

**BOARD OF SUPERVISORS MEETING
THIRTIETH MEETING, 2022 SESSION (30)
JUNE 28, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, June 28, 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 **today's agenda**. Carried.

Motion by Snyder, second by Huseman, to approve and authorize the Chair to sign the **Iowa DOT Funding Agreement for Project BRS-SWAP-CO11(100)--FF-11**, the bridge replacement project on M36 over Bluebird Creek. Carried.

Motion by Ringgenberg, second by Altena, to approve and authorize the Chair to sign **Change Order #2 on Project #8716** Flood Mitigation Structures, with B & S Tiling & Excavation as the contractor, in the amount of \$7,520.00. Carried.

Engineer Bret Wilkinson discussed the request from the Buena Vista County Fair, which had been presented at the 6/21 Board meeting. The BV County Fair Board asked for a donation of 600 ton of new dirt to construct a motocross track for fair week. Wilkinson stated that it would be a labor and mileage donation for the county to haul the dirt from Storm Lake to Alta, and then to have the motor grader operators getting the track shaped up for the event. The Fair Board also asked that Secondary Road load the dirt back up on July 8, hauling it to a pile so that the other fair activities can take place. Merten commented that he would be willing to donate ½ of the dirt from his own pile, but Secondary Road would have to load and haul it. Wilkinson estimated the Secondary Road contribution for ½ of the dirt, loading, hauling, and the equipment used would be \$8,100. Wilkinson stated that if the Fair Board had to ask someone else for the dirt, and to load and haul, it would probably cost them \$15,000 - \$20,000. Motion by Snyder, second by Ringgenberg, to approve the request of the Buena Vista County Fair, for a **donation of 600 ton of new dirt** (half of the dirt donated by Paul Merten) to construct a motocross track for fair week, and to have Secondary Road load and haul the dirt, shape the track for the event, and then pick up the dirt after the event and haul it to another area to pile it up. Ayes: Altena, Huseman, Ringgenberg, Snyder. Nays: None. Abstentions: Merten. Motion carried.

Secondary Road Report: The bridge project on M50 is going well, and hopefully it will be done next week; crew is working on driveways, finishing up the edge rutting, and working on tile repairs; some of the crew will be hauling dirt for the BV County Fair tomorrow and Thursday; office staff is working on the design work for the two bridges in Linn Grove. The River Bridge letting will be in August and the letting for the bridge over Bluebird Creek will be in September; Wilkinson stated that he is working on the RISE Grant application, for the Platinum Crush paving project.

A call was placed to County Attorney Paul Allen for his appointment. Motion by Huseman, second by Altena, to go into **closed session** (at 9:10 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 Ringgenberg, second by Snyder, to go out of **closed session** at 9:25 a.m. Carried.

Motion by Ringgenberg, second by Huseman, to approve and authorize the Chair to sign the **Joint Release and Settlement Agreement** by and between Gaylerd A. Sadusky Trust, Gaylerd A. Sadusky, Trustee, and Gaylerd A. Sadusky, Individually, Lake Creek Area Sanitary Sewer District, and Buena Vista County Board of Supervisors, with each party paying one third (1/3) of the court costs, which the amount will be known at a later date. Carried.

Motion by Snyder, second by Altena, to accept the **General Release** of Lake Creek Sanitary Sewer District and authorize payment of \$25,000 to the Lake Creek Sanitary Sewer District upon receipt of the signed release. Carried.

Chairman Merten discussed with the Board the **MOU for Rolling Hills Mental Health Region**, and stated that Cherokee County wanted to make changes, so the Governance Board tabled any action during their meeting. County Attorney Paul Allen was present on the phone and stated that he has reviewed the MOU and 28E Agreement and stated that there is still an issue of employer of record. Merten stated that any future employees that do not reside in the Region, the Region want Buena Vista County to be the employer of record. Merten stated that the Region is also checking on worker compensation, as they are trying to keep the county with the least amount of exposure. The Board asked Allen for his recommendation, and he stated that he prefers the individuals of the Rolling Hills Region become employees of the Region but stated that he understands the employees' concerns. Merten stated that the Rolling Hills Region Governance Board would be meeting again this week, to work out the issues and then bring back new MOUs to the counties for approval.

