

**BOARD OF SUPERVISORS MEETING
FIRST MEETING, 2022 SESSION (1)
JANUARY 3, 2022**

The Buena Vista County Board of Supervisors met for the first meeting of the 2022 session on Monday, January 3, 2022 at 8:30 A.M. in the Boardroom with Chairman Snyder presiding, and the following other members present: Huseman, Merten, and Ringgenberg, and with Deputy Auditor Sharon Henkel as clerk for the meeting. Absent: Altena.

Prior to the start of today's meeting, Supervisors Merten and Huseman completed the **count of cash in the Treasurer's** office.

Motion by Ringgenberg, second by Merten, to approve today's agenda as printed. Carried.

Motion by Merten, second by Huseman, to approve the **minutes** of the 12/28/21 meeting as printed. Ayes—Huseman, Merten, Ringgenberg, and Snyder. Nays—none. Carried.

Motion by Ringgenberg, second by Merten, to adjourn the **2021 session**. Ayes—Huseman, Merten, Ringgenberg, and Snyder. Nays—none. Carried.

The first order of business for the 2022 session was election of the Chairman of the Board and Vice-chair. Chairman Snyder called for nominations for **Chairman of the Board of Supervisors** and for **Vice-Chairman**. Motion by Huseman, second by Ringgenberg, to nominate Merten as Chairman of the Board of Supervisors and Snyder as Vice-Chairman for 2022. The vote on the Chairman and the Vice-Chairman was: Ayes—Huseman, Merten, Ringgenberg, Snyder. Nays—none. Carried.

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

Motion by Huseman, second by Ringgenberg, that **Robert's Rule of Order Revised** (2011) shall govern the proceedings of the Buena Vista County Board of Supervisors, including the use of a second for all motions. Carried.

Official Newspapers

Having received a request for official newspaper designation from each, motion by Ringgenberg, second by Snyder, to designate the following as official newspapers for legal publications for 2022: Storm Lake Pilot-Tribune, The Storm Lake Times, and Buena Vista County Journal, and to direct the Auditor to publish all motions of the Board, any actions resulting in a consensus of the Board, on a quarterly basis - the list of claims paid from the minutes of the Board meetings, and annually - the list of salaries paid. Carried.

Secondary Road Report: County Engineer Bret Wilkinson addressed the board today seeking guidance on signage on 90th Avenue, north of Hwy 7, which will be the road for entering into the new **Early Education School** opening up tomorrow January 4, 2022. He suggested dropping the speed limit on 90th Avenue from 55 mph to 35 mph and then to 25 mph when sign is flashing. This would require the need to purchase a flashing 25 mph speed sign which has its own control box for the west side of the road traveling south. It was suggested that it would be good if the school could be the operator of the control box similar to how it is up by Sioux Central School in Sioux Rapids. They need to decide good placement of the sign as well. The city of Storm Lake would obviously put in the same type of flashing

speed sign with control box on the south side of the Early Education School for north bound traffic. Bret suggested having a stepdown sign of 45 mph after the 55 mph so no one is slamming on their brakes to slow down. Merten suggested that the entire stretch of 90th Ave from C49 to Hwy 7 be reduced to 45 mph. The expense should not be all county but the signage project should be shared between county, city and school. We also cannot have any parents parking on the highway itself to drop off their children. The parking lot at the school will need to accommodate drop off. The City of Storm Lake has jurisdiction over the east side of road traveling north and the county has jurisdiction over the west side of the road traveling south. Bret has already met with the city regarding the matter. He will move forward on the project. He also would like to redo our road maintenance agreement with the City of Storm Lake. Bret has made a verbal agreement with the city, that they begin maintenance of 90th Ave from Hwy 7 to C49 beginning February 1st. The department is working on equipment, still cleaning up some tree debris from the tornado. Aimee Barritt said we did meet thresholds for the state help but the state is still doing their fact-finding process to determine the amount of help we get. They are blading gravel roads. They received their new CAT motor grader last Thursday. They are working on the getting the stickers on and installing the radio communications. They are still taking applications for Equipment Operator 1 until January 12, 2022. Bret will get quotes for lighting up the intersection at C25 and Hwy 71 at Rembrandt Enterprises.

Emergency Management Director, Aimee Barritt, presented her FY'23 funding request. Barritt is requesting \$61,000 for **Emergency Management** and \$22,000 for Hazmat. The Emergency Management Agency added the fee for the WENS system to their budget, as the State of Iowa informed 911 that they can no longer pay for it from the 911 budget. The Hazmat contract is with Sioux City Fire for \$1/person based on the 2020 population. The contract runs through 2027. Barritt updated the Board on activities her agency has been involved with over the past year and on initiatives for the coming year.

Buena Vista County EMS Association President, Kirk Reetz, presented their FY'23 funding request. Reetz thanked the Board for their support and is asking for \$10,000, which is the same as the current year. The funds they receive from the county is primarily allocated for EMS provider training in the county. The EMS Association pays for initial education, as well as the continuing education required to maintain certification. They also have a need to purchase some training aids and equipment. Barritt stated they are investigating the EMS as an Essential Service legislation as a tool to aid in increasing and maintaining EMS provider numbers in BV County. Reetz said it is a struggle statewide to find providers. EMA Director Aimee Barritt stated that EMS is doing a great job finding resources and working together during this time. The Board thanked Reetz, and stated that they appreciate all they do.

Board Member Kelly Snyder then introduced the following proposed Resolution entitled "A RESOLUTION IN SUPPORT OF THE PROPOSED TERMS TO BE INCLUDED IN AN AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN BUENA VISTA COUNTY AND PLATINUM CRUSH, LLC", and moved that the same be adopted. Board Member Rhonda Ringgenberg seconded the motion to adopt. The roll was called and the vote was Ayes: Snyder, Ringgenberg, Merten, Huseman. Nays: None.

Whereupon, the Chairperson declared the Resolution duly adopted as follows:

RESOLUTION NO. 2022-01-03-A

A RESOLUTION IN SUPPORT OF THE PROPOSED TERMS TO BE INCLUDED IN AN AGREEMENT FOR PRIVATE DEVELOPMENT BY AND BETWEEN BUENA VISTA COUNTY AND PLATINUM CRUSH, LLC

WHEREAS, Platinum Crush, LLC (“Developer”) has proposed to invest in excess of \$350,000,000 to construct a soybean crush plant within a proposed urban renewal area in Buena Vista County, Iowa (“County”) and to create high quality jobs to be employed therein (the “Project”); and

WHEREAS, Developer has applied or plans to apply to the Iowa Economic Development Authority (“IEDA”), under its High Quality Jobs Program (“HQJP”), for tax credits for the Project, which program requires a local match for the Developer to receive the IEDA tax credits; and

WHEREAS, Developer has proposed a development agreement with the County (“Development Agreement”) pursuant to which the County would construct certain Public Improvements and provide annual Tax Increment Financing (“TIF”) grants in support of the Project, which County incentives would serve as the local match for Developer’s application to the IEDA; and

WHEREAS, the County is willing to pursue the creation of a new urban renewal area for the promotion of commercial and industrial economic development to include, among other property, the Developer’s proposed site for the Project (“Development Property”); and

WHEREAS, the County intends to utilize its powers under the urban renewal law to support the development of the Project, subject to certain conditions to be set forth in a detailed Development Agreement.

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

Section 1: That the County proposes to support the Project as follows, contingent on the conditions in Section 2:

1. The County paving and updating the 4 miles of roads directly surrounding the Development Property; specifically including approximately 2.1 miles of 70th avenue from C63 (610th St) north to Hwy 7 and approximately 1.75 miles of 600th Street and 80th Ave from 70th Ave east then north to Hwy 7 (“Public Improvements”). The estimated costs for constructing the Public Improvements is \$4 million.
2. The payment of annual Economic Development Grants to Developer for up to twenty (20) years, each grant calculated pursuant to the following schedule:
 - a. 65% of the tax increment produced by the Project under Iowa Code Section 403.19 each year until the Project is fully assessed;
 - b. Each year thereafter through year 15, 100% of the tax increment produced by the Project under Iowa Code Section 403.19 in excess of \$195,000, which initial tax increment the County may use to retire any debt incurred for urban renewal projects in the urban renewal area; and
 - c. For years 16-20, 100% of the tax increment produced by the Project under Iowa Code Section 403.19 in excess of \$555,000, which initial tax increment

the County may use to retire any debt incurred for urban renewal projects in the urban renewal area.

The aggregate amount of Economic Development Grant payments to Developer shall not exceed \$12,000,000 and shall cease on the earlier of: (i) Developer has received the aggregate maximum amount of grants; (ii) when the County can no longer collect tax increment from the Development Property; (iii) 20 annual grants have been paid; or (iv) the Development Agreement is terminated under its terms. (Note that the grants shall be made solely from the incremental property tax revenue produced by the Project, and that the actual amount of incremental taxes granted to Developer as rebates is dependent on the assessed value of the completed development, tax rates, tax laws, tax payments, and other factors; depending on these variables, the aggregate grants to the Developer may not reach the stated maximum.). Payment of the Economic Development Grants will be subject to annual appropriation and will be conditioned on all of the following conditions:

- i. Developer completing any County processes required for the Development Property to be used as proposed by the Project, including, but not limited to, rezoning of the Development Property (if needed) and issuance of all necessary County permits for the Project;
- ii. Developer completing the Project pursuant to the terms of the Development Agreement on or before December 31, 2024;
- iii. A Minimum Assessment Agreement has been executed by all necessary parties and signatories and properly recorded, which agreement establishes a minimum assessed value for the Project and Development Property of \$30,000,000, before rollback, by January 1, 2025; and
- iv. Developer complying with the terms of the Development Agreement at the time of payment, including compliance with stated jobs obligations.

Section 2: That the terms listed in Section 1 shall be subject to and conditioned on all of the following:

1. The Developer being an active entity registered with the Iowa Secretary of State.
2. The Developer's approval for tax credits from IEDA under the High Quality Jobs Program, and the Developer and IEDA entering into and complying with a state contract related to the Project and the receipt of tax credits.
3. The County completing all of the legislative processes necessary for the Development Property to be included in an urban renewal area of the County, following the County's completion of the adoption process for a new urban renewal plan that identifies the Development Agreement and the County's construction of the Public Improvements as urban renewal projects.
4. Completion of all County legislative processes (pursuant to Iowa's urban renewal law then in effect) necessary to adopt a TIF ordinance in the proposed urban renewal area.
5. The County completing all of the legislative processes necessary to borrow money for, bid, let, and cause the construction of the Public Improvements.

6. The inclusion of the terms listed in Section 1 into a Development Agreement between the County and Developer to be drafted by the County's counsel, including but not limited to, the above terms and other terms recommended by counsel; and the approval of the Development Agreement by the Board of Supervisors in its final form following all required legislative processes including a public hearing.

Section 3: That the County Auditor is hereby authorized and directed to proceed with the preparation of the necessary documents for the urban renewal plan and the Development Agreement, and to take other actions consistent herewith, including signing an application in support of Developer receiving tax credits from the IEDA under the HQJP for the Project consistent with the terms set forth herein.

PASSED AND APPROVED this 3rd day of January, 2022.

/s/ Paul Merten, Chair, Board of Supervisors..... /s/ Sharon Henkel, 1st Deputy County Auditor

Motion by Ringgenberg, second by Huseman, to approve today's **claims approval list**, and the following **reports**: November Board of Health minutes. Carried.

Motion by Snyder, second by Ringgenberg, to authorize the Chair to sign the Notice of Appointment of Tom Huseman to serve on the Board of Directors of the **Third Judicial District Department of Correctional Services** for the calendar year 2022. Carried.

Matrix Construction Evaluation

Motion by Rhonda, second by Huseman, to approve and to authorize the Chair to sign **Resolution 2022-01-03-B** adopting the matrix construction evaluation process. Carried.

RESOLUTION #2022-01-03-B CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2022 and January 31, 2023 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Buena Vista County that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

BE IT FURTHER RESOLVED that the Buena Vista County Environmental Health Department is hereby designated as the contact persons for the county for DNR site investigations for animal confinement building construction applications.

PASSED AND APPROVED this 3rd day of January, 2022.

/s/ Paul Merten, Chair, Board of Supervisors..... /s/ Sharon Henkel, 1st Deputy County Auditor

Discussion began on the **Buena Vista County Vaccination, Testing, and Face Covering Policy**. Merten added that he had concern that employees would have difficulty finding tests available for the start of testing on February 10. He stated that the board may want to make an adjustment to the policy once testing actually begins but knows we need to approve policy today. Payroll Clerk Yvonne Sandhoff will send out the policy to department heads today. Motion by Ringgenberg, second by Huseman to approve the **Buena Vista County Vaccination, Testing, and Face Covering Policy** as written, until we find out more on any testing changes. Ayes: All. Nays: None. Carried.

Discussion began on the **Memorandum of Agreement with the City of Storm Lake regarding Precinct 3**. Election Deputy Karla Ahrendsen explained that the need for this is because of one census block that was missed, that had incorporated, and to let all of those people within that census block, to vote in this precinct. Motion by Snyder, second by Huseman to authorize the chair to sign the **Memorandum of Agreement with the City of Storm Lake regarding Precinct 3**. Carried.

Motion by Ringgenberg, second by Snyder, to approve the 1st Reading of **Ordinance No. 1.6 Voting Precincts** and to set the 2nd Reading of Ordinance No. 1.6 Voting Precincts for Friday, January 7, 2022 at 8:45 am. Carried.

Dick Aronson of the **Albert City Historical Association** presented their FY'23 funding request. They are requesting \$1,000 same as current year. They plan to replace soffit panels on the depot building, continue upkeep and use for expenses to operate the museum and to continue to encourage tourism. They have sent out mailers for donations with most of their money coming from local and private donations. He expressed that during fundraisers, rather than put a price on a meal, they now ask for free will offerings which do tend to raise a lot of money. People are very generous. He thanked the board for their continued support.

Motion by Snyder, second by Huseman that Buena Vista County is the **Employer of Record** for the Rolling Hills CEO Dawn Mentzer thru June 30 of Fiscal Year 2023. Carried.

Motion by Ringgenberg, second by Huseman to approve the **Hotel Reimbursement & Human Trafficking Policy** which applies to county employees wanting reimbursement for hotels they stay in while under County employment for meetings and training. Carried.

Chairman Merten asked if there was anyone online that wished to be heard during **Hear the Public**, with no response.

Board Appointments

Motion by Ringgenberg, second by Snyder, to appoint the following persons as delegates and representative to the committees, commissions and boards as noted for 2022, with changes and pending any changes that may need to be made at a later date. and to designate all of the remaining Supervisors as alternates:

Snyder–delegate, Huseman—alternate, to the **Local Emergency Management Commission** (Chapter 29C.9).

Snyder-representative, Huseman—alternate, to the **Region III Local Emergency Planning Council (LEPC)**.

Snyder-representative, Huseman—alternate, to the **Buena Vista E-911 Service Board**.

Altena–delegate, Huseman—alternate, to the **Buena Vista Solid Waste Commission**.

Huseman and Altena-representatives, to the **Lake Improvements Commission**.

Merten to the **Friends of Little Lake Discovery Center Board**.

Ringgenberg–representative, to the **3-County Early Childhood Iowa Board**,

Ringgenberg–representative, to the **Buena Vista Local De-Cat Board**.

Ringgenberg-representative, to the Board of Directors of the **Storm Lake United Development Board**.

Chairman and Vice-Chairman as ex-officio members of the board of **Storm Lake United Economic Development Revolving Loan Fund**.

Huseman-delegate, to the **Iowa Lakes Corridor Development Corporation**.

Snyder-County representative to the **Regional Workforce Investment Board**.

Bret Wilkinson, technical representative, Justin Anderson-alternate, to the **Region 3 RPA Transportation Technical Committee**, Merten–Board's representative, all other board members as alternates, to the **Region 3 RPA Transportation Alternatives Committee**.

Huseman-representative, to the **Administrative Board of Directors of the 3rd Judicial District Department of Correctional Services**.

Snyder--representative, Huseman-alternate, to the **NW IA Juvenile Detention Center (YES)**.

Merten-representative, to the **Central Iowa Juvenile Detention Center**.

Becki Drahota, Don Diehl, and Sara Monroy Huddleston, to the **Judicial Magistrate Appointing Commission** for 6-yr terms expiring 12/31/2026.

Tom Ryherd (12/31/23), Don Diehl (12/31/23), and Dave Patton-appointed by the County Attorney (12/31/25) to the **BV County Civil Service Commission**. (341A.2)

Donnie Skou-representative, to the **Regional Housing Authority** until 12/31/2022.

Huseman and Steve Jimmerson to the **Northwest Iowa Regional Housing Trust Fund**.

Merten-as the Board representative on the **BV County Coop/COG Planning Committee** (Continuity of Operations).

Altena-delegate, to the **Upper Des Moines Opportunity, Inc. Board**.

Snyder-delegate, to the **NW Iowa Planning and Development Commission**.

Dale Arends-citizen representative to the **NW Iowa Planning and Development Commission**.

Snyder-representative, to the **S.H.I.E.L.D. Board**.

Merten-as a non-voting member of the **Plains Area Mental Health Board**.

Merten-representative, to the **Rolling Hills Community Services Region Governance Board**.

To the County **Safety Committee** (including the Right-to-Know program): Altena, Kory Elston, Bruce McGowan (as Bret Wilkinson's designee), Ron Reckamp, Justin Anderson, Stephanie Anderson, Joe Keller, Steve Haldin, Yvonne Sandhoff, Greg Johnson, Aimee Barritt, Tyler Van Houten, Dave Andrews, Jerilyn Sahr, Connie Jesse, and Brian Blomme, with Mike Raner as Safety Coordinator.

Snyder-delegate, to the **Regional Transit Board (RIDES)**.

Huseman and Breanna Horsey-delegates to the **Western Iowa Tourism Council**.

Gary Armstrong as the Buena Vista County **Drainage Attorney**.

Snyder-delegate, to the **Drainage District #181, #274, #14-42, #22, & #150 Interim Boards**.

Merten as Buena Vista County **Equal Employment Opportunity Officer**.

Chairman-representative, for all county **labor negotiations**.

Danelle Haberman, Don Altena, and Susan Lloyd to the Buena Vista County **Deferred Compensation Board**.

Bret Wilkinson, Kory Elston, Kim Johnson, Paul Merten, and Kelly Snyder to the **Weather Committee**.

Board of Supervisor's Chair, Bret Wilkinson, Kory Elston, Danelle Haberman, Susan Lloyd, and Yvonne Sandhoff as members of the **Personnel Committee** (includes employee handbook updates).

Sheriff, Bldg/Grounds Supt., County Auditor, County Attorney, Clerk of Court, Member of the Board of Supervisors (Snyder), and Associate District Judge Andy Smith to the **Courthouse/Judicial Security Committee**.

Curt Reis, Susan Lloyd, Joe Keller, Bret Wilkinson, and Merten, to the **Buena Vista County Facilities Committee**.

Merten–Board’s representative for **Whitney Pit Farm and South Hayes Pit Farm** for leases and Merten and Bret Wilkinson for grain sales at the South Hayes Pit.

Susan Lloyd-**ADA Coordinator**.

Julie Sather, Dawn Mentzer, Susan Lloyd, and Marty DeMuth as the **HIPAA Compliance Committee**, with Tyler Van Houten as the HIPAA Security Officer, and Tom Huseman as the Privacy Officer.

Joe Keller as the **Lock-out/Tag-out Program** Coordinator for the Courthouse, DHS Annex, E. Richland Annex, and Cayuga St. Annex.

Karen Crilly as the primary contact person, and Bret Wilkinson as the secondary contact person for **Drug and Alcohol Testing Alliance**.

Kim Johnson as Buena Vista County **Zoning Administrator**.

Planning & Zoning Commission members: Kyle Hansen, Richard Marshall, Gary Sundblad, Marvin Engel, Melanie Anderson,

Zoning Board of Adjustment members with terms as follows: Richard Langner-12/31/26, Mitch Sievers-12/31/24, Greg Sundblad-12/31/22, Steve Lind-12/31/23, and Jason Meyer-12/31/25.

Dawn Mentzer to the **Cherokee MHI Advisory Council**.

Dr. Garrett Feddersen, **County Medical Examiner**, and Tim Speers-Chief Deputy Medical Examiner, and independent EMTs Greg Ebersole, Dave Patton & John Dahl, as **Deputy Medical Examiners** (Chapter 331.801). Terms expire 12-31-22.

Altena as representative, to the **BV County Trails Advisory Council**.

Rich Haldin (6-30-24), Pam Jacobson (6-30-22), 1 vacancy (6/30/23), (Nicole Diischer (6-30-24), and Gar Otto (6-30-24) to the **Veterans Affairs Commission** for the 2022 year, and until their terms expire (Chapter 35B).

Bret Wilkinson--**Title VI Coordinator**

Bret Wilkinson as **County Engineer** and authorized to close roads as necessary.

Greg Johnson as **Weed Commissioner**.

Brian Jones as **Deputy Weed Commissioner**.

Local Board of Health-members with 3-yr. terms as follows: Dr. Scott Wulfekuhler-12/31/22, Julie Sievers-12/31/24, Peg Hinkeldey-12/31/23, Rhonda Ringgenberg-12/31/23 and Jon McKenna-12/31/2024.

BV Co Conservation Board-Jeff Kestel-12/31/24, Mark Kirkholm-12/31/25, Rick Meyer-12/31/26, Sarah Vanderhoff-12/31/22, Jim Wischmeyer-12/31/23.

BV County Wellness Committee: Lacey Anderson, Jen Fulcher, Rhonda Ringgenberg, Don Altena, Karla Ahrendsen, Eric Chase, Kay Evans, Angela Lai, Isabel Andrade, and Karen Crilly.

BV County Insurance Committee: Ashley Bennett, Kim Briley, Jon Buss, Josh Nielsen, Rob Danielson, Greg Johnson, Jason Butler, Yvonne Sandhoff, Lacey Anderson, Curt Reis, Rhonda Ringgenberg, Mark Van Hooser, and Tyler Van Houten.

EMS Board: Kelly Snyder, all other board members as alternates

Eminent Domain Compensation Commission (Chapter 6B.4): Farmers-Stan Peters, Rich Langner, Mike Pedersen, Phil Driver, Don Peterson, Don Diehl, (1 vacancy); Realtors-Clark Fort, Margie Robinson, Rob Smith, Marv Munden, Steve Jimmerson, Mark Williams (1 vacancy); for Cities- (7 vacancies); for their Occupation- Mark Rehnstrom, Randy Johnson, Ben Nesheim, Kevin Cone, Eric Mosbo, (2 vacancies).

Mike Raner as Buena Vista County **Safety Coordinator**.

Greg Johnson to the **B.V. Co. REAP Committee**.

