

**BOARD OF SUPERVISORS MEETING
FORTY-EIGHT MEETING, 2017 SESSION (48)
DECEMBER 26, 2017**

The Buena Vista County Board of Supervisors met in special session, on Tuesday, December 26, 2017 at 8:30 A.M. in the Boardroom, with Chairman Huseman presiding, and the following members present: Merten and Ringgenberg and with Deputy Auditor Leigh Madsen as clerk for the meeting. Absent Altena and Arends.

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

Engineer Bret Wilkinson presented plans and bidding documents for project #LFM-R-1550--7X-11. It will be Cold in Place Recycling project on M50 between Hwy 10 and Hwy 3, with HMA. Motion by Ringgenberg, second by Merten to approve the plans and bidding documents for **Project #LFM-R-1550--7X-11** and to set the bid deadline for January 18, 2018 and to award the bids on January 23, 2018 at 8:40. Carried.

Secondary Roads Report The road crews have been out a couple of times this season. They did go out on Christmas Eve morning. They are still able to do some brush cutting. Wilkinson said that the C49 bidding is complete with the IA DOT. BV County has not yet received the documents. The Board discussed the snow removal routes with Engineer Wilkinson.

The Chair opened the public hearing on the matter of the Budget, with 1 department head, and 2 media present. Motion by Merten, second by Ringgenberg to close the public hearing. Carried.

Motion by Merten, second by Ringgenberg, to approve the **FY'18 budget amendment #2** as published, to authorize the Chair to sign, and to approve the following appropriations:

Increase activity	3040	General Basic Fund (0001)	Dept 23	\$1,500
Increase activity	6010	Rural Basic Fund (0011)	Dept 24	\$34,618
Increase activity	6110	General Basic Fund (0001)	Dept 22	\$1,000
Increase activity	9200	General Basic Fund (0002)	Dept 97	\$8,500
Increase activity	0220	Records Mgmt Fund (0024)	Dept 07	\$10,024
Increase activity	0220	General Basic Fund (0001)	Dept 07	\$5,500
Increase activity	0220	Secondary Roads (0020)	Dept 20	\$500,000

Increase transfers in and out from Jail Security Fund (0025) to General Basic Fund (0001) for \$8,246.

Carried.

Motion by Merten, second by Ringgenberg to approve the **minutes of 12/19/17**, and the following **reports**: Genesis FY17 Annual Report, NWIPDC December Agenda, NWIPDC November minutes, BV Co Solid Waste informational letter, BV Co Public Health & Home Care November minutes, BV Co Public Health & Home Care December Agenda, Central Iowa Detention Center Agenda and Reports, BVCS Early Childhood Iowa November Agenda and reports. Carried

The Board Conducted a phone conference with Krista Baisch of Crueger Dickinson Law Firm regarding the Opioid Epidemic. Baisch informed that there are more than 200 counties and states across the country that have filed or intend to file lawsuits against the opioid manufactures. Merten asked if we would have to look at past cases to assess the damages. At this time the Board was told it would be only for cases going forward. Currently there are 18 Iowa counties that have passed an Opioid Epidemic

Resolution. In March or April there will be a meeting of Iowa Counties that have signed resolutions. Motion by Merten, second by Ringgenberg to approve Resolution #2017-12-26-A as amended. Carried. Motion by Ringgenberg, Second by Merten to authorize the Chair to sign the engagement letter. Carried.

RESOLUTION NO. 2017-12-26-A

TO THE HONORABLE BOARD OF SUPERVISORS OF BUENA VISTA COUNTY, IOWA MEMBERS,

WHEREAS, Buena Vista County ("County") is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and

WHEREAS, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to County and are, in fact, issues and concerns shared by all other counties in Iowa and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic ("Opioid Epidemic"); and

WHEREAS, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and

WHEREAS, the National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and

WHEREAS, certain of the opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and

WHEREAS, County believes it has spent thousands in unexpected and unbudgeted time and resources in its programs and services related to the Opioid Epidemic; and

WHEREAS, County is responsible for a multitude of programs and services, all of which require County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and

WHEREAS, County's provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet County's ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to County; and

WHEREAS, all sums that County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that County provides to County citizens, residents and visitors; and

