

**BOARD OF SUPERVISORS MEETING
FORTIETH MEETING, 2024 SESSION (40)
SEPTEMBER 24, 2024**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, September 24, 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.

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

Engineer Bret Wilkinson, along with Josh Yernatich (Allete Clean Energy) and Dan Flo, Project Manager at Merjent, Inc. (supporting Allete Clean Energy), discussed the two utility permits for Storm Lake Power Partners I & II, LLC, (Allete Clean Energy). The utility permits are for installation of underground and overhead electric collection lines for the transmission of electricity from the Storm Lake I and Storm Lake II wind generation facility to the local electric grid. Yernatich, stated that they intend to tear down the old towers and decommission 259 turbines. Yernatich stated that they intend to be operational before Christmas, 2026. Yernatich stated that he has been working with Env Health/Zoning Director Ben Mueggenberg, and they are abiding with the proposed wind ordinance guidelines. Motion by Merten, second by Croker, to approve and authorize the Chair to sign the **utility permits** for Storm Lake Power Partners I, LLC, and Storm Lake Power Partners II, LLC, for installation of underground and overhead electric collection lines for the transmission of electricity from the Storm Lake I and Storm Lake II wind generation facility to the local electric grid. 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 1.5" PVC pipe along 540th Street, between Section 2 in Grant Township and Section 35 in Lincoln Township, for the transmission of water to Chad & Julie Bjork. Carried.

Motion by Merten, second by Hartman, to approve and authorize the Chair to sign the **utility permit** for R & R Electric, Alta, IA, to bore under 90th Ave., south of 630th Street, for a new electrical service at 6309 90th Ave. Carried.

The Chair opened the public hearing for the 1st **FY'25 budget amendment**, Notice was published as required. No written objections were submitted, and no objections were offered during the hearing. Motion by Croker, second by Snyder, to close the public hearing. Carried.

Motion by Croker, second by Hartman, to approve the 1st **FY'25 budget amendment** as published, to authorize the Chair to sign the Budget Amendment certification, **Resolution #2024-09-24-A**, amending the FY'25 Annual Budget, and to approve the following appropriations:

Increase activity	0030	ARPA Fund (0033)	Dept 59	\$3,030
Increase activity	0220	ARPA Fund (0033)	Dept 59	\$1,023,846
Increase activity	0220	Capital Project (1520)	Dept 51	\$21,633
Increase activity	0220	Capital Project Fund (1520)	Dept 22	-\$12,466
Increase activity	1100	General Basic Fund (0001)	Dept 04	\$40,000
Increase activity	3040	General Basic Fund (0001)	Dept 23	\$28,500
Increase activity	3040	ARPA fund (0033)	Dept 59	\$45,584
Increase activity	3200	General Basic (0001)	Dept 21	\$10,630

Increase activity	6000	General Basic (0001)	Dept 98	\$5,000
Increase activity	6100	General Basic Fund (0001)	Dept 69	\$22,422
Increase activity	6300	Rural Basic Fund (0011)	Dept 53	\$14,900
Increase activity	6320	ARPA Fund (0033)	Dept 59	\$15,000
Increase activity	8000	General Suppl Fund (0002)	Dept 02	\$2,000
Increase activity	9100	ARPA Fund (0033)	Dept 59	\$18,350 Carried.

**RESOLUTION NO. 2024-09-24-A
RESOLUTION AMENDING THE FY'25 ANNUAL BUDGET
BY ADOPTING BUDGET AMENDMENT #1**

WHEREAS the Board of Supervisors approved Departmental Appropriations on June 25, 2024 for all departments, of the fiscal year beginning July 1, 2024 in accordance with Section 331.434, Subsection 6, Code of Iowa; and

WHEREAS the Board of Supervisors has held the necessary hearing after having caused to be made the publication and notice required by law; and

WHEREAS the Board of Supervisors has reviewed the budget amendment #1 for FY'25, as presented by the County Auditor, increasing appropriations by \$1,238,429; and

WHEREAS the Board of Supervisors believe the aforesaid budget amendment #1 proposed for FY'25 to be in the best interests of Buena Vista County.

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

SECTION ONE: That the FY'25 budget for Buena Vista County, Iowa, on file in the County Auditor's Office is hereby amended and approved.

SECTION TWO: That this resolution shall be in full force and effect from and after its passage and approval in the manner provided by law, and the County Auditor is directed to make the filings required by law and to set up the books in accordance with the summary and details as adopted.

PASSED, APPROVED, AND ADOPTED this 24th day of September 2024, by the Buena Vista County Board of Supervisors.

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

Motion by Merten, second by Hartman, to approve and authorize the Auditor to **void and reissue** check #922924 dated 9/15/23 to Trevor Robbins in the amount of \$766.49 as it has been lost. Carried.

Env Health/Zoning Specialist Hunter Knudtson was present for the 1st reading of Ordinance 6.1A-29 requesting a change in the Zoning District Map in Section 15 Washington Township from A-1 to R-1. Also present was Jan Worthan, Gary Worthan, Engineer Bret Wilkinson, and seven unidentified callers online. Gary Worthan stated that it is a bad conservation policy, taking prime farmland for residential homes. Worthan stated that he is concerned that if there is another spring, like the one this year, everything runs downhill and there would be partially treated sewage in the drainage system, causing a public health problem. Worthan stated that the drainage districts will have point source pollution, which can be traced back. Worthan stated that this was all kept quiet until the platting was done, stating that Bay Breeze worked the system and got one over on them. Worthan stated that he sees two options, either approve and accept it, or the Board can move to table any decision today. Worthan also suggested that the Board reconsider

their prior approval of the Buffalo Ridge Estates Plat and start over. Merten thanked Gary Worthan and asked Auditor Lloyd if there was a formal withdraw from Bauer on the rezoning request. Lloyd stated that she wasn't aware of a written withdraw, only a verbal withdrawal from Bauer to Env Health/Zoning Director Ben Mueggenberg. Merten would like to table any action today and request a written withdrawal from Bauer. Motion by Croker, second by Merten, to continue the public hearing on the 1st Reading of **ORDINANCE 6.1A-29 Amendment to Zoning District Maps** in Section 15 of Washington Township until Tuesday, October 1 at 9:00 a.m. Carried.

