

**BOARD OF SUPERVISORS MEETING
THIRTY-SEVENTH MEETING, 2024 SESSION (37)
AUGUST 27, 2024**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, August 27, 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 Croker, second by Merten, to approve **today's agenda**. Carried.

Engineer Bret Wilkinson informed the Board that he had received six bids for Project RC-CO11(118)--9A-11, for the Phase 1 project of grading and paving on 70th Ave. and 600th St. by Platinum Crush. Bids were received from Cedar Valley Corp, LLC (\$5,369,725.28), Croell, Inc. (\$5,374,702.17), Godbersen-Smith Construction Co. & Subsid. (\$5,694,661.34), Hulstein Excavating, Inc. (\$7,694,343.00), C. J. Moyna & Sons, LLC (\$5,680,553 .31), and Peterson Contractors, Inc. (\$5,381,759.96). Wilkinson recommended that the Board award the bid to Cedar Valley Corp, LLC, which was the low bidder. The engineer's estimate was \$6,515,187.81, with the biggest difference in the dirt work. Wilkinson stated that after the contract is fully executed, then a pre-construction meeting would be scheduled. The completion date for the project is 8/1/2025. Merten commented that he would like the pre-construction meeting open to landowners and those residents living in the area, as those people will be affected by the project. Motion by Merten, second by Hartman, to award the contract to the low bidder, Cedar Valley Corp, LLC, Waterloo, IA, in the amount of \$5,369,725.28, for **Project RC-CO11(118)--9A-11**, for the Phase 1 project of grading and paving on 70th Ave. and 600th St. by Platinum Crush. Carried.

Secondary Road Report: They have been working on driveways and have a few more to finish; they have been mowing along the paved roads and rocking roads, and shoulder work will be next; the water tank has been placed on the trailer and can be used for dust control; Engineer Wilkinson is still talking with the DOT regarding the Hwy 7 and 70th Ave. intersection and railroad crossings.

The Chair opened the **Public Hearing** on the proposal by resolution for Parcel #0208104016, 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, with Dennis Graesing and Judediah Graesing present and 9 unidentified callers present electronically. Chairperson Ringgenberg asked Judediah Graesing if he was interested in purchasing the property for the proposed \$500. Graesing started that he was interested in the property as it abuts his property. Dennis Graesing commented that he and Judediah have given easements along the front of their properties, on the west side of the county blacktop that runs through town, for the City of Linn Grove to hook up to rural water. Motion by Snyder, second by Merten, to close the public hearing. Carried. Motion by Merten, second by Croker, to approve and authorize the Chair to sign **Resolution #2024-08-27-A** disposing of Parcel #0208104016, 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, by quitclaim deed to Judediah J. Graesing. Carried.

RESOLUTION #2024-08-27-A

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, on the 6th day of August, 2024, approved a proposal by resolution to dispose of said property by quitclaim deed for the sale price of \$500.00 to Judediah Graesing; and

WHEREAS, the Buena Vista County Board of Supervisors, on the 27th day of August, 2024, following proper notice of the time and place as required by Iowa Code section 331.305, held a public hearing on the proposal as required by Iowa Code section 331.361, subsection 2; and

WHEREAS, upon conclusion of the public hearing, the Buena Vista County Board of Supervisors considers disposal of said property by sale to Judediah Graesing for the sale price of \$500.00 to be in the County and the public's interest.

BE IT THEREFORE RESOLVED, pursuant to Iowa Code Chapters 446, 569, and 331.361, the Buena Vista County Board of Supervisors finds that it has the authority to dispose of 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

BE IT FURTHER RESOLVED, the Buena Vista County Board of Supervisors finds that proper notice of the time and place of the public hearing on the Board's proposal to dispose of said property was published in accordance with Iowa Code Section 331.305; and

BE IT FURTHER RESOLVED, the Buena Vista County Board of Supervisors will convey said property to Judediah Graesing by quitclaim deed; and

BE IT FURTHER RESOLVED, that the conveyance of said property shall be for the sale price of 500.00; and

BE IT FURTHER RESOLVED, that any further expenses associated with the conveyance of said property shall be paid by the grantee, Judediah Graesing, unless said expenses are required by law to be paid by the grantor.

BE IT FURTHER RESOLVED, the County Attorney is authorized to have the appropriate documents prepared to facilitate the conveyance of said property; and

BE IT FURTHER RESOLVED, the Chair is authorized to sign any necessary documents to facilitate the conveyance once presented to the Chair without further action by the Board.