Env Health/Zoning Director Kim Johnson presented information to the Board regarding papers she received for a Master Matrix of Blue Jay Farms 1, LLC, in Section 25 of Coon Township. Motion by Snyder, second by Huseman, to set a public hearing on a **Master Matrix** for Blue Jay Farms 1, LLC, in Section 25 of Coon Township, for July 19, 2022, at 9:00 a.m. Carried.

Sheriff Kory Elston request that the Board increase the mileage rate for serving civils in Storm Lake. Elston stated that the fee has been \$2.00 since 2012, and he recommends increasing the fee to \$6.00, which is the same that Clay County charges for serving civils in Spencer. Motion by Huseman, second by Altena, to increase the **mileage rate for serving civils** in Storm Lake to \$6.00. Carried.

Sheriff Kory Elston discussed the UTV & ATV State law changes. Treasurer Danelle Haberman and Recorder Curt Reis were also present for the discussion. Elston stated that there is no guidance on the new law. Reis stated that at his summer conference, he was told that the State is writing the regulations now to match the law. Reis stated that most likely the registration will be a DNR sticker rather than a DOT license plate. Elston stated that the law allows ATV and UTV vehicles on all Secondary Roads (gravel) and informed the Board that they could allow ATV and UTV vehicles to travel on County paved roads. Elston recommended that the Board not take any action on this topic today. Motion by Snyder, second by Ringgenberg, to table any action regarding the State law changes of operating **ATV's and UTV's** in Buena Vista County. Carried.

Motion by Ringgenberg, second by Huseman, to approve the **minutes** of 6/21/22, as corrected, and the following **reports**: None. Carried.

Motion by Snyder, second by Ringgenberg, to reappoint Pam Jacobsen to the **Veterans Affairs Commission** with a term to expire 6/30/2025. Carried.

Motion by Huseman, second by Altena, to approve and authorize the Chair to sign the Certificate of Appointment reappointing Sharon Henkel as **First Deputy Auditor**, at a salary of 85% of the Auditor's salary excluding any additional paid to the Auditor as Board Secretary, with the increase effective July 1, 2022. Carried.

Motion by Huseman, second by Altena, to approve and authorize the Chair to sign the **Certificate of Appointment** reappointing Karla Ahrendsen as Election Deputy, at a salary of 81% of the Auditor's

salary excluding any additional paid to the Auditor as Board Secretary, with the increase effective July 1, 2022. Carried.

Motion by Huseman, second by Altena, to approve and authorize the Chair to sign the **Certificate of Appointment** of Kristina Konradi as Real Estate & Drainage Deputy in the Auditor's Office, effective July 1, 2022, at a salary of 80% of the Auditor's salary excluding any additional paid to the Auditor as Board Secretary. Carried.

Motion by Ringgenberg, second by Huseman, to authorize the creation of **Special Revenue Fund 0035** County Attorney Forfeiture Fund on July 1, 2022, and to **transfer** \$24,232.55 from the General Basic Fund to this new fund, as this is the FY'22 balance of the forfeiture funds that currently is included in the General Basic Fund total. Carried.

Auditor Susan Lloyd stated that due to SF 619, counties are required to deposit the remainder of the balance held in Fund 0010 Mental Health to their Region at the end of FY'22. Motion by Snyder, second by Ringgenberg, to authorize the Auditor to issue a check on 6/30/2022 for the balance of **Fund 0010 Mental Health**, after the June apportioning has been completed by the County Treasurer, to the Rolling Hills Mental Health Region, and to deposit the check into Fund 4156 Rolling Hills Mental Health Region. Carried.

Motion by Ringgenberg, second by Huseman, to approve and to authorize the Chair to sign **Resolution #2022-06-28-A** appropriating funds for FY'23 to departments at 100% per the FY'23 budget. Carried.