Env Health/Zoning Specialist Hunter Knudtson discussed setting a public hearing on the proposed Buena Vista County Wind Energy Conversion System Ordinance #6.9. Motion by Snyder, second by Hartman, to set a public hearing on the proposed Buena Vista County Wind Energy Conversion System **Ordinance #6.9** for Tuesday, October 8, at 9:00 a.m. in the Board of Supervisors Room of the Courthouse. Carried.

Motion by Merten, second by Croker, to approve today's **claim approval list, Auxiant claims list**, and accept the following **reports**: August Sheriff's Report of Federal Inmate Billings, August Conservation Board minutes, August Engineer's Report for Landfill Commission, August BV County Landfill Commission minutes, and August Veterans Affairs Commission minutes. Carried.

Trevor Smith and Joanne Follon, **Iowa Lakes Corridor**, updated the Board on their activities. Smith stated that their office was displaced during the flood event in Spencer, and they hope to be back in their office soon. Smith stated that they have a grant for Hometown Talent, to try and get students to come back to their hometown after college to work. Smith stated that the grant is \$6,000 and would pay the individual the funds over four years, trying to retain them in the area. Follon informed the Board that October is Manufacturing Month, and she will be asking the cities and county to sign a proclamation. Follon stated that there are various tours scheduled for some manufacturing sites.

Secondary Road Report: The crew is blading, mowing, edge rutting, working on cross pipes and driveways; the asphalt patching project on M31 north of Alta will be done the first part of next week; Engineer Wilkinson stated that talks continue with PCI. Hopefully, they will start on 70th Ave. next week with dirt work and tree clearing; stop signs were discussed, of placing two at 620th St. and 70th Ave., two at 60th Ave. and 590th St., and one at 60th Ave. and 600th St. Merten requested removing the stop sign at 580th St. and 110th Ave.; Wilkinson stated that there needs to be more product place on 70th Ave. south of Platinum Crush for dust control. Albert City and Alta have requested dust control, which Wilkinson stated that they can use the county truck to sprinkle flakes on and then water it down; Wilkinson stated that he will contact the County Attorney about updating the Ordinance on stop signs.

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.

Conservation Director/Weed Commissioner Greg Johnson informed the Board of the resignation of Jim Wischmeyer from the BV County Conservation Board. Johnson stated that an ad needed to be placed in the papers, taking applications for the position, with the term expiring 12/31/28. Johnson would like to advertise taking applications for 45 days. Motion by Merten, second by Snyder, to accept the resignation of Jim Wischmeyer from the **BV County Conservation Board**, thanking him for his service, and to authorize Conservation to advertise the open position in the newspapers. Carried.

Conservation Director/Weed Commissioner Greg Johnson informed the Board that their **Halloween** party at the campground, including free camping, will be the weekend of October 12.

County Attorney Paul Allen was present for his appointment. Motion by Snyder, second by Croker, to go into **closed session** (at 10:40 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 11:07 a.m. Carried.

Sheriff Kory Elston informed the Board that his department is covering the City of Newell's law enforcement since May 31, due to their Police Chief resigning. Elston stated that Newell has appointed a Police Chief, however he hasn't been approved by the Academy, so the Sheriff's Department continues to cover their law enforcement needs. Elston asked the Board for authorization to bill the City of Newell for providing the law enforcement services already provided. Motion by Snyder, second by Hartman, to approve and authorize the Sheriff to bill the City of Newell for **law enforcement services**, the same as he does with the cities that contract for services. Carried.

Motion by Merten, second by Croker, to approve the **minutes** of 9/10/2024, as corrected. Carried.

Motion by Merten, second by Croker, to approve and authorize the Chair to sign the **Jt. DD #22 MOD** claim for Jacobsen-Westergard & Associates in the amount of \$459.30 for drone flights and video preparation. Carried.

A request was received by mail from John and Karen Keenan, owners of the Grand Central Coffee Shops. Keenans were requesting a 3-year tax abatement on their Grand Central Coffee Shop East location due to road construction that has been going on in front of their property causing hardship to their business since people can't find the driveway. Ringgenberg commented that the City of Storm Lake will be replacing all the sidewalks downtown, which will affect all the businesses downtown. Croker commented that she understands the request, but asked if the Board wanted to react to all those outside situations that they cannot control. Croker stated that she would not support any abatement. Motion by Snyder, second by Croker, to deny the request of John and Karen Keenan for a 3-year **tax abatement** on their Grand Central Coffee Shop East location. Carried.

Motion by Merten, second by Hartman, to table the appointment to the **Veterans Affairs Commission** until they can interview the newest applicant. Carried.

Merten updated the Board on the discussion he had with EMA Aimee Barritt and Bldg/Grounds Supt. Joe Keller, regarding the **former Alta County Shop building**. Barritt stated that there is a need for the building. Merten commented that there is an interested party in Alta that wants to purchase the building. Barritt would like to keep the building as she would also like to have training sessions there.

There being no further business, motion by Merten, second by Croker, to adjourn the meeting at 11:47 a.m. until Tuesday, October 1 at 8:30 a.m. for a special session.