Altena-representative to the **Family Treatment Court Steering Committee** and Paul Merten as alternate.

Merten-representative to the **North Raccoon River Watershed Management Coalition Board**.

James R. Nelsen with a term expiring 6/30/2022, Tim Heuton with a term expiring 6/30/2023, and Mark Herrig with a term expiring 6/30/2024 to the **Lincoln Benefited Fire District Board of Trustees**.

County Auditor, and in her absence the Deputy Auditor, as **Custodian of Supervisors' records** (including Supervisors Minutes, annual reports of County Departments and other organizations required to file their reports with the Board of Supervisors, Drainage District Minutes, Ordinances, Warrant Book, Claims Registers, Precinct Maps.)

The vote on the above appointments was carried.

Pursuant to Chapter 22.1.2 of the 2021 Code of Iowa, the Auditor informed the Board that she has named herself and her Deputy, Sharon Henkel, as the lawful custodian of the records which are considered 'open records' in the Buena Vista County Auditor's office. (Records and Code of Iowa references: Bonds of Public Officers (62.6), Election records (62.3 and others), Budgets adopted by local taxing jurisdictions (331.502.3) Township records (331.502.30), Drainage Minutes & Assessment Schedules (331.502.33), record of Election results (50.39 & 50.40), Lost Property Record (556F), Mental Health Accounts prior to 1994 (230.26), assistance to Veterans (34B.10, Claims against the Board 331.504.4), Assessment Rolls (441.26), Tax Rate Book (444.6), Real Estate Transfer Books-Index-Plat Books (558.60-67), Survey Plats (354.25), Treasurer's report of Receipts & Disbursements (335.504.4), Valuation Report (331.510), Annual County Financial Report.

Holiday, Vacation, and Sick Leave Policy

Motion by Ringgenberg, second by Huseman, that the Buena Vista County Employee Handbook with the effective date of January 1, 2020, along with the various Departmental Rules, Job Descriptions, be declared the governing policy for all Buena Vista County employees under the jurisdiction of the Board of Supervisors for Buena Vista County, and that the Medical History, Physical Examination, and County Work Release forms be used in conjunction with the Handbook. Carried.

Motion by Snyder, second by Ringgenberg, that **election workers** for 2022 be paid \$14.00/hr. and chairpersons \$15/hr., effective this date. Carried.

Meal and Mileage Rate Reimbursements

Motion by Huseman, second by Ringgenberg, to approve the following reimbursement:

meal cost reimbursement to employees, and to others serving on boards and in other appointive positions, shall be: meals eaten out of county during approved schools or meetings may be reimbursed at their actual cost to a maximum of \$35.00 per diem. (Reimbursements for meals, when no overnight stay is involved, will show on the employee's W-2). No reimbursement will be made for tips or alcoholic beverages. To receive reimbursement, detailed receipts must be submitted. If the per diem is exceeded due to a meal/meeting, that fact shall be noted on the reimbursement claim. Ayes: Merten, Huseman, Ringgenberg. Nays: Snyder. Carried.

Motion by Snyder, second by Ringgenberg, to approve the following reimbursement:

mileage reimbursement rate for sheriff's service fees at the current IRS rate \$.585/mile on 1/1/2022.

mileage to employees (including deputy medical examiners) at the rate of \$.04 cents under the current IRS standard mileage rate, for each mile traveled by private vehicle (not for county owned vehicles) for county business in 2022

Ayes: Huseman, Merten, Ringgenberg, Snyder. Nays: None. Carried.

Insurance Coverage including Blanket Bond

Motion by Ringgenberg, second by Huseman, to continue the following insurance coverage from the Stille, Pierce & Pertzborn Agency for the remainder of FY'22: tort liability, auto, property, computer equipment, E & O, umbrella, data processing, inland marine, contractor's equipment, crime, law enforcement professional, medical professional, worker's compensation, and blanket bond. Ayes: Huseman, Merten, Ringgenberg, Snyder. Nays: None. Carried.

Depository Resolutions

Motion by Merten, second by Ringgenberg, that the Depository Banks currently being used by the Treasurer, Recorder, & Sheriff continue to be used during 2022 in the amounts stated below, and, that the appropriate elected official be and is hereby authorized to deposit the designated office funds in amounts, not to exceed in the aggregate, named for said bank:

Treasurer:	Citizen's First National Bank, Storm Lake	\$1,500,000.00
	Central Bank, Storm Lake	\$1,500,000.00
	Security Trust & Savings Bank, Storm Lake	\$25,000,000.00
Recorder:	Security Trust & Savings Bank, Storm Lake	\$100,000.00
Sheriff:	Central Bank, Storm Lake	\$250,000.00
	Citizen's First National Bank, Storm Lake	\$25,000.00
Attorney:	Central Bank, Storm Lake	600.00

and, that the 2022 Federal Depository Bank shall be Security Trust and Savings Bank, Storm Lake, with the payroll deposits to be made by wire transfer. Carried.

Drainage Resolutions and Assessments

Motion by Merten, second by Ringgenberg, that the County Drainage Attorney is hereby directed to research drainage and other assessments due and payable on parcels of Buena Vista County property prior to putting them on the list of properties for scavenger auction; to establish 5% as the rate of interest to be paid during 2022 on all stamped warrants, and charged on Improvement Certificates and Drainage District waivers, effective this date (for Buena Vista County drainage districts only); that the beaver control policy in 2022 shall be payment of \$40 per beaver tail for beavers trapped in drainage districts as adopted January 1, 1986, and, the beaver control program shall be \$40/beaver tail for the non-drainage district areas of the county; these programs require that the claimant possess a fur-bearer's license as required by law, and with a payout limit of \$1,000 in non-drainage districts areas in each fiscal year. Carried.

There being no further business, motion by Snyder, second by Huseman, to adjourn the meeting at 12:10 p.m. until Friday, January 7 at 8:30 a.m. for a special meeting and departmental budget reviews.

Sharon Henkel, 1st Deputy Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
SECOND MEETING, 2022 SESSION (2)
JANUARY 7, 2022**

The Buena Vista County Board of Supervisors met in special session on Friday, January 7, 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.

Motion by Ringgenberg, second by Snyder, to approve the 2nd Reading of **Ordinance No. 1.6 Voting Precincts** and to set the 3rd Reading of Ordinance No. 1.6 Voting Precincts for Tuesday, January 11, 2022 at 9:00 am. Carried.

Motion by Huseman, second by Altena, to approve the **minutes** of 1/3/22, as corrected. Carried.

Motion by Snyder, second by Ringgenberg, to approve and authorize the Chair to sign the **IEDA Business Financial Assistance Application** for Platinum Crush, LLC. Carried.

FY'23 budget requests were received from the following departments: Matt Madsen-DHS, Brian Blomme-Drainage Department, Greg Johnson-Conservation, Weed Dept., and Bait Shop, Kory Elston-Sheriff, Jail, K-9, Comm Center, and miscellaneous budgets, Joe Keller-Bldg/Grounds, Danelle Haberman-Treasurer, Dave Andrews-Veterans and General Relief, Julie Sather-Public Health, Bret Wilkinson-Secondary Road, and the Board reviewed their budget and the County Farm budget.

There being no further business, motion by Ringgenberg, second by Huseman, to adjourn the meeting at 4:40 p.m. until Tuesday, January 11 at 8:30 a.m. for a special meeting and departmental budget reviews.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
THIRD MEETING, 2022 SESSION (3)
JANUARY 11, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, January 11, 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.

Motion by Ringgenberg, second by Snyder, to approve the **agenda** as presented. Carried.

Engineer Bret Wilkinson presented a map of a proposed **Urban Renewal Area** in the county. Wilkinson highlighted several county roads that should be included in the Urban Renewal Area, and the Board made suggestions to add additional roads to the proposed map.

Secondary Road Report: The crew has been busy brush cutting and blading the gravel roads; they have maintained several pieces of equipment last week; there is snow in the forecast for Friday.

Motion by Huseman, second by Altena, to approve the **minutes** of 1/7/22, as printed. Carried.

Supervisor Meeting Reports: Merten, Snyder, and Altena attended the Jt. DD #181 meeting that was held yesterday in Sac City; Altena will be attending the Hazardous Waste meeting in Cherokee tomorrow morning.

Motion by Ringgenberg, second by Snyder, to approve the 3rd Reading of **Ordinance No. 1.6 Voting Precincts**. Ayes: Altena, Huseman, Merten, Ringgenberg, Snyder. Nays: None. Motion carried.

BUENA VISTA COUNTY ORDINANCE NO. 1.6

Title: VOTING PRECINCT ORDINANCE FOR BUENA VISTA COUNTY, IOWA.

BE IT ENACTED by the Board of Supervisors of Buena Vista County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to repeal existing Ordinance 1.6, entitled Voting Precinct Ordinance for Buena Vista County, Iowa, which was a part of the Buena Vista County 2003 Code of Ordinances, and to adopt a new ordinance 1.6 of the same name and number. The new ordinance makes changes in the voting precincts for Buena Vista County, Iowa, pursuant to the provisions of Section 49.7 of the 2021 Code of Iowa.

SECTION 2. Ordinance 1.6 of the Buena Vista County 2003 Code of Ordinances (Entitled Voting Precinct Ordinance for Buena Vista County, Iowa) Repealed. Effective January 1, 2006, Ordinance 1.6 of the Buena Vista County 2003 Code of Ordinances (entitled Voting Precinct Ordinance for Buena Vista County, Iowa) is repealed. Effective January 15, 2012, Ordinance 1.6 of the Buena Vista County 2003 Code of Ordinances (entitled Voting Precinct Ordinance for Buena Vista County, Iowa) is repealed. Effective January 15, 2022, Ordinance 1.6 of the Buena Vista County 2003 Code of Ordinances (entitled Voting Precinct Ordinance for Buena Vista County, Iowa) is repealed and replaced by this Ordinance.

SECTION 3. Definitions. For use in this ordinance, the following terms or words shall be interpreted or defined as follows:

- I. "Voting Precinct" or "Precinct" shall mean a county or municipal subdivision for casting and counting votes in elections.
- II. "Township" shall mean a civil and political subdivision of Buena Vista County, Iowa, six miles on each side.
- III. "Township Officials" or "Township Officers" shall mean a board of officers to whom the affairs of a township are entrusted.
- IV. "Census Blocks" and "Census Tracts", as used herein, refer to those Blocks and Tracts as fixed by United States Census Bureau.

SECTION 4. General Provisions.

(a) The Precincts of Buena Vista County (except Storm Lake Precincts established by the Storm Lake City Council) are as follows:

1. Coon-Fairfield-Newell-Poland (CFNP) shall include all of the city of Marathon and city of Albert City, city of Newell all of the remainder of Fairfield Township, all the remainder of the Poland, all the remainder of Newell and all of Coon Township. The 2020 census population of this precinct is 2,510.
2. Brooke-Barnes-Lee-Lincoln Precinct (BBLL) shall include all of the cities of Sioux Rapids, Linn Grove, and Rembrandt, and all of the remainder of Lee, all of the remainder of Barnes and all of Lincoln and Brooke Townships. The 2020 census population of this precinct is 1,797.
3. Elk-Maple Valley-Nokomis-Scott Precinct (EMNS) shall include all of the city of Alta and all of the remainder of Nokomis Township and all of Elk, Maple Valley and Scott Township. The 2020 census population of this precinct is 3,028.
4. Grant-Hayes-Providence-Washington Precinct (GHPW) shall include the city of Lakeside and Truesdale all of Grant and Providence Township and the remainder of Washington Township except the areas in the city limits of Storm Lake and the remainder of Hayes Township except the areas within the city limits of Storm Lake, and the West half (1/2) of section 8 and the East half (1/2) of section 7. The 2020 census population of this precinct is 2,219.

- (c) Residents within an established township shall continue to vote for independent elected officials of such township. There shall be no combination of township officers.
- (d) Residents of areas within unincorporated Hayes Townships that are included in census block containing City of Storm Lake incorporated land, have been, by agreements with the City of Storm Lake, included in the city precinct to which they are adjacent. Pursuant to such agreements, and subject to their terms,
 - 3. Residents of Census Block 1016 in Census Tract 9606, Hayes Township, shall combine with the residents of Storm Lake 03 Precinct for voting purposes.
- (e) No changes are made to the Storm Lake Precincts, which are established by the Storm Lake City Council.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Severability clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 6. When Effective. This ordinance shall be in effect January 15, 2022, and after its final passage and publication as provided by law.

Adopted by the Board of Supervisors on this 11th day of January, 2022.

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

First reading 1-3-2022, Second reading 1-7-2022, Third reading 1-11-2022

CEO Shari Kastein, **Family Crisis Centers**, attended virtually, to present their FY’23 funding request of \$7,500, an increase from \$5,000 in the current year. Kastein stated that the number of persons seeking services has increased more in Buena Vista County, than the other 17 counties, due to having staff here reaching out to people. In Buena Vista County, they saw 95 domestic violence clients, 54 homicide & violent crime clients, 74 clients for medical clinic outreach, 13 clients for housing, and took 95 crisis line calls.

President & CEO Shannon Landauer and Vice-President of Business Operations Tom Nelson, **Iowa Lakes Corridor**, reviewed the past year, and stated that they continue to progress the goals put forward in their resources campaign: Partnership, Progress, Prosperity FY 2021-2025. Landauer stated that they will continue to support creation of new jobs, new businesses, housing units, and expansion of the regional labor pool. They are requesting \$30,000 for FY’23.

County Attorney Paul Allen discussed the latest information on the OSHA regulations on the vaccination, testing, and mask mandate. Iowa has a Federally approved State OSHA Plan, which the State of Iowa has said they will not be enforcing the vaccination, testing, and masks. The U.S. Supreme Court has not ruled on the issue, so things could change for the State, depending on what the Supreme Court decides. Motion by Snyder, second by Ringgenberg, to suspend the **Vaccination, Testing, and Mask Mandate Policy**, effective immediately, until there is a Supreme Court decision on the matter. Merten asked Allen if the county would be out of compliance, and Allen stated that the county would not be out of compliance, based on the fact that Iowa OSHA declared they are not following the Federal plan. Ayes: Altena, Merten, Ringgenberg, Snyder. Nays: None. Abstention: Huseman. Motion carried.

Executive Director Breanna Horsey, and Gelder Pineda, **Storm Lake United**, reviewed their past highlights and programs, and presented their funding request for FY'23. The amount of their request is \$30,000 which is \$5,000 over their approved amount for this current fiscal year.

Treasurer Danelle Haberman presented the semi-annual report, ending December 31, 2021. Motion by Altena, second by Ringgenberg, to approve and authorize the Chair to sign the **Treasurer's Semi-Annual Report** for December 31, 2021, and to authorize the publication in the newspapers. Carried.

The Board discussed the fifteen ARPA applications that were submitted by various departments. EMA Director and member of the County ARPA Committee Aimee Barritt, informed the Board that all of the applications that were submitted, all fall within the original guidelines of what the funds could be used for. Barritt informed the Board that the final rules have come out now, stating that up to \$10,000,000 of the ARPA allocations can be considered "lost revenue", and the guidelines are less restrictive. The various applications submitted include: putting AV in fire stations for EMS/Fire training, a desk for Drivers License, digitizing all transfer books in the Auditor's Office, pickup & trailer project for EMA, Public Health remodel, Electronic Health Record for Public Health, air conditioning unit for the Comm Center equipment, broadband in county parks, restroom in BV County Park, add-ons to the Beacon Property Management Portal, roof & HVAC for the LEC, Courthouse roof, Bur Oak Campground project, bike path/pedestrian walkway across the Linn Grove bridge, and potential project with the Storm Lake Marina. Motion by Snyder, second by Huseman to approve the following projects to move forward, with the remaining projects and amounts on hold until the final ARPA allocation is received: \$54,462-putting AV in fire stations for EMS/Fire training, \$1,225.34-a desk for Driver's License, \$63,345-digitizing all transfer books in the Auditor's Office, \$60,000-(partial) pickup & trailer project for EMA, \$400,000 (partial) Public Health remodel, \$140,000 (partial) Electronic Health Record for Public Health, \$94,200-air conditioning unit for the Comm Center equipment, \$15,000-broadband in county parks, \$85,000-restroom in BV County Park, \$11,424-add-ons to the Beacon Property Management Portal, \$573,380-roof & HVAC for the LEC, and \$120,000-Courthouse roof. Carried.

FY'23 budget requests were received from the following departments: Susan Lloyd-Medical Examiner budget, Curt Reis-Recorder, Tyler Van Houten-I.T. Department, Kim Johnson-Env Health/Zoning, Paul Allen-County Attorney, Susan Lloyd-Auditor, election, non-departmental, and insurance budgets.

There being no further business, motion by Snyder, second by Altena, to adjourn the meeting at 3:40 p.m. until Tuesday, January 18 at 8:30 a.m. for a regular meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
FOURTH MEETING, 2022 SESSION (4)
JANUARY 18, 2022**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, January 18, 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.

Motion by Snyder, second by Huseman, to **amend today's agenda**, adding two additional action items: Revised Buena Vista County Lodging Expense & Human Trafficking Policy and a contract amendment to the Agreement between BV County and the University of Iowa for the CDBG-NDR project (North Raccoon River Watershed). Carried.

Secondary Road Report: The plows were out Friday and Saturday, and one plow out on Sunday; they have been short-handed, with some covid cases and exposures; the engineer has asked for a quote for a wheel loader from John Deere, and will bring it to the Board at a later date; the engineer has been working on his budget and the 5-year project.

Motion by Ringgenberg, second by Altena, to approve the **minutes** of 1/11/22, as printed, today's **claims approval list**, holding the claim for Practical Products Group, LLC, in the amount of \$433.20 for two weeks, **stamped drainage warrant register**, and the following **reports**: FY'21 Audit Report for BV County Solid Waste Commission, January Solid Waste Manager's Report, December Landfill minutes, January Recorder's Report of Fees Collected, and CB Household Hazardous Waste Agency Financial Statements at 12/31/2021 and 2020. Carried.

Motion by Huseman, second by Snyder, to approve and authorize the Chair to sign the **Jt. DD #105-64** claim for BV County Secondary Roads for tile repairs, in the amount of \$1,298.10. Carried.

Motion by Snyder, second by Huseman, to approve and authorize the Chair to sign the new revised **Buena Vista County Lodging Expense & Human Trafficking Policy**. Carried.

Motion by Ringgenberg, second by Snyder, to approve and authorize the Chair to sign the contract amendment to the Agreement between BV County and the University of Iowa for the CDBG-NDR project (**North Raccoon River Watershed**). Carried.

Treasurer Danelle Haberman reviewed the Investment Policy with the Board. There were no changes to the current policy. Motion by Ringgenberg, second by Snyder, to approve the **Buena Vista County Investment Policy**. Carried.

Motion by Snyder, second by Huseman, to approve and authorize the Chair to sign a letter to Citizens 1st National Bank, changing the signors on the **K-9 account** from Kory Elston and Marty DeMuth to Danelle Haberman and Tami Tendal, effective immediately. Carried.

Gene Suhr, **Hanover Historical Society**, presented their funding request for FY'23. Suhr thanked the Board for support over the years. They are requesting \$1,000, the same as the current year, which will be used for upkeep and restoration of the Hanover Village. The Board thanked him for everything they do.

Gary Sundblad, **Threshermen & Collectors Association**, presented their funding request for FY'23. They are requesting \$5,000, the same as the current year. They would use the funds for advertising their annual show in August. This year will be the National Minneapolis Moline Collectors, so they will bring in people from several states. Sundblad thanked the Board for supporting them over the years. The Board thanked him too for everything they do.

County Attorney Paul Allen updated the Board on the OSHA ETS Vaccination & Testing Mandate. The Supreme Court ruled against the OSHA mandate, but maintained the CMS mandate. Allen stated that this isn't the final ruling, it could still change.

County Attorney Paul Allen discussed a County Leave/Return to Work Policy, after talking with Public Health Administrator Julie Sather. Sather stated that department heads need to require employees to stay home when they are sick, in order to try and keep the covid from being spread. Some employees that are new hires don't have any sick leave, and haven't received any vacation hours yet. Sather stated that there are employees that are working while they are sick. Allen asked the Board what they would like to have put in place, as Public Health wants to mitigate covid. Merten asked whether the Board wanted to go back to the policy that was in place before. The consensus of the Board was not to go back to the former policy for covid sick pay. Allen stated that the quarantine days have been shortened by the CDC, and stated that Public Health can order someone to be quarantined, if the employee refuses to go home, and continues to work. Allen stated that by an employer knowingly allowing a known exposure in the workplace, and if someone were to get sick or die, there would be claims filed. Snyder suggested a temporary leave of absence. Ringgenberg asked Payroll Clerk Yvonne Sandhoff if she had received many complaints. Sandhoff responded that most complaints were from new hires that didn't have sick or vacation time to use. The suggestion was made to give all employees "emergency sick leave", to only be used after their existing sick leave was all used up. Motion by Ringgenberg, second by Snyder, to give 40 hours of **emergency sick leave** to all employees, to be used only after their existing sick leave has been used up, and this emergency leave will expire at the end of 2022. The departments are to follow current CDC guidelines. Carried.

County Attorney Paul Allen was present for his appointment. Motion by Ringgenberg, second by Altena, to go into **closed session** (at 10:17 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 10:34 a.m. Carried

Mike Pertzborn, Tony Pertzborn, and Barb Wetherell, from Stille, Pierce and Pertzborn Agency, were present for the discussion on **health insurance rates**. Also present for the discussion were Paul Allen, Curt Reis, Jason Butler, and Yvonne Sandhoff. Mike Pertzborn reviewed the County's Annual Report and claims history. The total increase for the Wellmark portion of our insurance this year is 5.77%, with a loss ratio of 94.35%. Pertzborn stated that the renewal average over the past 11 years is 7.56%. The information has been passed along to Tom Schuetz, Alera Group, the County's Third-Party Administrator, who will be scheduling a time to meet with the Board, and will make a recommendation on the self-funded portion of the health insurance before rates will be set for FY'23.

Hear the Public: Env Health/Zoning Director Kim Johnson informed the Board that there will be a Zoning Commission Monday night at 7:00 p.m. at the East Richland Annex meeting room. Kelly Snyder asked that the discussion of eminent domain, in regards to the Navigator Pipeline project, be place on the January 25th agenda, with possible action.

There being no further business, motion by Ringgenberg, second by Snyder, to adjourn the meeting at 11:28 a.m. until Tuesday, January 25 at 8:30 a.m. for a special meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
FIFTH MEETING, 2022 SESSION (5)
JANUARY 25, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, January 25, 2022 at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Altena, Huseman, Ringgenberg, and Snyder (virtually) 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 Ringgenberg, to approve **today's agenda**. Carried.