RESOLUTION 2022-06-28-A

WHEREAS, it is desired to make appropriations for each of the different officers and departments for the fiscal year commencing July 1, 2022, in accordance with section 331.434 (Sec 6) 2022 Code of Iowa,

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

Section 1. The amounts itemized by department or office on the certified County Budget for 2022-23 are hereby appropriated at 100% to the department or office listed in the 2022-23 budget.

Section 2. Subject to the provisions of other county procedures and regulations and applicable state law, the appropriations authorized under Section 1 shall constitute authorization for the department or officer listed to make expenditures or incur obligations from county funds effective July 1, 2022.

Section 3. In accordance with section 331.437 of the 2022 Code of Iowa, no department or officer shall expend, or contract to expend, any money, or incur any liability, or enter into any contract, which by its terms involves the expenditure of money, for any purpose in excess of the amounts appropriated pursuant to their resolution.

Section 4. If at any time during the 2022-23 budget year the Auditor shall ascertain that the available resources of a fund for that year will be less than said fund's total appropriation, she shall immediately so inform the Board and recommend appropriate corrective action.

Section 5. The Auditor shall establish separate accounts for the appropriations authorized in Section 1, each of which account shall indicate the amount of the appropriation, the amount charged thereto, and the unencumbered balance. The Auditor shall report the status of such accounts to the applicable departments and officers monthly during the FY2022-23 budget year. The Auditor shall also provide a summary report of all departments to the Board monthly.

Section 6. All appropriations authorized pursuant to this resolution lapse at the close of business June 30, 2023.

PASSED AND APPROVED this 28th day of June, 2022.

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

Motion by Snyder, second by Ringgenberg, to approve and to authorize the Chair to sign **Resolution #2022-06-28-B** authorizing interfund operating transfers from the General and Rural Funds to the Secondary Road Fund, and local option sales tax funds from "Local Option Sales Tax Funds for Secondary Roads" (0019) to the Secondary Road Fund as detailed in the FY'23 budget. Carried.

RESOLUTION 2022-06-28-B

WHEREAS, it is desired to transfer monies from the General Basic Fund (0001) to the Secondary Road Fund (0020) and to transfer from the Rural Services Basic Fund (0011) to the Secondary Road Fund (0020); and

WHEREAS, said operating transfers are in accordance with section 331.432, 2022 Code of Iowa,

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

Section 1. The sum of \$208,544.00 is ordered transferred from the General Basic Fund to the Secondary Road Fund with one-half the amount (\$104,272.00) transferred no earlier than July 1, 2022, and the last one-half transferred no earlier than January 1, 2023.

The sum of \$2,245,727.00 (Rural Basic levy) is ordered transferred from the Rural Services Basic Fund to the Secondary Road Fund (levy) with one-half the amount (\$1,122,863.50) transferred no earlier than July 1, 2022 and the last one-half transferred no earlier than January 1, 2023.

Section 2. The total maximum transfer from the General Basic Fund to the Secondary Road Fund shall not exceed \$208,544.00 (levy) and the total maximum transfer from the Rural Basic Fund to the Secondary Road Fund shall not exceed \$2,245,727.00 (levy) all for the fiscal year beginning July 1, 2022.

Section 3. The total transfer of local option sales tax for Secondary Roads shall be limited to 60% of the total local option sales tax receipts for FY'22 received by the county, estimated for budget purposes at \$600,000.

Section 4. The Auditor is directed to correct her books accordingly and to notify the Treasurer and Engineer of these operating transfers, accompanying the notification with a copy of this resolution and the record of its adoption.

PASSED AND APPROVED this 28th day of June, 2022.

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

Motion by Ringgenberg, second by Huseman, to approve and to authorize the Chair to sign **Resolution #2022-06-28-C** regarding the designation of a portion of the FY'22 General Fund and Rural Fund ending fund balances (June 30, 2022) for the **Drive Trails and County Trail System**. Carried.

