

**BOARD OF SUPERVISORS MEETING
THIRTY-NINETH MEETING, 2022 SESSION (39)
SEPTEMBER 6, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, September 6, 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 approve **today's agenda**. Carried.

Motion by Ringgenberg, second by Huseman, to approve and authorize the supervisors to sign **Resolution #2022-09-06-A** Allowing the County Engineer to sign Iowa DOT documents on behalf of the supervisors for Project STBG-SWAP-CO11(116)--FG-11. Carried.

RESOLUTION #2022-09-06-A

WHEREAS, the Board of Supervisors, hereafter referred to as "the Board", believes the STBG-SWAP-CO11(116)--FG-11, hereafter referred to as "the project" is in the best interest of Buena Vista County, Iowa, and the residents thereof. The project is defined as Replacement of the bridge over the Little Sioux River in Linn Grove; and

WHEREAS, the Board has sought appropriate professional guidance for the concept and planning for the project and followed the steps as required by the Code of Iowa for notifications, hearings, and bidding/letting; and

WHEREAS, The Board finds this resolution appropriate and necessary to protect, preserve, and improve the rights, privileges, property, peace, safety, health, welfare, comfort, and convenience of Buena Vista County and its citizens, all as provided for in and permitted by section 331.301 of the Code of Iowa; and

IT IS THEREFORE RESOLVED by Board to accept the bid from Godbersen-Smith Construction in the amount of \$3,233,933.45 and awards the associated contract(s) to the same;

BE IT FURTHER RESOLVED that all other resolutions or parts of resolutions in conflict with this resolution are hereby repealed. If any part of this resolution is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the resolution or action of The Board as a whole or any part thereof not adjudged invalid or unconstitutional. This resolution shall be in full force and effect from and after the date of its approval as provided by law; and

BE IT FURTHER RESOLVED by the Board of Supervisors of Buena Vista County, Iowa, that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, Bret R Wilkinson, the County Engineer for Buena Vista County, Iowa, be and is hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction project let through the DOT for this county.

Dated at Buena Vista County, Iowa, this 6th day of September, 2022.

Board of Supervisors of Buena Vista County, Iowa

/s/ Paul Merten, Chairman, /s/ Rhonda Ringgenberg, /s/ Kelly Snyder, /s/ Don Altena, and /s/ Tom

Huseman.....Attest: Susan K. Lloyd, County Auditor

Motion by Snyder, second by Ringgenberg, to approve and authorize the Chair to sign the **utility permit** for Iowa Lakes Regional Water, Spencer, IA, to drill under N. River Road in Section 6 Lee Township, for a new water line to service 1365 N. River Road. Carried.

Motion by Huseman, second by Altena, to approve and authorize the Chair to sign the **utility permit** for Iowa Lakes Regional Water, Spencer, IA, to drill from west to east under 20th Ave. from private property to private property, in Sections 19 & 20 Elk Township, for a new water line to service 5166 20th Ave. Carried.

Engineer Bret Wilkinson presented information that he received from the IDOT, stating that the State is not allowing placement of **signs on State highways**, unless it is something that addressed the whole county. Wilkinson stated that there basically is three options that the Board could take, regarding the Chapter 4.5 Ordinance Prohibiting the Unlawful Use of Engine and Compression Brakes: the Board could pass the Ordinance as is, knowing signs won't be posted on the State highway right-of-way; the county could post signs on Villa Road or signs could be posted outside of the State highway right-of-way, back to the fence line; or the Board can decide not to pass the Ordinance, due to enforcement. Snyder stated that it would be difficult to enforce. Merten stated that Wilkinson should go "up the chain of command" at the DOT and see if they give the same answer. Merten commented that it is not just one resident making this request, there are 80 residences in this one stretch of roadway. This will be discussed further during the public hearing today.

Secondary Road Report: They have finished the culvert by the Platinum Crush area; they will be working on raising the road by the railroad track east of Newell; they are still mowing.

The Chair opened the Public Hearing for the 3rd Reading of Chapter 4.5 Ordinance Prohibiting the Unlawful Use of Engine and Compression Brakes, with Engineer Bret Wilkinson, board members Altena, Huseman, Merten, Ringgenberg, and Snyder present in-person, and Sheriff Kory Elston, Kathy Croker, KAYL, and two other unidentified callers who were virtual. Engineer Bret Wilkinson stated that he received an email from the DOT stating they will not accept signs on state highways. Wilkinson forwarded the email on to the County Attorney, to make sure it is done right. Wilkinson stated that it will be hard to enforce without signs, and the IDOT will only place signs entering the county. Merten commented that he would like to request Wilkinson to review this with the County Attorney and talk with someone higher up at IDOT and would like to see this tabled for a future meeting, and Snyder and Huseman agreed. Motion by Snyder, second by Ringgenberg, to close the public hearing. Carried. Motion by Snyder, second by Ringgenberg, to table the 3rd Reading of **Chapter 4.5 Ordinance Prohibiting the Unlawful Use of Engine and Compression Brakes**, until September 20, at 9:30 a.m. Carried.

Election Deputy Karla Ahrendsen requested that the Board allow use of their boardroom for Precinct 4 voting for the September 13 Special Storm Lake School Election and also for the November 8 General Election in order to have better accessibility to the voters. Ahrendsen also requested that the Board allow an absentee voting area to be set up on the 1st floor of the Courthouse, by the northeast windows, which would also allow better access for voters rather than placing it in the lower level, as it was previously. Ahrendsen also requested extra help from the supervisors for Monday, September 12, to help move the election cages out of the storage area in the former jail, out to the garage and up the ramp to load in the trailers, which will then be delivered to the precincts for the September 13th election. Merten and Snyder volunteered to help move the election cages on Monday. Motion by Ringgenberg, second by Altena, to allow the use of the Supervisor Boardroom for **Precinct SL04** for the September 13 and

November 8 elections, and to allow an absentee voting station on the 1st floor of the courthouse by the northeast windows, for early absentee voting. Carried.

Engineer Bret Wilkinson stated that he has received another request for **dust control** on 70th Ave. between 600th and 610th Street. Wilkinson will bring this to the Board at the September 13th meeting.

Env Health/Zoning Director Kim Johnson asked the Board to set a public hearing on the Flood Plain Ordinance, stating that the Zoning Commission has met and made a few changes. Merten asked Johnson to also send the notice to Farm Bureau to distribute to their members and would like to see the notice in a "box" in the paper, which would draw more attention to the hearing. Johnson stated that the Board would be repealing the old Ordinance and adopting the new one. Johnson also stated that the map is on Beacon, so anyone can look at it. Motion by Snyder, second by Altena, to set the Public Hearing for the 1st Reading of the **Flood Plain Ordinance** for September 20, 2022, at 9:45 a.m. in the Boardroom of the Courthouse. Carried.

CEO Shannon Landauer, **Iowa Lakes Corridor**, updated the Board on activities of the Corridor. Landauer discussed expanding projects, supporting growth of businesses, housing studies, business attraction methods, and discussed the Size-up Program.

Motion by Huseman, second by Altena, to approve the **minutes** of 8/30/22, as presented, and the following **reports**: August Sheriff's Report of Fees Collected and May VA Commissioner minutes. Carried.

Motion by Ringgenberg, second by Snyder, to authorize the Auditor to establish **Fund 0036** Local Government Opioid Abatement Fund. Carried.

There being no further business, motion by Ringgenberg, second by Snyder, to adjourn the meeting at 10:10 a.m. until Tuesday, September 13 at 8:30 a.m. for a regular meeting. Carried.