Engineer Bret Wilkinson presented a quote from John Deere for a 2022 **John Deere Wheel Loader 644P**, which also includes a grapple bucket, along with the regular bucket. Wilkinson stated that he is waiting for a trade-in value for a 1977 JD 644G. Wilkinson stated that this wheel loader is available now, or they could order a unit, but it would not be available for 12 months, and then he didn't have a hard number for a price if ordering. Wilkinson stated that if he purchased this fiscal year, he would be over budget in his new equipment area. Huseman commented that he would be in favor of paying for it this year. Ringgenberg commented that she was worried that the price may go up again waiting for another year. The consensus of the Board was to table this decision, until Wilkinson had a price of the wheel loader if it were ordered, and then also see what a trade-in value would be for the 1977 unit. Wilkinson stated that he is also getting quotes on dump trucks for the next fiscal year.

Secondary Road Report: The crew was out sanding yesterday, and today they are cleaning trucks and working inside; Wilkinson stated that they are working on sizing culverts in the 7 miles between Storm Lake and Alta, as most of them will have to come out and be replaced prior to paving the roads for the Platinum Crush project.

Motion by Altena, second by Ringgenberg, to approve the **minutes** of 1/18/22, as printed, and the following **reports:** FY'21 Audit Report for BV County Solid Waste Commission, January Solid Waste Manager's Report, December Landfill minutes, January Recorder's Report of Fees Collected, and CB Household Hazardous Waste Agency Financial Statements at 12/31/2021 and 2020. Carried.

Supervisor Meeting Reports: Ringgenberg attended the Storm Lake United meeting last week; Merten attended the Zoning meeting Monday night, and has Plains Area Mental Health tonight and the Rolling Hills Governance Board meeting tomorrow; Altena attended the BV County Solid Waste meeting.

Motion by Huseman, second by Altena, to increase the per diem rate for **Veterans Commissioners**, from \$40/meeting to \$50/meeting. Carried.

Attorney Ryan Mohr presented the paperwork that the Board Chair needs to sign in regards to the County purchasing the White Family Trust property, for the North Raccoon River Watershed Project. Motion by Snyder, second by Ringgenberg, to approve and authorize the Chair to sign the paperwork for the purchase of the **White Family Trust land**, for the North Raccoon River Watershed project. Carried.

The Board discussed the topic of the Navigator Pipeline project, and mentioned various counties were submitting letters to the Iowa Utilities Board, urging them to not allow the pipeline to use eminent domain. Engineer Bret Wilkinson and Drainage Engineer Brian Blomme were also present for the discussion. Blomme mentioned that he had presented a resolution to the Jt. DD #181 Boards of Supervisors, and he was preparing a resolution for the Buena Vista County Board to consider at their next

meeting, in regards to the pipeline crossing over drainage tiles and open ditches. Snyder mentioned that from talking with other county supervisors, they are not against the ethanol and biodiesel companies, they were against the pipeline company using eminent domain, they would rather see the pipeline company talking to landowners. Motion by Huseman, second by Snyder, to approve and authorize the Chair to sign a letter to the Iowa Utilities Board, urging them not to allow the Navigator Pipeline to use eminent domain. Carried.

There being no further business, motion by Ringgenberg, second by Snyder, to adjourn the meeting at 9:38 a.m. until Tuesday, February 1 at 8:30 a.m. for a regular meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
SIXTH MEETING, 2022 SESSION (6)
FEBRUARY 1, 2022**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 1, 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 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 Ringgenberg, second by Altena, to approve today's agenda, as presented. Carried.

Engineer Bret Wilkinson presented a new quote for a 2022 John Deere Wheel Loader 644P, which also includes a grapple bucket, along with the regular bucket, that would be built off of the assembly line, not delivered for 10-12 months. The new quote also shows a trade-in for a 1977 JD 644B, in the amount of \$10,000. Wilkinson would recommend keeping the old wheel loader, and not trading it in, stating that they could use it at one of the gravel sites. The quote for the wheel loader, if ordered, is \$295,000. Motion by Snyder, second by Huseman, to approve and authorize the Engineer to purchase a 2022 John Deere Wheel Loader 644P, without a trade-in, for a cost of \$295,000. Carried.

Engineer Bret Wilkinson asked the Board about the department's summer hours, stating that working four 10-hour days is efficient. Wilkinson suggested continuing this year with the summer hours being four 10-hour days from June 6 through September 1, and the week of July 4th, they would work four 8-hour days and then have the holiday pay, making up their 40 hours. Merten suggested having the Secondary Road guys vote on it, to see if they liked or not. Wilkinson stated that he and Maintenance Supt. McGowan see efficiencies, so they would prefer to go with the four 10-hour days.

Engineer Bret Wilkinson informed the Board that he is getting quotes for the motor grader for FY'23 and dump trucks. Wilkinson will bring in the quotes soon, so that the equipment can be ordered sooner, rather than later, as it will take twelve months for delivery.

Secondary Road Report: They have been cutting brush and blading gravel roads; they will be going out to check signs, for reflectivity, those that are missing, and those that need to be replaced.

Env Health/Zoning Director presented a resolution and agreement for the Board to consider, requesting NW IA Planning & Development to provide the necessary services and assistance to carry out updating of the BV County Comprehensive Land Use Plan, Zoning Ordinance, Floodplain Ordinance and Subdivision Regulations. Motion by Ringgenberg, second by Snyder, to approve and authorize the Chair to sign **Resolution #2022-02-01-A** Requesting the Assistance of the NW IA Planning & Development Commission, and to approve and authorize the Chair to sign the **contract agreement** for their assistance in updating the BV County Comprehensive Land Use Plan, Zoning Ordinance, Floodplain Ordinance and Subdivision Regulations. Carried.

RESOLUTION No. 2022-02-01-A

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

WHEREAS, 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 the...

Updating of the Buena Vista County Comprehensive Land Use Plan, Zoning Ordinance, Subdivision Regulations and Flood Plain Ordinance

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

NOW THEREFORE, it is hereby resolved by the Buena Vista County Board of Supervisors that the Planning Agency be requested to provide staff assistance in the above-mentioned project; and

THAT, the 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 1st day of February 2022

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

Tom Schuetz, Alera Group, was present, and reviewed the self-funded portion of the County **health insurance rates**, with Stille Pierce & Pertzborn representatives, Mike Pertzborn and Tony Pertzborn present, along with the following members of the Insurance Committee and Department Heads: Mark Van Hooser (virtual), Rob Danielson (virtual), Yvonne Sandhoff, Kory Elston (virtual), Bret Wilkinson, Angie Wilkinson (virtual), Curt Reis, Jason Butler, Greg Johnson (virtual), and Stacy Blee (virtual). The increase Schuetz calculated based on projected costs, leaving everything as is, would be 5.19%, with a cost increase of \$113,840. Schuetz stated that if the Safe-T Fund were increased, then the increase would be 7.40%, for a cost increase of \$162,293. No action was taken, this will be discussed at the February 15th board meeting.

Motion by Huseman, second by Ringgenberg, to approve the minutes of 1/25/22, as printed, today's claims approval list, stamped drainage warrant register and the following reports: None. Carried.

Drainage Engineer Brian Blomme presented the Board with a resolution to consider by the BV County Drainage District on construction of a hazardous liquid pipeline over, across, or beneath county drainage districts. Blomme created the resolution from the one in 2015 used for the Dakota Access Pipeline. Blomme stated that the cost of the crossing in 2015 were \$7,500/crossing, and it would increase to \$9,000/crossing in 2022. Blomme stated that there are 22 crossings for the drainage districts, with the Navigator Pipeline, which would be a total cost to the pipeline of \$198,000. Motion by Snyder, second by Ringgenberg, to approve and authorize the Supervisors to all sign Resolution #2022-02-01-B BV Drainage Districts on Construction of a Hazardous Liquid Pipeline over, across, or beneath County Drainage Districts. Ayes: Altena, Huseman, Merten, Ringgenberg, Snyder. Nays: None. Motion carried.

**RESOLUTION #2022-02-01-B
RESOLUTION BY BUENA VISTA DRAINAGE DISTRICTS
ON CONSTRUCTION OF A HAZARDOUS LIQUID
PIPELINE OVER, ACROSS, OR BENEATH COUNTY
DRAINAGE DISTRICTS**

WHEREAS, the Board of Supervisors, as trustees of individual drainage districts, (hereinafter Board) is responsible for the maintenance and management of the drainage districts, levee districts, multi-county drainage districts, and multi-county levee districts established under Iowa Code Chapter 468 and located within Buena Vista County; and

WHEREAS, Iowa Code Section 468.2 provides: "That drainage of surface waters from agricultural lands and all other lands or the protection of such lands from overflow shall be presumed to be a public benefit and conducive to the public health, convenience and welfare;" and

WHEREAS, Drainage and levee districts are funded by the significant investment of benefitted landowners to drain and protect the ground to increase yields; and

WHEREAS, it is the duty of the Board to protect the investments made by landowners in drainage district, levee districts, and lands that would benefit from being drained; and

WHEREAS, Iowa Code Section 468.186 specifically addresses a proposed pipeline installation on, over, across, or beneath the right-of-way of any drainage or levee district; and

WHEREAS, Iowa Code Section 468.186 mandates that a pipeline applicant, before beginning construction, obtain from the governing body of the drainage or levee district an easement to cross the district's right-of-way; and

WHEREAS, Iowa Code Section 468.186 provides that the governing body of the drainage or levee district may, as a condition of granting such easement, attach thereto such additional conditions as the district's governing body deems necessary; and

WHEREAS, it is in the best interest of the public health, convenience and welfare for the Board to establish these additional conditions necessary for the Board to grant easements across drainage district, levee district, multi-county drainage district, and multi-county levee district right of way and to determine the applicability of such conditions to other lands contained within a drainage or levee district; and

WHEREAS, the Board has obtained input from the public, its counsel, drainage engineers, and from an interested company in order to make an informed determination of what conditions are necessary.

NOW THEREFORE BE IT RESOLVED

That in addition to the requirements in Iowa Code Chapter 468, Iowa Code Chapter 478B, and Iowa Administrative Code chapters 199 IAC 9 and 13, the Board instructs the Drainage District attorney to include the following conditions, pursuant to Iowa Code Section 468.186, in any easement entered into or proposed for Board approval which provides easement rights for Construction of a Hazardous Liquid Pipeline Over, Across, or Beneath County Drainage Districts and which involve drainage district, levee district, multi-county drainage district, and multi-county levee district right-of-way.

REQUIREMENTS FOR CONSTRUCTION OF A HAZARDOUS LIQUID PIPELINE OVER, ACROSS, OR BENEATH COUNTY DRAINAGE DISTRICTS

The Applicant shall file an Application for an Easement for Construction of a Hazardous Liquid Pipeline Over, Across, or Beneath County Drainage Districts with each applicable district, listing each crossing or crossings associated with a single project of Drainage District Infrastructure and, upon agreement to such an Easement, shall be governed by these Requirements in the Easement and shall comply with all conditions contained therein.

1) Definitions

- a. Applicant – the entity requesting an Easement for Construction of a Hazardous Liquid Pipeline Over, Across, or Beneath County Drainage District. The Applicant filing the Application must be the owner of the Project. Applicant includes any and all assignees and successors in interest.
- b. Applicant Parties – Applicant and its contractors, and subcontractors, suppliers or designees and each of their representatives and permitted assigns.
- c. Application – An Application for an Easement for Construction of a Hazardous Liquid Pipeline Over, Across, or Beneath County Drainage Districts, which is the manner of requesting an easement from the Board.
- d. Board – The Board of Supervisors as trustees of individual drainage districts, levee districts, multi-county drainage districts, and multi-county levee districts.
- e. Board of Supervisors – the Board of Supervisors of Buena Vista County sitting as the Board of Supervisors, and as Drainage District Trustees.
- f. County – Buena Vista County, Iowa
- g. Crossing Fee – This fee shall only be deemed to reimburse a Drainage District for the easement granted at a crossing, publication costs, engineering costs, inspection costs, auditor's cost, necessary copying, and legal services related to the crossing. Said fee shall be paid in conjunction the Issuance of the easement and/or consent to cross the district's facilities.
- h. Drainage District – any drainage district, levee district, multi-county drainage district, and multi-county levee district created under Iowa Code Chapter 468 that are identified in the Application.
- i. Drainage District Infrastructure – Improvements and infrastructure owned, controlled, or associated with drainage districts, levee districts, multi-county drainage districts, and multi-county levee districts including but not limited to underground tiles, open ditches, pumping stations, levees, and related facilities.

- j. Drainage Engineer – A licensed engineer designated by the Board. The Drainage Engineer may name a designee. The Board hereby appoints Brian Blomme as the Board’s designated Drainage Engineer for all matters contained herein. The designated Drainage Engineer may be changed at any time by the Board. The Applicant will be notified of any such change. Brian Blomme may be reached: Drainage Department, 215 East Fifth Street, Storm Lake, Iowa 50588; Phone (712)213-7458. Where the term Drainage Engineer is used in this document the term also includes a designee or representative of the Drainage Engineer.
- k. Easement – That agreement between the Board and the Applicant granting rights to construct, manage and use a hazardous liquids pipeline over, across, or beneath specified drainage districts and which incorporates the terms herein.
- l. Emergency – An unplanned situation that presents a danger to life, safety or welfare of persons or the environment in or near the Easement area and which requires immediate attention for protection or remediation of such persons or environment.
- m. Parties – The Board, Drainage District, Landowners and Applicant.
- n. Project – The development, construction and operation of a hazardous liquid pipeline and associated facilities.
- o. Project Construction Area – The area of project construction including the right-of-way granted the Applicant and work limits identified in the Easement.
- p. Requirements – Requirements for Construction of a Hazardous Liquid Pipeline Over, Across, or Beneath County Drainage Districts.

2) General Obligations of Applicant

- a. Within thirty (30) days from the Applicant filing an Application, the Board will provide the Applicant with access to all maps and other files related to the Drainage Districts. The Applicant acknowledges that the County’s maps of the Drainage Districts may not be accurate or complete, and the Board shall bear no responsibility for their accuracy; nor shall Applicant raise any such inaccuracy or incompleteness as a basis not to comply with the repair/restoration provisions herein.
- b. The Applicant shall then, no later than ninety (90) days prior to the start of the construction on the Project, furnish the Board with plats showing the location, including GPS coordinates, of the proposed construction and all proposed crossings of the Drainage District Infrastructure. If in view of such plats it is determined by the Board that such locations are in conflict with present or proposed Drainage District Infrastructure or the affirmative duty of the district to drain the land, and, for a justifiable and legitimate engineering reason, that a more desirable location is possible and the shift would not be in conflict with any state or federal requirements or siting restrictions, requirements or approvals, and/or the landowner(s) does not object to the relocation, the Applicant shall review such possible alignment changes with the Drainage Engineer. The Applicant and the Drainage Engineer shall work together in good faith to agree upon any alignment changes to be made pursuant to this Paragraph, taking into account the costs, benefits, feasibility, governing engineering principles, and the need to accommodate any present or proposed Drainage District Infrastructure and the affirmative duty of the district to drain the land. In the event the Applicant and the Drainage Engineer cannot agree upon the alignment changes to be made pursuant to this Paragraph, the Applicant and the Drainage Engineer shall mutually agree upon an independent, third party who is a licensed engineer in Iowa with experience in drainage to determine what alignment changes should be made pursuant to this Paragraph, taking into account the costs, benefits, feasibility, governing

engineering principles, government approvals, and the need to accommodate any present or proposed Drainage District Infrastructure and the affirmative duty of the District to drain the land. The decision of such independent third-party licensed engineer shall be binding upon the parties. The Applicant shall pay all fees and costs of the independent third-party engineer. Applicant acknowledges that under Iowa law it cannot interfere with the drainage of the land and will make design changes to accommodate drainage if a more desirable location is not feasible.

- c. NO CONSTRUCTION IS TO COMMENCE ON ANY PORTION OF THE PROJECT WITHIN THE DRAINAGE DISTRICT RIGHT-OF-WAY WITHOUT APPROVAL OF A RESOLUTION BY THE BOARD OF SUPERVISORS STATING THAT ALL NECESSARY EASEMENTS AND AGREEMENTS ARE IN ORDER FOR THE PROJECT AND THAT PROJECT CONSTRUCTION CAN COMMENCE.
- d. The Applicant shall give the Board two (2) weeks prior notice of their intention to commence construction on the Project in the County. Said notice shall be made in writing to the Drainage Engineer and the County Auditor. Notice cannot be given until an Easement for the Project has been approved by the Board and passage of a resolution by the Board of Supervisors stating that all necessary easements and agreements are in order for the Project and that Project construction can commence.
- e. Two (2) weeks after notice as provided in according to section 2(d) above and in compliance with these Requirements, the Applicant shall be allowed to construct the Project at the Applicant's own expense and the Applicant shall pay all costs of any reconstruction, relocation, modification, or reinstallation of the Drainage District Infrastructure which may be necessary as a result of construction of the installation for which the easement was granted.
- f. If any portions of the Drainage District or Drainage District Infrastructure in or adjacent to the project construction area are damaged by the Applicant Parties as a result of the Project construction, the Applicant, at their sole expense, shall promptly repair such damage as directed by the Board, provided that such direction is not inconsistent with the requirements of 199 Iowa Administrative Code Chapter 9 or the terms of this easement. In the event the Applicant and the Drainage Engineer cannot agree as to the cause of the repair for any such damage, the Applicant and the Drainage Engineer shall mutually agree upon an independent, third party who is a licensed engineer in Iowa with experience in drainage to determine the cause of the repair for such damage. The determination of such independent third-party licensed engineer shall be binding upon the parties. The Applicant shall pay all fees and costs of the independent third-party engineer.
- g. Subsequent to construction of the pipeline, all additional costs for Drainage District Infrastructure construction, maintenance, improvement or reconstruction caused by the presence of Applicant's pipeline shall be paid by the Applicant. To receive compensation under this paragraph, the Board shall either present an invoice specifying the additional costs caused by the presence of the Applicant's pipeline which is accompanied by a written verification of the additional costs by the Drainage Engineer or reach an agreement with the Applicant on the project design and share of the cost to be paid by the Applicant during the planning of the Drainage District Facilities project.

- h. After construction of the installation has been completed in accordance with all conditions under which the easement is granted, the drainage District shall maintain its facility at its own expense, and Applicant, or the Applicant's successors in interest, shall maintain the installation at the Applicant's or successor's own expense. If the Drainage District subsequently undertakes any maintenance, improvement, or reconstruction of its facility which requires the modification, relocation, or reconstruction of the installation, the expense of such modifications, relocation, or reconstruction shall be borne by Applicant or the Applicant's successors in interest.
- i. The Applicant shall at any time subsequent to the commencement of construction, and at Applicant's sole expense, reconstruct or replace its installation as may be necessary to conform to new grade or alignments resulting from maintenance, improvement or construction operations of the Drainage District. The Applicant agrees to do this within one hundred twenty (120) days of receipt of written request from the Board, or such longer time period as the Board may specify, without cost to the Drainage District. Such reconstruction or realignment of Applicant's improvements shall be made in accordance with the approval by the Board. If the Applicant fails to comply with the time period specified above or such longer period as the Board may specify, the Applicant agrees that the Board may seek injunctive or other appropriate relief against it, requiring specific performance of such reconstruction or realignment. Applicant agrees that it shall be liable to the Board for any and all expenses of seeking such relief, including reasonable attorneys' fees, in the event the Board is required to seek such relief pursuant to this Paragraph.
- j. Applicant shall be responsible to remedy any damage caused by the Applicant Parties to the Drainage District and Drainage District Infrastructure arising from the operation, maintenance, or repair of the Project.
- k. Subsequent to construction of the pipeline, except in cases of an Emergency, Applicant shall provide Board with a minimum of forty-eight (48) hours advanced notice of any work to be performed by the Applicant Parties within the right-of-way of the Drainage District. The Board shall have the right to have a Drainage Engineer present during any such work. If proper notice is given pursuant to this Paragraph, such work shall not be delayed by the failure of a Drainage Engineer to be present during such work. Applicant shall be responsible for all costs incurred by the Board and the Drainage District, including expenses of the Drainage Engineer related to the Applicant's work within the right-of-way.
- l. As-Built Plans. As-built plans for all installations related to the Project shall be furnished to the Board within one hundred eighty (180) days of completion of construction that crosses Drainage District Infrastructure. Said plans shall include a plan, a profile and a location using the civil monument or GPS locations. All plans shall include exact GPS coordinates of all crossings of Drainage District Infrastructure. The Applicant agrees that the Board may seek injunctive or other appropriate relief against it, requiring specific performance of this Paragraph. Applicant agrees that it shall be liable to the Board for any and all expenses of seeking such relief, including reasonable attorneys' fees, in the event the Board is required to seek such relief pursuant to this Paragraph.
- m. At all times, the Applicant shall allow the Board, its Designee, and its contractors unrestricted access to the Drainage District Infrastructure for any and all needs of the Drainage District as identified by the Board or Drainage Engineer. The Board agrees that it will comply with One Call notification programs before performing any work on the Drainage District Infrastructure that may reasonably come into contract with, or otherwise impact the Applicant's pipeline. Applicant may send a watchman at their own expense to observe the work. Work shall not be delayed if a properly notified watchman is not present.

- n. If the Applicant fails on its own to properly repair any portion of the Drainage District or Drainage District Infrastructure that is damaged as a result of the Project as required hereunder, the Board may demand in writing that the Applicant repair same within thirty (30) days, or such longer period as the Board and Applicant may agree. If the Applicant fails to make such repairs within the thirty (30) day period, or such longer period as the Board and Applicant may agree to, the Board may make such repairs and invoice the Applicant for the reasonable cost of such repairs. If the Board causes such work to be done, Applicant shall pay for the cost of the repairs within thirty (30) days the Applicant shall be liable for all costs of the repairs which shall be collected by the County on behalf of the district in any court having jurisdiction. The Applicant shall be liable to County of reasonable attorney fees incurred by the County in pursuing payment.

