

**BOARD OF SUPERVISORS MEETING
FIFTEENTH MEETING, 2022 SESSION (15)
APRIL 5, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 5, 2022, at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Altena, Huseman, Ringgenberg, and Snyder and with Auditor Susan Lloyd as clerk for the meeting.

Unless otherwise indicated, all 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 Snyder, second by Huseman, to amend **today's agenda**, adding discussion of employer of record on two new hires for the Rolling Hills Mental Health Region. Carried.

Engineer Bret Wilkinson brought in three **utility permits** for the Board to consider, all for MidAmerican Energy, for the accommodation of buried conduit and fiber optic, in county right-of-way. Merten asked Wilkinson to add additional language on the permits, stating that at all crossings of tile lines with County right-of-way where the tile lines are damaged by the construction, maintenance, or repair of by MidAmerican Energy shall be repaired as directed by the County Engineer. Motion by Ringgenberg, second by Altena, to approve three **utility permits** of MidAmerican Energy, Western Springs, IL, for the accommodation of buried conduit and fiber optic along Hwy 71/130th Ave. in Section 6 Providence Township, to the intersection of 130th Ave. & Hwy 7/630th St., then along 630th St. from the intersection of 630th St. and 130th Ave. to the Newell city limits, and along 630th St. from 210th St. to 110th St., all for the transmission of fiberoptics. Carried.

Motion by Huseman, second by Altena, to approve the hiring of Andrew Allerdings as an **Equipment Operator I**, effective April 25, 2022, 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 eligible for any raises given by the Board of Supervisors. Carried.

Engineer Bret Wilkinson informed the Board that he advertised for seasonal workers and stated that he would like to have the seasonal workers try some other things, in addition to mowing. Wilkinson stated that two of the applicants have CDL's, and he would like the Board to consider a wage on 40 hours/week, with wages subject to experience, and consider if the person has their CDL. Wilkinson would like to hire 2-3 people, giving more flexibility, and suggested a wage of \$18-\$20/hour, depending on qualifications. Motion by Ringgenberg, second by Snyder, to allow the County Engineer to hire for **seasonal workers**, and determine the wage, based on their qualifications. Carried.

Secondary Road Report: They have switched to summer crews. Nine blade operators are running motor graders, blading gravel roads. Other crew members are hauling gravel to the various locations where they are blading; Wilkinson stated that the new truck is not back, still waiting for the wet kit to be put on it.

Danette Morgan, Training & Development Coordinator, Lutheran Service in Iowa, met with the Board, requesting that the Board consider signing a proclamation declaring April as Child Abuse Prevention Month. Motion by Ringgenberg, second by Altena, to approve and authorize the Board to sign the **Child Abuse Prevention Proclamation**. Carried.

The time arrived for the 3rd reading of Ordinance 6.8A Urban Renewal – Platinum, with Nick Bowdish (Platinum Crush), Jerry Osmoe (Contractor), and Kevin Jesse, in-person, and Env Health/Zoning Director Kim Johnson, KAYL, Angie Wilkinson (Conservation), E911 Coordinator Mark Van Hooser, and

Sheriff Kory Elston, present virtually. Motion by Snyder, second by Huseman, to approve the 3rd reading of **Ordinance #6.8A Urban Renewal-Platinum**, waiving the physical reading of the document. Ayes: Altena, Huseman, Merten, Ringgenberg, Snyder. Nays: None. Motion carried.

ORDINANCE NO. 6.8A

AN ORDINANCE PROVIDING THAT GENERAL PROPERTY TAXES LEVIED AND COLLECTED EACH YEAR ON **CERTAIN PROPERTY** LOCATED WITHIN THE PLATINUM URBAN RENEWAL AREA, IN BUENA VISTA COUNTY, STATE OF IOWA, BY AND FOR THE BENEFIT OF THE STATE OF IOWA, BUENA VISTA COUNTY, ALTA-AURELIA COMMUNITY SCHOOL DISTRICT, AND OTHER TAXING DISTRICTS, BE PAID TO A SPECIAL FUND FOR PAYMENT OF PRINCIPAL AND INTEREST ON LOANS, MONIES ADVANCED TO AND INDEBTEDNESS, INCLUDING BONDS ISSUED OR TO BE ISSUED, INCURRED BY THE COUNTY IN CONNECTION WITH THE PLATINUM URBAN RENEWAL AREA (**PLATINUM CRUSH PROPERTY**)

