

**BOARD OF SUPERVISORS MEETING  
EIGHTEENTH MEETING, 2023 SESSION (18)  
APRIL 18, 2023**

The Buena Vista County Board of Supervisors met in special session on Tuesday, April 18, 2023, at 8:30 A.M. in the Boardroom with Chairman Snyder presiding, and the following other members present: Altena, Croker, Merten, Ringgenberg, 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, Croker, Merten, Ringgenberg, and Snyder. Nays: none. Abstentions: none.

Motion by Ringgenberg, seconded by Altena, to approve today's **agenda**. Carried.

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 a.m. The guest speaker will be Bob Carmichael, who has 30 years of service. 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. Motion by Croker, second by Merten, to approve use of the Buena Vista County Courthouse law for **Memorial Day Parade of Flags Dedication**. Carried.

Bldg/Grounds Supt. Joe Keller presented roof warranties for the Courthouse and Law Enforcement Center roofs. Motion by Merten, second by Ringgenberg, to approve and authorize the Chair to sign the 20-year **roof warranties** with Duro-Last, for the Courthouse roof and Law Enforcement roof. Carried.

Election Deputy Karla Ahrendsen presented information to the Board regarding the need to purchase new voting equipment. The equipment would be purchased through the current vendor, Adkins, so that the other equipment used during the tabulation of final votes on Election Day could still be used. The current OVO and OVI machines can no longer be updated. Ahrendsen presented two proposals, with one including five additional Freedom Vote Tablets (FVTs) in order to have two in the larger precincts. Motion by Croker, second by Merten, to approve the request to purchase **new voting equipment** from Adkins Election Services (10 Precinct Scanners with ballot boxes and 14 Ballot Marking Device Tablets), for a total of \$85,852.00, which includes trade-in and recycling of the old machines. Carried.

Motion by Merten, second by Altena, to approve the **minutes** of the 4/11/2023 meeting, as corrected, and accept the following **reports**: March Sheriff's Report of Federal Inmate Billings, April Safety Committee minutes, April Emergency Management minutes, March Conservation Board minutes, March Landfill minutes, March Central IA Juvenile Detention Center minutes, and February CIJDC Executive Committee minutes. Carried.

Motion by Ringgenberg, second by Merten, to approve the **Cigarette/Tobacco Permit** for Al's Corner Oil Company, DBA Sparky's One Stop Storm Lake. Carried.

The Chair opened the Public Hearing on the proposed disposition of County Property, located at **317 East 5<sup>th</sup> Street**, Storm Lake, IA, described as Lot Five (5), except the West twenty-five (25) feet thereof, Block Seventeen (17), in the City of Storm Lake, Iowa, including all easements of record., formerly known as the Colorize Building. Present for the discussion were Drainage Engineer Brian Blomme, Env Health/Zoning Director Ben Mueggenberg, Bldg/Grounds Supt. Joe Keller, Election Deputy Karla Ahrendsen, County Attorney Paul Allen, Assistant County Attorney Rebecca Kern, retired County Treasurer Sherie Elbert, Jeff Elbert, and Tom Cullen-Storm Lake Times Pilot in person, and KAYL, E911 Director Mark Van Hooser, and three unidentified callers present virtually. The Chair asked if there were any comments from those present either in person or virtually. Sherie Elbert asked the Board why they bought the Colorize Building, stating there is no reason that the Auditor's Office cannot move to this building, a half block away. Elbert stated that the building should be used for the purpose it was purchased. Jeff Elbert

