

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON JANUARY 5, 2010.**

Meeting called to order at 9:00 a.m. by Chairman Ken Oldenburger with member John Zimmerman present. Member Karl Nelson was absent.

Minutes of the previous meeting were read and approved as read.

Board met with Lawrence Green and Paul Vondra, Butler County Soil & Water Conservation District Conservationists to hear program update and funding request for FY11. Also present were Commissioners Jim Lindaman, Rick Juchems and Lee Folkerts. The FY11 funding request of \$4,000 will be considered during the upcoming budget process.

Board reviewed proposal for collection agency services by Credit Bureau Services of Iowa, Inc. Board requested Auditor investigate other collection agencies and report back prior to any final action.

Board considered Construction Evaluation Resolution for 2010, adopting use of the DNR Master Matrix for confinement feeding operations. Moved by Zimmerman, second by Oldenburger to adopt said Resolution as follows:

**RESOLUTION #681**

**CONSTRUCTION EVALUATION RESOLUTION**

**WHEREAS**, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

**WHEREAS**, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

**WHEREAS**, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2010 and January 31, 2011 and submit an adopted recommendation regarding that application to the DNR; and

**WHEREAS**, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY** that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3).

UPON Roll Call the vote thereon was as follows:

**AYES:** Ken Oldenburger  
John Zimmerman

**NAYS:** None

**ABSENT:** Karl Nelson

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January, 2010.

**ATTEST:** Holly A. Fokkena, County Auditor

Moved by Zimmerman, second by Oldenburger to approve and reaffirm appointments to the following boards. Motion carried. (New appointments are indicated by \* prior to name)

<b>Board of Adjustment</b>	<b>3-year term</b>	<b>Term Expires</b>
Mark Gerdes		1/1/2012
Paul Leerhoff		1/1/2013
Jeff Reints		1/1/2012
Jim Siebrands		1/1/2013
Ron Brocka		1/1/2011
<b>Planning and Zoning</b>	<b>3-year term</b>	<b>Term Expires</b>
Eric Kruse		1/1/2012
Jim Norton		1/1/2013
Meinard Koop		1/1/2012
Vernon Stockdale		1/1/2013
Martin Bramer		1/1/2011
<b>Board of Health</b>	<b>3-year term</b>	<b>Term Expires</b>
Roger Skierka, MD		12/31/2010
Jodi Bangasser		12/31/2012
Todd Kalkwarf		12/31/2011
Larry Backer		12/31/2010
Ken Oldenburger		12/31/2011
<b>Veteran Affairs</b>	<b>3-year term</b>	<b>Term Expires</b>
Duane Harms		6/30/2010
Norm Gulick		6/30/2012
Robert Smeins		6/30/2011
Richard Vickers		6/30/2012
Bernard Franken		6/30/2010
<b>Conservation Commission</b>	<b>5-year term</b>	<b>Term Expires</b>
Charles Backer		12/31/2012
Roy Edeker		12/31/2013
Kelly Harken		12/31/2010
Dale Pothast		12/31/2014
Mike Majewski		12/31/2011
<b>Compensation Board</b>	<b>4year term</b>	<b>Term Expires</b>
Henry Groeneveld	Treasurer	7/1/2013
Kyle Rice	Sheriff	7/1/2011
Gene Chinander	Recorder	7/1/2013
Jerry Liebold	Supervisors	7/1/2013
Tonya Kregel	Supervisors	7/1/2013
Dale Hansmann	Attorney	7/1/2013
Jeff Kolb	Auditor	7/1/2011

Board considered Resolution regarding Compensation Commission in Eminent Domain Proceedings and it was moved by Zimmerman, second by Oldenburger to approve same.

**RESOLUTION # 342-10  
COMPENSATION COMMISSION IN EMINENT DOMAIN PROCEEDINGS**

WHEREAS, the Butler County Board of Supervisors, in compliance with Section 6B.4 of the Code of Iowa entitled "Commission to Assess Damages" relating to the appointment of persons eligible to serve as members of the Compensation Commission in Eminent Domain proceedings, do hereby appoint the following residents of the County to serve on said Commission:

**REAL ESTATE AGENTS/BROKERS:**

Martin Bramer	15677 110 St.	Greene, IA 50636
Mike Campbell	1210 S. Johnson St.	Parkersburg, IA 50665
David Kelm	420 E Prospect St.	Clarksville, IA 50619
Galen Miller	14361 120 St.	Bristow, IA 50611
Joyce Harrenstein	505 Day St.	Parkersburg, IA 50665
Tonya Kregel	1401 W Broadway	Dumont, IA 50625
Milton Ulfers	22809 Hickory Ave.	Allison, IA 50602

**FARMERS:**

Ronald Brocka	22757 300 St.	Parkersburg, IA 50665
Dale Cain	23391 Union Ave.	Shell Rock, IA 50670
Paul Gerdes	24407 Birch Ave.	Dumont, IA 50625
Donn E. Tindall	13624 Elm Ave.	Bristow, IA 50611
Reed Weinberg	550 W. Wamsley	Clarksville, IA 50619

**BANKERS OR AUCTIONEERS:**

Dan Castle	518 N. 5 <sup>th</sup>	Greene, IA 50636
Duane Harms	23585 Willow Ave.	Shell Rock, IA 50670
Fred Maifeld	26504 Grand Ave.	Kesley, IA 50649
Henry (Bud) Mennenga	120 W. Wamsley	Clarksville, IA 50619
Dana Uhlenhopp	266 Birch St., Box 702	Allison, IA 50602
Ralph Wessels	502 7 <sup>th</sup> St.	Aplington, IA 50604
Dave White	29776 220 St.	Shell Rock, IA 50670