WHEREAS, the Board of Supervisors of Buena Vista County, State of Iowa, after public notice and hearing as prescribed by law and pursuant to Resolution No. 2022-03-15-A passed and approved on the 15th day of March, 2022, adopted an Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Platinum Urban Renewal Area (the "Urban Renewal Area"), which Urban Renewal Area includes the lots and parcels located within the area legally described as follows ("**Platinum Crush Property**"):

E 1/2 SW of Section 31, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

AND

The North Half of the West Half of the Southwest Fractional Quarter (N1/2 W1/2 SW Fr. 1/4) of Section Thirty-one (31), Township Ninety-one (91) North, Range Thirty-Seven (37) West of the 5th P.M. EXCEPT a parcel described as follows: Commencing at the Northwest (NW) Corner of the NW Fr. 1/4 of the SW Fr. 1/4 of said Section 31; thence at an assumed bearing of South 00°00' West along the west line of the said NW Fr. 1/4 of the SW Fr. 1/4, 862.48 feet to the point of the beginning; thence continuing along the West line South 00°00' West, 347.10 feet, thence North 90°00' East, 393.13 feet, thence North 00°00' East 347.10 feet, thence South 90°00' West, 393.13 feet to the point of the beginning. Tract contains 3.13 acres and is subject to all easements of record.

AND

The Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of the Section Thirty-One (31), Township Ninety-One (91) North, Range Thirty-seven (37) West of the 5th P.M., Buena Vista County, Iowa.

AND

The Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section Thirty-One (31), Township Ninety-One (91) North, Range Thirty-seven (37) West of the 5th P.M., Buena Vista County, Iowa.

AND

A Tract of land located in the North Fractional Half (N Frac. ½) of Section 31, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa and being more particularly described as follows:

Beginning at the Northwest (NW) Corner of the Northwest Fractional Quarter (NW Frac. ¼) of said Section 31; Thence South 89° 57' 17" East, along the North line of said Northwest Fractional Quarter (NW Frac. ¼), 1198.01 feet to the South line of the Chicago Central and Pacific Railroad; Thence South 67° 50' 30" East along said South line, 4517.72 feet to the East line of the Northeast Quarter (NE ¼); Thence South 00° 03' 40" East, along said East line, 947.32 feet to the South line of said Northeast Quarter (NE ¼); Thence North 89° 53' 49" West, along said South line 2651.74 feet to the Southeast (SE) Corner of the Northwest Fractional Quarter (NW Frac. ¼); Thence continuing North 89° 53' 49" West, along the South line of said Northwest Fractional Quarter (NW Frac. ¼), 2734.03 feet to the West line of said Northwest Fractional Quarter (NW Frac. ¼); Thence North 00° 03' 28" East, along said West line, 1974.03 feet, to the Southwest (SW) Corner of Lot A appearing of record as document number 973497 in the office of the Buena Vista County Recorder; Thence along a boundary common with said Lot A, the following five courses: North 89° 02' 58" East, 256.92 feet; thence North 40°58' 28" East, 102.02 feet; Thence North 02° 28' 47" East, 233.28 feet; Thence North 10° 07' 41" West, 204.32 feet; Thence North 85° 14' 13" West, 298.43 feet to the West line of said Northwest Fractional Quarter (NW Frac. ¼); Thence North 00° 03' 28" East, along said West line, 128.20 feet to the Point of Beginning. Hereafter known as Lot C of Section 31 Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa. Tract contains 241.41 acres and is subject to all easements of record.

EXCEPT:

A Tract of land located in part of Lot C in the Northwest Quarter of the Northwest Fractional Quarter (NW ¼ NW Frac. ¼) of Section 31, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa and being more particularly described as follows:

Commencing at the Northwest (NW) Corner of the Northwest Fractional Quarter of said Section 31; Thence on a previously recorded bearing of South 00° 03'28" West. along the West line of said Northwest Fractional Quarter (NW Frac. ¼), 128.20 feet to the Northwest (NW) Corner of Lot A, appearing of record as document no.973497 in the Buena Vista County Recorder's Office; Thence South 85° 14' 13" East, along the North line of said Lot A, 298.43 feet to the Northeast (NE) corner of said Lot A, being also the Point of Beginning of the tract to be described; Thence continuing South 85° 14' 13" East, 66.50 feet; Thence South 00° 03' 28" West 503.94 feet; Thence South 89° 02' 58" West, 106.83 feet to the eastern boundary of said Lot A, Thence along said eastern boundary the following courses: North 40°58' 28" East, 102.02 feet; Thence North 02° 28' 47" East, 233.28 feet; Thence North 10° 07' 41" West, 204.32 feet to the Point of Beginning. Hereafter known as Lot 1 of Lot C of Section 31, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa. Tract contains 0.53 acres and is subject to all easements of record; and