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

Chairman Ringgenberg asked if there was anyone online that wished to be heard during **Hear the Public.** Beverly McGriff was online and thanked Merten and Hartman for attending the meeting in Marathon on August 20, regarding the Summit Pipeline. McGriff asked Merten if he had a chance to read through the Bremer County or Palo Alto survey ordinances that she gave him. Merten stated that he had received the ordinances and will pass them along to the County Attorney. McGriff stated that if Buena Vista County would approve a survey ordinance, it would show the public that the Board wanted to protect the rights of landowners.

Motion by Snyder, second by Croker, to approve the **minutes** from 8/20/2024 as presented, today's **claims approval list, stamped warrant register, and Auxiant disbursements,** and accept the following **reports:** July NW IA YES Center minutes. Carried.

Engineer Spencer Pech and Project Administrator Tiffany Kruiuzenga, ISG, met with the Board to discuss a letter of intent for county representation and inspection services related to Summit Carbon Solutions' proposed Midwest Carbon Express pipeline extension project. Drainage Engineer Brian Blomme was also present for the discussion. Pech stated that changes have been made to the Code of Iowa from 2015 when they were the county inspectors on the Dakota Access Pipeline project. Merten asked whether Summit had received approval in South Dakota and North Dakota. Blomme stated that there hasn't been approval in the Dakotas, but the letter of intent for ISG would show landowners that the county has a 3rd party ready to do inspections, and ISG would be able to attend informational meetings that are held and answer any landowner questions. Pech reviewed the ISG Construction inspection activities. Beverly McGriff, who was online, asked Pech if the inspector would use the "ball test" to determine if soils are fit to work in. Pech responded that there is a better definition they follow from the IUB, and they will have authority to stop the work if they find something wrong. Motion by Croker, second by Merten, to approve and authorize the Chair to sign the Letter of Intent for County Representation and Inspection Services for the **Midwest Carbon Express Project (Extension)** with ISG to perform the services. Carried.

Motion by Snyder, second by Hartman, to approve and authorize the Chair to sign the proposed tile outlet repair work order on **DD #34 Lat 5,** in Section 10 Lincoln Township, with a cost estimate of \$2,200. Carried.

Motion by Merten, second by Hartman, to approve and authorize the Chair to sign the proposed debris removal from channel work order on **DD #34 Lat 9** in Section 27 Lee Township, with a cost estimate of \$3,000. Carried.

Motion by Hartman, second by Merten, to approve and authorize the Chair to sign the proposed debris removal from channel work order on **DD #34 Lat 4** in Section 29 Lincoln Township, with a cost estimate of \$3,500. Carried.

A phone call was made to the Pocahontas County Board of Supervisors regarding **Jt. DD #18-42.** At the time of the last levy on the District, it wasn't levied at 100%, and there was only a sinking fund of \$5,000 planned. After the levy was set, another invoice came in for an additional \$16,000, which added to the debt, and used all the "sinking fund". Drainage Deputy Kristina Konradi stated that she levied the actual debt at the time, and with several people signing up for waivers, the District is still in need of funds.

Motion by Merten, second by Snyder, to approve and authorize the Chair to sign **Resolution #2024-08-27-B** for Facility ID #71946 and to sign the letter to waive the 14-day appeal. Carried.

RESOLUTION 2024-08-27-B
Buena Vista County Board of Supervisors

8/27/2024

APPROVAL OF WAIVER OF BUENA VISTA COUNTY'S RIGHT 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 Bill Conlin

has been issued a draft permit for the construction of a confined animal feeding operation building(s) at 240th Ave. Albert City, IA 50501 in unincorporated 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 August 6th, 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, Chairperson Board of Supervisors...../s/ Susan K. Lloyd, Auditor

Env Health/Zoning Director Ben Mueggenberg asked the Board to set a public hearing for a proposed zoning change for Buffalo Ridge from Ag to Residential. Motion by Merten, second by Hartman, to set a **public hearing** on the rezoning request for Buffalo Ridge from Ag to Residential, for September 10, 2024, at 9:00 a.m. Carried.

EMA Director Aimee Barritt asked the Board to allow her to extend her vacation to be used up, previously approved by September 1, and now due to her continued work on the flood event, she is proposing to use her excess hours of vacation by September 7, 2024. Motion by Snyder, second by Hartman, to approve and allow Aimee Barritt to extend the time allowed for her to use up her excess hours of **vacation**, to September 7, 2024. Carried.

Motion by Merten, second by Snyder, to approve and authorize the Chair to sign the **Jt. DD #143** **Lat 3** claim payable to Pocahontas County Secondary Roads in the amount of \$73.50 for labor. Carried.

There being no further business, motion by Croker, second by Hartman, to adjourn the meeting at 11:00 a.m. until Tuesday, September 3 at 8:30 a.m. for a special session.