

**BOARD OF SUPERVISORS MEETING
TWENTY FIRST MEETING, 2022 SESSION (21)
MAY 17, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, May 17, 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 Ringgenberg, second by Huseman, to approve **today's agenda**. Carried.

Engineer Bret Wilkinson presented the title sheet for Project STBG-SWAP-CO11(116)--FG-11 bridge replacement. Wilkinson stated that the letting is scheduled for August 16 with IDOT. Motion by Ringgenberg, second by Snyder, to approve and authorize all of the supervisors to sign the title sheet for **Project STBG-SWAP-CO11(116)--FG-11** bridge replacement. Carried.

Engineer Bret Wilkinson informed the Board that FSA shows the Whitney Pit listed as one parcel in their system, when actually BV County owns the north half and Clay County owns the south half of the property. FSA is requesting paperwork be signed for their records, so that they can show the split in the parcel. Motion by Huseman, second by Altena, to approve and authorize the Chair to sign the **Farm Reconstitution form for FSA** on the Whitney Pit property, in order for their records to correctly show the split in ownership. Carried.

Engineer Bret Wilkinson informed the Board that he received notice from the company that he ordered the two dump truck chassis from, stating that they were adding **surcharges** on everything that hasn't been produced yet. The original quote that the Board approved on March 4 was \$273,572 for two dump truck chassis. Wilkinson stated that the new quote is for \$285,172, which includes a surcharge of \$5,800 for each truck. Wilkinson stated that this is the first time he has seen a surcharge on anything, but knows that other counties have seen surcharges, but not as much as the \$5,800 per truck. The consensus of the Board was to have the engineer contact the salesman, to ask more questions, and to find out what the future holds, will there be additional surcharges. Wilkinson will contact the salesman and report back to the Board next week.

Secondary Road Report: The crew has been hauling gravel, installing driveways, and doing storm cleanup from last Thursday.

Heidi Kuhl, Northland Securities, was present to review the **Official Statement**, which was prepared outlining the details of the proposed sale of the General Obligation Capital Loan Notes. The Notes would provide the funds to pay the costs of aiding of the planning, undertaking, and carrying out of urban renewal projects, including projects for the construction, reconstruction, improvement, repair, or equipping of roads as set forth in the Platinum Urban Renewal Plan. Kuhl stated that these would be 20-year bonds, and that the county would be using TIF dollars, based on the Development Agreement with Platinum Crush. Board Member Ringgenberg introduced the following resolution entitled "RESOLUTION APPROVING OFFICIAL STATEMENT", and moved that the resolution be adopted. Board Member Snyder seconded the motion to adopt. The roll was called, and the vote was: Ayes: Altena, Huseman, Merten, Ringgenberg, Snyder. Nays: None. Whereupon, the Chairperson declared the resolution duly adopted as follows:

RESOLUTION #2022-05-17-A
RESOLUTION APPROVING OFFICIAL STATEMENT

WHEREAS, in conjunction with its Underwriter, Northland Securities, the County has caused an Official Statement to be prepared outlining the details of the proposed sale of the Notes.

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

Section 1. That the preliminary Official Statement in the form presented to this meeting be and the same hereby is approved as to form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission, subject to such revisions, corrections or modifications as the Chairperson and Auditor, upon the advice of bond counsel and the County’s Underwriter, shall determine to be appropriate, and is authorized to be distributed in connection with the offering of the Notes for sale.

PASSED AND APPROVED this 17th day of May, 2022.

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

County Attorney Paul Allen informed the Board that he had prepared a **release agreement** with the City of Linn Grove, regarding the bridge project. The City of Linn Grove was concerned that they would be liable for additional costs for the project, but Allen stated that since it is a Farm-to-Market Road, the city would not be liable for additional costs. Allen stated that the release agreement was no longer needed, so no action by the Board needed to be taken.

County Attorney Paul Allen discussed with the Board, the proposed **Rolling Hills Memorandum of Understanding (MOU)**. CEO Dawn Mentzer, Rolling Hills Mental Health Region, was also present for the discussion. Allen stated that the MOU or a new 28E Agreement was needed to address the changes created by SF619. Allen stated that he had concerns regarding the MOU that was presented, which he reviewed with the Board and Mentzer. Mentzer will take Allen’s concerns back to the Governance Board, to make changes or clarify areas of the MOU, and discuss with the other members of the Rolling Hills Mental Health Region.

County Attorney Paul Allen was present for his appointment. Motion by Snyder, second by Huseman, to go into **closed session** (at 10:05 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 Snyder, second by Ringgenberg, to go out of **closed session** at 10:40 a.m. Carried

Conservation Director/Weed Commissioner Greg Johnson was present to give **department updates**. Conservation—All of the parks and campgrounds are open, and they have been busy. The department has worked with 38 firefighters and the DNR in order to do some prescribed burning. They have been mowing. One seasonal employee has started, and the other two that were offered jobs have backed out. The Naturalist has been busy with outdoor classroom events. Still waiting for FEMA to approve the alternative plans for the Linn Grove Dam project. Johnson is still having general conversations with the DNR regarding the marina. Weed Department—They have been helping with the prescribed burning. They are getting the spray equipment ready and calibrated. Spraying will start in the north part of the county. They are working on grant applications that are due the end of the month. Bait Shop—They have been open but are having a hard time keeping bait stocked.