RESOLUTION 2022-06-28-C
Drive Trail & County Trail System
Designated/Committed Ending Fund Balances

WHEREAS, Buena Vista County included \$73,289.53 of the original \$100,000 in its FY'22 ending fund balances (\$54,967.15-General, \$18,322.38-Rural) for 'signing' for a Drive Trail to the Alta wind-farm and other attractions around the county in connection with Storm Lake's Project Awaysis; and,

WHEREAS, the Drive Trail sign project was started, but not completed by June 30, 2022; and

WHEREAS, Buena Vista County 'pledged' a total of \$400,000 over 8 years for Trails in the county in connection with the Storm Lake Project Awaysis; and,

WHEREAS, the FY'14 budget adopted by the Buena Vista County Board of Supervisors included the last tax asking of \$50,000 for the County Trail System (or 1/8th of total \$400,000) in FY'14; and,

WHEREAS, Buena Vista County Trail projects have commenced as of June 30, 2016, with signs being purchased; and,

WHEREAS, the Buena Vista County Board of Supervisors wishes to set aside the taxes levied for both the "signing" for the Drive Trail and Trails for expenditure at a later time; and

WHEREAS, the funding source amounts approved for both "signing" for the Drive Trails and County Trail System are from the General Basic Fund (75%) and Rural Basic Fund (25%);

NOW THEREFORE BE IT RESOLVED BY THE BUENA VISTA COUNTY BOARD OF SUPERVISORS, that \$354,967.13 in the FY'22 General Basic ending fund balance, and, \$118,322.40 in the FY'22 Rural Basic ending fund balance, be considered and are hereby unreserved/designated and committed for the "signing" for the Drive Trail and the County Trail System projects associated with Project Awaysis.

PASSED AND APPROVED this 28th day of June, 2022.

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

Motion by Altena, second by Snyder, to approve and to authorize the Chair to sign **Resolution #2022-06-28-D** regarding the designation of a portion of the General Fund ending balance (June 30, 2022) for the **FY'23 Heritage Tour** expenditures. Carried.

RESOLUTION 2022-06-28-D
BV County Heritage Tours
Designated/Committed Ending Fund Balance

WHEREAS, Buena Vista County received \$828 in FY'10 to be used for Heritage Tours for schools in Buena Vista County, which were received into the General Fund for expenditure, and

WHEREAS, a portion of those funds were not expended in FY'22 and the remainder of those funds may be spent in FY'23,

NOW THEREFORE BE IT RESOLVED, by the Buena Vista County Board of Supervisors, that \$242.86 in the General Fund ending fund balance is hereby designated and committed for expenditure on Heritage Tours only.

PASSED AND APPROVED this 28th day of June, 2022.

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

Motion by Huseman, second by Altena, to authorize the creation of **Capital Projects Fund 1540** Capital Projects-Sec Road/Platinum Crush Project Fund on July 1, 2022. Carried.

Chairman Merten introduced the discussion of whether to discontinue the virtual meetings of the Board of Supervisors as of July 5, 2022. Merten stated that it is a problem of not knowing who is on the phone calls listening to the meetings. The GoToMeeting was started during the 2020 Covid-19 pandemic, and since things are back to normal, Merten would like to see individuals attend the board meetings in person. Merten commented that if someone is wanting to address the Board and is unable to make it to the meeting in person, there would still be the option of dialing in to the meeting. Huseman agreed with the statements made by Merten. Kathy Croker was attending the meeting virtually and suggested to the Board that they could set a policy requesting callers to identify themselves. Croker stated that people can listen to the meetings on their cell phones and urged the Board not to go backwards. Croker stated that by having virtual meetings shows that you are being open and transparent. Croker suggested that the Board check with Iowa Freedom of Information to see if the Board can require the callers to identify themselves, and she urged the Board not to decide today, wait until there are answers to this question. Ringgenberg agrees, that the Board should wait on any decisions until checking on the legality of ending virtual meetings, and whether the Board can require callers to identify themselves. Merten commented that the Board can certainly look into this before making any decision. No action was taken.

There being no further business, motion by Snyder, second by Ringgenberg, to adjourn the meeting at 11:00 a.m. until Tuesday, July 5 at 8:30 a.m. for a regular meeting.