

**BOARD OF SUPERVISORS MEETING
THIRTY-FOURTH MEETING, 2024 SESSION (34)
AUGUST 6, 2024**

The Buena Vista County Board of Supervisors met in special session on Tuesday, August 6, 2024, at 8:30 A.M. in the Boardroom with Chairman Ringgenberg presiding, and the following other members present: Croker, Hartman, Merten, Snyder, 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, Hartman, Merten, Ringgenberg, and Snyder. Nays: none. Abstentions: none.

Motion by Merten, second by Hartman, to approve **today's agenda**. Carried.

Motion by Snyder, second by Merten, to approve and authorize the Chair to sign the **utility permit** for Iowa Lakes Regional Water, Spencer, IA, for the accommodation of a water pipe along 80th Ave. and 440th Street between Sections 8 & 17 Barnes Township, to serve the City of Linn Grove. Carried.

Engineer Bret Wilkinson presented the plans for the six-mile paving project on C49 east of Hwy71. Wilkinson stated that this will be a cold-in-place recycling and then an asphalt overlay. Wilkinson stated that November 19 is the letting date, and it will be let through the State. Motion by Merten, second by Croker, to approve and authorize the Chair to sign the plans and bidding documents for **Project STP-S-CO11(119)--5E-11**, paving 6 miles of C49 east of Hwy 71. Carried.

Engineer Bret Wilkinson informed the Board that two checks needed to be written today, regarding mitigation on the paving project around Platinum Crush. One check needs to be issued to Raccoon Valley Acres, in the amount of \$62,400 for .96 emergent wetland credits. The second check is to be issued to White Fox Farms, LLC, in the amount of \$4,455.00 for 148.5 stream credits. Motion by Merten, second by Croker, to approve and authorize County Engineer Wilkinson to sign the purchase agreements for Raccoon Valley Acres and White Fox Farms, LLC, and authorize the Auditor to issue checks in the amount of \$62,400 to Raccoon Valley Acres, and \$4,455.00 to White Fox Farms, LLC, for stream and emergent wetland credits in reference to **mitigation on the paving project around Platinum Crush**. Carried.

Secondary Road Report: The crew has been working on the crossroad culvert on M31 north of Alta. Another crew is finishing up the cornstalk flood cleanup. After the flood cleanup, the crews will get back to working on entrances, blading roads, fixing the rumble strips and potholes. Tomorrow afternoon, there will be a pre-bid meeting at the Engineer's Office, with bids due by August 22 at 3:00 p.m., and then the August 27th Board agenda will include awarding the project, after DOT concurs with the low bidder, due to RISE funding. Wilkinson stated that the right-of-way purchases continue to be discussed on the Phase 2 part of the paving projects around Platinum Crush. Design work is being done on the 70th Ave. Hwy 7 intersection to get it sent to DOT. Design work is being done on the 80th Ave. Hwy 7 intersection. One crew is mowing by the Threshermen site and Hanover, preparing for their festivals.

Motion by Hartman, second by Croker, to approve the **minutes** from 7/30/2024 as corrected, and accept the following **reports**: None. Carried.

The Chair opened the public hearing for a **Master Matrix** for Conlin 240th LLC in Section 35 of Fairfield Township, with Environmental Health Director Ben Mueggenberg, Bill Conlin, Ben Conlin, Becky Sexton of Twin Lakes Environmental Services present and seven unidentified callers online. Mueggenberg

reviewed the Master Matrix with the Board, explaining the points. There are 440 points needed to pass, and Conlin 240th LLC received 450 points, and satisfies the minimum requirements for air, water, and community. No public comments were heard or made note of in the resolution before the motion was made. Motion by Merten, second by Croker, to close the public hearing. Carried.

Motion by Merten, second by Croker, to approve **Resolution 2024-08-06-A**, Master Matrix for Conlin 240th LLC in Section 35 of Fairfield Township. Carried.

RESOLUTION 2024-08-06-A
Buena Vista County Board of Supervisors

8/6/2024
DATE

APPROVAL OF WAIVER OF BUENA VISTA COUNTY’S RIGHTS TO APPEAL ISSUANCE OF FINAL CONSTRUCTION PERMIT FOR THE CONSTRUCTION OF CONFINED ANIMAL FEEDING OPERATION BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.

BE IT RESOLVED by the Buena Vista County Board of Supervisors as follows:

Section 1. The Buena Vista County Board of Supervisors has received notice from the Iowa Department of Natural Resources (DNR) that **Conlin 240th LLC** has been issued a draft permit for the construction of a confined animal feeding operation building(s) in the **SE ¼ NE ¼ Sec 35 T92N R35W Fairfield Twp** in Buena Vista County.

Section 2. The Buena Vista County Board of Supervisors reviewed the construction permit application and the manure management plan and determined that both appeared to be in compliance with the requirements of the Master Matrix, Iowa Code Section 459 and Iowa DNR rules and recommended approval of said application on **8/1/2024**.

Section 3. The Buena Vista County Board of Supervisors hereby waives its right to appeal the issuance of the final permit within the fourteen (14) day limit from the time of receipt of notice of the issuance of the draft permit.

Section 4. The Buena Vista County Board of Supervisors encourages the Iowa DNR to issue the Final Permit immediately upon notification of this waiver.

