

**BOARD OF SUPERVISORS MEETING  
TWENTY-SECOND MEETING, 2023 SESSION (22)  
MAY 23, 2023**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, May 23, 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 Election Deputy Karla Ahrendsen 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 Ringgenberg, seconded by Merten, to approve today's **agenda**. Carried.

Motion by Ringgenberg, second by Croker, to approve and authorize the Chair to sign the **utility permit** for Evertek, Inc., Everly, IA, directional boring and static plowing a fiber optic cable along County ROW for the transmission of high-speed internet service to subscribers. Carried.

Motion by Merten, second by Ringgenberg, to approve and authorize the Chair to sign the **utility permit** for Iowa Lakes Regional Water, Spencer, IA, horizontal directional drill from west to east under 90<sup>th</sup> Ave and 500<sup>th</sup> St., sections 8,9, & 16, Scott Township. Carried.

Motion by Merten, second by Ringgenberg, to approve and authorize the Chair to sign the **utility permit** for Iowa Lakes Regional Water, Spencer, IA, horizontal directionally drill from north to south under 420<sup>th</sup> St, in section 4 in Lee Township. Carried.

**Secondary Report:** Steve Tate was in to voice his complaint on dust on 70<sup>th</sup> Ave by the Platinum Crush Site. He said he had called in and was told it would be June before more oil would be applied. Wilkinson told the Board that he is aware of this issue, but he is unable to get any more product until the first week of June. He told the Board that they had treated the road early but felt that the product did not do as good of job as in the past. The board recommended that this needs to be a priority. Wilkinson said he would check and see if he could get enough product now to do in front of Tate's house and then get the whole stretch treated as soon as possible. He stated that Platinum has been splitting the cost of treatment by paying for every other treatment.

Wilkinson started his update by telling the Board that a hole appeared on **C49 & 110<sup>th</sup> Ave** that appeared the previous night. He stated that he had a crew already working on it. Merten questioned if this could have been caused by the City of Storm Lake run off and Wilkinson said that this was in the opposite direction. There was water over the roads after the large rains last week. He estimated about \$10,000 in damage. He stated that Secondary Roads will be having a safety meeting later in the week on chainsaw and chipper safety.

Snyder brought up that he was contacted by Pocahontas County about a **possible shared agreement between Buena Vista and them for Wilkinson's services** until they can hire an engineer. Croker stated that she was concerned about Wilkinson using all his vacation time for Pocahontas, but Wilkinson said shouldn't be as big of an issue since they will be going to 4–10-hour days here and he could work on their stuff on Fridays. Snyder was going to reach out to them again and see if Pocahontas had reached a decision and then an agreement of sharing would have to be written and reviewed by legal counsel.

Motion by Merten, second by Croker, to approve and authorize the Chair to sign a **Certificate of Appreciation** for Bruce McGowan, who is retiring after 48 years of service to Buena Vista County. Carried.

Drainage Engineer Brian Blomme presented a utility permit for Evertek, Inc., Everly, IA to cross Drainage Districts of Buena Vista County within Lee Township. Motion by Ringgenberg, second by Croker, to approve and authorize the Chair to sign the **utility permit** for Evertek, Inc., Everly, IA, for the accommodation of fiber optic communications cable for the transmission of high-speed internet service to subscribers, along Sections 6, 7, 8, 9, 10, 15, 16, 17 & 18 in Lee Township from Sioux Rapids City Limit on CH 13, Sioux Rapids.

Blomme also presented a utility permit for Iowa Lakes Regional Water, Spencer, IA to cross Drainage District 106 BV, Lat No. 10 in Scott Township Motion by Merten, second by Ringgenberg, to approve and authorize the Chair to sign the **utility permit** for Iowa Lakes Regional Water, Spencer, IA, to horizontal directional drill from west to east under 90<sup>th</sup> Ave and 500<sup>th</sup> St., sections 8,9, & 16, Scott Township. Carried.