WHEREAS, County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain of the opioid manufacturers in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and

WHEREAS, County has engaged in discussions with representatives of the law firms of Crueger Dickinson LLC, Simmons Hanly Conroy LLC, and von Briesen & Roper, s.c., (the “Law Firms”) related to the potential for County to pursue certain legal claims against certain opioid manufacturers; and

WHEREAS, County has been informed that the Law Firms have the requisite skill, experience and wherewithal to prosecute legal claims against certain of the opioid manufacturers on behalf of public entities seeking to hold them responsible for the Opioid Epidemic; and

WHEREAS, the Law Firms have proposed that County engage the Law Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law Firms would not be compensated unless County receives a financial benefit as a result of the proposed claims and the Law Firms would advance all claim-related costs and expenses associated with the claims; and

WHEREAS, all of the costs and expenses associated with the claims against certain of the opioid manufacturers would be borne by the Law Firms; and

WHEREAS, the Law Firms have prepared an engagement letter, which is submitted as part of this Resolution (“Engagement Letter”) specifying the terms and conditions under which the Law Firms would provide legal services to County and otherwise consistent with the terms of this Resolution; and

WHEREAS, County is informed that the Iowa Counties Association has engaged in extensive discussions with the Law Firms and has expressed a desire to assist the Law Firms, County and other counties in the prosecution of claims against certain of the opioid manufacturers; and

WHEREAS, County would participate in the prosecution of the claim(s) contemplated in this Resolution and the Engagement Letter by providing information and materials to the Law Firms and, as appropriate, the Iowa State Association of Counties as needed; and

WHEREAS, County believes it to be in the best interest of County, its citizens, residents, visitors and taxpayers to join with other counties in and outside Iowa in pursuit of claims against certain of the opioid manufacturers, all upon the terms and conditions set forth in the Engagement Letter; and

WHEREAS, by pursuing the claims against certain of the opioid manufacturers, County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by County and other public agencies across the country in dealing with the Opioid Epidemic.

NOW, THEREFORE, BE IT RESOLVED:

County authorizes, and agrees to be bound by, the Engagement Letter and hereby directs the appropriate officer of the County to execute the Engagement Letter on behalf of the County; and

BE IT FURTHER RESOLVED:

County shall endeavor to faithfully perform all actions required of County in relation to the claims contemplated herein and in the Engagement Letter and hereby directs all County personnel to cooperate with and assist the Law Firms in relation thereto.

The County Auditor shall forward a copy of this Resolution, together with the signed Engagement Letter, to the Law Firms at Erin Dickinson, Crueger Dickinson LLC, 4532 N. Oakland Ave., Whitefish Bay, WI 53211.

Respectfully submitted this 26th day of December, 2017.

/s/Thomas M. Huseman, Chair, Board of Supervisors

Motion by Merten, second by Ringgenberg to approve today's claim list.

Supervisor meetings: Merten attended a Rolling Hills meeting. They reviewed the budget. They also looked at how the budget would be affected if Woodbury were to join Rolling Hills region.

County Attorney Dave Patton was present to discuss the Ordinance to prohibit the use of **Electronic Smoking devices in Public Places**. Ringgenberg stated that Public Health not interested in banning Electronic Smoking Devices in public areas. The Board would like to look at the County policy on smoking to see if the Electronic Smoking should also be included in that policy.

Motion by Ringgenberg, second by Merten, to authorize the Auditor to **void and reissue** check #262259 issued to Century Link, in the amount of \$130.90, as it was lost in the mail. Carried.

Lee Gravel of the **North Raccoon Watershed** presented the Board with a letter pledging the support of the Board for the North Raccoon Watershed. Motion by Ringgenberg, second by Merten to authorize the Chairman to sign the letter of support for the North Raccoon Watershed. Carried.

The Board conducted a phone conference with Emergency Management Director Aimee Barritt. She reviewed **Resolution #2017-12-26-B** and the County's Grant Procurement Policy. Our current policy references hazard mitigation. That reference needs to be removed from the policy. Motion by Merten, second by Ringgenberg to approve and authorize the Chairman to sign the Procurement Policy Resolution #2017-12-26-B and the Buena Vista County Grant Procurement Policy. Carried.

