

**BOARD OF SUPERVISORS MEETING
EIGHTEENTH MEETING, 2017 SESSION (18)
APRIL 18, 2017**

The Buena Vista County Board of Supervisors met in regular session on Tuesday, April 18, 2017 at 8:30 A.M. in the Boardroom with Chairman Huseman presiding, and the following members present: Altena, Arends, Merten, Ringgenberg, and with Auditor Susan Lloyd as clerk for the meeting.

Unless otherwise indicated, all of the following **motions** offered at this meeting were carried with the following vote: Ayes: Altena, Arends, Huseman, Merten, and Ringgenberg. Nays: none. Abstentions: none

Motion by Arends, second by Altena, to approve and authorize the Chair to sign the contracts and performance bond with Midwest Contracting, for **Project #LFM-C-M44--7X-11**, the twin box culvert replacement on 105th Ave. over Poor Farm Creek. Carried.

Secondary Road Report: Normal operations, blading roads, working on drainage tiles in the fields, and finishing up driveways.

Engineer Bret Wilkinson addressed the Board's question regarding the **speed limits** along East Milwaukee. Wilkinson stated that the Board can set the speed limits, however the DOT policy is to not drop more than 15 mph at a time.

Engineer Bret Wilkinson updated the Board on the **NACE meeting** he attended in Ohio.

The Board moved their meeting to the Public Meeting Room for their 9:00 a.m. public hearing on DD #101 MOD.

The Chair opened the Public Hearing on the Engineer's Report on proposed repairs/improvements on **DD #101 MOD**, with Engineer Brian Blomme, I & S Group, nine landowners, and one media present. The Auditor confirmed that the notice was published as required. DD #101 includes one Main Open Ditch, one Lateral Open Ditch #4, and twelve tile Laterals, and covers approximately 7,815 acres. There are four other drainage districts within DD #101 boundaries: **DD #33, DD #37, DD #38, and DD #39**, all of which outlet to DD #101. The need for improving outlet capacity of this Open Ditch has been confirmed by the investigation. In addition there is a need to address the outlet of the Main Tile that serves 20% of the watershed. The Engineer's Report recommends that the Board approve the improvement and extension of this Open Ditch, along with annexation and reclassification. The proposed cost of the Open Ditch improvements is \$403,970.00 (\$51.72/acre) and \$490,520.00 (\$62.77/acre) for the Open Ditch improvements with extension, plus there would be additional non-district costs of \$42,520 for County Road M53 and C49. Proposed Open Ditch repair would be \$216,490.00 (\$27.72/acre), and the proposed repair of DD #101 Lateral 4 would be \$6,800 (\$2.19/acre). Annexation is needed to bring in DD #33, DD #37, DD #38, and DD #39 into the Watershed, along with Reclassification. A landowner asked Blomme if the water could come in to the gravel pit. Blomme stated that the cost of excavation would be larger than the improvement, ground would need to be purchased, not much capacity would be gained, and he would be concerned about liability. Another landowner asked if a gate could be installed to block DD #34. Blomme stated that it would be a hindrance to close the gate, and it would be closed too long. Blomme was asked to consider an extension of Lateral 4, which he stated that he was directed to work on the

petition that was filed, which did not include an extension of Lateral 4. Blomme explained the remonstrance procedure, which needs to be in place before closing the public hearing. If the Board would continue the hearing to a later date, giving time for the annexation of parcels and the reclassification, then all of the landowners affected would have voting rights to remonstrance. Motion by Arends, second by Ringgenberg, to continue the public hearing until Tuesday, July 25, 2017, at 9:00 a.m. in the Public Meeting Room. Carried. Motion by Arends, second by Altena, to direct the Engineer to move forward with annexation of additional lands in to DD #101 MOD. Carried. Motion by Merten, second by Ringgenberg, to direct the Engineer to evaluate and extension to **DD #101 Lateral 4**, where the Lateral 4 tile intersects with DD #33. Carried.

The Board reconvened their meeting in the Boardroom.