Blomme stated it is a large area that **Evertek, Inc.** is covering, and he is hoping that with the permit that they would at least be aware of the drainage tiles and if something does happen it will hold them liable for the repair costs if any are incurred.

Drainage Engineer Brian Blomme updated the group on how the **heavy rain has affected the drains**. He said there were a few issues but nothing that wasn't expected given the lack of rain the last few years. There would be no FEMA claim unless Secondary Roads had something tied to the drains.

**IDAL Discussion-** Blomme reviewed with the group a letter of support that the Board had signed On August 18, 2020, in support of Landowner-Supported Water Quality Improvements. He said at that time the project team was comprised of Iowa Nutrient Research & Education (INREC). Iowa State University (ISU), and Bolton and Menk Inc. INREC will now be replaced with Clay County heading it up. This would be to help identify potential land for up to 100% funding for the construction of the project funded by IDALS. Clay County is asking for Boards to show their continued support of the project by resubmitting the original support letters.

Motion by Merten, second by Croker, to approve and to authorize Blomme to resubmit the letter supporting the **Landowner- Supported Water Quality Improvement Components**. Carried.

Motion by, Croker second by, Ringgenberg to authorize the Auditor to **void and reissue check** #319572 dated 4/14/23 for \$493.48 to AgState, as the check has been lost. Carried.

Motion by, Ringgenberg second by, Merten to authorize the Auditor to **void and reissue check** #315908 dated 6/21/22 for \$19.62 to Sarah Vanderhoff, as the check has been lost. Carried.

Motion by Ringgenberg, second by Altena, to approve and authorize the Chair to sign the work order S-03-2023 **JT DD19-26**. Carried.

Motion by Croker, second by Altena to **set the Public Hearing** for the Status of Funded Activities for the Community Development Block Grant Career Link Employment Transportation program with the Regional Transit Authority (RIDES) for Tuesday, June 6, 2023, at 9:00 a.m. in the board room. Carried.

Motion by Merten, second by Altena to approve the **Cigarette/Tobacco/Nicotine/Vapor Permit** for Brew #1. Carried.

Motion by Altena, second by Merten, to approve the **Jt DD14-42** for tree removal completed by Luft and Sons, Inc in the amount of \$100, and return to Clay County for payment. Carried.

Motion by Coker, second by Merten, to approve and to authorize the Chair to sign **Resolution 2023-05-23-B** Buena Vista Right-To-Use Lease Asset Policy. Carried.

## Resolution #2023-05-23-B

### Buena Vista County Right-To-Use Lease Asset Policy

GASB Statement No. 87, "Leases", is effective **beginning July 1, 2021**. (FY2022). GASB 87 requires a lessee to recognize a lease liability and an intangible right-to-use lease asset.

For counties reporting on the accrual basis of accounting, the cumulative effect, if any, may require a restatement of beginning net position, fund balance, or fund net position (as applicable). **This means leases in existence on June 30, 2021 will need to be reported as the beginning balance (July 1, 2021) for leases of FY2022.**

A right-to-use lease asset is an intangible capital asset. The asset represents the right to use an underlying asset identified in a lease contract, as specified for a period of time. The County will recognize the intangible right-to-use lease asset when:

- (a) The contract conveys control of the right to use another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an exchange or exchange-like transaction. (GASB 87, paragraph 4)
- (b) The minimum noncancelable contract term is greater than twelve months.
- (c) The contract does not transfer ownership of the underlying asset.
- (d) The underlying asset is used to conduct county business. (This will not apply to custodial funds.)

The following leases are not GASB 87 leases and are excluded from this policy:  
(GASB 87, paragraph 8)

- (a) Leases of intangible assets, including rights to explore for or to exploit natural resources such as oil, gas, and minerals and similar nonregenerative resources; licensing contracts for items such as motion picture films, video recordings, plays, manuscripts, patents and copyrights; and licensing contracts for computer software.
- (b) Leases of biological assets, including timber, living plants, and living animals.
- (c) Leases of inventory.
- (d) Contracts that meet the definition of a service concession arrangements (as specified in GASB 60, paragraph 4).
- (e) Leases of assets financed with outstanding conduit debt, unless both the underlying asset and the conduit debt are reported by the lessor.
- (f) Supply contracts, such as power purchase agreements.

