

**BOARD OF SUPERVISORS MEETING
NINETEENTH MEETING, 2023 SESSION (19)
APRIL 25, 2023**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 25, 2023, at 8:30 A.M. in the Boardroom with Chairman Snyder presiding, and the following other members present: Croker, Altena, Merten, Ringgenberg, and with Auditor Susan Lloyd as clerk for the meeting. Absent: None.

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

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

Engineer Bret Wilkinson informed the Board of his recommendation to hire Keegan Larson a Mechanic I. Wilkinson stated that Larson has worked for his department as a seasonal employee, for approximately three months, and asked the Board if they would consider starting Larson at \$1.50 under the base rate, rather than \$2.00 under, due to his previous work. The consensus of the Board was to keep the starting wage at \$2.00 under the base rate, as they do for other hires. Motion by Merten, second by Ringgenberg, to approve Wilkinson's recommendation to hire Keegan Larson, as a **Mechanic I**, effective May 8, 2023, at a rate of \$27.88 per hour, which is \$2.00 under the Mechanic I rate, with .50/hour increases at 6-month reviews for the first two years and also eligible for any raises given by the Board of Supervisors. Carried.

Secondary Report: Engineer Bret Wilkinson attended the NACE Conference in Alabama last week. Wilkinson stated that there were two speakers with the U.S. DOT, and there were 29 technical sessions offered; the Linn Grove river bridge project is continuing, and they will be setting beams this week; the contractor has torn down the Blue Bird Bridge, and will start base work; the crew has been edge rutting along hard surface roads, spot graveling, and they may start driveways at the end of the week; they will be finishing up taking the snow equipment off soon.

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

The Chairman opened the Public Hearing on the **FY'24 Budget Hearing**, with Auditor Susan Lloyd, and Assistant County Attorney Rebecca Kern, County Engineer Bret Wilkinson, Public Health Administrator Julie Sather, Bldg/Grounds Supt. Joe Keller, I.T. Director Tyler Van Houten, Drainage Engineer Brian Blomme, Conservation Director/Weed Commissioner Greg Johnson, Tom Cullen and Amber Mohmand (Storm Lake Times Pilot) present, and Conservation Secretary Angie Wilkinson, Assessor's Clerk Stacy Blee, Election Deputy Karla Ahrendsen, and one unidentified called present virtually. Auditor Lloyd reviewed the proposed tax levies, and the ending fund balances as a percentage of expenditures. Snyder opened it up for questions. There were no questions, and no written comments were received. Motion by Merten, second by Croker, to close the public hearing. Carried.

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

Motion by Merten, second by Altena, to approve and authorize the Chair to sign **Resolution #2023-04-25-A, Adoption of 2023/2024 Budget**. Carried.

**RESOLUTION 2023-04-25-A
ADOPTION
OF
2023/2024 BUDGET**

WHEREAS Buena Vista County, Iowa held a Public Hearing on April 25, 2023, for input for the 2023/2024 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 April 25, 2023, the Buena Vista County Board of Supervisors approved the following levies and property tax asking.

<u>Levies</u>	
4.40000	General Basic Levy
2.25000	General Supplemental Levy
3.55000	Rural Service Levy
0.76184	Debt Service Levy

10.96184	Total Levies

<u>Property Tax Levied Dollars</u>	
5,841,284	General Basic
2,987,020	General Supplemental
2,937,425	Rural Service
1,053,426	Debt Service

12,819,155	Total Property Tax Dollars

<u>Committed Funds</u>	
\$350,967	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)

\$468,232	Total Committed Funds

Passed and approved this 25th day of April 2023.

/s/ Kelly Snyder, Chairman.....Attest: Susan K. Lloyd, County Auditor

Sheriff Kory Elston requested that the board approve and sign Resolution #2023-04-25-B which appoints Alyson Sievers, Jennifer Morse, and Jennifer Fulcher, as Civil Process Servers. Motion by Merten, second by Croker, to approve and sign **Resolution #2023-04-25-B** which appoints Alyson Sievers, Jennifer Morse, and Jennifer Fulcher, as Civil Process Servers . Motion carried.

RESOLUTION #2023-04-25-B

WHEREAS, Under Iowa Code 331.652, the Sheriff may appoint one or more civil process servers, subject to the provisions of section 331.903.

- a. A person appointed by the Sheriff as a civil process server may, under the direction of the Sheriff, execute and return all writs and other legal process issued to the Sheriff by legal authority.
- b. The court shall take judicial notice of a civil process server's signature.
- c. All costs for service of writs and other legal process by a civil process server shall be collected in accordance with the provisions of section 331.655.
- d. Civil process servers shall not be considered to be a Sheriff or a Deputy Sheriff for the purposes of the chapter, 1022, or chapter 97B or 341A of Iowa Acts 2002.

WHEREAS it would be in the best public interest for the Buena Vista County Sheriff to appoint the Jail Administrator, Office Manager and Assistant Office Manager to perform the duties of executing and returning any/all process issued to the Buena Vista County Sheriff.

