

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MARCH 26, 2024.

Meeting called to order at 9:00 A.M. by Chairman Pro Tem Rusty Eddy with member Greg Barnett present. Moved by Barnett second by Eddy to approve the agenda. All ayes. Motion carried.

Minutes of the previous meeting were read. Motioned by Barnett, second by Eddy to approve the minutes as read. All ayes. Motion carried.

No public comment was received.

Motioned by Barnett, second by Eddy to open a Public Hearing on a request by Bruening Rock Products to rezone 38 acres from A-1 to A-2 for expansion of their limestone quarry on a parcel located at 18131 Vail Ave in the NE1/4 NE1/4 of Section 16, Township 92 North, Range 15 West of the 5th PM. Misty Day, Planning and Zoning, explained the process for the rezoning. The zoning commission has recommended approval. Ron Fadness and Floyd Hackman were present on behalf of Bruening Rock Products. Motioned by Barnett, second by Eddy to close the Public Hearing.

Board considered Ordinance Title VI, Number 34 – An Ordinance Amending the Official Zoning Map. Motioned by Barnett, second by Eddy to approve the first reading. Roll Call: Ayes – Eddy, Barnett; Absent – Wayne Dralle. Motioned by Barnett, second by Eddy to waive the second and third reading. All ayes. Motion carried and the ordinance was adopted as follows:

ORDINANCE TITLE VI, NUMBER 34

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, WHICH IS CONSIDERED PART OF BUTLER COUNTY, IOWA ZONING ORDINANCE (ORDINANCE TITLE VI, NUMBER 28, ADOPTED ON NOVEMBER 1, 2022)

Section 1. RESCISSION. This Ordinance rescinds the current zoning designation, “A-1” Agriculture, on a parcel legally described as follows:

The Northeast Quarter (NE¹/₄) of the Northeast Quarter (NE¹/₄) of Section 16, Township 92 North, Range 15 West of the 5th P.M. Butler County, Iowa.

on the Official Zoning Map as was originally adopted.

Section 2. ADOPTION. This Ordinance adopts in lieu thereof a new zoning designation “A-2” Limited Agricultural for the property legally described above, on the Official Zoning Map.

Section 3. INTEGRATION WITH CODE. Each section, provision or part of this Ordinance which is followed by a section number shall be inserted in the Butler County Zoning Ordinance (Ordinance No. Title VI, Number 28, adopted on November 1, 2022) as indicated by said section number and hereafter shall be cited by reference to said section number.

Section 4. REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, in conflict with this Ordinance are hereby repealed.

Section 5. SEVERABILITY OF REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, not directly affected by this Ordinance shall remain in full force and effect.

Section 6. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such section, provision, or part shall be severable from the rest of the Ordinance, and such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part not adjudged invalid or unconstitutional.

Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its final passage and publication as provided by law.

PUBLIC HEARING AND FIRST PASSAGE (READING) on MARCH 26, 2024.

SECOND PASSAGE (READING) WAIVED on MARCH 26, 2024.

THIRD AND FINAL PASSAGE (READING) WAIVED AND ADOPTION on MARCH 26, 2024.

BUTLER COUNTY BOARD OF SUPERVISORS

BY: Rusty Eddy, Pro-tem Chair

Leslie Groen, County Auditor

Crisis Intervention Services brought forth a proclamation that April is Sexual Assault Awareness Month. Motioned by Eddy, second by Barnett to proclaim April as Sexual Assault Awareness Month. All ayes. Motioned carried.

Motioned by Barnett, second by Eddy to approve an application for Class C Retail Alcohol License for Beaver Meadows Golf and Country Club. All ayes. Motion carried.

Board considered bids and award for Iowa DOT Contract 12-C012-126, including projects:

- 1) FM(125) asphalt resurfacing/cold in place recycling of 1 mile of Newell Ave north of HWY 3.
- 2) FM(126) asphalt resurfacing/cold in place recycling of 9 miles of C13 from Packard Ave east to Bremer Co line. John Riherd, County Engineer, explained the details of the contracts. The Engineer’s estimate for both projects is \$3,192,922.90. The lowest bid received was from Mathy Construction Company – Onalaska, WI.

Their bid came in at \$2,753,087.95. Riherd recommended approval of awarding the contract to Mathy Construction Company. Motioned by Barnett, second by Eddy to approve the contract to Mathy Construction Company. All ayes. Motion carried.

Board considered Resolution #2001-2024 naming County Engineer authorized signatory for farm to market rehabilitation projects. Motioned by Barnett, second by Eddy to approve. Roll was called: AYES: Eddy, Barnett ABSENT: Wayne Dralle and Resolution #2001-2024 was approved as follows:

Resolution #2001-2024

Moved by Barnett and seconded by Eddy to approve the following resolution:

WHEREAS, a construction project, FM-C012(125)--55-12, to rehabilitate and resurface 1 mile of Newell Ave between Hwy 3 and T43 has been designed, let to bid and contract awarded by the Butler County Board of Supervisors; and

WHEREAS, a construction project, FM-C012(126)--55-12, to rehabilitate and resurface 9 miles of C13 from Packard Ave (T47) east to the Bremer County line has been designed, let to bid and contract awarded by the Butler County Board of Supervisors; and

WHEREAS, the Iowa Department of Transportation (DOT) requires certain functions related to the administration of contracts for construction let through the DOT be completed electronically through the Doc Express and Appia services provided by InfoTech, Inc; and

NOW THEREFORE BE IT RESOLVED by the Butler County Board of Supervisors that after receiving the necessary contract documents, including but not limited to, the contractor's bond and certificate of insurance, John Riherd, the County Engineer for Butler County, Iowa be and is hereby designated, authorized and empowered on behalf of the Board of Supervisors of said County to execute the contracts in connection with the afore awarded construction projects let through the DOT for this county.

Passed and Approved this 26th day of March, 2024.

Rusty Eddy, Chairman, pro-tem Butler County Board of Supervisors

ATTEST: Leslie Groen, Butler County Auditor

Board discussed participation in an upcoming Shell Rock 2024 Street Improvement project on farm to market extensions through town. Riherd commented that the County has a policy that they participate in these projects. Generally, these projects are put on a schedule in order to plan. This project is on a short notice, which will affect the budget and already budgeted projects if the county participates. Riherd will continue to work with all parties on the particulars of the project and work with the City of Shell Rock to determine a payment schedule for the County's portion.

Riherd provided an Engineer's update. He explained a previous water flow issue the County participated in is no longer and issue after pattern tile was recently installed. Also a project is moving forward with additional improvements to the Unverferth blacktop.

Motioned by Barnett, second by Eddy to approve claims. All ayes. Motion carried.

Board acknowledged receipt of Manure Management Plan Short Form Annual Updates for F087 #61531

Motioned by Barnett, second by Eddy to adjourn the regular meeting at 9:26 A.M. to April 2, 2024 at 9:00 A.M. All ayes. Motion carried.

The above and foregoing is a true and correct copy of the minutes and proceedings of a regular adjourned meeting of the Board of Supervisors of Butler County, Iowa on March 26, 2024.

Attest: Leslie Groen
Butler County Auditor

Wayne Dralle
Chairman of the Board of Supervisors