Conservation Director Greg Johnson discussed with the Board the ARPA funds that he had been approved to use for the BV County Park restroom project. Johnson stated that IA Lakes Regional Water would like to know now whether to run pipe for water to the Bur Oak Campground. Johnson asked the

Board to allow him to use \$48,000 for IA Lakes Regional Water to install pipe for water to the Bur Oak Campground at this time. Motion by Snyder, second by Altena, to approve **ARPA funds** to be used for the Bur Oak Campground, installation of water pipe by Iowa Lakes Regional Water, instead of the Conservation Park restroom project at this time. Carried.

Conservation Director/Weed Commissioner Greg Johnson requested the budgeted transfer of \$10,000 from General Basic to Conservation Land Acquisition Trust Fund. Motion by Huseman, second by Ringgenberg, to authorize the Auditor to **transfer** \$10,000 from the General Basic Fund to Conservation Land Acquisition Trust Fund, which is in the current budget. Carried.

Motion by Snyder, second by Huseman, to approve the **minutes** of 5/10/22, as corrected, and the following **reports**: April 2022 Conservation Board Meeting Minutes, April 2022 Landfill Meeting Minutes, May 2022 Solid Waste Commission Agenda, FY2023-25 Solid Waste Commission Regulatory Acceptance Proposal, FY 2023-25 Sanitary Landfill Annual Services Proposal, and April 2022 Veteran's Affairs Commissioner Minutes. Carried

The Board recessed their meeting at 10:55 a.m. until 1:15 p.m. for a public hearing.

The Board resumed their meeting at 1:15 p.m. Altena did not return to the meeting.

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

The Chairperson announced that this was the time and place for the **public hearing** and meeting on the matter of the authorization of a Loan Agreement and the issuance of Not to Exceed \$4,800,000 General Obligation Capital Loan Notes, of Buena Vista County, State of Iowa, in order to provide funds to pay the costs of aiding of the planning, undertaking, and carrying out of urban renewal projects under the authority of chapter 403, including projects for the construction, reconstruction, improvement, repair, or equipping of roads as set forth in the Platinum Urban Renewal Plan, adopted on March 15, 2022, for essential county urban renewal purposes, and that notice of the proposed action by the Board to institute proceedings for the authorization of the Loan Agreement and the issuance of the Notes and the right to petition for an election had been published as provided by Sections 331.402, 331.443 and 403.12 of the Code of Iowa, and the Chairperson then asked the County Auditor whether any petition had been filed in the Auditor's Office, as contemplated in Section 331.306 of the Code of Iowa, and the Auditor reported that no such petition had been filed, requesting that the question of issuing the Notes be submitted to the qualified electors of the County.

The Chairperson then asked the Auditor whether any written objections had been filed by any resident or property owner of the County to the issuance of the Notes. The Auditor advised the Chairperson and the Board that no written objections had been filed. The Chairperson then called for oral objections to the issuance of the Notes and none were made. Whereupon, the Chairperson declared the time for receiving oral and written objections to be closed.

Whereupon, the Chairperson declared the hearing on the authorization of entering into a Loan Agreement and the issuance of the Notes to be closed.

The Board then considered the proposed action and the extent of objections thereto.

Whereupon, Board Member Huseman introduced and delivered to the Auditor the Resolution hereinafter set out entitled "**RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$4,800,000 GENERAL OBLIGATION CAPITAL LOAN NOTES**", and moved: that the Resolution be adopted. Board Member Snyder seconded the

motion. The roll was called, and the vote was, Ayes: Huseman, Merten, Ringgenberg, Snyder. Nays: None.

Whereupon, the Chairperson declared the measure duly adopted.

RESOLUTION #2022-05-17-B

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$4,800,000 GENERAL OBLIGATION CAPITAL LOAN NOTES

WHEREAS, pursuant to notice published as required by law, the Board of Supervisors has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan Agreement and the issuance of Not to Exceed \$4,800,000 General Obligation Capital Loan Notes, for the essential county urban renewal purposes, in order to provide funds to pay the costs of aiding of the planning, undertaking, and carrying out of urban renewal projects under the authority of chapter 403, including projects for the construction, reconstruction, improvement, repair, or equipping of roads as set forth in the Platinum Urban Renewal Plan, adopted on March 15, 2022, and has considered the extent of objections received from residents or property owners as to the proposed issuance of Notes; and no petition was filed calling for a referendum thereon. The following action is now considered to be in the best interests of the County and residents thereof.

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

Section 1. That this Board does hereby institute proceedings and take additional action for the authorization and issuance in the manner required by law of Not to Exceed \$4,800,000 General Obligation Capital Loan Notes, for the foregoing essential county urban renewal purposes.

Section 2. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Notes. The amounts so advanced shall be reimbursed from the proceeds of the Notes not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

PASSED AND APPROVED this 17th day of May, 2022

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

There being no further business, motion by Ringgenberg, second by Snyder, to adjourn the meeting at 1:35 p.m. until Tuesday, May 24 at 8:30 a.m. for a regular meeting.