#### Threshold for Capitalization of Right-To-Use Lease Assets

The establishment of a right-to-use lease asset capitalization threshold policy has been recommended. The policy should be approved by the Board of Supervisors. The threshold is to be consistently applied by all departments and offices of the County for financial reporting purposes and should overall capture most right-to-use lease contracts. All right-to-use lease assets at or above \$50,000 must be reported.

As a general rule, the threshold should be applied to individual lease contracts.

#### Right-to-use lease asset classifications:

The lessee is required to disclose the amount of lease assets (and the related amortization) by major classes of underlying assets, separately from other capital assets. (GASB 87, paragraph 37)

At a minimum, the following major classes of underlying lease assets will be disclosed by the County.

- Right-to-use leased land.
- Right-to-use leased buildings.
- Right-to-use leased equipment.

- Right-to-use leased improvements other than buildings.

Measurement and amortization:

Measurement: A lessee should initially measure the lease asset as the sum of the following: (GASB 87, paragraph 30)

- (a) The amount of the initial measurement of the lease right-to-use asset. (A lessee should measure the lease liability and right-to-use asset at the present value of payments expected to be made during the lease term. (GASB 87, paragraph 21)) (For the year of implementation, the lease liability and right-to-use asset should be measured as of July 1, 2021.)
- (b) Lease payments made to the lessor at or before the commencement of the lease term, less any lease incentives received from the lessor at or before the commencement of the lease term
- (c) Initial direct costs that are ancillary charges necessary to place the lease asset into service.

Amortization: A lease asset should be amortized using the straight-line method over the shorter of the lease term or the useful life of the underlying asset (except if the lessee is reasonably certain a purchase option will be exercised). The amortization of the lease asset should be reported as amortization expense. (GASB 87, paragraph 31).

At a minimum, amortization should be calculated on a monthly basis.

**Approved by resolution No. 2023-05-23-B on May 30, 2023.**

Attest: Susan K. Lloyd, County Auditor

Hear the Public: There was no response from anyone requesting to speak virtually. Treasurer Danelle Haberman was present to introduce the new Driver's License Issuance Clerk Michelle Ernst. There was no further response from anyone requesting to speak in person.

Alera Group, Tom Schuetz joined the Board to discuss concerns over the performance of EBS in the last few months. Tom started by explaining to the group exactly how the process worked, first claims go through Wellmark and then Wellmark sends claims on to EBS and then EBS processes claims, ask the county for the self-funding portion and then a check is sent to either the provider or member depending on the circumstances. He did admit that there were a couple of issues due to a software change and the passing of a long-time employee and training her replacement. He told the Board that the new person is starting to get up to speed and will only continue to improve. He is aware of some of the issues and has investigated and found that there has been a refund coming from an adjusted provider and EBS is waiting for the money to come back before they can move forward on any new claims for that person. He is also aware of issues with TASC and is trying to work with them to improve this also. He also told the Board that he had other options for flex spending than TASC and possibly we need to look at changing that component. He also mentioned that if EBS was allowed to pull the self-funding portion weekly instead of bi-weekly, to speed up providers being paid.

Motion by Croker, seconded by Merten to table the approval and authorization of the chair to sign the EBS-Employer Benefits Systems renewal for FY24 Plan Year and renewal of TASC for COBRA administration. Carried.

Tony Pertzborn and Barb Wetherell, Stille Pierce & Pertzborn Agency presented the renewal information for the FY'24 Principal policies. Pertzborn explained that Buena Vista County received a very good renewal and mentioned that several of the employees participated in the voluntary life insurance policies. He was able to negotiate a slightly lower increase on the dental rates originally slightly over a 5% increase.