3) Construction and Repair Standards

- a. Examination. The Board shall appoint a Drainage Engineer to inspect and approve all construction and repair activities by the Applicant that impact the Drainage District and Drainage District Infrastructure. The Applicant Parties shall keep the Drainage Engineer informed of the work schedule on Drainage District right-of-way and any changes to such schedule. A Drainage Engineer shall be present on the site at all times at each phase and separate activity of the opening of the trench, the restoration of underground improvements, and backfilling. If, however, proper notice is provided to the Drainage Engineer, the work performed by the Applicant Parties shall not be halted or delayed by the failure of the Drainage Engineer or its representative to be present on the site. All reasonable compensation, wages, mileage, and other legitimate expenses for said Drainage Engineer involving work in the Drainage District right-of-way shall be incorporated into the Crossing Fee. Said Drainage Engineer will be responsible for inspecting all crossings of Drainage District Infrastructure and shall have the authority to require the Applicant Parties to excavate and expose the crossing of any Drainage District Infrastructure where the Drainage Engineer believes it prudent to visually examine same. Further, said Drainage Engineer has the authority to request that the County Inspector present pursuant to Iowa Code 479B.20 suspend construction in the event of imminent risk to persons or property resulting from Applicant's or Applicant Parties' activities. The Drainage Engineer shall specify to the Applicant and the County Inspector details relating to the imminent risk that the construction activity poses as well as a timeline for resuming activities. The Drainage Engineer and the Applicant shall work together in good faith with the County Inspector to determine whether any activity poses imminent risk to persons or property and the procedure and timeline for resuming activities.
- b. Construction Specifications. All crossing of the Drainage District Infrastructure shall be constructed or repaired by Applicant Parties in accordance with pre-construction plans and specifications agreed to between the Applicant and the Drainage Engineer which shall not be contrary to the requirements of 199 Iowa Administrative Code Chapter 9. The construction and maintenance of Applicant's installation shall be carried on in such a manner as to not interfere with, nor interrupt the function of, any Drainage District Infrastructure. The Applicant shall be liable for any damages, including any crop loss or damage to property, caused as a result of any interference or interruption caused by the actions of Applicant or Applicant Parties.
- c. Interruption. In the event it becomes necessary to temporarily stop the normal flow of water in any Drainage District Infrastructure in order to permit the Applicant's construction, installation, and repair the following shall be done by the Applicant.
 - i. If the crossing involves a tile line, the replacement of tile with approved metal pipe or concrete pipe, in the manner approved by the Drainage Engineer, shall be performed as rapidly as possible. If the approved method of repair is impossible

and the volume of water flowing in the tile is sufficient to create the possibility of crop loss or property damage, the Applicant will be permitted to temporarily block the tile line to prevent the flow of this tile water into the pipeline, or tile line ditch. In the event that this tile line is so temporarily blocked, the Applicant will be expected to provide sufficient pumping equipment to pump the impounded tile water across the construction ditch to the undisturbed tile line. Such temporary blockages of said Drainage District tile lines will be removed as rapidly as possible, and any tile repairs caused by this blockage will be immediately repaired at the Applicant's expense.

- ii. If the crossing involves the crossing of a Drainage District open ditch that is carrying sufficient flow of water to make it necessary to place a temporary dam across said open ditch, such temporary dams may be constructed only upon approval from the Drainage Engineer and, if applicable, the permission of any private landowner owning property which must be accessed for the construction of such dam and the private landowner provides permission to place water that results from the dam on their property. The maximum elevation of this impounded water shall be determined by the designated Drainage Engineer and all excess water must be allowed to flow across the construction ditch through either a closed metal culvert pipe or by pumping. All temporary dam structures are to be removed as soon as the crossing is completed. The construction and removal of these dams to be in such manner that the smooth and efficient function of the drainage ditch is not impaired with all costs and damages borne by Applicant.
- d. Tile Repair Completion. The Applicant will make all permanent tile line repairs within ninety (90) days following completion of construction in the County, adjacent to, over, or beneath any Drainage District Infrastructure, taking into account weather and wet soil conditions, unless a different schedule is agreed to by the Parties. All tiles will be repaired with materials of the same or better quality as that which was damaged and shall be of a size approved by the Drainage Engineer based on current Iowa State University (ISU) Extension Service Drainage Standards and be subject to final approval of the Drainage Engineer. Applicant shall take photographs of all repairs to Drainage District Infrastructure prior to backfilling or covering the repair. Photographs shall bear the exact GPS location of the repair and be provided to the Drainage District within 30 days of completion of the repair. If the Applicant fails to make such repairs within the ninety (90) day period, or such longer period as the Board and Applicant may agree to, the Board may make such repairs and invoice the Applicant for the reasonable cost of such repairs. If the Board causes such work to be done, Applicant shall pay for the cost of the repairs within thirty (30) days of receipt of the invoice. If Applicant fails to pay within thirty (30) days, the Applicant shall be liable for all costs of the repairs which shall be collected by the county on behalf of the district in any court having jurisdiction. The Applicant shall be liable to County for reasonable attorney fees incurred by the County in pursuing payment.
- e. If there is evidence that any portion of a Drainage District or Drainage District Infrastructure, including but not limited to drain tiles under roads utilized by construction traffic and drain tiles crossed by construction equipment, has been damaged by Applicant or Applicant Parties, those damaged tiles or other Drainage District Infrastructure shall be repaired by the Applicant at the Applicant's expense at the end of the Project construction in the county in a manner acceptable to the Drainage Engineer. The Drainage Engineer and Applicant shall work together in good faith to determine the cause of any damage covered by this Paragraph. In the event the Applicant and the Drainage Engineer cannot agree as to the Cause of any such damage, the Applicant and the Drainage Engineer shall mutually agree upon an independent, third party who is a licensed engineer in Iowa with experience in drainage to determine the cause of such damage. The determination of such independent third-party licensed engineer shall be binding upon the parties. The Applicant shall pay all fees and costs of the independent third-party engineer. Paved public roadways with

adjacent tiles shall have the road and tiles bored under the reach. No open cut shall be permitted on a public roadway with tiles, unless otherwise agreed to by the County Engineer or the Iowa Department of Transportation. Nothing in this Paragraph shall be construed to require the Applicant to take any action inconsistent with Department of Transportation (“DOT”) rules and regulations. Applicant and Applicant Parties shall temporarily install sufficient cover or other measures for load distribution to avoid damage to the Drainage District Infrastructure.

- f. **Compaction, Rutting and Soil Restoration.** The Applicant shall also be responsible at Applicant’s expense to restore all and within the Drainage District right-of-way to its pre-construction condition as near as is practicable. Standards to be followed at a minimum are the Land Restoration Standards found in Iowa Code Section 479B.20, Iowa Administrative Code 199 IAC 9, and the Applicant’s Agricultural Mitigation Plan. The Drainage Engineer and the Applicant shall work together in good faith to make an onsite inspection of the completed restoration and determine compliance with the Land Restoration Standards found in Iowa Code Section 479B.20, Iowa Administrative Code 199 IAC 9, and Applicant’s Agricultural Mitigation Plan. In the event that Applicant and the Drainage Engineer cannot agree as to compliance as set forth herein, the Applicant and the Drainage Engineer shall mutually agree upon an independent, third party who is a licensed engineer in Iowa with experience in drainage to determine compliance as set forth herein. The determination of such independent third-party licensed engineer shall be binding upon the parties. The Applicant shall pay all fees and costs of the independent third-party engineer.
- g. **Crossing Specifications.** All crossing of Drainage District Infrastructure shall be constructed by Applicant in accordance with the following specifications:

- i. **CROSSING OF OPEN DITCHES**

- 1. Passage of the Applicant’s installation in a horizontal plane five (5) feet below design grade of the drainage ditch, or deeper, as may be determined by the Board for a justifiable and legitimate engineering reason in consultation with Drainage Engineer.
 - 2. The above depth is to extend to a point two (2) times the design base width of the ditch either side of the centerline of the drainage ditch, unless the existing base width is greater than the design base width. If the existing base width is greater than the design width, the depth is to extend to a point two (2) times the existing width.
 - 3. The preferred rate of slope for transition from a normal installation laying depth to crossings of drainage ditches shall not be steeper than 3:1. For a justifiable and legitimate engineering or constructability reason, a slope steeper than 3:1 may be approved by the Board in consultations with the Drainage Engineer.
 - 4. If such ditch crossings occur at points of outlets of Drainage District Infrastructure or within twenty-five (25) feet of said outlets, such outlet facilities must be relocated to a point no less than twenty-five (25) feet from such crossings. Such relocations shall be at the expense of the Applicant and as directed by the Drainage Engineer in his or her sole discretion.

5. All crossing of open ditches shall be done by boring or open cut as agreed to by the Drainage Engineer following consultation with the Applicant. In determining whether boring or open cut is proper, the Drainage Engineer and the Applicant shall work together in good faith, considering the costs, benefits, feasibility, applicable engineering principles, and the interests of the parties. In the even that Applicant and the Drainage Engineer cannot agree, the Applicant and the Drainage Engineer shall mutually agree upon an independent, third party who is a licensed engineer in Iowa with experience in drainage to determine whether boring or open cut is proper, considering the costs, benefits, feasibility, applicable engineering principles, and the interests of the parties. The determination of such independent third-party licensed engineer shall be binding upon the parties. The Applicant shall pay all fees and costs of the independent third-party engineer.

ii. CROSSING OF DRAINAGE DISTRICT TILE LINES

1. All proposed installations must be placed under the existing Drainage District tile lines, while maintaining a minimum of two (2) feet of separation between the installation and the existing drainage district tile lines.
2. The minimum separation between the bottom of Drainage District tile lines sized in accordance with current ISU Extension Drainage Standards and installed with the top of existing tile being maintained, shall be two (2) feet, unless determined otherwise for a justifiable and legitimate engineering reason, by the Board in consultation with the Drainage Engineer.
3. Drain tiles may be crossed by either an open cut or by utilizing a bore. However, for open cut crossings, the Applicant shall replace the Drainage District tile with reinforced concrete pipe of sufficient size determined by the Drainage Engineer in accordance with current ISU Extension Drainage Standards. The concrete pipe strength is at the reasonable discretion of the Drainage Engineer but the minimum pipe strength is to be 2000D (Iowa Department of Transportation approved) with the standard tongue and groove joints. The pipe is to have a minimum of three (3) bolt-type connectors at each joint. The pipeline shall be backfilled and compacted prior to placement of tile with six (6) inches of two (2") inch crushed stone cradle rock being placed under the tile. Dual wall high density polyethylene (HDPE) pipe may be substituted for concrete pipe at the reasonable discretion and approval of the Drainage Engineer and installed with six (6) inches of two (2") inch crushed stone cradle rock being placed under the tile and backfilled in accordance with the manufacture installation requirements. In the event the Applicant and the Drainage Engineer cannot agree on the requirements or conditions of this Paragraph, the Applicant and the Drainage Engineer shall mutually agree upon an independent, third party who is a licensed engineer in Iowa with experience in drainage to determine what changes should be made pursuant to this Paragraph, taking into account the costs, benefits, feasibility, governing engineering principles, government approvals, and the need to accommodate any present or proposed Drainage District Infrastructure and the affirmative duty of the District to drain the land. The decision of such independent third-party licensed engineer shall be binding upon the parties. The Applicant shall pay all fees and costs of the independent third-party engineer.

4. The length of tile to be replaced by any of the above alternates is as follows:
 - a. Eight (8) inch tile and smaller: Six (6) feet either side of the top of trench excavated for the installation of pipeline, measured at right angles to the centerline of the crossing location.
 - b. Ten (10) inch tile or larger: Ten (10) feet either side of the top of trench excavated for the installation of pipeline, measured at right angles to the centerline of crossing location.
5. If the Applicant's installation disturbs or requires replacement of any portion of a tile drain less than twenty (20) inches in diameter, and a portion of such drain will remain wholly or partially exposed after the construction project has been completed, the portion which is to remain exposed and not less than three (3) feet of such drain immediately on either side of the portion which is to remain exposed, shall be replaced either with steel pipe of not less than sixteen (16) gauge or polyvinyl chloride pipe conforming to current industry standards regarding diameter and wall thickness.

4) Board's Representations, Warranties and Covenants

- a. Notice of Repair, Improvement, Maintenance or New Construction. The Board shall give the Applicant at least ninety (90) days written notice of the proposed repair, improvement, maintenance, or new construction of drainage facilities in a Drainage District that the Board believes may impact any of the Project facilities. The Board shall also give at least twenty-four (24) hours verbal (via telephone) notice of emergency maintenance repairs in the Drainage District that may expose, cover up or disturb any installation belonging to Applicant, so that Applicant may arrange to protect same. Emergency (24 hour) notice shall be given by calling Applicant at:

or at such other number provided from time to time to the Board by the Applicant. The Board also agrees that it will comply with One Call notification programs before any work pursuant to this Paragraph.

- b. Limitation on Liability. So long as Applicant receives the notice set forth in Section 4(a) above, the Board and the Drainage District shall have no responsibility for damages to Applicant's property occasioned by any construction or maintenance operation of the Drainage District subsequent to Applicant's installation, except for damage resulting from the willful misconduct or gross negligence of the Board and/or its representatives or agents.
- c. Applicant shall be responsible for actual property damage caused by constructing and maintaining the Project. These damages are separate and distinct from any payment made to the Drainage District or Board for expenses, crossing fees or easements. The determination of these damages shall be by the Board exclusively; provided, however, that Applicant maintains its right to seek judicial review of any such damage determination of the Board in accordance with Iowa Code Chapter 468. Damages shall not be duplicative of damages claimed by and paid to landowners. Payment shall be made by the Applicant within thirty (30) days of the Board's determination.

5) Notices

- a. Written Notice. Any notice, demand, or other communication "Notice" related to these Requirements shall be in writing and given personally or by registered or certified mail

return receipt requested. A courtesy copy of the Notice may be sent by facsimile transmission or electronic mail.

- b. Notices shall be given to the Parties at their addresses set forth below:

Buena Vista County
c/o Buena Vista County Auditor
Buena Vista County Courthouse
215 East Fifth Street
Storm Lake, Iowa 50588
Phone: 712-749-2542
Attention: Auditor

Applicant's Name: _____

Applicant's Address: _____

Applicant's Phone: _____

Applicant's Email: _____

Attention: _____

- c. By providing Notice to the other party, any party may at any time designate a different address or person to which such notice or communication shall be given.
- d. Notice by hand delivery shall be effective upon receipt.
- e. Notice to Applicant Parties. Applicant agrees to provide a copy of these Requirements to the Applicant Parties and advise same of their obligation to comply. The Applicant shall be responsible to make certain all of its contractors, subcontractors, agents, employees and representatives comply with all Requirements contained herein.
- f. Applicant acknowledges an affirmative duty to keep notification information current.

6) Indemnity

With respect to claims made by third parties, Applicant agrees to indemnify, protect, and defend the County, Board and Drainage District from and against any and all demands, liens, claims, or causes of action and any and all liability, costs, expenses, and judgments incurred in connection therewith (including court costs and reasonable attorney's fees), whether arising in equity, at common law, or by State, Federal, local or other statute, rule or regulation, including environmental law, or under the law of torts (including negligence and strict liability) ("claim") relating to the Project and/or resulting from or arising out of the use of the easement by Applicant, its servants, agents or invitees and to the extent caused by the Applicant Parties proportionate share of negligence, negligent actions or inactions, provided, however, that Applicant's contractual obligation of indemnification shall not extend to the percentage of the claim attributable to the County or Drainage District's negligence, willful misconduct, or strict liability imposed upon the County or Drainage District as a matter of law.

7) Miscellaneous Provisions

- a. Assignment. The Applicant’s interests are transferable. However, assignee is required to comply with all Requirements set forth herein.
- b. Binding Effect. These Requirements contained herein shall be binding upon, and inure to the benefit of, the Applicant, Drainage Districts and their respective heirs, successors (by merger, consolidation or otherwise) and permitted assigns, devisees, administrators, representatives, lessees and all other persons or entities acquiring all or any portion of the Project, any lot, parcel or any portion thereof within the Project Area, or any interest therein, whether by sale, operation of law, devise, or in any manner whatsoever.
- c. Iowa Law. The Application and Requirements are entered into under the laws of the State of Iowa, and Iowa law shall apply to the interpretation hereof. Any legal action to enforce or interpret these Requirements or Application shall be brought exclusively in Iowa District Court in Buena Vista County, or, if there is a basis for federal question jurisdiction, in the United States District Court for the Northern District of Iowa, and the Parties hereby waive all objections to the jurisdiction and venue of these courts.
- d. Severability. If any provisions of the Application and Requirements are determined to be unenforceable, invalid or excessive, the Application and Requirements can thereafter be modified, to implement the intent of the Applicant and Board to the maximum extent allowable under law and the remainder of the Application and Requirements shall remain unaffected and in full force and effect.
- e. Agent for Service of Process. The Applicant shall appoint an agent for service of process in Iowa and register such address with the Secretary of State. If the Applicant designates a different Agent or person who is authorizes to accept service of any process resulting from this Easement, Applicant shall provide written notice setting out the name, address and telephone number of said agent to Board within thirty (30) days of filing Application.
- f. Insurance. Before starting construction and to the extent of Applicant’s indemnity obligations hereunder, Certificates of Insurance or self-insurance naming the Board as an additional insured for the Project shall be filed by the Applicant for itself and for the Applicant Parties, with the County Auditor. Applicant shall also certify that the insurance does not contain exclusion for environmental pollution or Applicant shall provide an alternative environmental pollution policy that meets the minimum requirements as defined below. This insurance shall be written for not less than the following limits:

i. Workers’ Compensation	Statutory Limits
ii. Contractor’s Liability and Property Damage	
Bodily Injury	\$1,000,000.00
Each person	\$1,000,000.00
Each Accident	\$5,000,000.00
iii. Property Damage	
Each Accident Aggregate	\$5,000,000.00

iv. Automobile

Liability and Property Damage	\$1,000,000.00
Bodily Injury	\$5,000,000.00
Each Person	\$1,000,000.00
Each Accident	\$5,000,000.00
Property Damage	\$1,000,000.00
Each Accident Aggregate	\$5,000,000.00

- v. Commercial General Liability and Umbrella. Liability Insurance \$10,000,000.00 each occurrence Applicant shall maintain Commercial General Liability (“CGL”) Insurance in a limit of not less than \$10,000,000.00 each occurrence. This required minimum limit may be met through a combination of primary and excess liability policies. The CGL Insurance shall cover liability arising from premises operation, independent contractors, personal injury, and liability assumed under an insured contract, including the tort liability of another assumed in a business contract. Applicant shall obtain coverage for liability arising from pollution, explosion, and collapse, underground property damage caused by Applicant, its employees, contractors, representatives, and agents to the extent of its indemnity obligations hereunder.
- a. Included in the CGL Policy or a separate Policy, Grantee must have insurance for sudden and accidental environmental pollutant liability caused by Applicant, its contractors, representatives, and agents in connection with the project and use of the easement. Coverage shall be maintained in an amount of at least \$10,000,000.00 per loss event.

These limits shall be adjusted every 10 years to reflect the changes over that time in the U.S. Bureau of Labor Statistics’ CPI-U index.

- vi. Remedies available to the Board. In the event that Applicant should fail to comply with any provision of the insurance section of this resolution then the Board may provide Applicant with a written notice by service of process as allowed by the Iowa Rules of Civil Procedure upon Applicant or by certified mail upon Applicant at Applicant’s last known address. Such notice shall specify the default and shall allow Applicant thirty (30) days to cure the default and/or contest that a default exists. In the event that Applicant fails to cure the default within such time, the Board may seek an injunction from the Iowa District Court for Buena Vista County against the Applicant concerning the operation of a pipeline and shall be entitled to enjoin any and all operations until such time as the Applicant shall cure said default. The Board shall be entitled to collect from Applicant all reasonable attorney fees and expenses relating to any injunction as arising under this subsection. The above remedies are not exclusive. The Board shall be entitled to use or devise any other remedy to the Board at law or in equity.
- vii. Proof of Insurance. Applicant shall cause certificates of insurance evidencing all of the above insurance policies and coverage to be provided promptly to the County upon request by the Board but no more than one time annually.
- a. All of the above required insurance policies shall reflect that the Board will receive thirty (30) days’ prior written notice of cancellation in coverage and shall reflect that the insurer has waived any right of subrogation against the Board.

- viii. Term. These insurance requirements shall remain in effect for the term of the easement.
- g. Timely Performance. Time is important in the performance of each and every obligation to be performed by the Applicant and Board hereto.
- h. Nothing in the Application and Requirements shall be interpreted to restrict the Drainage District's use and enjoyment of the easement created by Iowa Code Section 468.27. Unless otherwise stated, the Drainage District's easement shall be 150 feet on either side of the center line of the Drainage District Infrastructure. The Drainage District maintains all rights of ingress and egress to the easement and the drainage improvement.
- i. Applicant agrees to pay a one-time Crossing Fee of \$9,000.00 per crossing. This fee shall only be deemed to reimburse the Drainage District for the easement granted at a crossing, publication costs, engineering costs, inspection costs, and legal services related to a crossing. Said fee shall be paid in conjunction with the issuance of the Easement.
- j. The Easement agreed to by the Board are subject to existing regulations and statues, which may be promulgated or enacted.
 - i. This shall include, but not be limited to, Applicant agreeing to comply with land restoration rules and requirements set forth by Iowa Utilities Board in 199 Iowa Administrative Code Chapter 9 and requirements of Iowa Code 479B.20 and in connection with abandonment, 49CFR part 195 and Iowa Code Section 479B.
- k. Any requirement of this Easement as to design specifications or time periods may be altered or amended by agreement in writing between the Board, in consultation with the Drainage Engineer and Drainage Attorney, and the Applicant.
- l. The Easement is valid so long as Applicant is in compliance with its terms. If the Applicant is not in compliance with the terms of the Easement, the Applicant agrees that the Board may seek injunctive or other appropriate relief against it. The Applicant shall be liable to the Board for any and all expenses of seeking such relief, including reasonable attorneys' fees, in the event the Applicant is found by a Court to be in material, uncured breach of a specific requirement of the Easement.

Passed and approved this 1st day of February, 2022

/s/ Paul Merten, Chairman, Kelly Snyder, Vice-Chairman, Rhonda Ringgenberg, Member, Don Altena, Member, and Tom Huseman, Member.....Attest: Susan K. Lloyd, County Auditor

Motion by Ringgenberg, second by Altena, to pay a per diem rate to the **Zoning Board and Board of Adjustment Commissioners**, \$50/meeting plus mileage, effective February 1, 2022. Carried.

There being no further business, motion by Snyder, second by Ringgenberg, to adjourn the meeting at 11:40 a.m. until Tuesday, February 8 at 8:30 a.m. for a special meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
SEVENTH MEETING, 2022 SESSION (7)
FEBRUARY 8, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 8, 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 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 Altena, to approve **today's agenda**, as presented. Carried.

Motion by Snyder, second by Huseman, to approve and authorize the Chair to sign the **utility permit** for Iowa Lakes Electric Cooperative, Estherville, IA, to bore under 60th Ave. for accommodation of one underground primary cable, between Sections 1 and 2 Nokomis Township. Carried.

Secondary Road Report: They have been working in the shop on equipment, building brackets to hold sanders on the plows, and some have been blading gravel roads; the Engineers Association is meeting with IDOT regarding the Infrastructure Investments and Jobs Act dollars and how the funds can be distributed. Also meeting with Feds regarding bridge grants for several counties, to find out why their applications were not approved. BV County didn't have a request in this time for grant funding on a bridge.