Resolution Number #2017-12-26-B

A RESOLUTION OF THE BUENA VISTA COUNTY BOARD OF SUPERVISORS ADOPTING THE PROCUREMENT POLICY FOR FEDERALLY and NON-FEDERALLY FUNDED PROJECTS

WHEREAS, the Buena Vista County receives federal and nonfederal grant funds; and

WHEREAS, Buena Vista County is implementing a Procurement Policy describing the procedures, and standards by which the program will be managed; and

WHEREAS, staff has prepared a procurement policy, including evaluation criteria and a code of conduct in compliance with the guidelines and requirements established for the receipt of federal funds; and

WHEREAS, said Procurement Policy is in the best interests of Buena Vista County for federally and non-federally funded projects;

NOW THEREFORE BE IT RESOLVED that the Buena Vista County Board of Supervisors does hereby approve and adopt the attached Procurement Policy for all future federally and non-federally funded projects.

/s/Thomas M. Huseman, Chair, Board of Supervisors. ATTEST: /s/ Leigh Madsen, Deputy Auditor

Marius Agua, **North Raccoon Watershed Coordinator** spoke to the Board about upcoming projects. Agua stated that there is \$2.5 million for conservation of the Cedar Creek in Pocahontas county and Storm Lake Outlet Creek Watershed. That money can only be spent in those two areas. Flood mitigation will be the main focus. Agua would like to meet with farmers in the area to get their input. All plans would be voluntary.

President Denny Weber and Treasurer Sandy Johnson, **BV County Fair Board**, presented their FY'19 funding request of \$25,000, the same amount as last year, to help with the needs at the fairgrounds. They thanked the Board for their support this past year. Some of the plans for the funds will include repair and replace fence and gates, paint more buildings and repair of the grandstand roof. The goal of the Fair Board is to continue to keep local people involved. The Buena Vista Raceway will be under the new management of Joey Ciechanowski. The 2018 fair will be held on July 8-11.

Env Health/Zoning Director Kim Johnson was present with Chris Richter. Johnson explained that Richter would like to add one more building to his current site. This building is longer than the others. Richter is requesting a variance for the set back so he can fit the building on land he owns. Motion by Merten, second by Ringgenberg to approve Waiver to Right of Way Resolution #2017-12-26-C. Carried.

RESOLUTION 2017-12-26-C

Granting waiver for the Chris Richter (61593) Construction Expansion Application to the thoroughfare.

WHEREAS, the Buena Vista County Board of Supervisors has received a request for a waiver to the separation distance required between a confinement feeding operation structure and a public thoroughfare as required pursuant to Iowa Code section 459.202.

WHEREAS, such request may be granted under Iowa Code Section 459.205(2)a.

WHEREAS, such structure will be located at 5273 140th in the SE ¼ Section 30 Lincoln Twp. T-92-N R-36-W.

WHEREAS, such structure will be greater than 65 feet from the road right-of-way.

WHEREAS, such structure shall have sufficient truck access to the east of the structure.

WHEREAS, such structure will have a similar setback as the existing three structures from the thoroughfare.

NOW THEREFORE BE IT RESOLVED that the Buena Vista County Board of Supervisors hereby grants approval of a waiver for the Chris Richter request to the separation distance required between a confinement feeding operation structure and a public thoroughfare.

PASSED, APPROVED AND ADOPTED this 26th day of December, 2017.

/s/Thomas M. Huseman, Chair, Board of Supervisors. ATTEST: /s/ Leigh Madsen, Deputy Auditor

Motion by Merten, second by Ringgenberg to set the **Public Hearing** on the **MMP** for Spud Farms, LLC Sec 21 Fairfield Township on January 23rd, at 9:00 am. Carried.

Motion by Merten, second by Ringgenberg to set the **Public Hearing** on the **MMP** for Spud Farms, LLC Sec 9 Fairfield Township on January 23rd, at 9:15 am. Carried.

Motion by Merten, second by Ringgenberg to approve a Minor Subdivision for Layton Zylstra **Resolution #2017-12-26-D**. Carried

Motion by Merten, second by Ringgenberg to set the **Public Hearing** on the **MMP** for Spud Farms, LLC Sec 21 Fairfield Township on January 23rd, at 9:00 am. Carried.