Motion by Ringgenberg, second by Merten, to approve the dental rates, with a 4.9% increase for FY'24 and life insurance rates and vision rates for FY'24 with now increase. Carried.

Croker then asked Pertzborn and Wetherell if they had any other **Third-Party Administrator (TPA)**. Wetherell told the group that they have several of their clients use a group called Auxiant. She explained to the group that several years ago the board had looked at the company, but they did not have the ability to do FSA card at the time but since have added this component. Ahrendsen then asked County Attorney Paul Allen if this would need to be done as an RFP or if the Board could just make the decision to change. He was unsure and would research and get back to the group. The board did ask Wetherell to start collecting information on other TPAs and present it back to the Board later.

Chairman Snyder opened the discussion on the **Colorize building** up by stating his opinion of how to use the building. He stated that he saw three main issues in the Courthouse currently. One being the election equipment and voting in the basement, lack of space for the Veteran Affairs and a large area for the driver's license. He would like to see the Auditor's office and election equipment moved to the Colorize Building which would then open up their old offices. He would then move Veteran Affairs down to the old Auditor Office splitting that office in half giving each their own office. He would also move the Driver License to the outer office of the Auditor's, giving them more space and allowing the back room to be used for testing. He was unsure if the board would remain in the boardroom or if they would move downstairs to the public meeting room. Croker stated she did not like the idea of moving the Auditors out of the courthouse and would still like to see their equipment moved upstairs into the vestibule. She would like to have the wildlife display removed and the floor raised, bringing that area level with the hallways. She would then look at other offices to be moved to Colorize. She feels that the parking around Colorize would be an issue also. Merten stated that he supported Snyder's idea and feels that would be the most economical also. Jerry Weiland with Veteran Affairs stated that working in the current location has worked temporarily but they really need to get into a better location. Confidentiality was his biggest concern besides lack of space. He and Louie are not able to both be helping Veteran's at the same time the way they are currently set up. He would also like to see a space with no ramp and closer parking to the offices as it is hard for the Veterans to walk that far. Ahrendsen stated that is also an issue with the voters at Courthouse precinct. She also stated that bringing the equipment upstairs would be a security and safety issue as pushing equipment out and around the public would not be easy. She also stated that timing was important as the 2024 Presidential election would be here soon, and they would need time to incorporate any changes being made. County Attorney Paul Allen stated that everyone keeps discussing liability issues he feels making someone walk to a location does not fall under a liability issue. He stated that HIPAA is an issue that could result in fines and actions from the state but not in a lawsuit for the county. He did say that the election equipment staying in the basement is a liability that could result in a lawsuit and his opinion would be gross negligence if they allowed that equipment to continue to be kept in the basement. He told the group that once that equipment was taken out again, he would suggest it never going back into the basement. He also pointed out that bringing the equipment up to the main floor of the courthouse did bring up election security and he even felt that a locked cage would still be a security issue if approached by the public. Motion by Croker, second by Ringgenberg to continue the discussion on the **Colorize building** until more information is made available for the options presented. Carried.

Altena left the meeting at 12:10 pm.

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

The Board discussed a **claim from Jennifer Hustedt** after the Auditors pulled the claim for further review by the Supervisors. After a brief discussion it was decided that they would like to have more information presented for this claim.

Motion by Croker, second by Merten, to approve the **minutes** of the 05/09/2023 meeting, approve **today's claims approval list and stamped warrant register minus claim for \$804.60 to Jennifer Hustedt**, and accept the following **reports**: April 2023 Conservation Board Minutes, Notice to Property Owner as to Assessment by Board of Review, April 2023 VA Commissioner minutes, and Board of Health minutes April 17 & 24, 2023. Carried.

There being no further business, motion by Ringgenberg, second by Croker, to adjourn the meeting at 12:20 p.m. until Tuesday, May 30 at 8:30 a.m. for a special meeting.