WHEREAS, expenditures and indebtedness are anticipated to be incurred by Buena Vista County, State of Iowa, in the future to finance urban renewal project activities carried out in furtherance of the objectives of the Urban Renewal Plan; and

WHEREAS, the Board of Supervisors of Buena Vista County, State of Iowa, desires to provide for the division of revenue from taxation on the **Platinum Crush Property** of the Urban Renewal Area, as above described, in accordance with the provisions of Section 403.19 of the Code of Iowa, as amended. [Note: The **Platinum Crush Property** is the only portion of the Urban Renewal Area that will be included in this TIF Ordinance. If other parcels in the Area develop (increase in value) in the future, the County may adopt a separate TIF ordinance(s) on other parcels/areas within the Urban Renewal Area. Therefore, the

various TIF ordinances in this Urban Renewal Area will have different frozen bases and different expiration dates.]

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

That the taxes levied on the taxable property in the **Platinum Crush Property** of the Urban Renewal Area legally described in the preamble hereof, by and for the benefit of the State of Iowa, Buena Vista County, Alta-Aurelia Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the **Platinum Crush Property** of the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which Buena Vista County, State of Iowa, certifies to the Auditor of Buena Vista County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid.

That portion of the taxes each year in excess of the base period taxes determined as provided in Section 2 of this Ordinance shall be allocated to and when collected be paid into a special tax increment fund of Buena Vista County, State of Iowa, hereby established, to pay the principal of and interest on loans, monies advanced to, indebtedness, whether funded, refunded, assumed or otherwise, including bonds or obligations issued under the authority of Section 403.9 or 403.12, Code of Iowa, as amended, incurred by Buena Vista County, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area pursuant to the Urban Renewal Plan, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, Code of Iowa, and taxes for the instructional support program of a school district imposed pursuant to Section 257.19, Code of Iowa, (but in each case only to the extent required under Section 403.19(2), Code of Iowa); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under Section 346.27(22), Code of Iowa, related to joint county-city buildings; and (iv) any other exceptions under Section 403.19, Code of Iowa, shall be collected against all taxable property within the **Platinum Crush Property** of the Urban Renewal Area without any limitation as hereinabove provided.

Unless or until the total assessed valuation of the taxable property in the **Platinum Crush Property** of the Urban Renewal Area exceeds the total assessed value of the taxable property in the **Platinum Crush Property** of the Urban Renewal Area as shown by the assessment roll referred to in Section 2 of this Ordinance, all of the taxes levied and collected upon the taxable property in the **Platinum Crush Property** of the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

At such time as the loans, advances, indebtedness, bonds and interest thereon of Buena Vista County, State of Iowa, referred to in Section 3 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the **Platinum Crush Property** of the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19, Code of Iowa, as amended, with respect to the division of taxes from property within the **Platinum Crush Property** of the Urban Renewal Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law, it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19, Code of Iowa, with reference to the **Platinum Crush Property** of the Urban Renewal Area and the territory contained therein.

This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 5th day of April 2022.

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

First reading 3-22-2022, Second reading 3-29-2022, Third reading 4-5-2022

Lanny Freight, CR3 Connect, **Heartland Greenway Project**, stopped in to introduce himself to the Board, and left his contact information. Freight stated that the civil surveying is done, and they will be starting the cultural surveying in a few weeks. Freight stated that they plan to file permit applications and the end of summer.

Conservation Director/Weed Commission Greg Johnson presented the annual noxious weed resolution. Motion by Snyder, second by Ringgenberg, to approve **Resolution #2022-04-05-A**, Public Notice Destruction of Noxious Weeds & Fines Assessed, and to authorize the Chair to sign. Carried.

RESOLUTION #2022-04-05-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, 2022 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, 2022, for Leafy Spurge and Musk Thistle.

Group 2. July 1, 2022, for Canada Thistle and Field Bindweed.

Group 3. August 1, 2022, 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 labels 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 is 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 5th day of April 2022.

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

Conservation Director/Weed Commissioner Greg Johnson gave his **department updates**. Bait Shop—they opened last Friday, hours Noon-6:00 p.m. Fri-Sun, and then Memorial Day they switch to summer hours until Labor Day, open 10:00 a.m. – 6:00 p.m. Weed Department—they have been busy. They attended a roadside conference. Seed has been ordered, to plant 15 acres in roadside areas. They will be attending a burn coop training the first week of May. Conservation—they have been tree trimming in the campground area. The facility has been busy. Johnson stated that the 100% design for the Linn Grove Dam was done in January and submitted. Army Corps says they need a separate FEMA permit. FEMA has 90 days from now to approve the alternative project. The Army Corps is taking public comments till April 15, and Johnson hopes that by July/August, it will go to bid. Johnson stated that the project was estimated first to be \$7.5 million, but now, with inflation, the cost is estimated at \$11.5 million. Johnson has had two meetings with the DNR, regarding the marina, and ICAP has toured it. The DNR will be operating slips and rentals this season and making repairs to docks. Johnson stated that negotiations are continuing.