Motion by Merten, second by Ringgenberg to set the **Public Hearing** on the **MMP** for Spud Farms, LLC Sec 9 Fairfield Township on January 23rd, at 9:15 am. Carried.

Motion by Merten, second by Ringgenberg to approve a Minor Subdivision for Layton Zylstra **Resolution #2017-12-26-D**. Carried

RESOLUTION 2017-12-26-D

WHEREAS Layton Zylstra has presented a preliminary and final plat (of survey) on the following described property:

DESCRIPTION LOT G

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4 NE 1/4) OF SECTION 20, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) corner of the Northeast Quarter (NE 1/4) of said Section 20; Thence North 90° 00' 00" West, along the North line of said Northeast Quarter (NE 1/4), 763.72 feet to the East line of Lot B in said Section 20; Thence South 00° 38' 00" East, along said East line, 235.00 feet to the Northeast (NE) corner of Lot C; Thence South 00° 00' 00" West, along the East line of said Lot C, 180.81 feet to the Southeast (SE) corner of said Lot C; Thence South 90° 00' 00" East, 763.73 feet to the East line of the Northeast Quarter (NE ¼); Thence North 00° 21' 33" West, along said East line, 415.80 feet to the Point of Beginning.

Hereafter known as Lot G in Section 20, Township 90 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa.

Tract contains 7.28 acres and is subject to all easements of record.

WHEREAS, the final plats meet with the approval of the Board subject only to the following if any: None

NOW THEREFORE, BE IT RESOLVED by the Buena Vista County, Iowa Board of Supervisors that:

DESCRIPTION LOT G

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4 NE 1/4) OF SECTION 20, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) corner of the Northeast Quarter (NE 1/4) of said Section 20; Thence North 90° 00' 00" West, along the North line of said Northeast Quarter (NE 1/4), 763.72 feet to the East line of Lot B in said Section 20; Thence South 00° 38' 00" East, along said East line, 235.00 feet to the Northeast (NE) corner of Lot C; Thence South 00° 00' 00" West, along the East line of said Lot C, 180.81 feet to the Southeast (SE) corner of said Lot C; Thence South 90° 00' 00" East, 763.73 feet to the East line of the Northeast Quarter (NE ¼); Thence North 00° 21' 33" West, along said East line, 415.80 feet to the Point of Beginning.

Hereafter known as Lot G in Section 20, Township 90 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa is hereby accepted subject to the following if any: None

BE IT FURTHER RESOLVED that this Resolution shall be affixed to the final plat of:

DESCRIPTION LOT G

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1/4 NE 1/4) OF SECTION 20, TOWNSHIP 90 NORTH, RANGE 37 WEST OF THE 5TH P.M., BUENA VISTA COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northeast (NE) corner of the Northeast Quarter (NE 1/4) of said Section 20; Thence North 90° 00' 00" West, along the North line of said Northeast Quarter (NE 1/4), 763.72 feet to the East line of Lot B in said Section 20; Thence South 00° 38' 00" East, along said East line, 235.00 feet to the Northeast (NE) corner of Lot C; Thence South 00° 00' 00" West, along the East line of said Lot C, 180.81 feet to the Southeast (SE) corner of said Lot C; Thence South 90° 00' 00" East, 763.73 feet to the East line of the Northeast Quarter (NE ¼); Thence North 00° 21' 33" West, along said East line, 415.80 feet to the Point of Beginning.

Hereafter known as Lot G in Section 20, Township 90 North, Range 37 West of the 5th P.M., Buena Vista County, Iowa;

and copies of said final plat shall be of record in the appropriate County offices.

PASSED, APPROVED AND ADOPTED this 26th day of December, 2017.

/s/Thomas M. Huseman, Chair, Board of Supervisors. ATTEST: /s/ Leigh Madsen, Deputy Auditor

There being no further business, motion by Ringgenberg, second by Huseman, to adjourn the meeting at 11:40 a.m. until Tuesday, January 3, 2018 at 8:30 a.m. for an organizational session.