Env Health/Zoning Director Kim Johnson and Specialist Jason Butler were present to inform the Board of the Zoning Boards public hearing on a proposed amendment to the future land use map in the Comprehensive Plan. Butler stated that the Zoning Board had met, and recommends the amendment of a tract of land (known as the Hubbard Feed tract) located in Section 30-91-37, on the future land use map of the Comp Plan from Transitional Agriculture to Industrial. Motion by Snyder, second by Ringgenberg, to approve and authorize the Chair to sign **Resolution #2022-02-08-A**. Carried.

Resolution #2022-02-08-A

Whereas the Buena Vista County Zoning Commission held a public meeting on a proposed amendment to the future land use map in the Comprehensive Plan for the following property: The proposed amendment concerns the property located on A TRACT OF LAND LOCATED SOUTH OF THE CHICAGO CENTRAL AND PACIFIC RAILROAD ROW IN SECTIONS 30; TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M. BUENA VISTA COUNTY, IOWA. The property is situated on the east side of 70th Ave., and South of the railroad and Hwy 7, in Washington Township, from Transitional Agriculture to Industrial, and

Whereas the Zoning Commission recommends amendment of A TRACT OF LAND LOCATED SOUTH OF THE CHICAGO CENTRAL AND PACIFIC RAILROAD ROW IN SECTIONS 30; TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M. BUENA VISTA COUNTY, IOWA, on the future land use map of the Comprehensive Plan from Transitional Agriculture to Industrial, and

Whereas the Buena Vista County Board of Supervisors held a public meeting for public comments on the amendment of A TRACT OF LAND LOCATED SOUTH OF THE CHICAGO CENTRAL AND PACIFIC RAILROAD ROW IN SECTIONS 30; TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M. BUENA VISTA COUNTY, IOWA, on the future land use map of the Comprehensive Plan from Transitional Agriculture to Industrial.

Therefore, the Buena Vista County Board of Supervisors approves the amendment of A TRACT OF LAND LOCATED SOUTH OF THE CHICAGO CENTRAL AND PACIFIC RAILROAD ROW IN SECTIONS 30; TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M. BUENA VISTA COUNTY, IOWA, on the future land use map of the Comprehensive Plan from Transitional Agriculture to Industrial.

PASSED AND APPROVED this 8th day of February, 2022.

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

Election Deputy Karla Ahrendsen, representing the Wellness Committee, presented an allocation request of \$20,000 for wellness activities in FY'23, keeping the amount reimbursed to employees for a physical at \$150, and allowing up to 3 hours paid time off for their physical. Ahrendsen stated there were 73 participants in FY'20, 78 participants in FY'21, and so far, 45 participants for FY'22. Ahrendsen stated that they would like to have more wellness programs, now that covid has slowed down. Motion by Ringgenberg, second by Huseman, to approve an **allocation** of \$20,000 for Wellness activities in FY'23, continuing the amount reimbursed to employees for a **physical** at \$150, and allowing up to 3 hours of **paid time off** for their physical. Carried.

Attorney Ryan Mohr presented the Board with an addendum for the purchase of the White Family Trust land, moving the date of closing to March, and requested that the Chair sign the addendum. Mohr stated that the closing will be done sooner than March, but in case there are delays, this will allow more time. Motion by Snyder, second by Altena, to approve and authorize the Chair to sign the addendum to move the date of closing to March, 2022, on the **White Family Trust** land purchase. Carried.

Motion by Huseman, second by Ringgenberg, to appoint Paul Sennert to the **Veterans Affairs Commission** for the 2022 year, replacing Marty DeMuth, with his term expiring 6/30/23. Carried.

Motion by Ringgenberg, second by Snyder, to approve the **minutes** of 2/1/22, as corrected, and the following **reports**: December Conservation Board Minutes, January Sheriff's Report of Fees Collected, January Sheriff's Report of Federal Inmate Billings, November NWIPDC Policy Council minutes, December NW IA YES Center minutes & financials, and Regional Transit Authority (Region III) Audit Report for 6/30/2021 and 2020. Carried.

Payroll Clerk Yvonne Sandhoff, spokesperson for the Insurance Committee, stated that the committee met, and are recommending increasing the Safety Fund, to buffer in case the insurance rates go up in future years, due to high claims, paying 100% of the single plan of insurance, and leaving the percentage that the County pays for the other three tiers of insurance at 70%. By increasing the Safety Fund, the insurance increase amounts to 7.4%. Others present for the discussion were Rob Danielson, Mark Van Hooser, Bret Wilkinson (virtual), Angie Wilkinson (virtual), Kory Elston (virtual), Kim Briley, and Karla Ahrendsen. Danielson stated that he appreciated being able to work with the Board, and having some say in what happens. Van Hooser stated that the employees are helping out, to increase the Safety Fund. Motion by Ringgenberg, second by Huseman, to accept the Insurance Committee's recommendation on the **health insurance**, increasing the Safety Fund, continue to pay 100% of a single plan, and to continue the county share of the other 3 tiers at 70%. Carried.

Payroll Clerk Yvonne Sandhoff presented the information on the rates for the dental and vision. The current **vision** plan did not change, still \$11.88 for the single Silver Plan. The **Principal Dental** rates won't be available until 45 days prior to the plan start date, however a 4% increase was used for budgeting.

Board Member Huseman then introduced the following proposed Resolution entitled "RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED PLATINUM URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN BUENA VISTA COUNTY, STATE OF IOWA", and moved that the same be adopted. Board Member Altena 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 NO. 2022-02-08-B

RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED PLATINUM URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN BUENA VISTA COUNTY, STATE OF IOWA

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 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 the County will enter into a joint agreement with each of these cities to allow the County to operate within the proposed Area; and

WHEREAS, the proposed Urban Renewal Area includes land classified as agricultural land and written permission of the current owners of such land will be 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 approval of such Plan, and further provides that the Planning and Zoning Commission shall submit its written recommendations thereon to this Board within thirty (30) days of its receipt of such proposed Urban Renewal Plan; and

WHEREAS, the Iowa statutes require the Board of Supervisors to notify all affected taxing entities of the consideration being given to the proposed Urban Renewal Plan and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the County shall submit written responses as provided in Section 403.5, Code of Iowa, as amended; and

WHEREAS, the Iowa statutes further require the Board of Supervisors to hold a public hearing on the proposed Urban Renewal Plan subsequent to notice thereof by publication in a newspaper having general circulation within the County, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the Plan, and shall outline the general scope of the urban renewal project under consideration, with a copy of the notice also being mailed to each affected taxing entity.

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

That the consultation on the proposed Urban Renewal Plan required by Section 403.5(2), Code of Iowa, as amended, shall be held on February 15, 2022, in the Public Meeting Room, County Courthouse, 215 East 5th Street, Storm Lake, Iowa, at 1:00 P.M., and the Chairperson, or his delegate, is hereby appointed to serve as the designated representative of the County for purposes of conducting the consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2), Code of Iowa.

That the County Auditor is authorized and directed to cause a notice of such consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, along with a copy of this Resolution and the proposed Urban Renewal Plan, the notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD BETWEEN BUENA VISTA COUNTY, STATE OF IOWA AND ALL AFFECTED TAXING ENTITIES CONCERNING THE PROPOSED PLATINUM URBAN RENEWAL PLAN FOR BUENA VISTA COUNTY, STATE OF IOWA

Buena Vista County, State of Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1), Code of Iowa, as amended, commencing at 1:00 P.M. on February 15, 2022, in the Public Meeting Room, County Courthouse, 215 East 5th Street, Storm Lake, Iowa concerning a proposed Platinum Urban Renewal Plan for a proposed Platinum Urban Renewal Area, a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the proposed Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the proposed Urban Renewal Area, and the duration of any bond issuance included in the Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven (7) days following the date of the consultation. The Chairperson, or his delegate, as the designated representative of Buena Vista County, State of Iowa, shall submit a written response to the affected taxing entity, no later than seven (7) days prior to the public hearing on the proposed Platinum Urban Renewal Plan, addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the Board of Supervisors of Buena Vista County, State of Iowa, as provided by Section 403.5, Code of Iowa, as amended.

Dated this 8th day of February, 2022.

/s/ Susan K. Lloyd
County Auditor, Buena Vista County, State of Iowa

(End of Notice)

That a public hearing shall be held on the proposed Urban Renewal Plan before the Board of Supervisors at its meeting which commences at 8:30 A.M. on March 8, 2022, in the Board Room, County Courthouse, 215 East 5th Street, Storm Lake, Iowa.

That the County Auditor is authorized and directed to publish notice of this public hearing in the Buena Vista County Journal, the Storm Lake Pilot Tribune, and the Storm Lake Times, once on a date not less than four (4) nor more than twenty (20) days before the date of the public hearing, and to mail a copy of the notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form: (One publication required)

NOTICE OF PUBLIC HEARING TO CONSIDER APPROVAL OF A
PROPOSED PLATINUM URBAN RENEWAL PLAN FOR A PROPOSED
URBAN RENEWAL AREA IN BUENA VISTA COUNTY, STATE OF IOWA

The Board of Supervisors of Buena Vista County, State of Iowa, will hold a public hearing before itself at its meeting which commences at 8:30 A.M. on March 8, 2022 in the Board Room, County Courthouse, 215 East 5th Street, Storm Lake, Iowa, to consider adoption of a proposed Platinum Urban Renewal Plan (the "Plan") concerning a proposed Platinum Urban Renewal Area (the "Area") in Buena Vista County, State of Iowa.

The Platinum Urban Renewal Area is proposed to contain the land legally described as follows:

A TRACT OF LAND LOCATED SOUTH OF THE CHICAGO CENTRAL AND PACIFIC RAILROAD ROW IN SECTIONS 30 AND 31; TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M. BUENA VISTA COUNTY, IOWA.

AND

County Road 70th Ave including ROW laying South of Hwy 7 hard surface to its intersection with County Road 610th Street (also known as C-63)

County Road 80th Ave including ROW laying South of Hwy 7 hard surface to its intersection with 600th Street.

County Road 600th Street including ROW lay East of 70th Ave to its intersection with 80th Ave.

A stretch of ROW on both the north and south side of Hwy 7 laying 800 feet West of its intersection with 70th Ave

A stretch of ROW on both the north and south side of Hwy 7 laying 800 feet East of its intersection with 80th Ave

County Road 20th Ave including ROW (also known as M-27) laying South of Hwy 3 hard surface to the South County line.

County Road 50th Ave including ROW (also known as M-31) laying South of Hwy 3 hard surface to its intersection with County Road 630th Street.

County Road 80th Ave including ROW (also known as M-36) laying South of Hwy 3 hard surface to its intersection with Hwy 7 hard surface.

County Road 120th Ave including ROW (also known as Radio Road) laying South of 590th Street (also known as C-49) to its intersection with Expansion Blvd.

County Road 70th Ave (also known as Villa Road) laying South of 580th Street (also known as C-49) to its intersection with Hwy 7.

County Road 580th Street including ROW (also known as C-49) laying East of County Road 50th Ave hard surface (also known as M-31 to its intersection with 50th Ave (also known as M-36).

County Road 590th Street including ROW (also known as C-49) laying East of County Road 20th Ave hard surface (also known as M-27) to its intersection with 50th Ave (also known as M-31) and 590th Street continuing East to its intersection with 70th Ave.

County Road 590th Street including ROW (also known as C-49) laying East of County Road 80th Ave hard surface (also known as M-36) to its intersection with Hwy 71 hard surface.

County Road 610th Street (also known as C- 63) commencing at the West County line to its intersection with 70th Ave.

County Road 630th Street (also known as C- 65) commencing at the West County line to its intersection with Hwy 71.

A copy of the Plan is on file for public inspection in the office of the County Auditor, Courthouse, Storm Lake, Iowa.

Buena Vista County, State of Iowa is the local public agency which, if such Plan is approved, shall undertake the urban renewal activities described in such Plan.

The general scope of the urban renewal activities under consideration in the Plan is to promote the growth and retention of qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Plan. To accomplish the objectives of the Plan, and to encourage the further economic development of the Urban Renewal Area, the Plan provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A, Code of Iowa. The County also may reimburse or directly undertake the installation, construction and reconstruction of substantial public improvements, including, but not limited to, street, water, sanitary sewer, storm sewer or other public improvements. The Plan provides that the County may issue bonds or use available funds for purposes allowed by the Plan and that tax increment reimbursement of the costs of urban renewal projects may be sought if and to the extent incurred by the County. The Plan initially proposes specific public infrastructure or site improvements to be undertaken by the County, and provides that the Plan may be amended from time to time.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

This notice is given by order of the Board of Supervisors of Buena Vista County, State of Iowa, as provided by Section 403.5, Code of Iowa.

Dated this 8th day of February, 2022.

/s/ Susan K. Lloyd
County Auditor, Buena Vista County, State of Iowa

(End of Notice)

That the proposed Urban Renewal Plan, attached hereto as Exhibit 1, for the proposed Urban Renewal Area described therein is hereby officially declared to be the proposed Urban Renewal Plan referred to in the notices for purposes of such consultation and hearing and that a copy of the Plan shall be placed on file in the office of the County Auditor.

That the proposed Urban Renewal Plan be submitted to the Planning and Zoning Commission for review and recommendation as to its conformity with the general plan for the development of the County as a whole, with such recommendation to be submitted in writing to this Board within thirty (30) days of the date hereof.

PASSED AND APPROVED this 8th day of February, 2022.

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

Motion by Huseman, second by Altena, to set the **Public Hearing** for the FY'23 Proposed Property Tax Levy for Tuesday, March 1, 2022, at 9:00 a.m., and publish the notice in the official newspapers. Carried.

Supervisor Meeting Reports: Ringgenberg and Snyder will be attending the Statewide Supervisors Meeting in Des Moines on Thursday; Huseman will attend the Storm Lake United Meeting for Ringgenberg, on Thursday.

EMA Director Aimee Barritt informed the Board that the **Hazard Mitigation Plan** was last approved July, 2018, and so an update needs to be done and approved by mid-July, 2023. Barritt started the process in 2020 and finally got a notice that \$30,000 would be funded. The max Federal reimbursement is 75% (\$22,500), the rest is BV County's share. Barritt stated that the bulk of the work will be done in 2023, so suggested that the Board budget for the expense, along with revenue coming in for the Federal reimbursement. Barritt will be sending out an RFP for the project, but stated that the cost could come in more than \$30,000, and in that case, the county would pay the difference in cost. Barritt stated that having the Hazard Mitigation Plan is very important to the cities, stating that millions of dollars have come in to BV County because we have had a Hazard Mitigation Plan.

There being no further business, motion by Huseman, second by Snyder, to adjourn the meeting at 10:00 a.m. until Tuesday, February 15 at 8:30 a.m. for a regular meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
EIGHTH MEETING, 2022 SESSION (8)
FEBRUARY 15, 2022**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, February 15, 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 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 Snyder, second by Ringgenberg, to approve **today's agenda**, as presented. Carried.

Drainage Engineer Brian Blomme and Assistant Drainage Engineer Eric Yunginger reviewed what the proposed changes would have been to Iowa **Drainage Code 468**. Blomme stated that the proposed changes didn't make it through the legislative process this year, so there is year to look at it before it comes up again in 2023. His review was for informational purposes only.

County Attorney Paul Allen was present to update the Board on the status of five remaining funding requests from private non-profits. Allen stated that BV Soil & Water Conservation is okay to fund, as they qualify to receive funding from governments. Allen is still working on contracts for RIDES, CAASA, Upper Des Moines Opportunity, and Family Crisis Center. Allen asked the Board how they would like the contracts written and setting up the billing and reimbursement schedule, as these agencies are supposed to be reimbursed for specific services provided. Auditor Lloyd suggested they could bill the county at the end September and end of March, with reimbursement in October and April, as the agencies are used to. Then, the agencies could bill for April and May by the end of May, so that the final reimbursement could be made in June, by the end of the fiscal year. The billings need to be itemized, and they are subject to audit. Motion by Ringgenberg, second by Altena, to approve funding of the FY'22 allocation request from **BV County Soil & Water Conservation District**. Carried.

The time arrived for the discussion on **salaries**. The Compensation Board had recommended an 8% increase in wages for the Attorney, Auditor, Recorder, Supervisor, and Treasurer, with a 12% increase for the Sheriff, and reaffirmed the longevity schedule for all elected officials, and also recommended an additional \$1,500 stipend for the Auditor, as Board Secretary, and an additional \$1,500 stipend for the Board Chairman. Merten reviewed with the rest of the Board, what their options were, regarding the recommendations. Merten stated that if there were cuts, everyone would be cut by the same percentage, but the Supervisors could lower their own increase without affecting the rest of the elected officials. Snyder commented that with the Sheriff's Department, their counterparts are getting paid more than the sheriff, and it is difficult to hire and retain employees. Snyder recommends approving the full recommendation. Altena commented that when looking at the housing market, people have to pay more. Altena stated that 8% and 12% seems high, but it would compensate for years past. Huseman asked Auditor Lloyd if the budget could handle the increases. Lloyd stated that the full increases were included in the budget, and the Board saw what the ending fund balances were projected to be. Huseman stated that the percentages sound like a lot, but since the budget includes the full raises, he would be in favor of the recommendations. Ringgenberg commented that other businesses are raising wages in order to retain their employees. Huseman stated that the supervisors should be treated equally, receiving the same increase, so that they don't fall behind. Motion by Snyder, second by Ringgenberg, to accept the Compensation Board salary recommendations, setting the **FY'23 salary** increase for Attorney, Auditor, Recorder, Supervisors, and Treasurer at 8%, and a 12% increase for the Sheriff, and including an additional \$1,500 stipend for the Auditor, as Board

Secretary, and an additional \$1,500 stipend for the Board Chair, and reaffirmed the longevity schedule for all elected officials. Carried.

Motion by Snyder, second by Huseman, to approve an 8% wage increase for FY'23, for the non-elected officials and their employees. Carried.

Motion by Ringgenberg, second by Huseman, to approve an 8% wage increase for FY'23, for all Secondary Road employees, except the County Engineer, based on their current base rate, to encourage people to move up. Carried.

Secondary Road Report: The crew has been cutting brush, blading the roads, and moving fuel barrels, gearing up for spring; Engineer Wilkinson met with IDOT on the Infrastructure Investments and Jobs Act dollars, and he will be attending his executive board meeting this week. Wilkinson stated that they are still waiting to see where the Federal dollars will be going.

Veterans Service Officer/General Relief Director Dave Andrews met with the Board to discuss developing a Home Improvement Policy for General Relief. Huseman stated that he will contact NW IA Regional Housing Trust, to obtain a copy of their list of things that qualify for the use of the funds, and give it to Andrews.

Hear the Public: Environmental Health Specialist Jason Butler informed the Board that the Zoning Board met last night, regarding the Platinum Urban Renewal Area. Butler stated that the Zoning Board made a motion that the Platinum Urban Renewal Area is in conformity with Buena Vista County's Comprehensive Plan and future land use, and they have no recommendations for changes to the Board of Supervisors.

Motion by Ringgenberg, second by Snyder, to approve the minutes of 2/8/22, as corrected, today's claims approval list, stamped drainage warrant register and the following reports: January BV County Landfill meeting minutes, and January Board of Health minutes. Carried.

Motion by Snyder, second by Ringgenberg, to set a public hearing for a FY'22 BV County budget amendment, for March 8, at 9:00 a.m. Carried.

Motion by Huseman, second by Altena, to authorize the Chair to sign the Confirmation of MSP Addendum, Fully Insured Renewal Premiums, and Account Information & Binder Agreement and SBC Employer Data Form for Wellmark. Carried.

Supervisor Meeting Reports: There is a Conference Board meeting tonight.

There being no further business, motion by Snyder, second by Ringgenberg, to adjourn the meeting at 10:39 a.m. until Tuesday, February 22 at 8:30 a.m. for a special meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
NINETH MEETING, 2022 SESSION (9)
FEBRUARY 22, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, February 22, 2022 at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Altena, Huseman (virtual), Ringgenberg, and Snyder 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 Ringgenberg, second by Snyder, to approve **today's agenda**, as presented. Carried.

Secondary Road Report: All of the trucks were out today at 5:00 a.m. working on the icy roads; Wilkinson stated that he hasn't received any information on the Infrastructure Investments and Jobs Act dollars. The bill has been written, but nothing has been appropriated yet. Typically, the State gets 2/3 and the cities and counties get 1/3. Wilkinson thinks that some funds will go in to the Bridge Fund, and the Farm-to-Market Fund. Wilkinson stated that the plan is in place, and has been approved with IDOT, so they are ready when the dollars come in.

EMA Director Aimee Barritt updated the Board on her ARPA project, purchasing a truck and trailer. Barritt stated that her original bid was for a trailer and a ¾ ton truck to pull it. After the Board approved the use of ARPA funds for the project, Barritt reached out to the vendor, and was told they couldn't guarantee a price. If the price goes up, when it is time for the trailer to be built, Barritt would have to pay whatever they say the price is at that time. Barritt went out to get bids from other vendors, and the vendor with whom she received the lowest price from, and guarantees the price, she has worked with before. Barritt stated that prices have skyrocketed, so now the \$90,000 trailer is \$127,000. Barritt had requested \$133,000 for the total project, which means she wouldn't be able to get the truck. Barritt and Supervisor Snyder talked to the vendor, to ask is a ½ ton truck would pull the trailer, as the county has several of those in the vehicle inventory, and they were told that a ½ ton truck could pull the trailer. Barritt asked the Board if they wanted her to continue with the purchase of the trailer, and drop the purchase of the truck, or what their thoughts were. Barritt stated that this issue was brought up to the Emergency Management Commission, and the Sheriff was in favor of moving forward with purchasing the trailer. Motion by Ringgenberg, second by Altena, to amend the **ARPA application for Emergency Management**, to move forward with purchasing the trailer only, using existing ½ ton trucks to haul the trailer. Carried.

Motion by Ringgenberg, second by Huseman, to approve the **minutes** of 2/15/22, as presented, and the following **reports**: January Conservation Board minutes. Carried.

Motion by Snyder, second by Ringgenberg, to make the increase in the per diem for the **Veterans Commissioners**, from \$40/meeting to \$50/meeting, retroactive to January 1, 2022. Carried.

Motion by Snyder, second by Altena, to change the date of the Public Hearing on the proposed **Platinum Urban Renewal Plan** for the Platinum Urban Renewal Area, from March 8 to March 15, and to publish the notice of the hearing in the official newspapers. Carried.

Motion by Huseman, second by Snyder, to appoint Doug Simons and Mark Kirkholm, as **Deputy Medical Examiners** (Chapter 331.801), with their terms expiring 12-31-22. John Dahl submitted his resignation to Tim Speers, Chief Deputy Medical Examiner. Carried.