NOW, THEFEFORE BE IT AND IT IS HEREBY RESOLVED by the Buena Vista County Board of Supervisor's that this date met in lawful session, that the Buena Vista County Sheriff is hereby authorized to appoint Alyson Sievers, Jennifer Morse, and Jennifer Fulcher as Civil Process Servers.

Passed and approved this 25th day of April 2023.

/s/ Kelly Snyder, Chairman.....Attest: Susan K. Lloyd, County Auditor

Motion by Ringgenberg, second by Croker, to approve the minutes of the 4/18/2023 meeting, as presented, approve today's claims approval list and stamped warrant register (deducting \$64.20 from the Sheriff's Bankcard bill, and asking EMA to provide documentation on her vehicle repair bill before it is paid), and accept the following reports: Quarterly Recorder's Report of Fees Collected (Jan-Mar), and March VA Commission minutes. Carried.

Motion by Merten, second by Ringgenberg, to approve the temporary Class C Retail Liquor License for Backpocket Brewing, LLC. Carried.

Env Health/Zoning Director Ben Mueggenberg presented information on a Minor S/D request for Polly S. Fabrazio Rev. Trust in Section 3 Washington Township. Motion by Ringgenberg, second by Croker, to approve and authorize the Chair to sign Resolution #2023-04-25-C Minor S/D for Polly S. Fabrazio Rev. Trust in Section 3 Washington Township. Carried.

RESOLUTION 2023-04-25-C

WHEREAS Nathan Deters on behalf of Polly S. Fabrazio Rev. Trust has presented a preliminary and final plat (of survey) on the following described property:

DESCRIPTION LOT A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE ¼ SW ¼) AND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW ¼ SE ¼) ALL IN SECTION 3, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) corner of the Southeast (SE) Quarter (SE ¼) of said Section 3; Thence South 89° 27' 06" East, along the South line of said Southeast Quarter (SE ¼), 56.21 feet; Thence North 03° 15' 08" East, 306.03 feet; Thence North 89° 31' 38" West, 295.51 feet; Thence South 00° 40' 56" East, 305.74 feet to the South line of the Southwest Quarter (SW ¼); Thence South 89° 32' 48" East, along said South line, 218.30 feet to the Point of Beginning.

Hereafter known as Lot A, in Section 3, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 2.00 acres and is subject to all easements of record.

DESCRIPTION LOT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE ¼ SW ¼) AND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW ¼ SE ¼) ALL IN SECTION 3, TOWNSHIP 91 NORTH, RAMNGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) corner of the Southeast Quarter (SE ¼) of said Section 3; Thence South 89° 27' 06" East, along the South line of said Southeast Quarter (SE ¼), 56.21 feet; Thence North 03° 15' 08" East, 306.03 feet to the Point of Beginning; Thence North 89° 31' 38" West, 295.51 feet; Thence North 00° 40' 56" West, 382.90 feet; Thence South 89° 26' 55" East, 321.79 feet; Thence South 03° 15' 08" West, 382.83 feet to the Point of Beginning.

Hereafter known as Lot B in Section 3, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 2.71 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 A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE ¼ SW ¼) AND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW ¼ SE ¼) ALL IN SECTION 3, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) corner of the Southeast (SE) Quarter (SE ¼) of said Section 3; Thence South 89° 27' 06" East, along the South line of said Southeast Quarter (SE ¼), 56.21 feet; Thence North 03° 15' 08" East, 306.03 feet; Thence North 89° 31' 38" West, 295.51 feet; Thence South 00° 40' 56" East, 305.74 feet to the South line of the Southwest Quarter (SW ¼); Thence South 89° 32' 48" East, along said South line, 218.30 feet to the Point of Beginning.

Hereafter known as Lot A, in Section 3, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

DESCRIPTION LOT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE ¼ SW ¼) AND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW ¼ SE ¼) ALL IN SECTION 3, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) corner of the Southeast Quarter (SE ¼) of said Section 3; Thence South 89° 27' 06" East, along the South line of said Southeast Quarter (SE ¼), 56.21 feet; Thence North 03° 15' 08" East, 306.03 feet to the Point of Beginning; Thence North 89° 31' 38" West, 295.51 feet; Thence North 00° 40' 56" West, 382.90 feet; Thence South 89° 26' 55" East, 321.79 feet; Thence South 03° 15' 08" West, 382.83 feet to the Point of Beginning.

Hereafter known as Lot B in Section 3, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa; is 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 A

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE ¼ SW ¼) AND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW ¼ SE ¼) ALL IN SECTION 3, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southwest (SW) corner of the Southeast (SE) Quarter (SE ¼) of said Section 3; Thence South 89° 27' 06" East, along the South line of said Southeast Quarter (SE ¼), 56.21 feet; Thence North

03° 15' 08" East, 306.03 feet; Thence North 89° 31' 38" West, 295.51 feet; Thence South 00° 40' 56" East, 305.74 feet to the South line of the Southwest Quarter (SW ¼); Thence South 89° 32' 48" East, along said South line, 218.30 feet to the Point of Beginning.

