

**BOARD OF SUPERVISORS MEETING
THIRTY-NINTH MEETING, 2024 SESSION (39)
SEPTEMBER 10, 2024**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 10, 2024, at 8:40 A.M. (due to technical issues) in the Boardroom with Chairman Ringgenberg presiding, and the following other members present: Croker, Hartman, Merten, Snyder, and with Election Deputy Karla Ahrendsen 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 Merten, second by Snyder, to approve **today's agenda**. Carried.

Engineer Wilkinson presented the group a proposal from Midwest Underground Supply on the purchase of an additional Denis CiMaf DAH-125D Forestry Head replacing the older Diamond cutter. He explained that the Diamond cutter threw big chunks of wood and was just not safe and by having two of the same cutters they would be interchangeable and worked much more efficiently. Merten asked what would happen with the old Diamond Cutter and what the value of that would be. Wilkinson said they would probably sell it and hoped to get \$10-15,000 for it. Motion by Snyder, second by Croker, to approve the **purchase of a Denis CiMaf DAH-125D Forestry Head**. Carried.

Secondary Road Report: the shouldering machine and edge rutting continues throughout the county. The mowers will continue to run up until our first hard frost. The pre-con meeting with the contractor on phase one of the Platinum Crush Road project will be held at 11:00 today. Wilkinson told the group that Dixon Construction will start the bridge abutments on 640th St on September 26. Merten questions the timing with harvest fast approaching and it is affecting that progress. Wilkinson said that they had been in contact with the surrounding landowners to give them a heads up and that only the bridge and a small portion of the road would be closed for about two weeks while each bridge is completed, unfortunately if a field driveway lands within that area, it will cause issues.

County Attorney Paul Allen updated the Board on the ongoing opioid litigation that the county joined in April 2018. The county's attorneys had sent a litigation hold letter at the time and now the court overseeing the litigation concerning PBMs is requiring proof that potential representative plaintiffs instituted a litigation hold. Paul and Sue had both looked through the paperwork in their respective offices and could not find any record of formal action taken on the letter. Allen suggests that the county withdraw from the suit with this company as it will be forced to produce paperwork that is not available and may result in costs to the county. Allen noted that this does not affect any other opioid settlements or litigation, merely the one against PBMs. Motion by Croker, second by Hartman to **withdraw from the litigation** with PBM. Carried.

The time arrived at the **Public Hearing for the rezoning request for Buffalo Ridge Estates** in Washington section 15. Environmental Health/Zoning Director Ben Mueggenberg informed the Board that the Zoning Commission has met, and they recommend denying this rezoning request for Buffalo Ridge Estates in Washington section 15 with Environmental Health/Zoning Director Ben Mueggenberg. Present in person was Jim Bauer, Randy Tutt, Ivan Schwaller, Janice Brock, Jan Worthan, Gary Worthan, Hunter Knudtson, Eric Yunginger, Wilkinson, Roger Anderson and Judy Anderson with Bev McGriff, Angie Wilkinson, Kory Elston, and 3 others remotely. Mueggenberg started by telling the group that he wants to rezone the property from Ag1 to Residential 1 to restrict the new owners on usage of the land. He explained this would prevent owners from buying the lots and putting a feedlot or something on it and upsetting the neighbors. Gary Worthan spoke for the group of owners in the area stating their concern of taking prime

farmland out of production and adding additional homes to an area with no infrastructure to handle the project. He raised concerns over adding that many drainage fields and septic systems overtop of an existing drainage tile that eventually dumps into a creek. He also voiced concern of losing the freedom to do with their land as they see fit by threat of lawsuit and continuous complaint from the noise, dust, and smell. He is worried that the two Cafos down the way might be affected by threat of lawsuit and the livestock contractor might pull the contracts not wanting to deal with the issues leaving multimillion-dollar facilities sitting empty. Eric Yunginger with the drainage department presented the group with a plat of Drainage District 90, and explained the tile immediately under the area was a private tile within the watershed of DD 90. While the tile does eventually drain into the DD 90 tile, at this location it is not a facility of the district, and therefore the District has no jurisdiction over it. As far as a lawsuit against the drainage district a previous lawsuit against drainage districts related to water quality was dismissed in part due to the districts having no legal authority over the individual landowners use of the land, which would be a similar situation in this case. Hunter Knudtson with Environmental Health told the group as far as the septic issues go, he feels the type of soil and current regulations on septic installation should prevent the waste from ever reaching the tiles. If after testing this is not possible, they may have to investigate alternative solutions since they would not be granted a permit for a standard septic system. Jim Bauer said he would like it rezoned to protect the neighbors with the more restrictive rules that residential zoning would bring to the property. The board thanked the group for presenting their arguments. Motion by Snyder, second by Croker to **close the Public Hearing** at 9:55 A.M. Carried. Motion by Merten, second by Snyder to allow the rezoning request to move forward. Carried. Merten stated that with the three readings the of ordinance it will give both sides time to research and determine the best plan for moving forward.

Motion by Croker, second by Merten to **set 1st reading of Ordinance 6.1A-29 Amendment** to Zoning Districts Map for Tuesday, September 24 at 9:15 A.M. Carried.

Chairman Ringgenberg stepped out of the meeting briefly at 10:00 A.M. Vice Chairperson Merten asked if there was anyone in person that wished to be heard during **Hear the Public**. County Attorney Allen told the Board that Associate Judge Andrew Smith was appointed to become a District Judge opening the associate position. Assistant County Attorney Herrig has indicated her desire to run for the open position. Allen told the group he has been making it work best they can due to not receiving any suitable applications for the current open position, but that he going to start more assertive advertising given this new development. He told the group in the 3rd District we are number one for criminal charges, excluding Woodbury, at about 1251 last fiscal year and the next highest being under 1,000.

Chairman Ringgenberg rejoined the group and asked if there was anyone online that wished to be heard during **Hear the Public** and there was none.

Motion by Snyder, second by Croker to table the appointment to the **NW IA Regional Housing Authority Board**. Carried.

Motion by Croker, second by Merten to authorize the Auditor's Office to **shred** the 2022 General Election ballots and paperwork. Carried.

Motion by Merten, second by Snyder to approve **minutes** from 9/3/2024 as corrected, today's **claim approval list, Auxiant claims list**, and accept the **reports** submitted. Carried.

Jennifer Lauderville, BV County Fair Board requested abatement of taxes on parcel 0926226010, due to now being owned by a nonprofit. Motion by Merten, second by Croker, to **abate the 2nd half of taxes (\$487)** on parcel #0926226010 in Alta. Carried.

There being no further business, motion by Croker, second by Merten, to adjourn the meeting at 10:30 a.m. until Tuesday, September 24 at 8:30 a.m. for a regular meeting.