stated that the public does not want to see a loss, and the county has paid a lot for the building. Merten stated that there was a deadline for the county to purchase the Colorize Building, and a decision had to be made quickly. Merten commented that the Facilities Committee had met, and there was not 100% agreement on what the building should be used for. Merten stated that space is still an issue, and he agrees that the county does not want to lose money on this. The loan is for 3 years, with no call date. Croker stated that she contacted Heidi Kuhl, Northland Securities, and Kuhl stated that it would be up to the bank whether they would let the county pay off the loan early. Snyder stated that the Colorize Building would be perfect for the voting equipment. Sherie Elbert stated that the Colorize Building was a perfect location, and it could be used as a voting precinct, moving the current SL04 Precinct out of the Courthouse basement. Blomme commented that a "Plan B" could be a possible expansion for the Drainage Department, to move his department to the Colorize Building, and asked the Board to consider other options before they decide on whether to sell the building. Blomme stated that he sees the Colorize Building as not only a benefit to his office, but also ease of access to the public. Treasurer Danelle Haberman commented that as a taxpayer she does not want to see the county lose money, and as a Treasurer, she knows there are space needs, and it is not uncommon to have the Auditor or Treasurer in another building. Ahrendsen stated that she would like to see the Auditor's Office move to the Colorize Building, but if that isn't what the Board wants, there still needs to be a solution to the safety issue of having the election equipment in the Courthouse basement and moving them out and loading them to deliver to the precincts prior to Election Day. Croker asked Haberman about the Driver's License (DL) Department, and their space. Haberman commented that the Driver's License Department is crowded, but stated that if the Auditor's Office moved, then DL Department could move into part of the vacated Auditor's Office. Keller commented that he came to the Board to ask them to make a decision, as the Facilities Committee was spinning their wheels, and the county needs to move on. Keller stated that the Colorize Building would be a good location for the Veterans Office too. Ringgenberg stated that the Board needs to look at the options. Merten commented that if three departments were moved, there would be more remodeling to be done. Merten stated that if the Auditor's Office relocated, then he could see Veterans and DL moving into the vacated Auditor's Office. Merten stated that he does not want to take a loss on the sale of the building, and that the Auditor's Office needs to have a ground level area for the voting equipment. Merten stated that if the Colorize Building was sold, then an addition to the Courthouse could be pursued. Merten stated that from day one, his purpose for purchasing the Colorize Building was to move the Auditor's Office, but the motion was made to sell. County Attorney Paul Allen stated that the motion was not to sell, but a proposal to sell the Colorize Building. Allen stated that he would prepare a resolution once he knew what the Board wanted to do. Allen stated that there would have to be a release from the bank, because the loan would be listed on the abstract. Croker suggested amending the resolution, stating that after bids are taken and opened, the Board may or may not list with a realtor. Sherie Elbert stated that her final thought was to move the Auditor's Office to the Colorize Building, then move DL to the Auditor's vacated office, and this would solve the space issues that we have. Snyder stated that he agreed with Elbert and commented that the public comes into the Courthouse to the Treasurer, Recorder, and Assessor. Ringgenberg commented that according to the Code of Iowa, the Auditor is the custodian of the Courthouse. Allen stated that "custodian of the courthouse" is "custody," and not required to be located in the Courthouse. Ringgenberg commented that the county was pushed by the owner of Colorize to make a decision too soon. Snyder commented that the county is growing, and the Colorize Building should be kept. Allen commented that he is hearing a lot of mixed concerns, and suggested delaying action on the public hearing, ask the Facilities Committee to meet, contact the lender for a release if not paid off early, and to delay the decision on the public hearing for two weeks. Croker commented that she was uncertain, as everyone voted differently, at different board meetings. Motion by Ringgenberg, second by Croker to close the Public Hearing. Croker stated that she wants time to meet with the Facilities Committee and staff. Snyder suggested that Croker and Ringgenberg meet with the Facilities Committee after the board meeting on 4/25. Motion by Altena, second by Ringgenberg, to set May 2, 2023, at 9:00 a.m. to take action on the Public Hearing on whether to continue with the process to sell the **Colorize Building**. Carried.

Deputy Auditor Sharon Henkel, representing the Wellness Committee, presented an allocation request of \$25,000 for wellness activities in FY'24, keeping the amount reimbursed to employees for a physical at \$150, and allowing up to 3 hours paid time off for their physical. Motion by Ringgenberg, second by Merten, to approve an **allocation** of \$25,000 for Wellness activities in FY'24, 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.