Bldgs/Grounds Supt. Joe Keller presented the only bid that he received, for the rooftop HVAC units for the LEC, from Tessier's Inc., for a contract amount of \$458,380. Keller stated that this would be paid for from ARPA funds, approved by the Board previously, and they plan to begin the work June 1st. Motion by Ringgenberg, second by Altena, to approve and authorize the Chair to sign the contract with Tessier's Inc. for the **HVAC units for the LEC**, not to exceed \$458,380, to be paid from ARPA funds. Carried.

Bldgs/Grounds Supt. Joe Keller gave a **department update**: He is working with CMBA Architects, out of Spencer, IA, to start drawing the plans for the Public Health remodeling project. Keller stated that he is paying the architect by the hour, until he feels that he can take over himself. Keller stated that they hope to begin the project this fall, and stated that the Veterans Office will have to move to another location. Keller stated that John has been busy putting shut offs on at the jail. Keller has been painting the Recorder's Office, as their new furniture will be coming in next week.

Hear the Public: Ray Dentlinger, head coach of the Trap Shooting Club for Storm Lake Public, St. Mary's, Newell-Fonda, and Sioux Central students, came in to update the Board on the Goldsmith Pit Youth Range. The students practice on Tuesdays and Thursdays. Dentlinger stated they had 27 athletes last year, with 90% going to State competition. Dentlinger stated they went through 650,000 targets last year, and the "big boys" used half that amount, which they were a million-target award winner for the supplier. Dentlinger stated that they would like more "no trespassing" signs, along the landowner's fence line. Dentlinger said that they have had to call the Sheriff's department out, as people want to fish at the Pit, and they have to be farther than 300 yards away from the shooting, so they cannot be fishing. Dentlinger stated that they would like to have a "frost buster" competition, where parents and athletes come out and shoot. The coaches are all volunteer, and they have background checks on them. Engineer Bret Wilkinson stated that they have done a great job out there, and communicating with his office, and will see about getting more signs to post. Dentlinger will get together with Wilkinson, as he would like to have a Five Stand or Skeet setup at the Goldsmith Pit.

Deputy Assessor Jerilyn Sahr presented a list of old furniture and equipment that she is requesting to be declared excess property and be able to dispose it. Motion by Snyder, second by Ringgenberg, to declare the following as **excess property**, and authorize its disposal: metal typewriter table, printer stand, two computer desks, file cabinet stand, storage cabinet, projector, portable screen, computer stand, mail scale, metal folding chair, cart, and four office chairs. Carried.

Conservation Director/Weed Commissioner Greg Johnson (virtually) presented an IDOT Special Roadway Maintenance Agreement, for spraying weeds along the State roadways. There is no change to the agreement from 2021. The same roads will be sprayed: Hwy 3, Hwy 7, Hwy 71, and Hwy 110. Johnson stated that they spray 95 miles (200 spray miles), in the spring and fall, and receive \$22,500 for each application. Motion by Ringgenberg, second by Huseman, to approve and authorize the Chair to sign the 2022 **IDOT Special Roadway Maintenance Agreement**. Carried.

There being no further business, motion by Snyder, second by Altena, to adjourn the meeting at 10:05 a.m. until Tuesday, March 1 at 8:30 a.m. for a regular meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
TENTH MEETING, 2022 SESSION (10)
MARCH 1, 2022**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 1, 2022 at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Altena, and Snyder and with Auditor Susan Lloyd as clerk for the meeting. Absent: Huseman and Ringgenberg.

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

Motion by Snyder, second by Altena, to amend **today's agenda**, to void and reissue a lost check, and approve the SHIELD contract. Carried.

Engineer Bret Wilkinson presented a quote that he received from Truck Center Companies, Altoona, IA, for two Western Star 4700SF dump trucks, for a total of \$273,572. Wilkinson also presented a quote from Crysteel Truck Equipment, Lake Crystal, MN, for the snow equipment for both dump trucks, \$149,244 for each truck, for a total of \$298,488. Wilkinson stated that he intends to sell two single-axle dump trucks, once the new trucks arrive. Motion by Snyder, second by Altena, to approve and authorize Engineer Wilkinson to purchase **two truck chassis**, not to exceed \$275,000, and **snow equipment** for both trucks, not to exceed \$300,000. Carried.

Secondary Road Report: The crew has been busy grading roads and taking down trees, with more to be taken down on the south end of the county; they have been hauling sand and rock to stockpiles; in the office, they are working on designs for bridge projects; Wilkinson will be going to Des Moines this week, attending classes on paving, and next week he will be attending ISAC.

The Chair opened the public hearing on the **Proposed Property Tax Levy for the FY'23** County Budget. Auditor Lloyd explained that this Max Levy notice only pertains to the General Fund and the Rural Fund. Buena Vista county levies the maximum of \$3.50 for the General Basic Fund, and \$2.3 for the General Supplemental Fund. The Rural Basic Fund is at a levy of \$2.76532. The total increase for the General Fund property tax dollars is 7.66% from the prior year, and the Rural Fund property tax dollars is a decrease of -21.98% from the prior year. The Chair asked if there were any questions from the public, and there were none. Motion by Snyder, second by Altena, to close the public hearing. Carried. Motion by Altena, second by Snyder, to approve and authorize the Board to sign **Resolution #2022-03-01-A** Maximum Property Tax Dollars Resolution. Ayes: Altena, Merten, Snyder. Nays: None. Motion carried.

**Resolution #2022-03-01-A
Maximum Property Tax Dollars Resolution**

WHEREAS, the Buena Vista County Board of Supervisors have considered the proposed FY '23 county maximum property tax dollars for both General County Services and Rural County Services, and

WHEREAS, a notice concerning the proposed county maximum property tax dollars was published as required and posted on county web site and/or social media accounts if applicable,

WHEREAS, a public hearing concerning the proposed county maximum property tax dollars was held on 3/1/2022,

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Buena Vista County that the maximum property tax dollars for General County Services and Rural County Services for FY '23 shall not exceed the following:

- General County Services: \$7,964,157; an increase of 7.66% from the prior year
- Rural County Services: \$2,297,182; a decrease of -21.98% from the prior year

Passed and adopted this 1st day of March, 2022.

Roll call: Ayes: Altena, Merten, Snyder. Nays: None. Carried.

/s/ Paul Merten-Chair, Don Altena-Supervisor, Kelly Snyder-Supervisor.....Attest: Susan K. Lloyd, Auditor

Motion by Snyder, second by Altena, to set the **FY'23 County Budget** Public Hearing for Tuesday, March 22, 2022, at 9:00 a.m. in the Board of Supervisors Room of the Courthouse. Carried.

Motion by Snyder, second by Altena, to approve the **minutes** of 2/28/22, as presented, today's **claims approval list, stamped drainage warrant register** and the following **reports**: January NWIPDC Policy Council Meeting minutes, FY'21 Audit Report for NW IA Planning & Development Commission, and the January NW IA YES Center minutes. Carried.

Motion by Altena, second by Snyder, to authorize the Auditor to **void and re-issue check #311399**, issued 7/20/2021 to Julie Albright, in the amount of \$95.25, as the check has been lost. Carried.

Motion by Snyder, second by Altena, to authorize the Auditor to **void and re-issue check #921593**, issued 5/14/2021 to John Dahl, in the amount of \$508.00, as the check has been lost. Carried.

Motion by Altena, second by Snyder, to approve and authorize the Chair to sign the FY'23 **SHIELD** contract with NW IA Planning & Development Commission. Carried.

Co-President Mike Christen and Treasurer Jennifer Launderville, **BV County Agricultural Society (Fair)**, presented their FY'23 funding request of \$25,000, which is the same as their approved amount for this current fiscal year, to help with the needs at the fairgrounds. Christen and Launderville thanked the Board for their support this past year. Launderville stated that they have re-booked the rodeo, demo derby and tractor pull for the 2022 fair, and have secured the same carnival company they used in 2020. They have also added Arenacross motocross for a new Thursday night entertainment event. The Buena Vista Raceway will be leased to Trent Chinn again, to run the track and all operations. Their intentions are to continue to use the funds to help the fair with its day-to-day operations of the fair which include: 4-H premiums, 4-H judges and open class judges, utilities, property & liability insurance, BV Queen, Little Mister & Little Miss contest, ribbons, accounting fees for the IRS 990 form, mowing and spraying the grounds. The 2022 fair will be July 7-11. Christen asked the Board if they might consider offering help with the tear down of the motocross track. Merten asked them to talk with the County Engineer about getting help. The Board thanked them for everything they do.

County Attorney Paul Allen presented contracts that he has prepared for the remaining four private non-profit agencies that have requested funds for FY'22. Allen stated that he prepared the contracts for a set amount for each agency, so if there are any changes to the amounts for future years, there would need to be an addendum to the contract. RIDES had requested a total of \$12,300 for FY'22, and Allen used that figure in the RIDES contract. Allen stated that the Board would have to determine the contract amount for CAASA, Family Crisis Center, and Upper Des Moines Opportunity (UDMO). Motion by Snyder, second by Altena, to set the **contract amount for CAASA** at \$5,000. Carried. Motion by Altena, second by Snyder, to set the **contract amount for Family Crisis Center** at \$5,000. Carried. Motion by Snyder, second by Altena, to set the **contract amount for RIDES** at \$12,300. Carried. Motion by Snyder, second by Altena, to set the **contract amount for Upper Des Moines Opportunity (UDMO)** at \$15,000. Carried.

Motion by Altena, second by Snyder, to appoint Bldg/Grounds Supt. Joe Keller and EMA Director Aimee Barritt, as additional members of the **County Weather Committee**. Carried.

There being no further business, motion by Altena, second by Snyder, to adjourn the meeting at 9:58 a.m. until Tuesday, March 8 at 8:30 a.m. for a special meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
ELEVENTH MEETING, 2022 SESSION (11)
MARCH 8, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 8, 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 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 Ringgenberg, second by Snyder, to approve **today's agenda**, as presented. Carried.

Engineer Bret Wilkinson presented a Construction Pay-Estimate Report on the C-63 project, that was completed by Heartland Asphalt. The Engineer's estimate was \$1,335,000, the contract was \$1,284,000, and the actual cost of the project was \$1,133,906. Motion by Ringgenberg, second by Huseman, to approve and authorize the Chair to sign the **Construction Pay-Estimate Report on the C-63** project, that was completed by Heartland Asphalt. Carried.

Secondary Road Report: The trucks were out on Sunday morning, treating the roads with salt and sand, due to the ice Saturday night; they have been hauling gravel to the gravel piles and hauling sand to the sand piles, and brush cutting; Engineer Wilkinson attended the Asphalt Paving meeting last week, and will be going to the County Day at the Capitol tomorrow, and ISAC the rest of this week.

Engineer Bret Wilkinson stated that the Governor issued a Proclamation, that declared Buena Vista County a disaster area, due to the **Avian Influenza** in the area. This will allow state resources to be used in the County, as IDALS has been assisting with the infected turkey location. At this time, they are not recommending closing of any roads, as they don't think that dust from the roads is the problem, it is coming from all of the wild birds, that are migrating through the county, and carrying the disease.

Motion by Snyder, second by Altena, to approve the **minutes** of 3/1/22, as corrected, and the following **reports:** February Sheriff's Report of Fees Collected, February Sheriff's Report of Federal Inmate Billings, January Plains Area Mental Health Board minutes, and January Rolling Hills Community Services Region Governance Board minutes. Carried.

Motion by Ringgenberg, second by Snyder, to approve and authorize the Chair to sign the **Jt. DD #22 BR 183-61** invoice of T & T Backhoeing, Marathon, IA, for tile repairs, in the amount of \$1,630.00. Carried.

Motion by Altena, second by Huseman, to approve and authorize the Chair to sign the **Jt. DD #22 BR 183** invoice of T & T Backhoeing, Marathon, IA, for tile repairs, in the amount of \$1,750.00. Carried.

The Chair opened the public hearing for the third **FY'22 budget amendment**. Notice was published as required. No written objections have been submitted and no objections were offered during the hearing. Motion by Ringgenberg, second by Snyder, to close the public hearing. Carried.

Motion by Huseman, second by Ringgenberg, to approve the **FY'22 budget amendment** as published, to authorize the Chair to sign the Budget Amendment certification, to sign Resolution #2022-03-08-A, and to approve the following appropriations:

Increase activity	1000	General Basic Fund (0001)	Dept 05	\$9,200
Increase activity	1000	K-9 Fund (0034)	Dept 33	\$2,500
Increase activity	1040	General Basic Fund (0001)	Dept 37	\$6,300
Increase activity	1040	General Suppl Fund (0002)	Dept 37	\$1,076
Decrease activity	1100	General Basic Fund (0001)	Dept 04	-\$6
Increase activity	3040	General Basic Fund (0001)	Dept 23	\$112,476
Increase activity	3040	ARPA Fund (0033)	Dept 59	\$40,000
Increase activity	3110	General Basic Fund (0001)	Dept 25	\$8,767
Decrease activity	3110	ARPA Fund (0033)	Dept 59	-\$30,000
Increase activity	3200	General Basic Fund (0001)	Dept 21	\$10,000
Increase activity	3400	General Basic Fund (0001)	Dept 45	\$6,232
Increase activity	3400	General Basic Fund (0001)	Dept 98	\$13,396
Increase activity	3400	General Suppl Fund (0002)	Dept 45	\$922
Increase activity	3410	General Basic Fund (0001)	Dept 98	\$36,000
Increase activity	6120	Rural Basic Fund (0011)	Dept 98	\$3,500
Increase activity	6320	ARPA Fund (0033)	Dept 59	-\$35,000
Increase activity	7130	Secondary Road Fund (0020)	Dept 20	\$380,000
Increase activity	8000	General Suppl Fund (0002)	Dept 02	\$21,103
Increase activity	8101	ARPA Fund (0033)	Dept 59	\$1,226
Increase activity	8110	General Basic Fund (0001)	Dept 07	\$550
Increase activity	9010	General Basic Fund (0001)	Dept 02	\$5,102
Increase activity	9010	General Suppl Fund (0002)	Dept 02	\$857
Decrease activity	9100	ARPA Fund (0033)	Dept 59	-400,000
Increase activity	9200	General Suppl Fund (0002)	Dept 97	\$205,000
Increase activity	0010	General Basic Fund (0001)	Dept 40	\$1,035
Increase activity	0030	ARPA Fund (0033)	Dept 59	\$11,424
Increase activity	0220	ARPA Fund (0033)	Dept 59	\$412,350
Increase activity	0300	LOST for Sec Road (0019)	Dept 90	\$75,339
Increase activity	0300	General Basic Fund (0001)	Dept 90	\$115 Carried.

**RESOLUTION NO. 2022-3-08-A
RESOLUTION AMENDING THE FY'22 ANNUAL BUDGET
BY ADOPTING BUDGET AMENDMENT #3**

WHEREAS the Board of Supervisors approved Departmental Appropriations on June 29, 2021 for all departments, of the fiscal year beginning July 1, 2021 in accordance with Section 331.434, Subsection 6, Code of Iowa; and

WHEREAS the Board of Supervisors approved Budget Amendment #1 on July 27, 2021, thereby increasing appropriations by \$2,540,354, for a total budget after the amendment of \$26,076,867, excluding transfers; and

WHEREAS the Board of Supervisors approved Budget Amendment #2 on October 26, 2021, thereby increasing appropriations by \$340,886, for a total budget after the amendment of \$26,417,753, excluding transfers; and

WHEREAS the Board of Supervisors has held the necessary hearing after having caused to be made the publication and notice required by law; and

WHEREAS the Board of Supervisors has reviewed the budget amendment #3 for FY'22, as presented by the County Auditor, increasing appropriations by \$899,464, which includes additional transfers of \$75,454; and

WHEREAS the Board of Supervisors believe the aforesaid budget amendment #3 proposed for FY'22 to be in the best interests of Buena Vista County.

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

SECTION ONE: That the FY'22 budget for Buena Vista County, Iowa, on file in the County Auditor's Office is hereby amended and approved.

SECTION TWO: That this resolution shall be in full force and effect from and after its passage and approval in the manner provided by law, and the County Auditor is directed to make the filings required by law and to set up the books in accordance with the summary and details as adopted.

PASSED, APPROVED, AND ADOPTED this 8th day of March, 2022, by the Buena Vista County Board of Supervisors.

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

Supervisor Meeting Reports: Snyder attended the 3rd Judicial District meeting last week.

There being no further business, motion by Snyder, second by Ringgenberg, to adjourn the meeting at 9:15 a.m. until Tuesday, March 15 at 8:30 a.m. for a regular meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**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 are 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, Ringgēnberg. 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 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.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
THIRTEENTH MEETING, 2022 SESSION (13)
MARCH 22, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, March 22, 2022 at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Altena, Huseman, Ringgenberg, and Snyder (virtually) 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 Ringgenberg, second by Altena, to approve **today's agenda**. Carried.

Motion by Huseman, second by Snyder, to approve and authorize the Chair to sign the **utility permit** for Elite Underground Construction, Ankeny, IA, to bore under 610th St., in Section 8, Hayes Township, installing fiber optic cable, from the pole on the north side of the street, west of Prairie Lane, going south approximately 220' to the Mediacom pedestal. Carried.

Motion by Ringgenberg, second by Altena, to approve and authorize the Chair to sign the **utility permit** for the City of Storm Lake, IA, for the accommodation of fiber optic conduit and cable along 590th St., in Sections 33 and 34, Washington Township, from 90th Ave., on the south side of the road, to 105th Ave./Lake Street. Carried.

Motion by Huseman, second by Ringgenberg, to approve and authorize the Chair to sign the **utility permit** for the City of Storm Lake, IA, for the accommodation of fiber optic conduit and cable along 610th St., in Section 5, Hayes Township, from Highway 110 & C63 on the north side of the road, to 1,355' west of that intersection. Carried.

Motion by Snyder, second by Ringgenberg, to approve and authorize the Chair to sign the **utility permit** for the City of Storm Lake, IA, for the accommodation of fiber optic conduit and cable along 630th St., in Sections 20, 21, 22, 23, and 24, Hayes Township, along 630th St. (C65), from 85th Ave. on the south side of the road, from 85th Ave., east to 120th Ave. Carried.

Engineer Bret Wilkinson informed the Board about an application he will be submitting to RPA for State funds to pave M44, from Hwy 3, south to C43, where it connects to Business 71, 2.5 miles. Wilkinson stated that the funds wouldn't be available until FY'27 budget. Motion by Altena, second by Huseman, to approve and authorize the Chair to sign the **Fast Act Application** for funding of 2.5 miles of M44, from Hwy 3, south to C43, where it connects to Business 71. Carried.

Secondary Road Report: The wings have been taken off of the motor graders; they have been blading gravel roads and also brush cutting. Wilkinson stated that they will be starting their summer crews on April 4.

The Chairman opened the Public Hearing on the **FY'23 Budget Hearing**, with Auditor Susan Lloyd, and Env Health/Zoning Director Kim Johnson, Conservation Secretary Angie Wilkinson, E911 Coordinator Mark Van Hooser, Conservation Director/Weed Commissioner Greg Johnson, and two media (KAYL & KICD) present virtually. Auditor Lloyd reviewed the proposed tax levies, and the ending fund balances as a percentage of expenditures. Merten opened it up for questions. There were no questions, and no written comments were received. Motion by Ringgenberg, second by Snyder, to close the public hearing. Carried.

Motion by Huseman, second by Ringgenberg, to approve and authorize the Chair to sign the **Adoption of Budget & Certification of Taxes**. Carried.

Motion by Ringgenberg, second by Altena, to approve and authorize the Chair to sign **Resolution #2022-03-22-A, Adoption of 2022/2023 Budget**. Carried.

RESOLUTION 2022-03-22-A

ADOPTION OF 2022/2023 BUDGET

WHEREAS Buena Vista County, Iowa held a Public Hearing on March 22, 2022 for input for the 2022/2023 Fiscal Year Budget and County Levies.

WHEREAS Iowa Code Section 331.434 authorizes the board of each county to certify property taxes annually at its March session.

THEREFORE, on March 22, 2022 the Buena Vista County Board of Supervisors approved the following levies and property tax asking.

Levies

3.50000	General Basic Levy
2.30000	General Supplemental Levy
2.76532	Rural Service Levy
0.77005	Debt Service Levy

9.33537	Total Levies

Property Tax Levied Dollars

4,692,669	General Basic
3,083,754	General Supplemental
2,240,474	Rural Service
1,054,291	Debt Service

11,071,188	Total Property Tax Dollars

Committed Funds

\$430,967	Fund 0001 – General Basic Fund (County Trails & Signs)
\$ 243	Fund 0001 – General Basic Fund (Heritage Tours)
\$117,022	Fund 0011 – Rural Basic Fund (County Trails & Signs)

\$548,232	Total Committed Funds

Passed and approved this 22nd day of March, 2022.

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

Motion by Snyder, second by Ringgenberg, to approve the 1st 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.

Motion by Huseman, second by Altena, to set the 2nd reading of **Ordinance #6.8A Urban Renewal-Platinum**, for March 29, 2022 at 9:15 a.m. Carried.

Election Deputy Karla Ahrendsen, reviewed the ICAP renewal documents, for FY'23. Ahrendsen stated that ICAP will be out to inspect the Marathon Park, since it has been added to the county policy. Ahrendsen informed the Board that the insurance rates will likely be 10%-12% higher than last year. Motion by Snyder, second by Ringgenberg, to approve and authorize the Chair to sign the **ICAP insurance renewal** document, for FY'23. Carried.

Motion by Huseman, second by Altena, to approve the **minutes** of 3/15/22, as corrected, and the following **reports**: March Storm Lake United agenda and financials and February Board of Health minutes. Carried.

Motion by Ringgenberg, second by Huseman, to approve and authorize the Chair to sign the **Actuarial Services Agreement** between Silverstone Group, LLC and Buena Vista County. Carried.

Chairman Merten open the discussion of who to appoint to administer the General Relief for the County, since David Andrews resigned. Ringgenberg informed the Board that the Board of Health discussed whether Public Health could take over this responsibility. Public Health Administrator Julie Sather was virtual, and stated that she has talked with other Public Health agencies, and it is working well for them, they treat it like a case management program. Motion by Huseman, second by Snyder, to appoint Public Health Agency to administer the **General Relief** Program for Buena Vista County. Carried.

Supervisor Meeting Reports: Merten will attend the Rolling Hills Region meeting tomorrow, and they will be interviewing for the position that was advertised. Merten will attend the Plains Area Mental Health meeting tonight; Snyder mentioned that he will not be able to attend the SHIELD meeting or the Workforce Development Meeting, so asked if other members would be able to attend in his place; Altena reported on the Upper Des Moines Opportunity meeting, stating that Julie Edwards will be replacing Jamey Whitney, as Executive Director.