County Attorney Paul Allen was present for his appointment. Motion by Huseman, second by Snyder, to go into **closed session** (at 10:10 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. Ayes: Altena, Huseman, Merten, Ringgenberg, Snyder. Nays: None. Motion carried.

Motion by Altena, second by Snyder, to go out of **closed session** at 10:35 a.m. Carried.

Drainage Engineer Brian Blomme met with the Board to discuss the MidAmerican's utility permits to install fiber optics from Storm Lake to Fort Dodge. Blomme stated that they will be in road right-of-way in BV County, and they will be crossing 13 different drainage district facilities. Blomme has a permit, which is used in Calhoun and Sac counties, and has had MidAmerican sign this permit, which shows clearances required. Motion by Snyder, second by Ringgenberg, to approve and authorize the Chair to sign the **permits** for MidAmerican, to install their fiber optics in Buena Vista County, as they proceed to Fort Dodge, crossing 13 different drainage district facilities. One permit will be kept with the drainage files, and the other permit will be sent to MidAmerican. Carried.

Drainage Engineer Brian Blomme informed the Board that the natural channel of **DD #49** outlets at the county line, and there is a lot of beaver activity. Blomme stated that Sac County doesn't have an open bounty to pay for beavers trapped on the natural channel. Blomme stated that he would like to have the district pay a bounty for the beaver near the DD #49 outlet, even though it is in Sac County, to relieve the drainage tile. The consensus of the Board was to allow the payment of beaver bounty for those trapped in the DD #49 outlet area, in Sac County, and to bill DD #49 for the cost.

Drainage Engineer Brian Blomme informed the Board that landowner Gary Balder contacted him, stating that when **DD #34 Lat 2** was cleaned out in in 2007-2008, there was a stretch of 3 miles that was not included in the cleanout. Balder informed Blomme that there was unlevelled spoil on his property that needs to be leveled. Blomme asked the Board if the work should be done and charged to the district, or have a cost share split with the landowner, or to allow the landowner to level the spoil out, to the district's specifications, at the landowner's expense. The consensus of the Board was to ask Balder to wait for another project to come up for the district, or have the landowner level the spoil, to the district's specifications, at the landowner's expense.

Hear the Public: Env Health/Zoning Director Kim Johnson stopped in to inform the Board of a permit for Windy Sow, in Section 34 Coon Township. They will be adding another building, but no additional animal units, so there is nothing that is required of the Board. Johnson also informed the Board that Jason Butler will be leaving her office, as he took a State Inspector position with DIA. Butler's last day will be April 19.

Motion by Ringgenberg, second by Snyder, to approve the **minutes** of 3/29/22, as corrected, and the following **reports:** Jan-Mar 3rd Judicial District Dept. of Correctional Services Report of Operations, March Sheriff's Report of Fees Collected, February Rolling Hills Community Services Region Governance Board minutes, and FY'20 Rolling Hills Community Services Region Audit Report. Carried.

Motion by Huseman, second by Altena, to approve the Class C **Liquor License**, Outdoor Service & Sunday Sales, for The Little Sioux Golf and Country Club. Carried.

Motion by Ringgenberg, second by Snyder, to authorize the Auditor to **void and reissue check** #314067 to Lynette Goodman, dated 2/1/2022 for \$31.56. Carried.

Chairman Merten began the discussion of **employer of record** for the two new hires for the Rolling Hills Mental Health Region. Merten stated that normally, wherever the employee lives within the Region, that county is the employer of record, except for CEO Dawn Mentzer, who lives in Sac County, but was already an employee of BV County when the Region started. One of the two new hires lives in Pocahontas County, the other in Buena Vista County. Merten stated that Pocahontas County would prefer not to be the employer of record. Merten stated that unemployment and liability insurance would be reimbursed to the county of record. The consensus of the Board was to be okay with being the employer of record for the two new hires of the Rolling Hills Mental Health Region.

There being no further business, motion by Snyder, second by Huseman, to adjourn the meeting at 11:44 a.m. until Tuesday, April 12 at 8:30 a.m. for a regular meeting.