Hereafter known as Lot A, in Section 3, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

DESCRIPTION LOT B

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE ¼ SW ¼) AND IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW ¼ SE ¼) ALL IN SECTION 3, TOWNSHIP 91 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Southwest (SW) corner of the Southeast Quarter (SE ¼) of said Section 3; Thence South 89° 27' 06" East, along the South line of said Southeast Quarter (SE ¼), 56.21 feet; Thence North 03° 15' 08" East, 306.03 feet to the Point of Beginning; Thence North 89° 31' 38" West, 295.51 feet; Thence North 00° 40' 56" West, 382.90 feet; Thence South 89° 26' 55" East, 321.79 feet; Thence South 03° 15' 08" West, 382.83 feet to the Point of Beginning.

Hereafter known as Lot B in Section 3, Township 91 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

and copies of said final plats shall be of record in the appropriate County offices.

Passed and approved this 25th day of April 2023.

/s/ Kelly Snyder, Chairman.....Attest: Susan K. Lloyd, County Auditor

Env Health/Zoning Director Ben Mueggenberg presented information requesting a change in the Zoning District Map in Section 30-91-37 from A-1 to R-1, which requires an amendment to the Ordinance. Mueggenberg informed the Board that the Zoning Commission approved the request at their meeting last week. Motion by Ringgenberg, second by Croker, to set the 1st Reading of **ORDINANCE 6.1A-28 Amendment to Zoning District Maps in Section 30-91-37** for Tuesday, May 2, 2023, at 8:30 a.m. in the Board of Supervisors Room of the Courthouse. Carried.

Board Member Snyder introduced and delivered to the Auditor the Resolution hereinafter set out entitled "RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF THE CONSENT AGREEMENT BY AND AMONG BUENA VISTA COUNTY, PLATINUM CRUSH, LLC, AND COBANK, ACB," and moved that the Resolution be adopted. Board Member Merten seconded the motion. The roll was called, and the vote was: Ayes: Altena, Croker, Merten, Ringgenberg, Snyder. Nays: None. Whereupon the Chairperson declared the Resolution duly adopted.

RESOLUTION NO. 2023-04-25-D

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF THE
CONSENT AGREEMENT BY AND AMONG BUENA VISTA COUNTY,
PLATINUM CRUSH, LLC, AND COBANK, ACB

WHEREAS, on the 29th day of March, 2022, Buena Vista County, Iowa (the "County") and Platinum Crush, LLC (the "Grantor") entered into an Agreement for Private Development ("County Agreement") pursuant to which the Grantor agreed to construct operate certain Minimum Improvements (as that term is defined in the County Agreement) on certain property located in the Platinum Urban Renewal Area (the "Land"), and the County agreed to provide certain incentives to the Grantor in exchange for Grantor's obligations under the County Agreement; and

WHEREAS, the County has received a request from the Grantor, in the form of a proposed Consent Agreement (the "Consent") by and between the County, Grantor and CoBank, ACB ("Agent"), pursuant to which, among other things, the County would consent to the Grantor assigning all of its right, title, and interest under the County Agreement to the Agent as security for loans to complete the Minimum Improvements; and

WHEREAS, the County Agreement requires the County's consent before the Grantor may assign any of its rights and obligations under the County Agreement, and the County is willing to provide such consent under the terms and conditions set forth in the Consent.

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

Section 1. That the form and content of the Consent, the provisions of which are incorporated herein by reference, be and the same hereby are in all respects authorized, approved and confirmed, and the Chairperson and the County Auditor be and they hereby are authorized, empowered and directed to execute, attest, seal and deliver the Consent for and on behalf of the County in substantially the form and content now before this meeting, but with such changes, modifications, additions or deletions therein as shall be approved by such officers, and that from and after the execution and delivery of the Assignment, the Chairperson and the County Auditor are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Consent as executed.

PASSED AND APPROVED this 25th day of April 2023.

/s/ Kelly Snyder, Chairperson, Board of Supervisors.....Attest: Susan K. Lloyd, County Auditor

Motion by Merten, second by Ringgenberg, to approve the **Jt. DD #14-42** claim payable to Terry Gunnerson / T & T Backhoe for beaver dam removal for \$565.75. Carried.

Motion by Ringgenberg, second by Altena, to approve and authorize the Board and County Auditor to sign the purchase agreement for **Unisyn Voting Solutions OpenElect Voting System**, with the cost of equipment \$85,852 and annual software, firmware and maintenance fees of \$10,640. Carried.

Motion by Merten, second by Croker, to approve and authorize the Chair to sign the **Extended Warranty and Maintenance Agreement** with Henry M. Adkins & Son, Inc. for the voting equipment, to be invoiced to the county in December of each year. Carried.

Motion by Ringgenberg, second by Merten, to approve and authorize the Chair to sign the **Software License Agreement** with Unisyn Voting Solutions, Inc. Carried.

Supervisor Meeting Reports: Ringgenberg attended the Board of Health meeting last night; Merten will attend the Plains Area Mental Health meeting and stated that Rolling Hills Governance Board is waiting on meeting until the Legislative Session has ended; Croker will attend the Upper Des Moines meeting tonight.

There being no further business, motion by Merten, second by Croker, to adjourn the meeting at 10:24 a.m. until Tuesday, May 2, 2023, at 8:30 a.m. for a special session.