There being no further business, motion by Ringgenberg, second by Altena, to adjourn the meeting at 9:52 a.m. until Tuesday, March 29 at 8:30 a.m. for a regular meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
FOURTEENTH MEETING, 2022 SESSION (14)
MARCH 29, 2022**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, March 29, 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 approve **today's agenda**. Carried.

Engineer Bret Wilkinson brought in three **utility permits** for the Board to review before next week's meeting, as there are several pages to these permits.

Engineer Bret Wilkinson informed the Board that he has received a request to **close 140th Ave., north of C25**, to help with the composting at the Rembrandt Enterprises site. Wilkinson stated that the request is for 30 days, and the road will be closed later today or tomorrow. Merten requested Wilkinson check to be sure that this does not block access to any farmers who need access to their land.

Secondary Road Report: The crews have been blading the gravel roads, to smooth them out, and hauling to the stock piles; they will be starting the summer crews next week, doing normal cleanup and getting equipment ready for summer work; in the office, they are working on the designs for the roads around the Platinum Crush plant; Wilkinson stated that the RPA application is in, and they will be meeting next Thursday; Wilkinson is watching bills in the legislature, and says that it looks promising; Wilkinson stated that they hope to get the last big tree down on Thursday, in the south part of the county. They have

cut a lot of brush around the county and improved the sight distances; the new semi has been delivered, and it is up at Spencer, to get the wet kit on, to run the side dump.

Motion by Ringgenberg, second by Huseman, to approve the minutes of 3/22/22, as printed, today's claims approval list, stamped drainage warrant register, and the following reports: None. Carried.

Motion by Altena, second by Ringgenberg, to approve the Class C Liquor License, Outdoor Service & Sunday Sales, for LCCC, Inc, DBA Lake Creek Golf. Carried.

Motion by Snyder, second by Ringgenberg, to approve and authorize the Chair to sign the Jt. DD #146 Main claim from Pocahontas County Secondary Road, for repairs in the amount of \$613.43. Carried.

The Chair opened the public hearing on the Agreement for Private Development between Buena Vista County, Iowa and Platinum Crush, LLC, with Mike Kinley, developer of Platinum Crush, contractor Jerry Osmoe, Shannon Landauer, Iowa Lakes Corridor, Engineer Bret Wilkinson, Assessor Joe Cronin, and Election Deputy Karla Ahrendsen were present, along with Mark Van Hooser, KAYL, Kathy Croker, and five unidentified callers online. Chairman Merten asked if there were any questions from the supervisors, and there were none. Merten then opened it up to questions from those present in person and virtually, and there were none. Motion by Snyder, second by Huseman, to close the public hearing. Carried. Motion by Ringgenberg, second by Altena, to approve and authorize the Chair to sign the Agreement for Private Development between Buena Vista County, Iowa and Platinum Crush, LLC. Ringgenberg stated that the committee and parties worked hard to produce a fair agreement. Carried.

Motion by Snyder, second by Huseman, to approve the 2nd 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.

Motion by Ringgenberg, second by Snyder, to set the 3rd Reading of Ordinance 6.8A Urban Renewal – Platinum for April 5, 2022, at 9:10 a.m. in the Board of Supervisors Room of the Courthouse. Carried.

Merten commented that he has heard comments that the urban renewal included land outside the right-of-way on Hwy 7, and that this project would take funds from other road projects for this one. Merten stated that this is not the case, there is not any land outside the right-of-way on Hwy 7 that is included in the urban renewal, and the roads around the Platinum Crush plant will be paid for with TIF dollars from Platinum Crush, and not from other road projects.

Supervisor Meeting Reports: Merten attended the Rolling Hills Region interviews for two positions; Huseman attended the NW Regional Housing Trust last week.

There being no further business, motion by Snyder, second by Ringgenberg, to adjourn the meeting at 9:45 a.m. until Tuesday, April 5 at 8:30 a.m. for a special meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**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.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
SIXTEENTH MEETING, 2022 SESSION (16)
APRIL 12, 2022**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 12, 2022, at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Huseman, Ringgenberg (arrived at 8:45), and Snyder and with Auditor Susan Lloyd as clerk for the meeting. Absent: Altena.

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.

Motion by Snyder, second by Huseman, to approve **today's agenda**. Carried.

Engineer Bret Wilkinson informed the Board that the IA County Engineer's Service Bureau website is down, so he cannot print his 5-year Construction Plan and budget. The due date is 4/15/22, however, they will be allowing an extension. Wilkinson recommends tabling this action item. Motion by Huseman, second by Snyder, to table taking any action on the **5-year Construction Plan and budget for the DOT**, due to the Engineer's Service Bureau website being down. Carried.

Secondary Road Report: The crews are working on gravel roads, blading, edge rutting, and spot graveling; they are working on equipment in the shop, and taking snow underbodies off; Wilkinson stated that the ads are in the papers, for the seasonal positions; (Supervisor Ringgenberg arrived at 8:45) Wilkinson informed the Board that there is staking going up at the Platinum Crush Plant site. Wilkinson stated that they will enter the facility on 70th Ave. and exit on 600th Street. Wilkinson has talked with the power company, working on getting the facility temporary power from MidAmerican Energy; Wilkinson informed the Board that the County was awarded \$500,000 for the M44 project, which will take place five years from now.

Board Member Huseman introduced the following Resolution entitled "RESOLUTION DECLARING AN OFFICIAL INTENT UNDER TREASURY REGULATION 1.150-2 TO ISSUE DEBT TO REIMBURSE THE COUNTY FOR CERTAIN ORIGINAL EXPENDITURES PAID IN CONNECTION WITH SPECIFIED PROJECTS" and moved that it be adopted. Board Member Ringgenberg seconded the motion to adopt,

and the roll being called thereon, the vote was as follows: Ayes: Huseman, Merten, Ringgenberg, Snyder. Nays: None. Whereupon, the Chairperson declared the Resolution duly adopted as follows:

RESOLUTION #2022-04-12-A

RESOLUTION DECLARING AN OFFICIAL INTENT UNDER TREASURY REGULATION 1.150-2 TO ISSUE DEBT TO REIMBURSE THE COUNTY FOR CERTAIN ORIGINAL EXPENDITURES PAID IN CONNECTION WITH SPECIFIED PROJECTS

WHEREAS, the County anticipates making cash expenditures for one or more capital improvement projects, generally described below (each of which shall hereinafter be referred to as a "Project"); and

WHEREAS, the County reasonably expects to issue debt to reimburse the costs of a Project; and

WHEREAS, the Board believes it is consistent with the County's budgetary and financial circumstances to issue this declaration of official intent.

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

Section 1. That this Resolution be and does hereby serve as a declaration of official intent under Treasury Regulation 1.150-2.

Section 2. That it is reasonably expected that capital expenditures will be made in respect of the following Project(s), from time to time and in such amounts as this Board determines to be necessary or desirable under the circumstances then and there existing.

Section 3. That the County reasonably expects to reimburse all or a portion of the following expenditures with the proceeds of bonds, notes or other indebtedness to be issued or incurred by the County in the future.

Section 4. That the total estimated costs of the Project(s), the maximum principal amount of the bonds, notes or other indebtedness to be issued for the foregoing Project(s) and the estimated dates of completion of the Project(s) are reasonably expected to be as follows:

<u>Project</u>	<u>Fund from which original expenditures are to be Advanced</u>	<u>Total Estimated Cost</u>	<u>Amount of Borrowing Anticipated</u>	<u>Estimated Date of Completion</u>
Platinum Crush Grading & Paving	Secondary Road	\$4,000,000	\$4,000,000	July 31, 2024

Section 5. That the County reasonably expects to reimburse the above-mentioned Project costs not later than the later of eighteen months after the capital expenditures are paid or eighteen months after the property is placed in service, but in no event more than three (3) years after the original expenditure is paid.

Section 6. That this Resolution be maintained by the County Auditor in an Official Intent File maintained in the office of the Auditor and available at all times for public inspection, subject to such revisions as may be necessary.

PASSED AND APPROVED this 12th day of April, 2022.

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

Board Member Snyder introduced the following Resolution entitled "RESOLUTION FIXING DATE FOR A MEETING ON 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 (FOR ESSENTIAL COUNTY URBAN RENEWAL PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF", and moved that the same be adopted. Board Member Ringgenberg seconded the motion to adopt. The roll was called, and the vote was, Ayes: Huseman, Merten, Ringgenberg, Snyder. Nays: None. Whereupon, the Chairperson declared the resolution duly adopted as follows:

Resolution #2022-04-12-B

RESOLUTION FIXING DATE FOR A MEETING ON 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 (FOR ESSENTIAL COUNTY URBAN RENEWAL PURPOSES), AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF

WHEREAS, by Resolution No. 2022-03-15-A, adopted March 15, 2022, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Platinum Urban Renewal Plan (the "Plan") for the Platinum Urban Renewal Plan Area (the "Area" or "Urban Renewal Area"), which Plan is or will be on file in the office of the Recorder of Buena Vista County, Iowa; and

WHEREAS, the Loan Agreement and Notes shall be payable from the Debt Service Fund; and

WHEREAS, before a Loan Agreement may be authorized and General Obligation Capital Loan Notes, issued to evidence the obligation of the County thereunder, it is necessary to comply with the provisions of the Code of Iowa, as amended, and to publish a notice of the proposal and of the time and place of the meeting at which the Board proposes to take action for the authorization of the Loan Agreement and Notes and to receive oral and/or written objections from any resident or property owner of the County to such action.

WHEREAS, before notes may be issued, it is necessary to comply with the procedural requirements of Chapters 331 and 403 of the Code of Iowa, and to publish a notice of the proposal to issue such notes and the right to petition for an election.

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

Section 1. That this Board meet in the Board Room, County Courthouse, 215 E 5th St, Storm Lake, Iowa, at 9:00 A.M., on the 17th day of May, 2022, for the purpose of taking action on the matter of the authorization of a Loan Agreement and issuance of not to exceed \$4,800,000 General Obligation Capital Loan Notes, for essential county urban renewal purposes, the proceeds of which notes will be used 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.

Section 2. The Auditor is authorized and directed to proceed on behalf of the County with the negotiation of terms of a Loan Agreement and the issuance of General Obligation Capital Loan Notes, evidencing the County's obligations to a principal amount of not to exceed \$4,800,000, to select a date for the final approval thereof, to cause to be prepared such notice and sale information as may appear appropriate, to publish and distribute the same on behalf of the County and this Board and otherwise to take all action necessary to permit the completion of a loan on a basis favorable to the County and acceptable to the Board.

Section 3. That the Auditor is hereby directed to cause at least one publication to be made of a notice of the meeting, in a legal newspaper, printed wholly in the English language, published at least once weekly, and having general circulation in the County. The publication to be not less than ten clear days nor more than twenty days before the date of the public meeting on the issuance of the Notes.

Section 4. The notice of the proposed action to issue notes shall be in substantially the following form:

(To be published on or before: April 29, 2022, but not before April 20, 2022)

NOTICE OF MEETING OF THE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, STATE OF IOWA, ON THE MATTER OF THE PROPOSED AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$4,800,000 (AMOUNT SUBJECT TO CHANGE) GENERAL OBLIGATION CAPITAL LOAN NOTES OF THE COUNTY (FOR ESSENTIAL COUNTY URBAN RENEWAL PURPOSES), AND THE HEARING ON THE ISSUANCE THEREOF

PUBLIC NOTICE is hereby given that the Board of Supervisors of Buena Vista County, State of Iowa, will hold a public hearing on the 17th day of May, 2022, at 9:00 A.M., in the Board Room, County Courthouse, 215 E 5th St, Storm Lake, Iowa, at which meeting the Board proposes to take additional action for the authorization of a Loan Agreement and the issuance of not to exceed \$4,800,000 General Obligation Capital Loan Notes, for essential county urban renewal purposes, 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.

At any time before the date of the meeting, a petition, asking that the question of issuing such Notes be submitted to the legal voters of the County, may be filed with the Auditor of the County in the manner provided by Section 331.306 of the Code of Iowa, pursuant to the provisions of Sections 331.402, 331.443 and 403.12 of the Code of Iowa.

At the above meeting the Board shall receive oral or written objections from any resident or property owner of the County to the above action. After all objections have been received and considered, the Board will at the meeting or at any adjournment thereof, take additional action for the authorization of a Loan Agreement and the issuance of the Notes to evidence the obligation of the County thereunder or will abandon the proposal to issue said Notes.

This notice is given by order of the Board of Supervisors of Buena Vista County, State of Iowa, as provided by Chapters 331 and 403 of the Code of Iowa.

Dated this 12th day of April, 2022.

/s/ Susan K. Lloyd, County Auditor, Buena Vista County, State of Iowa

(End of Notice)

PASSED AND APPROVED this 12th day of April, 2022.

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

Recorder Curt Reis presented a request to the Board, for \$122,959 in ARPA Funds, to scan and digitize grantor and grantee index books, and their deed books. Reis stated that this would be done at the same time as the Auditor’s digitizing project. Reis stated that it is for preservation of records, and it will also allow everyone to have access to the records without having to come into the Courthouse. Reis stated that the hosting fee is \$1,500 per year. Motion by Ringgenberg, second by Huseman, to approve the request of Recorder Curt Reis, for \$122,959 in **ARPA Funds**, to scan and digitize the grantor & grantee index books, along with their deed books. Carried.

Motion by Huseman, second by Snyder, to approve the **minutes** of 4/5/22, as corrected, today’s **claims approval list**, and the following **reports**: April Safety Committee minutes, and FY’21 Audit Report for Mid-Sioux Opportunity. Carried.

Motion by Ringgenberg, second by Snyder, to approve and authorize the Chair to sign the **Bond Counsel Engagement Agreement** with Ahlers & Cooney, P.C., for the Not to exceed \$4,800,000 General Obligation Capital Loan Notes, Series 2022A. Carried.

Motion by Ringgenberg, second by Huseman, to change the Official Newspapers designation, removing the Pilot Tribune, since they have been purchased by the Storm Lake Times. The **Official Newspapers** will now be the Buena Vista County Journal and The Storm Lake Times Pilot. Carried.

The **Certificate of Appreciation** is tabled until the April 19th meeting.

There being no further business, motion by Snyder, second by Ringgenberg, to adjourn the meeting at 10:00 a.m. until Tuesday, April 19 at 8:30 a.m. for a special meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
SEVENTEENTH MEETING, 2022 SESSION (17)
APRIL 19, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 19, 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 Ringgenberg, to approve **amend today's agenda**, adding an additional action item, Jt. DD #14-42 beaver bounty claim. Carried.

Engineer Bret Wilkinson reviewed his FY'23 IDOT budget that will be submitted to the State, along with his 5-year program for construction and repairs. Wilkinson stated that the Budget was the same as what the Board had approved in March. Motion by Huseman, second by Ringgenberg, to accept and authorize the Chair to sign the **State IDOT budget**, for FY'23, and submit to IDOT. Carried. Motion by Altena, second by Snyder, to accept and authorize the Chair to sign the **5-year Construction Program**, for FY'23, and submit to IDOT. Carried.

Motion by Snyder, second by Huseman, to approve and authorize the Chair to sign the **utility permit** for the City of Marathon, boring under 210th Ave. for a 3-phase power electrical line to the new city sewer plant, in Sections 20 & 21, Poland Township. Carried.

Motion by Ringgenberg, second by Snyder, to approve and authorize the Chair to sign the **utility permit** for Iowa Lakes Regional Water, Spencer, IA, for the accommodation of a 1.5" poly pipeline for the transmission of water along 615th St. in Section 7, Providence Township, to serve the Stille family. Carried.

Engineer Bret Wilkinson brought a request from the BV Fair Board for sand to be used at the fairgrounds for their horse arena. Wilkinson stated that the county has donated sand in the past few years, donating up to 75 ton of sand, with the BV Fair Board responsible for hauling. Motion by Altena, second by Ringgenberg, to donate up to 75 ton of sand to the **BV Fair Board**, with the County loading it, and the BV Fair Board responsible for hauling. Carried.

Secondary Road Report: They have been working on gravel roads and edge rutting; Engineer Wilkinson stated that they have two pieces of equipment broken and hope to get them repaired soon; they will probably start working on driveways next week, or the following week.

Env Health/Zoning Director Kim Johnson was present for the discussion on what the Board intends to do with **zoning**. Johnson stated that today was Jason Butler's last day, and with Environmental Health going under Public Health, and the floodplain maps coming this week, and the Comp Plan kick-off meeting scheduled for May 23, she would like to have the new person on board now and get in on the beginnings of these projects. Engineer Wilkinson stated that he still wants to hire a part-time person to help in the office at Secondary Roads, and Snyder wondered if the same person could also perform the Zoning duties. Wilkinson will contact counties that have zoning in the Secondary Road Department, to see how it is working, and then he and Johnson will work together on developing a new job description for this unique position.

Joanne Follon, Business Retention & Workforce Partnership Coordinator for the Iowa Lakes Corridor, reviewed the **"Best of Iowa" Program**. Follon stated that an 8-page survey was sent to various businesses, and then reviewed to see what the businesses were having issues with, that the Corridor could

help with. Last year they targeted 55 businesses, and 29 completed the surveys. Follon also reviewed labor shed reports, showing the availability of workers in BV County and Storm Lake.

Eric Yunginger, Assistant to the Drainage Engineer, discussed beaver trapping in **DD #49**. Yunginger stated that trapping season ended last week, but there are individuals that will obtain a nuisance trapping license, in order to set up and trap beavers as a nuisance. Yunginger had a request from an individual with a nuisance license, and he is asking for \$200 setup fee, which the drainage districts have never paid before. Yunginger stated that the bounty paid by the county, does not begin to cover the cost of gas. Yunginger stated that the issue with the beavers on DD #49 is where it outlets into Sac County. Yunginger stated that the trapper would set up for \$200, then after a week, comes back to revisit the trap, and charges \$50/beaver tail. Yunginger stated that the contractor still comes in and removes the dams. The Board asked Yunginger if he would develop a policy for this nuisance trapping out of season, and have it as a repair project, rather than a beaver bounty. The Board stated that they will have to revisit the amount they reimburse for beaver tails, in January, 2023. The consensus of the Board was to authorize Yunginger to contact one of the individuals with the nuisance license and ask them to come into a board meeting to discuss.

Motion by Ringgenberg, second by Altena, to approve and authorize the Chair to sign the **Certificate of Appreciation** for Marty DeMuth, for his 20 years of service to Buena Vista County, with the Sheriff's Department Carried.

Pursuant to Chapter 50.24 of the 2022 Code of Iowa, motion by Huseman, second by Altena, to declare the results, for Buena Vista County, of the **canvass** of the City of Marathon Special Election held April 12, as follows:

City of Marathon: total voters – 86, 57.33% turnout

COUNCIL-TO FILL VACANCY

James Burgess	64	elected
Larry Robinson	22	Carried.

Motion by Snyder, second by Ringgenberg, to approve the **minutes** of 4/12/22, as printed, and the following **reports:** 2021 Iowa Lakes Corridor Annual Report, and March Conservation Board minutes. Carried.

Motion by Huseman, second by Snyder, to approve the **Jt. DD #14-42** beaver bounty claim for Ryan Smith, in the amount of \$100, and return to Clay County for payment. Carried.

Motion by Ringgenberg, second by Snyder, to approve and authorize all of the supervisors to sign **Resolution #2022-04-19-A** Declaring All ARPA Funds as Revenue Loss. Carried.

RESOLUTION NO. 2022-04-19-A

RESOLUTION ALLOCATING AMERICAN RESCUE PLAN ACT FUNDS

WHEREAS, in March 2021, the federal government established the American Rescue Plan Act of 2021 (ARPA) which included the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide state, local and Tribal governments with the resources needed to respond to the pandemic and its economic effects; and

WHEREAS, the U.S. Department of the Treasury issued an Interim Final Rule implementing the SLFRF program on May 10, 2021, which included replacing lost revenue to County governments, and

WHEREAS, on January 6, 2022, the Treasury issued final rules for the SLFRF program, including authorization for counties to allocate up to \$10,000,000 of their total SLFRF allocation as lost revenue to spend on government services.

NOW, THEREFORE, BE IT RESOLVED, that the Buena Vista County Board of Supervisors approves allocating its total SLFRF allocation in the expected amount of \$3,810,955 as lost revenue to spend on government services.

HEREBY RESOLVED by the Buena Vista County Board of Supervisors this 19th day of April, 2022.

/s/ Paul Merten-Chairman, Kelly Snyder-Vice-Chairman, Don Altena-Supervisor, Tom Huseman-Supervisor, Rhonda Ringgenberg-Supervisor. Attest: Susan K. Lloyd, County Auditor

Motion by Snyder, second by Huseman, to approve and authorize the Chair to sign the ISAC Group Benefits Program **28E Agreement**. Carried.

Motion by Snyder, second by Ringgenberg, to approve and authorize the Chair to sign **Resolution #2022-04-19-B** To Approve the ISAC Group Benefits Program 28E. Carried.

**Resolution #2022-04-19-B
To Approve the ISAC Group Benefits Program 28E Agreement**

WHEREAS, the Iowa State Association of Counties (ISAC) Group Benefits Program, a Chapter 28E organization, has adopted a 28E Agreement for its group health and related benefits program, for the purpose of providing group health and related benefits for employees of participating entities.

WHEREAS, the county of Buena Vista desires to adopt the 28E Agreement for health and related benefits for eligible employees.

NOW, THEREFORE, BE IT RESOLVED by the Buena Vista County Board of Supervisors that the County desires to adopt the 28E Agreement for the ISAC Group Benefits Program.

Approved by the Buena Vista County Board of Supervisors on April 19, 2022.

/s/ Paul Merten, Chair, Board of Supervisors

Motion by Snyder, second by Altena, to approve and authorize the Chair to sign the **FY'23 ISAC Group Benefits Program County Plan Selection Confirmation for AD & D insurance**. Carried.

Supervisor Meeting Reports: Snyder will be attending the Linn Grove Council Meeting on Thursday; Merten will be attending the Rolling Hills Mental Health Region Meeting next week.

There being no further business, motion by Ringgenberg, second by Altena, to adjourn the meeting at 10:55 a.m. until Tuesday, April 26 at 8:30 a.m. for a regular meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
EIGHTEENTH MEETING, 2022 SESSION (18)
APRIL 26, 2022**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 26, 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 Altena, to amend **today's agenda**, adding an additional action item, a cigarette/tobacco permit for Al's Corner Oil Company, DBA Sparky's One Stop #16. Carried.

Motion by Huseman, second by Ringgenberg, to approve the **minutes** of 4/19/22, as printed, today's **claims approval list**, **stamped drainage warrant register**, and the following **reports**: March BV County Landfill minutes and Recorder's Report of Fees Collected (Jan-Mar). Carried.

