic development and to include a list of proposed projects to be undertaken within the Urban Renewal Area, and a copy of the Plan has been placed on file for public inspection in the office of the County Auditor; and

WHEREAS, the property proposed to be included in the Urban Renewal Area is legally described in the Plan and this Board has reasonable cause to believe that the Area described in the Plan satisfies the eligibility criteria for designation as an urban renewal area under Iowa law and; and

WHEREAS, it is desirable that the Area be redeveloped as part of the overall redevelopment covered by the Plan; and

WHEREAS, the proposed Urban Renewal Area is within two miles of the corporate boundaries the City of Alta, the City of Lakeside, and the City of Storm Lake, and each has entered into a Joint Agreement

with the County to allow the County to operate within the proposed Area; and

WHEREAS, the County desires to approve the Joint Agreements pursuant to this Resolution; and

WHEREAS, the proposed Urban Renewal Area includes land classified as agricultural land and written permission of the current owners of such land has been obtained; and

WHEREAS, the Iowa statutes require the Board of Supervisors to submit the proposed Urban Renewal Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for development of the County as a whole, prior to Board of Supervisors approval thereof; and

WHEREAS, creation of the Urban Renewal Area and adoption of the Urban Renewal Plan therefore has been approved by the Planning and Zoning Commission for the County as being in conformity with the general plan for development of the County as a whole, as evidenced by its written report and recommendation filed herewith, which report and recommendation is hereby accepted, approved in all respects and incorporated herein by this reference; and

WHEREAS, by resolution adopted on February 8, 2022, this Board directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Urban Renewal Plan and the division of revenue described therein, and that notice of the consultation and a copy of the proposed Urban Renewal Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the Board of Supervisors and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Chairperson, or his delegate, filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by resolution adopted on February 8, 2022, this Board also set a public hearing on the adoption of the proposed Urban Renewal Plan to be held on March 8, 2022, and notice of the public hearing was mailed to the affected taxing entities, but subsequently the County postponed the public hearing to the date and time of this Board meeting; and

WHEREAS, due and proper notice of the postponed public hearing was given, as provided by law, by mailing a revised notice of public hearing to the affected taxing entities and by timely publication of a revised notice of public hearing in the Buena Vista County Journal, the Storm Lake Pilot Tribune, and the Storm Lake Times, which notice set forth the time and place of this meeting for the hearing and the nature and purpose thereof; and

WHEREAS, in accordance with the notice, all persons or organizations desiring to be heard on the proposed Urban Renewal Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Board in connection therewith and the public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, STATE OF IOWA:

Section 1. That the findings and conclusions set forth or contained in the proposed "Platinum Urban Renewal Plan" for the area of Buena Vista County, State of Iowa, legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "Platinum Urban Renewal Area"), be and the same are hereby adopted and approved as the findings of this Board for this area.

Section 2. This Board further finds:

a) Although relocation is not expected, a feasible method exists for the relocation of any families who will be displaced from the Urban Renewal Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;

b) The Urban Renewal Plan conforms to the general plan for the development of the County as a whole; and

c) Acquisition by the County is not immediately expected, however, as to any areas of open land to be acquired by the County included within the Urban Renewal Area:

i. Residential use is not expected, however, with reference to any portions thereof which are to be developed for residential uses, this Board of Supervisors hereby determines that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the County; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

a. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

b. That conditions of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

c. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

d. The acquisition of the area is necessary to provide for the construction of housing for low- and moderate-income families.

ii. Non-residential use is expected and with reference to those portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 3. That the Urban Renewal Area is an economic development area within the meaning of Chapter 403, Code of Iowa; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403, Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this County.

Section 4. That the Urban Renewal Plan, attached hereto as Exhibit 1 and incorporated herein by reference, be and the same is hereby approved and adopted as the "Platinum Urban Renewal Plan for the Platinum Urban Renewal Area"; the Urban Renewal Plan for such area is hereby in all respects approved; the Chairperson and County Auditor are authorized to execute the Joint Agreements with the cities of Alta, Lakeside, and Storm Lake and to approve the executed Agricultural Land Agreements; and the County Auditor is hereby directed to file a certified copy of the Urban Renewal Plan with the proceedings of this meeting.

Section 5. That, notwithstanding any resolution, ordinance, plan, amendment or any other document, the Urban Renewal Plan shall be in full force and effect from the date of this Resolution until the Board amends or repeals the Plan. Said Urban Renewal Plan shall be forthwith certified by the County

Auditor, along with a copy of this Resolution, to the Recorder for Buena Vista County, Iowa, to be filed and recorded in the manner provided by law.

PASSED AND APPROVED this 15th day of March, 2022.

/s/ Paul Merten, Chairperson, Board of Supervisors.....Attest: Susan K. Lloyd, County Auditor

Motion by Ringgenberg, second by Huseman, to set the Public Hearing for the **Development Agreement for Platinum Crush** and Buena Vista County, for March 29, 2022, at 9:00 a.m. in the Board of Supervisors Room of the Courthouse. Carried.

