

**BOARD OF SUPERVISORS MEETING
FORTY-FIRST MEETING, 2022 SESSION (41)
SEPTEMBER 20, 2022**

The Buena Vista County Board of Supervisors met in special session on Tuesday, September 20, 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.

Engineer Bret Wilkinson informed the Board that the final DOT Agreement for the **RISE Grant** was received yesterday. Wilkinson stated that it will be on next week's agenda for approval.

Engineer Bret Wilkinson informed the Board that he had received a letter from **Northern Natural Gas** regarding open houses to be held, to talk about line extensions. A few supervisors report that they had also received a letter from Northern Natural Gas.

Secondary Road Report: The crew is still mowing and blading the gravel roads. They are hauling spot rock to some roads, working on driveways and entrances, and working on crossroad culverts; Wilkinson stated that the dust control on 70th Ave. was working, but the road is bumpy. Wilkinson is working on design on the four miles of paving and Highway 7; Wilkinson informed the Board that cities have joint jurisdiction with the State on signing on state highways that go through their towns, but the county does not have that same joint jurisdiction with the State in the rural areas.

Motion by Huseman, second by Altena, to approve the **minutes** of 9/13/22, as presented, and the following **reports:** August Conservation Board minutes. Carried.

Supervisor Meeting Reports: Ringgenberg will be attending the Board of Health meeting this week; Huseman attended the NW IA Regional Housing Trust Fund meeting last week; Merten will be attending the Plains Area Mental Health and Rolling Hills meetings next week; Snyder attended the NW IA Planning, RIDES, and the NW IA Yes Center meetings.

County Attorney Paul Allen informed the Board that the first payment from the Opioid class action lawsuit had been received. Allen stated that he has read the guidelines of establishing a committee, the types of expenditures that could be made with the funds, and the requirements of reporting what the funds were used for. Allen stated that it was recommended to have someone from Public Health, Sheriff, and the Justice System as part of the committee. Chairman Merten stated that a supervisor should be on the committee, and possibly Emergency Management. Motion by Ringgenberg, second by Huseman, to appoint Public Health Administrator Julie Sather, Sheriff Kory Elston, County Attorney Paul Allen, Supervisor Kelly Snyder, and EMA Director Aimee Barritt to the **Opioid Abatement Committee**. Carried.

Pursuant to Chapter 50.24 of the 2022 Code of Iowa, motion by Ringgenberg, second by Altena, to declare the results of the **canvass** of the Storm Lake Community School Special Election held September 13, to issue General Obligation Bonds in an amount not to exceed \$9,950,000 to provide funds to construct, build, furnish and equip a Grade 1 addition to the early elementary school and to improve the site, as follows:

Storm Lake Community School District: total voters – 899, 18.4% turnout

For Public Measure CK YES..... 665 (73.97%) Approved
NO..... 234 (26.03%) Carried.

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, Env Health/Zoning Director Kim Johnson, board members Altena, Huseman, Merten, Ringgenberg, and Snyder present in-person, and Angie Wilkinson, Kathy Croker, KICD, and two other unidentified callers who were virtual. Croker asked the Board if it would matter to the State, for placement of the signs when there is a small community of residents that are affected by the noise. Wilkinson stated that the State was informed about the number of residents at Lake Creek, and it does not make any difference. Wilkinson stated that the signs can only be placed at city limits and county lines. Croker urged the supervisors to approve the Ordinance and stated that Platinum Crush should be allowing signs to be posted on their property, since they kept stating they wanted to be a “good neighbor”. Snyder stated that Platinum Crush is going to talk to drivers and try to educate them. Croker stated that Platinum Crush should do anything they can to help with this, in their efforts to be a “good neighbor”. Merten stated that the Board has passed two readings of this Ordinance which addresses two sections of Hwy 7 and Villa Road. Merten stated that the issue is that the county cannot get a permit to post the signs along Hwy 7, but they could post signs on Villa Road and 70th Ave. south of Villa Road. Merten stated that there is a problem signing on the west end, as the county does not have right-of-way, due to the railroad and the State having the right-of-way. Merten stated that the signs will be placed where they can be, and that there is a \$250 fine for anyone not following the Ordinance. Croker stated that the Board should communicate with Platinum Crush. Merten stated that a copy of the Ordinance was sent to Platinum Crush, and there has not been any response. Huseman suggested maybe placing signs on M36 in the farthest southeast area of the BV University Golf Course property. Motion by Snyder, second by Ringgenberg, to close the public hearing. Carried. Motion by Ringgenberg, second by Huseman, to approve the 3rd Reading of **Chapter 4.5 Ordinance Prohibiting the Unlawful Use of Engine and Compression Brakes**, waiving the physical reading of the document. Ayes: Altena, Huseman, Merten, Ringgenberg, Snyder. Nays: None. Motion carried.

