

**BOARD OF SUPERVISORS MEETING
TWENTY-EIGHTH MEETING, 2022 SESSION (28)
JULY 3, 2023**

The Buena Vista County Board of Supervisors met in regular session on Monday, July 3, 2023, at 8:15 A.M. in the Boardroom with Chairman Snyder presiding, and the following members present: Croker, Ringgenberg, Merten, and Dan Hartman (appointed by the Vacancy Committee at 8:00 a.m. this morning), 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: Croker, Hartman, Merten, Ringgenberg, and Snyder. Nays: none. Abstentions: none.

Motion by Ringgenberg, second by Croker, to approve **today's agenda**. Carried.

Motion by Croker, second by Hartman, to approve and authorize the Chair to sign the **utility permit** for Long Lines, Sergeant Bluff, for the accommodation of fiber optic cable along 590th St. & 70th Ave., between Sections 25 & 36 Nokomis Township and Sections 30 & 31 Washington Township. Carried.

Secondary Road Report: They have been shouldering along C65, working on driveways, crossroad pipes on M31 south of Alta near C65, and they have been picking up trees. The Linn Grove River Bridge is at the decking stage, it has not been poured yet; they are done pouring decking on Bluebird Creek, moving along pretty good; in 2-3 years they will do cold in place recycling the road that goes through Linn Grove; they have both of the mowers going; they have been hauling some clay out of Platinum Crush's site in order to raise the road; and they are getting their plan together for RAGBRAI.

Env Health/Zoning Director Ben Mueggenberg presented information to the Board for a Minor S/D for Thomas Fitzpatrick in Section 20 Hayes Township. Motion by Merten, second by Ringgenberg, to approve and authorize the Chair **Resolution #2023-07-03-A** Minor S/D for Thomas Fitzpatrick in Section 20 Hayes Township. Carried.

RESOLUTION 2023-07-03-A

WHEREAS Thomas Fitzpatrick has presented a preliminary and final plat (of survey) on the following described property:

LEGAL DESCRIPTION LOT TWO OF LOT H:

THE SOUTH TWO HUNDRED THIRTY-TWO FEET (S. 232') OF LOT H, BEING PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) OF SECTION 20, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA.

Hereafter known as Lot Two of Lot H in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section 20, Township 90 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 3.63 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:

LEGAL DESCRIPTION LOT TWO OF LOT H:

THE SOUTH TWO HUNDRED THIRTY-TWO FEET (S. 232') OF LOT H, BEING PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) OF SECTION 20, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA.

Hereafter known as Lot Two of Lot H in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section 20, Township 90 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:

LEGAL DESCRIPTION LOT TWO OF LOT H:

THE SOUTH TWO HUNDRED THIRTY-TWO FEET (S. 232') OF LOT H, BEING PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE ¼ NE ¼) OF SECTION 20, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA.

Hereafter known as Lot Two of Lot H in the Northeast Quarter of the Northeast Quarter (NE ¼ NE ¼) of Section 20, Township 90 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, APPROVED AND ADOPTED this 3rd day of July 2023.

/s/ Kelly Snyder, Chairman Board of Supervisors...../s/ Susan K. Lloyd, County Auditor

Env Health/Zoning Director Ben Mueggenberg informed the Board that he may have to set another public hearing and republish the **Master Matrix** that was previously approved for James Hultgren. Mueggenberg received a notice from Paul Petitti, of the DNR, stating that it should not have been a Master Matrix. However, Debbie Witt, who was present for the original hearing, stated that DNR told her that it had to be a Master Matrix. Mueggenberg informed the Board that he was trying to talk with someone at DNR to confirm whether it was required or not, and whether he needed to set another public hearing. The consensus of the Board was to not take action today, until more information was received from the DNR.

Motion by Croker, second by Merten, to approve the **minutes** of 6/27/23, as corrected, today's **claims approval list & stamped warrant register**, and accept the following **reports:** May Central IA Juvenile Detention Center minutes, April Early Childhood Iowa minutes, May Early Childhood Financial Report, ICAP Annual Report, FY'21 Rolling Hills Community Services Region Audit Report, March NW IA YES Center minutes, March 911 Service Board minutes, and December SHIELD Board Meeting minutes. Carried.

Chairman Snyder asked if there was anyone online that wished to be heard during **Hear the Public**, with no response.

Chairman Snyder acknowledged the appointment of Dan Hartman to **County Supervisor-District 5** and welcomed him to the Board. Hartman was appointed to replace Don Altena, who retired June 30.