Motion by Altena, second by Huseman, to approve and authorize the Chair to sign the **Jt. DD #22** Beaver Trapping claim for \$250 to Ryan Smith. Carried.

Motion by Snyder, second by Ringgenberg, to set a public hearing for the 4th **FY'22 County Budget Amendment**, for May 31, at 9:00 a.m. Carried.

Supervisor Meeting Reports: Snyder attended the Linn Grove City Council meeting last week; Merten has Plains Area Mental Health meeting tonight, and the Rolling Hills Mental Health Region meeting tomorrow.

Motion by Snyder, second by Altena, to approve the **Cigarette/Tobacco Permit** for Al's Corner Oil Company, DBA Sparky's One Stop #16. Carried.

Sheriff Kory Elston discussed increasing the fees charged for fingerprints, 3rd party requests for accident reports, and 3rd party requests for pictures on cd's. Elston stated that the fees have been the same for several years. Elston recommends increasing the fee for 3rd party requests for accident reports from \$4 to \$10, the fee for fingerprints from \$5 to \$10, and the fee for 3rd party requests for accident pictures on CDs from \$15 to \$20. Motion by Snyder, second by Huseman, to approve increasing the **fees** charged by the Sheriff's Department for 3rd party requests for accident reports from \$4 to \$10, for fingerprints from \$5 to \$10, and for 3rd party requests for accident pictures on CDs from \$15 to \$20, all effective May 1, 2022. Carried.

Sheriff Kory Elston informed the Board that Alyson Sievers was promoted to **Jail Administrator**, and Rochelle Van Houten was promoted to **Jail Supervisor**. Elston stated that he is still taking applications for the vacant deputy position. Elston also informed the Board that 3-4 of the **body cameras** are non-repairable, so he is getting quotes from Watch Guard for new body cameras. The remaining body cameras would be phased out. Elston stated that he is working with other sheriffs on **jail fees**, pursuing options to get reimbursed for fees.

County Attorney Paul Allen presented Resolution #2022-04-26-A Secure Doors, for the Board to consider. Allen stated that the intent of this resolution, in regard to the access to the courthouse, is posting signs showing where the limitations are, protecting the employees, and areas that are not open to the public. Allen requested that areas that are not open to the public, the doors should be shut and locked, or shut and a sign posted with "authorized personnel only". Allen stated that the Judicial Branch should be made aware of this too and should post signs and shut or lock the doors. Motion by Ringgenberg, second by Snyder, to approve and authorize the Chair to sign **Resolution #2022-04-26-A** Secure Doors. Carried.

RESOLUTION # 2022-04-26-A

WHEREAS, the Constitution of the State of Iowa provides that government is instituted for the protection, security, and benefit of the people, and that certain rights are inherent or reserved for the people; and

WHEREAS, the Board of Supervisors is responsible for and has authority over Buena Vista County property; and

WHEREAS, the security and safety of Buena Vista County personnel and property is paramount to the proper functioning of the County in fulfilling its legal obligations; and

WHEREAS, Buena Vista County personnel must be able to fulfill their legal obligations in a secure manner and free from interference; and

WHEREAS, Buena Vista County performs functions that concerns confidential information, confidential procedures, or involves the use of confidential materials or dangerous equipment and materials, or involves a risk to those not authorized to perform certain functions, and

WHEREAS, Buena Vista County must comply with both federal and state statutes and regulations regarding the protection of certain information, materials, facilities, and equipment; and

NOW IT THEREFORE BE RESOLVED, Buena Vista County property shall be open to the public during business hours as determined by the Board of Supervisors, subject to the availability of personnel at individual facilities; and

IT BE FURTHER RESOLVED, the general public shall not, without authorization, be permitted to access Buena Vista County work areas, private offices, storage rooms, or any area in which confidential information, procedures, materials, or dangerous equipment and materials are present, or involves a risk to those not authorized to perform certain functions; and

IT BE FURTHER RESOLVED, any Buena Vista County property, or area therein, of which the general public is not authorized to access shall be properly marked or otherwise secured so as to provide notice that such area is prohibited; and

IT BE FURTHER RESOLVED, that any person who accesses a prohibited area without authorization shall be referred to the proper authorities for criminal prosecution.

PASSED AND APPROVED this 26th day of April, 2022.

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

Supervisor Meeting Reports-continued: Altena will be attending the Upper Des Moines Opportunity meeting tonight.

There being no further business, motion by Snyder, second by Altena, to adjourn the meeting at 9:25 a.m. until Tuesday, May 3 at 8:30 a.m. for a special meeting.

Susan Lloyd, Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
NINETEENTH MEETING, 2022 SESSION (19)
MAY 3, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, May 3, 2022, at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Altena, Ringgenberg, Snyder and with Huseman (remotely) and with Deputy Auditor Sharon Henkel 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 Ringgenberg, to approve **today's agenda**, Carried.

Engineer Bret Wilkinson reviewed the **utility permit for Mid-American Energy** to bury utility line picking up from their line on 630th to 70th Avenue to power the Platinum Crush project. Motion by Altena, second by Huseman, to accept and approve Utility Permit # 05032022 for Mid-American Energy. Carried.

Secondary Road Report: The crew is working on gravel roads. Good moisture to work with in shaping them back up. He is lining up a contractor as early as next week to test the strength of the road near the crush plant site. Surveying will be done on a 200 ft wide corridor for the 4 miles of roadway around the site to aid the design of the roads and information needs for the RISE Grant with the DOT which has a short deadline. Complaints on dust caused by traffic around the site last week could be due to the reroute of Hwy 7 and 110 and/or the spectators in vehicles checking out the site. Bret is looking at dust control in that area and asked for thoughts and comments from the board on how best to treat for the issue this year. The Board gave Bret direction to monitor the dust control and reapply approximately 600 feet per residence as needed. 27 Iowa engineers attended the conference in New York. Good information and contacts. Heavy conversations on life extension on asphalt and concrete roads.

Motion by Snyder, second by Ringgenberg, to approve **4/26/2022 minutes** as written and today's reports. Carried.

Motion by Ringgenberg, second by Huseman to sign **Resolution 2022-05-03-A to Ratify, Confirm, and Approve Prior Signatures on Agreement for Private Development** The roll was called, and the vote was: Ayes: Merten, Snyder, Altena, Ringgenberg, and Huseman. Nays: None. Motion Carried.

RESOLUTION NO. 2022-05-03-A

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN BUENA VISTA COUNTY AND PLATINUM CRUSH, LLC, AND TO RATIFY, CONFIRM, AND APPROVE PRIOR SIGNATURES ON AGREEMENT FOR PRIVATE DEVELOPMENT

WHEREAS, by Resolution No. 2022-03-15-A, adopted March 15, 2022, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Platinum Urban Renewal Plan (the "Urban Renewal Plan" or "Plan") for the Platinum Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Buena Vista County; and

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

WHEREAS, Iowa Code Chapter 15A authorizes counties to make loans and grants for economic development, and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapter; and

WHEREAS, the County received a proposal from Platinum Crush, LLC (the "Developer"), in the form of a proposed Development Agreement (the "Agreement") by and between the County and the Developer, pursuant to which, among other things, the Developer would agree to construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Urban Renewal Area as defined and legally described in the Agreement (the "Development Property") and consisting of the construction of a soybean crush facility and a new 15,000 square foot building to be used for the soybean crushing plant's main grain receiving building, together with all related site improvements, as outlined in the proposed Agreement; and

WHEREAS, the Agreement further proposes that the County will make up to twenty (20) consecutive annual payments of Economic Development Grants to Developer consisting of a certain percentage of the Tax Increments pursuant to Section 403.19, Code of Iowa, and generated by the construction of the Minimum Improvements, excepting therefrom a portion of such Tax Increments each year for the County's use, the cumulative total for all such payments not to exceed the lesser of \$12,000,000, or the amount accrued under the formula outlined in the proposed Development Agreement, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, the Agreement further proposes that the County construct certain Public Use Improvements (as defined in the Agreement) in support of the Project, consisting of updating approximately 4 miles of roads directly surrounding the Project site, under the terms and following satisfaction of the conditions set forth in the Agreement; and

WHEREAS, the Agreement also proposes that Developer will enter into a Minimum Assessment Agreement with the County setting the minimum actual value of the Minimum Improvements for tax purposes at not less than \$30,000,000, before rollback; and

WHEREAS, the Agreement further requires the Developer to occupy the Minimum Improvements and employ employees therein, including complying with the requirements of an Economic Development Assistance Contract between the Iowa Economic Development Authority, the Developer, and the County made through the State's High Quality Jobs Program; and

WHEREAS, on March 29, 2022, following duly published notice, the Board held a public hearing on the Agreement and following said public hearing, the Board, via motion, authorized the Chairperson to sign the Agreement; and

WHEREAS, consistent with such authorization, the Chairperson duly executed the Agreement; and

WHEREAS, the County subsequently determined it prudent to adopt a formal resolution authorizing and ratifying the execution of the Development Agreement; and

WHEREAS, at this meeting of the Board, the County will adopt this resolution to authorize, ratify, and confirm the execution of the Agreement; and

WHEREAS, Chapters 15A and 403, Code of Iowa, authorize counties to make grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapters, and to levy taxes and assessments for such purposes; and

WHEREAS, the Board has determined that the Agreement is in the best interests of the County and the residents thereof and that the performance by the County of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the County's performance thereunder is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapters 15A and 403, Code of Iowa, taking into account any or all of the factors set forth in Chapter 15A, Code of Iowa, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.
- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes, or which generate tourism-related activities.
- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.
- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds.

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

That the performance by the County of its obligations under the Agreement, including but not limited to making of grants to the Developer in connection with the development of the Development Property under the terms set forth in the Agreement, be and is hereby declared to be a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Agreement and the County's performance thereunder is in furtherance of appropriate economic development activities and

objectives of the County within the meaning of Chapters 15A and 403, Code of Iowa, taking into account the factors set forth in Chapter 15A, Code of Iowa.

That the form and content of the Agreement, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the execution of the Agreement for and on behalf of the County following the March 29, 2022 public hearing, in substantially the form and content now before this meeting, is hereby ratified and confirmed.

PASSED AND APPROVED this 3rd day of May, 2022.

/s/ Paul Merten, Chair, Board of Supervisors /s/ Sharon Henkel, 1st Deputy Auditor

CERTIFICATE

I, the undersigned County Auditor of Buena Vista County, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the County showing proceedings of the Board, and the same is a true and complete copy of the action taken by the Board with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Board and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Board pursuant to the local rules of the Board and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective county offices as indicated therein, that no Board vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the County or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Board hereto affixed this 3rd day of May, 2022.

/s/ Sharon Henkel, 1st Deputy Auditor

Play 4 Him Academy Founder Jeramie Hinote came to discuss his plans that he would like to possibly get started as a location for the LLC in Buena Vista County and find any tax incentives available here. In 2016 he started the named business for youth after previously working as a high school basketball coach. The academy has grown nearly 300% in the first 6 years with the interest in the program continuing to grow. This is an outside of school program for 4th grade through High school for basketball and volleyball looking next year to possibly add 3rd grade. All during the year he has 2 regular employees, and then in the summer -14 coaches, 6 of which are college students who get their additional training, and also 5 winter coaches. Consensus of the board was to share information with him to first contact the Iowa Lakes Corridor and see what incentives the business could qualify for.

Env Health Specialist Johanna Hostetler was present for Resolution for the Minor subdivision for Kevin Buse and Michelle Henderson in Section 14 Fairfield Township. Motion by Snyder, second by Altena to Approve **Resolution 2022-05-03-B Minor Subdivision for Kevin Buse and Michelle Henderson NE ¼ Section 14 Fairfield Township.** Carried.

RESOLUTION 2022-05-03-B

WHEREAS Kevin R. Buse and Michelle A. Henderson have presented a preliminary and final plat (of survey) on the following described properties:

DESCRIPTION LOT C

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northwest (NW) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence South 89° 34' 15" East, along the North line of said Northeast Quarter (NE ¼), 1256.20 feet; Thence South 00° 02' 47" East, 468.00 feet; Thence South 89° 34' 15" East, 320.00 feet; Thence North 00° 02' 47" West, 468.00 feet to the North line of the Northeast Quarter (NE ¼); Thence South 89° 34' 15" East, along said North line, 22.24 feet; Thence South 00° 02' 47" East, 2621.82 feet to the South line of the Northeast Quarter (NE ¼); Thence North 89° 42' 42" West, along said South line, 1601.53 feet to the West line of the Northeast Quarter (NE ¼); Thence North 00° 01' 18" East, along said West line, 2625.73 feet to the Point of Beginning.

Hereafter known as Lot C, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 92.93 Acres and is subject to all easements of record.

DESCRIPTION LOT D

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER (N1/2 NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence South 89° 34' 15" East, along the North line of said Northeast Quarter (NE ¼), 1256.20 feet to the Point of Beginning; Thence South 00° 02' 47" East, 468.00 feet; Thence South 89° 34' 15" East, 320.00 feet; Thence North 00° 02' 47" West, 468.00 feet to the North line of the Northeast Quarter (NE ¼); Thence North 89° 34' 15" West, along said North line, 320.00 feet to the Point of Beginning.

Hereafter known as Lot D, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 3.44 Acres and is subject to all easements of record.

DESCRIPTION LOT E

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER (E 1/2 NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence North 89° 34' 15" West, along the North line of said Northeast Quarter (NE ¼), 1041.39 feet; Thence South 00° 02' 47" East, 2621.82 feet to the South line of said Northeast Quarter (NE ¼); Thence South 89° 42' 42" East, along said South line, 1041.36 feet to the East line of said Northeast Quarter (NE ¼); Thence North 00° 02' 47" West, along said East line, 2619.27 feet to the Point of Beginning.

Hereafter known as Lot E, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 62.65 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 C

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northwest (NW) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence South 89° 34' 15" East, along the North line of said Northeast Quarter (NE ¼), 1256.20 feet; Thence South 00° 02' 47" East, 468.00 feet; Thence South 89° 34' 15" East, 320.00 feet; Thence North 00° 02' 47" West, 468.00 feet to the North line of the Northeast Quarter (NE ¼); Thence South 89° 34' 15" East, along said North line, 22.24 feet; Thence South 00° 02' 47" East, 2621.82 feet to the South line of the Northeast Quarter (NE ¼); Thence North 89° 42' 42" West, along said South line, 1601.53 feet to the West line of the Northeast Quarter (NE ¼); Thence North 00° 01' 18" East, along said West line, 2625.73 feet to the Point of Beginning.

Hereafter known as Lot C, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

DESCRIPTION LOT D

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER (N1/2 NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence South 89° 34' 15" East, along the North line of said Northeast Quarter (NE ¼), 1256.20 feet to the Point of Beginning;

Thence South 00° 02' 47" East, 468.00 feet; Thence South 89° 34' 15" East, 320.00 feet; Thence North 00° 02' 47" West, 468.00 feet to the North line of the Northeast Quarter (NE ¼); Thence North 89° 34' 15" West, along said North line, 320.00 feet to the Point of Beginning.

Hereafter known as Lot D, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

DESCRIPTION LOT E

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER (E 1/2 NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence North 89° 34' 15" West, along the North line of said Northeast Quarter (NE ¼), 1041.39 feet; Thence South 00° 02' 47" East, 2621.82 feet to the South line of said Northeast Quarter (NE ¼); Thence South 89° 42' 42" East, along said South line, 1041.36 feet to the East line of said Northeast Quarter (NE ¼); Thence North 00° 02' 47" West, along said East line, 2619.27 feet to the Point of Beginning.

Hereafter known as Lot E, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

are hereby accepted subject to the following if any: None

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

DESCRIPTION LOT C

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northwest (NW) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence South 89° 34' 15" East, along the North line of said Northeast Quarter (NE ¼), 1256.20 feet; Thence South 00° 02' 47" East, 468.00 feet; Thence South 89° 34' 15" East, 320.00 feet; Thence North 00° 02' 47" West, 468.00 feet to the North line of the Northeast Quarter (NE ¼); Thence South 89° 34' 15" East, along said North line, 22.24 feet; Thence South 00° 02' 47" East, 2621.82 feet to the South line of the Northeast Quarter (NE ¼); Thence North 89° 42' 42" West, along said South line, 1601.53 feet to the West line of the Northeast Quarter (NE ¼); Thence North 00° 01' 18" East, along said West line, 2625.73 feet to the Point of Beginning.

Hereafter known as Lot C, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

DESCRIPTION LOT D

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER (N1/2 NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Northwest (NW) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence South 89° 34' 15" East, along the North line of said Northeast Quarter (NE ¼), 1256.20 feet to the Point of Beginning; Thence South 00° 02' 47" East, 468.00 feet; Thence South 89° 34' 15" East, 320.00 feet; Thence North 00° 02' 47" West, 468.00 feet to the North line of the Northeast Quarter (NE ¼); Thence North 89° 34' 15" West, along said North line, 320.00 feet to the Point of Beginning.

Hereafter known as Lot D, in Section 14, Township 92 North, Range 35 West of the 5th P.M., Buena Vista County, Iowa.

DESCRIPTION LOT E

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER (E 1/2 NE 1/4) OF SECTION 14, TOWNSHIP 92 NORTH, RANGE 35 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) corner of the Northeast Quarter (NE ¼) of said Section 14; Thence North 89° 34' 15" West, along the North line of said Northeast Quarter (NE ¼), 1041.39 feet; Thence South 00° 02' 47" East, 2621.82 feet to the South line of said Northeast Quarter (NE ¼); Thence South 89° 42' 42" East, along said South line, 1041.36 feet to the East line of said Northeast Quarter (NE ¼); Thence North 00° 02' 47" West, along said East line, 2619.27 feet to the Point of Beginning.

Hereafter known as Lot E, in Section 14, Township 92 North, Range 35 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 3rd day of May, 2022.

/s/ Paul Merten, Chair, Board of Supervisors /s/ Sharon Henkel, 1st Deputy Auditor

Brief discussion was held on office space for the counselor at Catholic Charities. Motion by Snyder, second by Huseman to table the discussion until a later date. Carried.

There being no further business, motion by Ringgenberg, second by Snyder, to adjourn the meeting at 9:51 a.m. until Tuesday, May 10 at 8:30 a.m. for a regular meeting.

Sharon Henkel, 1st Deputy Auditor

Paul Merten, Chairperson

**BOARD OF SUPERVISORS MEETING
TWENTIETH MEETING, 2022 SESSION (20)
MAY 10, 2022**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 10, 2022, at 8:30 A.M. in the Boardroom with Chairman Merten presiding, and the following members present: Altena, Huseman (remotely), Ringgenberg, and Snyder and with Deputy Auditor Sharon Henkel 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 Snyder, to approve today's agenda. Carried.

County Engineer Bret Wilkinson discussed the Iowa DOT City Bridge Funding Agreement between the City of Linn Grove and Buena Vista County. Both County and City of Linn Grove need to sign the agreement to move forward on the bridge project over the Little Sioux River. This project, once completed, will be eligible for reimbursement from the Federal-aid Swap funding agreement as awarded, after all project costs are paid up front. A supervisor will attend the Linn Grove city meeting on Thursday night to help with any questions. Motion by Ringgenberg, second by Huseman, to authorize chair to sign the **DOT City Bridge Funding Agreement**. Carried.

The Engineer asked to declare their 1999 Chevrolet C7500 truck (which was used for their sign truck) with 187,000 miles on it as excess equipment and to be allowed to sell. Motion by Altena, second by Snyder, to **declare 1999 Chevrolet C7500 truck as excess equipment** and allow County Engineer to sell. Carried.

Secondary Road Report: We are blading gravel and hauling rock for much of the week. Also still doing edge rutting and widening some entrances. He is working through details with Platinum Crush on right of way at the site and working with Mid American on details for power to the site. He is talking to the DOT on the RISE Grant to work out the details of the two intersections that go to the site based on the traffic survey. Platinum Crush is not going vertical until around September and Bret would like to see DOT approve the RISE Grant before then. Current rain is slowing down the dust, but future dust control is still on the radar. Advertising for seasonal help has been done and looking at June start date for those hired.

Building and Grounds Maintenance Superintendent Joe Keller was in attendance on behalf of the Parade of Flags to ask for permission from the Board to use the courthouse lawn for the Memorial Day Parade of Flags Dedication at 10 am. The guest speaker flying in from California will be Ryan Hartwig, originally from Storm Lake, who has served approximately 18 tours of duty. The courthouse lawn will be adorned with over 570 flags. In inclement weather, the Memorial Day dedication will be held at the Storm Lake High School auditorium. A Touch of Broadway will perform. The public is welcome to bring lawn chairs. Keller also stated that Awaysis Park in Storm Lake will be adorned with 700 flags. Motion by Snyder, second by Altena, to approve use of the Buena Vista County Courthouse law for **Memorial Day Parade of Flags Dedication**. Carried.

Building and Grounds Report: New commercial doors were installed at the County Attorney building and the space previously a garage is being remodeled into usable space. We are working on the LEC building doing rooftop units, duct work and roofing with an estimated late June completion. Public Health building - working on finishing details and looking at a September start date on the remodel. At the Courthouse building we have installed twenty-two new panic buttons replacing the old and broken, working on our spring list of cleaning windows and upkeep to courthouse lawn, carpet squares in offices to make floors warmer, and pricing out for replacement of plexiglass windows at offices with real glass and speaking windows with ARPA funds. Plexiglass is becoming scratched which was a temporary need due to Covid.

Motion by Snyder, second by Ringgenberg, to authorize chair to sign acknowledgement of **FY2021 Buena Vista County CASI report**. Carried.

Motion by Huseman, second by Ringgenberg, to approve the **minutes** of 5/3/22, as printed, today's **claims approval list**, and the following **reports:** April Sheriff report and April Sheriff Inmate report, FY2021 CASI Report. Carried.

Drainage Engineer presented the proposal for \$8,084 from ArcaSearch LLC, to digitally scan county records for drainage using ARPA funds to pay for the project. The Code of Iowa requires us to keep records. Many of the oldest writings in the drainage books are fading so much that if we do not scan soon, we will not be able to follow the history due to the aging of the books. We will receive two complete archived hard copies and can add additions to the files going forward. Motion by Snyder, second by Ringgenberg, to approve Drainage Engineer to use ARPA funds for **Digital Preservation of Drainage Books** and authorize Chair to sign the proposal. Carried.

There being no further business, motion Snyder by, second by Altena, to adjourn the meeting at 10:03 a.m. until Tuesday, May 17 at 8:30 a.m. for a special meeting.

Sharon Henkel, 1st Deputy Auditor

Paul Merten, Chairperson

**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.

Susan Lloyd, Auditor

Paul Merten, Chairperson