**Hear the Public:** There was no response from anyone requesting to speak, either virtually or in-person.

Amendments to the Personnel Handbook were discussed. An Amendment to Section 3.14 Inclement Weather was requested by the Sheriff's Department and Secondary Roads to include that in addition to receiving pay for hours worked, any employee who is required to report to work during an inclement weather closure will receive comp time equal to 1 hour for each hour worked during the time County facilities are closed due to the inclement weather. Ringgenberg commented that this would increase the liability and increase expenditures in the budget. Sheriff Deputy Rob Danielson commented that since November 2019, there has been a total of 48 hours when the County facilities have closed for inclement weather. Motion by Merten, second by Croker, to approve an **Amendment to Section 3.14 Inclement Weather** of the Employee Handbook, adding the following verbiage to the existing Section 3.14: In addition to receiving pay for hours worked, any employee who is required to report to work during an inclement weather closure will receive comp time equal to 1 hour for each hour worked during the time County facilities are closed due to the inclement weather. Any employee who is permitted to work remotely is required to do so and will not receive any additional compensation. If an employee is unable to get to work and the employee is not permitted to work remotely, he/she will be allowed to charge such an absence to vacation, personal days or compensatory time provided he/she has the time accumulated. If no paid time is available, the employee may choose to take the time off without pay with department head approval. Carried.

An Amendment to Section 5.2 Vacation of the Employee Handbook was presented to the Board. The amendment presented added 1 week of vacation at the end of 6 months employment, changed the completion of 7 years to 5 years to start 15 days of vacation, changed the 12 years to 10 years for 20 days of vacation, increased vacation for 15 years to 25 days, increased vacation for 20 years to 30 days, added vacation after 25 years to 35 days, and added vacation after 30 years to 40 days. Ringgenberg commented that if someone has been an employee for several years, they are valuable, and asked how they could be gone 7-8 weeks. Merten commented that he does not agree with giving 5, 6, 7, and 8 weeks of vacation, stating that Secondary Roads can only take vacation during the summer, so if you had someone taking 6 weeks off, the county would have to hire another person to help during that time off. Motion by Snyder, second by Croker to approve an **Amendment to Section 5.2 Vacation** of the Employee Handbook, keeping the current schedule of vacation given at the various years of continuous service, and adding the addition of 1 week of vacation at the completion of 6 months, and also adding another level of vacation for the completion of 25 years of continuous service receiving 25 days of vacation. Carried.

An Amendment to Section 5.3 Unused Sick Leave Payout (NEW) of the Employee Handbook was presented to the Board. The amendment requested a payment of unused sick leave at the employee's hourly rate at the time of their separation of employment with Buena Vista County based on the following schedule: after 20 years of employment the payout request was 20% of unused sick, and after 25+ years of employment the payout request was 25% of unused sick. Motion by Ringgenberg, second by Croker to **not** adopt the **Amendment to Section 5.3 Unused Sick Leave Payout**. Sheriff Deputy Rob Danielson stated that this proposed amendment would encourage long term employees not to burn their sick leave in their last years before retiring. Ringgenberg commented that this would create an unknown liability to the County, and it would be difficult to budget for. Carried.

Motion by Ringgenberg, second by Merten, to approve the contract with **Cost Advisory Services, Inc.**, to provide professional consulting services for FY2023, FY2024 and FY2025, at a cost of not to exceed \$4,450.00 for each annual cost allocation plan. Carried.

County Attorney Paul Allen was present for his appointment. Motion by Merten, second by Croker, to go into **closed session** (at 11:05 a.m.) under Chapter 21.5(1)(c) of the 2023 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, Croker, Merten, Ringgenberg, Snyder. Nays: None. Motion carried.

Motion by Merten, second by Ringgenberg, to go out of **closed session** at 11:36 a.m. Carried.

There being no further business, motion by Ringgenberg, second by Merten, to adjourn the meeting at 11:38 a.m. until Tuesday, April 25, 2023, at 8:30 a.m. for a regular session.