The Chair opened the public hearing for a **Master Matrix** for DRS Pork, LLC, in Section 35 of Poland Township, with Environmental Health Specialist Steve Haldin, David Sundblad, Victoria Olson, Brian Olson, and 1 media present. Due to Environmental Health Director Kim Johnson's husband working part-time for Mick Sundblad, the son of this operation's owner, David Sundblad, Johnson wanted to recuse herself from the review process. Johnson, to ensure that the review was completed in an open and fair manor, conducted the site review with Cindy Martens of the DNR and was accompanied by Haldin. Johnson reviewed the Master Matrix with Haldin, and also asked Tammy McKeever, Clay County Environmental Health Director, to review for accuracy, where she found no errors. Haldin reviewed the Master Matrix with the Board, explaining the points. There are 440 points needed to pass, and DRS Pork, LLC, received 470 points, and is above the minimum requirements for air, water, and community. Victoria Olson presented a letter opposing the 5,000 head hog facility, due to an odor issue. Sundblad stated that he does intend to plant trees around the confinement, but didn't take points for it. Motion by Merten, second by Altena, to close the public hearing. Carried. Motion by Arends, second by Merten, to approve and authorize the Chair to sign **Resolution #2017-04-18-A**, the Master Matrix for DRS Pork, LLC, in Section 35, Poland Township, after the comments have been added. Carried.

RESOLUTION 2017-04-18-A

Recommending approval of the DRS Pork (David Sundblad) Construction Application to the Iowa Dept. of Natural Resources.

WHEREAS, the Buena Vista County Board of Supervisors has adopted the Master Matrix CAFO construction applications to provide an opportunity for local input; and

WHEREAS, a construction application for the construction of two hog finishing buildings with deep pit manure storage has been submitted by DRS Pork on March 21, 2017; and

WHEREAS, the Buena Vista County Environmental Health Director and Specialist have reviewed the application using the Master Matrix, finding a score of 470 points, and has verified all of the elements of the application for accuracy; and

WHEREAS, the minimum score set by the DNR is 440 points.

WHEREAS, the Board of Supervisors published a notice in the Pilot Tribune on April 1st, 2017, as required, and held public hearing in the Supervisors Meeting Room at the Courthouse on April 18th, 2017, for the purpose of receiving public comment; a letter of opposition was received concerned about value of homes, flies, odor, wildlife issues and distance from adjoining property owners.

WHEREAS, the Board of Supervisors shall submit the recommendation within 30 days of DNR receipt of application,

WHEREAS, the Board of Supervisors, has assembled their comments with knowledge provided for submission to the DNR;

NOW THEREFORE BE IT RESOLVED that the Buena Vista County Board of Supervisors hereby recommends approval of the construction application of the DRS Pork Construction Application.

PASSED, APPROVED AND ADOPTED this 18th day of April, 2017.

/s/ Tom Huseman, Chairperson, Board of Supervisors...../s/ Susan K. Lloyd, Auditor

Motion by Merten, second by Ringgenberg, to approve the minutes of 4/11, as printed, today's claims approval list, and the following reports: April Safety Committee minutes, April Department Head minutes, December Emergency Management Commission minutes, February Plains Area Mental Health Board of Directors minutes, Quarterly Recorder's Report of Fees Collected (Jan-Mar). Carried.

Drainage Attorney Gary Armstrong was present for his appointment, along with County Attorney Dave Patton, and one media present. Armstrong stated that there will not be a closed session, as there is no longer a lawsuit. Armstrong stated that we have won a total, complete and final victory, and no appeal, that deadline was yesterday. Victory, is in large due to the effort of the three counties, the courage that the Boards showed despite being sued by a big business. The counties paid in less than 25% of the costs, but insisted they maintain 100% of the control. Armstrong stated the case was won due to long standing drainage statutes and law, it was not a Clean Water Act. It was decided in Federal Court and the Iowa Supreme Court based on drainage law. Armstrong stated that the Board protected the well-being of the people in this county and this area. What remains are the outstanding legal fees of the Des Moines counsel and the local counsel. Those fees will be able to be paid by solicitation of funds, which they will be working on in the next several weeks. Armstrong stated that it will all be transparent and known to all, as to who pays the bills. Armstrong thanked the Board for their communication and cooperation in this lawsuit. Merten stated that the three counties worked well together and he appreciated how the three county drainage attorneys worked together.

There being no further business, motion by Arends, second by Ringgenberg, to adjourn the meeting at 11:44 a.m. until Tuesday, May 2, at 8:30 a.m. for a regular session. (No meeting is planned for April 25)