Supervisor Merten brought up the discussion of the Cayuga Street Annex, and informed the Board that the office that was once occupied by CASA was vacant, and that maybe the VA could be relocated over to the Cayuga Street Annex. Merten stated that the Facilities Committee had met last week to discuss this. Merten commented that the Public Defender has a lease for an office in the building but is very rarely there. County Attorney Paul Allen was also present for the discussion, and informed the Board that he could prepare a lease termination to the State, regarding the Public Defender's Office. Allen stated that he reviewed the lease, and a 60-day notice was required to terminate. Motion by Snyder, second by Ringgenberg, to move forward with moving the Veterans Affairs Office to the **Cayuga Street Annex**, and to give the 60-day lease termination notice to the Public Defender. Croker stated that she prefers waiting

60 days until the Public Defender moves out. Ayes: Hartman, Merten, Ringgenberg, Snyder. Nays: Croker. Motion carried.

Motion by Merten, second by Ringgenberg, to reappoint Nicole Diischer to the Veterans Affairs Commission, with her term expiring 6/30/2026. Carried.

Board Member Merten introduced and delivered to the Auditor the Resolution hereinafter set out entitled " RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE AGREEMENT FOR PRIVATE DEVELOPMENT AND MINIMUM ASSESSMENT AGREEMENT BY AND BETWEEN BUENA VISTA COUNTY AND PLATINUM CRUSH, LLCC.", and moved: that the Resolution be adopted. Board Member Ringgenberg seconded the motion. The roll was called, and the vote was: Ayes: Croker, Hartman, Merten, Ringgenberg, Snyder. Nays: None. Whereupon, the Chairperson declared the measure duly adopted.

RESOLUTION NO. 2023-07-03-B

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE AGREEMENT FOR PRIVATE DEVELOPMENT AND MINIMUM ASSESSMENT AGREEMENT BY AND BETWEEN BUENA VISTA COUNTY AND PLATINUM CRUSH, LLC

WHEREAS, by Resolution No. 2022-03-15-A, adopted March 15, 2022, this Board found and determined that certain areas located within the County are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Platinum Urban Renewal Plan (the "Urban Renewal Plan" or "Plan") for the Platinum Urban Renewal Area (the "Urban Renewal Area" or "Area") described therein, which Plan is on file in the office of the Recorder of Buena Vista County; and

WHEREAS, it is desirable that properties within the Area be redeveloped as part of the overall redevelopment area covered by said Plan; and

WHEREAS, the Buena Vista, Iowa ("County") and Platinum Crush, LLC ("Developer") previously entered into an Agreement for Private Development dated March 29, 2022 ("Agreement"), pursuant to which, among other things, the Developer agreed to construct certain Minimum Improvements (as defined in the Agreement) on certain real property located within the Platinum Urban Renewal Area (the "Development Property") and the County agreed to provide certain incentives described as "Economic Development Grants" to the Developer in exchange for Developer's obligations under the terms and conditions of the Agreement; and

WHEREAS, the Agreement included a Minimum Assessment Agreement between the County and Developer also dated March 29, 2022 ("Minimum Assessment Agreement"), pursuant to which the parties agreed the Minimum Improvements to be constructed on the Development Property would be subject to certain Minimum Actual Values for assessment purposes; and

WHEREAS, the County and Developer desire to amend the Agreement and Minimum Assessment Agreement pursuant to a proposed First Amendment (the "Amendment"), to amend the definition of Development Property to reflect the sale of a certain portion of the land ("Sale Property") to a third party; and

WHEREAS, Chapters 15A and 403, Code of Iowa, authorize counties to make grants for economic development in furtherance of the objectives of an urban renewal project and to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of said Chapters, and to levy taxes and assessments for such purposes; and

WHEREAS, the Board has determined that the Amendment is in the best interests of the County and the residents thereof and that the performance by the County of its obligations thereunder is a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Amendment and the County's performance thereunder is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapters 15A and 403, Code of Iowa, taking into account any or all of the factors set forth in Chapter 15A, Code of Iowa, to wit:

- a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.
- b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes, or which generate tourism-related activities.
- c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.
- d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds.

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

Section 1. That the performance by the County of its obligations under the Amendment and the Agreement and Minimum Assessment Agreement, as amended, be and is hereby declared to be a public undertaking and purpose and in furtherance of the Plan and the Urban Renewal Law and, further, that the Amendment, the Agreement, the Minimum Assessment Agreement, and the County's performance thereunder is in furtherance of appropriate economic development activities and objectives of the County within the meaning of Chapters 15A and 403, Code of Iowa, taking into account the factors set forth therein.

Section 2. That the form and content of the Amendment, 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 Amendment 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 Amendment, 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 Agreement and Minimum Assessment Agreement, as amended, and the Amendment as executed.

PASSED AND APPROVED this 3rd day of July, 2023.

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

Motion by Ringgenberg, second by Hartman, to approve and authorize the Chair to sign **the First Amendment to Agreement for Private Development and Minimum Assessment Agreement** for Platinum Crush, LLC. Carried.

There being no further business, motion by Croker, second by Hartman, to adjourn the meeting at 10:10 a.m. until Tuesday, July 11 at 8:30 a.m. for a special meeting.