Motion by Altena, second by Ringgenberg, to set the 1st Reading of **Ordinance 6.8A Urban Renewal – Platinum** for March 22, 2022, at 9:15 a.m. in the Board of Supervisors Room of the Courthouse. Carried.

Secondary Road Report: They have been working on tree removal and blading gravel roads; they may be hauling gravel out this week, to smooth the roads; they will be taking the wings off of the motor graders next week; they are working with Jerry's Tree Service on taking down the big trees; they have been hauling rock; Engineer Wilkinson is working on FEMA paperwork, for the last derecho storm event; Wilkinson stated that there will be a webinar on the Avian Flu, and stated that he has closed one road to assist with cleanup; Wilkinson attended the ISAC spring conference last week, and talked to several State Representatives.

Env Health/Zoning Director Kim Johnson presented information on a Minor S/D request of Stephan Geisinger on behalf of the Geisinger Land Trust in Section 27 Washington Township. Motion by Ringgenberg, second by Altena, to approve and authorize the Chair to sign **Resolution #2022-03-15-B** Minor S/D for Stephan Geisinger on behalf of the Geisinger Land Trust in Section 27 Washington Township. Carried.

RESOLUTION 2022-03-15-B

WHEREAS Stephan Geisinger on behalf of the Geisinger Land Trust has presented has presented preliminary and final plat (of survey) on the following described properties:

DESCRIPTION LOT E

THE SOUTH TWO HUNDRED EIGHTEEN FEET (S. 218') OF THE EAST FIVE HUNDRED SEVENTY-FIVE FEET (E. 575') OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE ¼ NW ¼) OF SECTION 27, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA.

Hereafter known as Lot E, in Section 27, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 2.88 Acres and is subject to all easements of record.

DESCRIPTION LOT F

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE ¼ NW ¼) OF SECTION 27, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northwest Quarter (NW ¼) of said Section 27; Thence North 00° 26' 58" East, along the East line of said Northwest Quarter (NW ¼), 218.00 feet to the Point of

Beginning; Thence continuing North 00° 26' 58" East, along said East line 218.00 feet to the South line of a previously described tract. Thence North 89° 49' 02" West, along said South line, 575.00 feet; Thence South 00° 26' 58" West, 215.21 feet; Thence South 89° 32' 24" East, 575.00 feet to the Point of Beginning.

Hereafter known as Lot F, in Section 27, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 2.86 Acres and is subject to all easements of record.

WHEREAS, the final plats meet with the approval of the Board subject only to the following if any: none

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa Board of Supervisors that:

DESCRIPTION LOT E

THE SOUTH TWO HUNDRED EIGHTEEN FEET (S. 218') OF THE EAST FIVE HUNDRED SEVENTY-FIVE FEET (E. 575') OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE ¼ NW ¼) OF SECTION 27, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA.

Hereafter known as Lot E, in Section 27, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

DESCRIPTION LOT F

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE ¼ NW ¼) OF SECTION 27, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northwest Quarter (NW ¼) of said Section 27; Thence North 00° 26' 58" East, along the East line of said Northwest Quarter (NW ¼), 218.00 feet to the Point of Beginning; Thence continuing North 00° 26' 58" East, along said East line 218.00 feet to the South line of a previously described tract. Thence North 89° 49' 02" West, along said South line, 575.00 feet; Thence South 00° 26' 58" West, 215.21 feet; Thence South 89° 32' 24" East, 575.00 feet to the Point of Beginning.

Hereafter known as Lot F, in Section 27, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

is hereby accepted subject to the following if any: Lots J and L are not buildable lots based on floodplain coverage.

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of:

DESCRIPTION LOT E

THE SOUTH TWO HUNDRED EIGHTEEN FEET (S. 218') OF THE EAST FIVE HUNDRED SEVENTY-FIVE FEET (E. 575') OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE ¼ NW ¼) OF SECTION 27, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA.

Hereafter known as Lot E, in Section 27, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

DESCRIPTION LOT F

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE ¼ NW ¼) OF SECTION 27, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southeast (SE) Corner of the Northwest Quarter (NW ¼) of said Section 27; Thence North 00° 26' 58" East, along the East line of said Northwest Quarter (NW ¼), 218.00 feet to the Point of Beginning; Thence continuing North 00° 26' 58" East, along said East line 218.00 feet to the South line of a previously described tract. Thence North 89° 49' 02" West, along said South line, 575.00 feet; Thence South 00° 26' 58" West, 215.21 feet; Thence South 89° 32' 24" East, 575.00 feet to the Point of Beginning.

Hereafter known as Lot F, in Section 27, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

and copies of said finals plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 15th day of March, 2022.

/s/ Paul Merten, Chairman Board of Supervisors...../s/ Susan K. Lloyd, County Auditor

There being no further business, motion by Huseman, second by Ringgenberg, to adjourn the meeting at 10:00 a.m. until Tuesday, March 22 at 8:30 a.m. for a special meeting.