Section 5. The Buena Vista County Board of Supervisors authorizes the Board Chairman to notify the Iowa DNR of this waiver.

Section 6. This resolution shall take effect immediately.

/s/ Rhonda Ringgenberg, Chair Board of Supervisors...../s/ Susan K. Lloyd, Auditor

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

Motion by Snyder, second by Hartman, to acknowledge and approve the automatic renewal for a **Class E Liquor License** for Brew #1 West Lake General Store. Carried.

Motion by Merten, second by Snyder, to approve and authorize the Chair to sign the **Proposal by Resolution #2024-08-06-B** considering conveyance of Parcel #0208104016 that the county holds title to, to Judediah Graesing. Carried.

**PROPOSAL BY RESOLUTION
2024-08-06-B**

WHEREAS, pursuant to Iowa Code Chapters 446 and 569, Buena Vista County holds title to Buena Vista County Parcel # 0208104016, in Linn Grove, Iowa, and legally described as:

Lot six (6), Hesla and Anderson's Addition to Linn Grove, Iowa; and
Hesla and Anderson Addition, Lot 5, in the Town of Linn Grove

WHEREAS, the Buena Vista County Board of Supervisors, pursuant to Iowa Code Section 331.361, subsection 2, considers disposal of said property to be in the best interests of Buena Vista County; and

WHEREAS, Judediah Graesing, who owns adjoining property, has indicated to the Board of Supervisors that he seeks conveyance of the property so that he can better manage the drainage of water on said property, as well as return the property to a tax producing status; and

WHEREAS, the Buena Vista County Board of Supervisors proposes disposing of said property by quitclaim deed for sale price of \$500.00 to Judediah Graesing.

BE IT THEREFORE RESOLVED, a public hearing on the proposal by resolution to dispose of the above stated property by selling the property in the amount of \$500.00 to Judediah Graesing and conveying by quitclaim deed shall be held on the 27th day of August, 2024, after which time, the Board of Supervisors will make a final determination on the proposal by resolution.

/s/ Rhonda Ringgenberg, Chair Board of Supervisors...../s/ Susan K. Lloyd, Auditor

EMA Director Aimee Barritt informed the Board that the City of Sioux Rapids needs additional file cabinets, due to losing their office in the flood. Barritt stated that there are several file cabinets stored at the LEC Warehouse that nobody wants. Motion by Croker, second by Hartman, to approve donating five **excess file cabinets** to the City of Sioux Rapids. Carried.

EMA Director Aimee Barritt informed the Board that she had \$17,092.10 of ARPA funds left over from both of her projects, and she would like to use those funds to restock the trailer with supplies, wireless internet, wireless printer, and office supplies, to have available when the trailer is used during a disaster. Barritt stated that after using the trailer during the flood event, there were items that would have been helpful to have during that time. With the leftover funds from the A/V equipment that was purchased for the fire departments, she would like to make improvements to the equipment installed and purchase a new laptop for her office. Motion by Snyder, second by Merten, to approve the request of EMA to use their remaining \$17,092.10 of **ARPA funds** to restock the trailer, wireless internet, printer, office supplies, new laptop, and updates to the A/V equipment that was installed at the fire stations in the county. Carried.

EMA Director Aimee Barritt gave the Board an **update on Sioux Rapids and Linn Grove** flood recovery. In Sioux Rapids, the Disaster Recovery Center will open tomorrow at the Sioux Rapids pool. Barritt stated that she is urging residents to keep appealing their claims submitted to FEMA, hoping for them to receive more funds, and by having this Disaster Recovery Center opening in Sioux Rapids, the residents will be able to appeal to FEMA in person. Barritt stated that SBA will also be there to assist residents that may be interested in low interest loans. Barritt stated that there are still eight families that cannot go back into their homes, so FEMA is working on setting up temporary homes for them, until they can find a home of their own. In Linn Grove, they ran out of water one day, but they should have rural water installed in a week or so, and by the end of August, residents will be able to drink tap water again.

Merten stated that the supervisors had interviewed all the applicants that had applied for the two open Veterans Commissioner positions and the vacancy position, and they were very impressed with all the applicants. Croker stated that the board had asked and verified what conflict each applicant served in. Hartman stated that all applicants were good and would have worked out well as a commissioner. Motion by Croker, second by Snyder, to appoint Andrew Kelly and Lee Meth as **Veterans Affairs Commissioners**, replacing Rich Haldin and Gar Otto, with terms expiring 6/30/2027. Carried. Motion by Croker, second by Merten, to appoint Ron Witham to fill a vacancy on the **Veterans Affairs Commission**, replacing Nicole Diischer, with a term expiring 6/30/2026. Carried.

County Attorney Paul Allen was present for his appointment. Motion by Croker, second by Hartman, to go into **closed session** (at 10:10 a.m.) under Chapter 21.5(1)(c) of the 2024 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: Croker, Hartman, Merten, Ringgenberg, Snyder. Nays: None. Motion carried.

Motion by Snyder, second by Merten, to go out of **closed session** at 11:24 a.m. Carried.

There being no further business, motion by Croker, second by Hartman, to adjourn the meeting at 11:26 a.m. until Tuesday, August 13 at 8:30 a.m. for a regular session.