TITLE IV STREETS, ROADS, PUBLIC WAYS and TRANSPORTATION
CHAPTER 4.5 ORDINANCE PROHIBITING THE UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKES

Section 4.5-1 PURPOSE. The purpose of this ordinance is to prohibit the excessive, loud, unusual or explosive use of engine and compressed air-braking devices within designated areas in Buena Vista County.

Section 4.5-2 DEFINITIONS. For the purposes of this ordinance the following words and phrases are defined as follows:

1. “Engine retarding brake” means a “Dynamic Brake,” “Jake Brake,” “Jacobs Brake,” “C-Brake,” “Paccar Brake,” transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression.

Section 4.5-3 PROHIBITIONS. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within designated areas in the unincorporated areas of the County of Buena Vista, State of Iowa, any engine brake, Compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger. Such prohibition shall be applicable only to those public highways or portions specifically identified in this Chapter.

Section 4.5-4 AREAS OF PROHIBITION. The prohibition set forth herein shall apply to the following public ways in Buena Vista County, Iowa or portions thereof:

1. State Highway 7 between 60th Avenue and 80th Avenue
2. Villa Road/70th Avenue between State Highway 7 and County Road 49(C-49)/580th Street

Section 4.5-5 SIGNAGE. Signs stating “VEHICLE NOISE LAWS ENFORCED” or “ENGINE BRAKE ORDINANCE ENFORCED” may be installed at locations deemed appropriate by the Board of Supervisors to advise motorists of the prohibitions contained in this ordinance, except that no sign stating “VEHICLE NOISE LAWS ENFORCED” or “ENGINE BRAKE ORDINANCE ENFORCED” shall be installed on a state highway without a permit from the Iowa Department of Transportation. The provisions of this ordinance shall be in full force and effect even if no signs are installed.

Section 4.5-6 EXCEPTIONS. Emergency vehicles shall be exempt from the application of this ordinance.

Section 4.5-7 ENFORCEMENT. This ordinance is deemed to be a county infraction as permitted under Iowa Code Section 331.307.

Section 4.5-8 PENALTY. Violations of this ordinance shall be punishable by a civil penalty of \$250.

Section 4.5-9 ADOPTION. This ordinance will take effect upon final publication.

Adopted by the Board of Supervisors on this 20th day of September, 2022.

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

First reading 8-23-2022, Second reading 8-30-2022, Third reading 9-20-2022

The Chair opened the Public Hearing for the 1st Reading of the Flood Plain Ordinance with Engineer Bret Wilkinson, Env Health/Zoning Director Kim Johnson, board members Altena, Huseman, Merten, Ringgenberg, and Snyder present in-person, and Angie Wilkinson, Kathy Croker, KICD, KAYL, and two other unidentified callers who were virtual. Johnson stated that the Zoning Commission had met last night, and one person from the public in attendance. The Zoning Commission recommended approval of the Flood Plain Ordinance. Motion by Snyder, second by Ringgenberg, to close the public hearing. Carried. Motion by Snyder, second by Altena, to approve the 1st Reading of the **Flood Plain Ordinance**, waiving the physical reading of the document, and to set the 2nd Reading for Tuesday, September 27, at 9:00 a.m. in the Boardroom. Ayes: Altena, Huseman, Merten, Ringgenberg, Snyder. Nays: None. Motion carried.

The Board discussed options for paying for the **Color-ize building**. Merten commented that there was still a balance in the CARES Fund that may be used for a down payment, and then borrow \$400,000 to be paid off in three years. Merten asked Auditor Lloyd to contact Northland Securities and Bond Counsel to begin the process.

There being no further business, motion by Ringgenberg, second by Snyder, to adjourn the meeting at 10:25 a.m. until Tuesday, September 27 at 8:30 a.m. for a regular meeting. Carried.