**OWNERS OF CITY AND TOWN PROPERTY:**

Raymond Grapp	321 Pine St., Box 125	Allison, IA 50602
Gaylan Hempen	28342 195 St.	Clarksville, IA 50619
Eldon Peterson	520 N. 5 <sup>th</sup> St.	Greene, IA 50636
Charles Backer	420 E. Superior St.	Clarksville, IA 50619
Wayne Rohlwing	401 S. Church	Clarksville, IA 50619
David Shear	832 Grand St.	Dumont, IA 50625
Robert Smeins	501 Florence St.	Parkersburg, IA 50665
Alan Stockdale	1321 Circle Drive	Aplington, IA 50604
Leon Thorne	412 2 <sup>nd</sup> St.	Parkersburg, IA 50665

And the County Auditor is hereby directed to certify the list of appointees to Kurt L. Wilke, Chief Judge of the Second Judicial District.

UPON Roll Call the vote thereon was as follows:

<b>AYES:</b>	John Zimmerman Ken Oldenburger	<b>NAYS:</b> None
<b>ABSENT:</b>	Karl Nelson	

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January, 2010.

Ken Oldenburger Chairman, Board of Supervisors	<b>ATTEST:</b> Holly A. Fokkena, County Auditor
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Moved by Zimmerman, second by Oldenburger to approve Resolution establishing guidelines to facilitate operation of County Relief office.

**RESOLUTION # 70-10  
COUNTY RELIEF**

BE IT RESOLVED by the Butler County Board of Supervisors that certain guidelines be established to facilitate and aid in the operation of the County Relief Director's Office:

- I. That the Relief Director has been appointed to handle all Butler County relief.
- II. That the Relief Director has been appointed as agent for the Butler County Board of Supervisors for processing Iowa City papers, and is to make authorizations for all County Clinical pay patients before commitment to Iowa City.
- III. Patient or responsible relative or guardian must make application for assistance for all medical house calls, office calls, and for hospitalization, except in emergencies. In case of emergency, the responsible relative or guardian must come to the Relief Director to fill out applications, or bills will not be paid by the County. The Relief Office or Director must be contacted within twenty-four (24) hours or by the first working day.
- IV. Authorization forms that patient takes to the Doctor must be filled out in full. This includes diagnosis, services rendered. And medicines named and itemized and must accompany any statement sent to the County for collection or the bills will not be allowed by the County.
- V. Butler County Relief will not be responsible for any medical or hospital charges for any obstetrical deliveries.

UPON Roll Call the vote thereon was as follows:

<b>AYES:</b>	Ken Oldenburger John Zimmerman	<b>NAYS:</b> None
<b>ABSENT:</b>	Karl Nelson	

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January 2010.

Ken Oldenburger Chairman, Board of Supervisors	<b>ATTEST:</b> Holly A. Fokkena, County Auditor
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Moved by Zimmerman, second by Oldenburger to approve Resolution empowering County Engineer to execute certificate of completion for Farm to Market projects.

**RESOLUTION # 63-10  
FARM TO MARKET**

BE IT RESOLVED by the Board of Supervisors of Butler County, Iowa that John D. Riherd, the County Engineer of Butler County, Iowa be hereby designated, authorized, and empowered on behalf of the Board of Supervisors of said County to execute the certification of completion of work and final acceptance thereof in accordance with plans and specifications therefore in connection with all Farm to Market construction projects in this county.

UPON Roll Call the vote thereon was as follows:

<b>AYES:</b>	John Zimmerman Ken Oldenburger	<b>NAYS: None</b>
<b>ABSENT:</b>	Karl Nelson	

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January 2010.

Ken Oldenburger  
Chairman, Board of Supervisors

**ATTEST:**  
Holly A. Fokkena, County Auditor

Moved by Zimmerman, second by Oldenburger to authorize Engineer and staff to sign permits.

**RESOLUTION # 65-10  
SIGNATURE OF PERMITS**

BE IT RESOLVED that the Butler County Board of Supervisors hereby authorizes the Butler County Engineer and office staff to sign permits for the movement of vehicles and loads excess size and weight.

UPON Roll Call the vote thereon was as follows:

<b>AYES:</b>	Ken Oldenburger John Zimmerman	<b>NAYS: None</b>
<b>ABSENT:</b>	Karl Nelson	

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January 2010.

Ken Oldenburger  
Chairman, Board of Supervisors

**ATTEST:**  
Holly A. Fokkena, County Auditor

Moved by Zimmerman, second by Oldenburger to authorize the County Engineer to close roads during emergency or for planned work.

**RESOLUTION # 66-10  
ROAD CLOSINGS**

BE IT RESOLVED that the Butler County Board of Supervisors hereby authorizes the County Engineer to close any County Road for emergency maintenance purposes and also all of the roads shown on the 2010 Construction program for construction work.

UPON Roll Call the vote thereon was as follows:

<b>AYES:</b>	John Zimmerman Ken Oldenburger	<b>NAYS: None</b>
<b>ABSENT:</b>	Karl Nelson	

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January 2010.

Ken Oldenburger  
Chairman, Board of Supervisors

**ATTEST:**  
Holly A. Fokkena, County Auditor

Moved by Zimmerman, second by Oldenburger to authorize State DOT to conduct bid lettings.

**RESOLUTION # 69-10  
CONDUCT LETTINGS**

BE IT RESOLVED by the Butler County Supervisors, that the State Department of Transportation be designated, authorized and empowered on behalf of the Board of Supervisors of said County to conduct lettings on "S", "SN", or "FM" projects until further notice.

UPON Roll Call the vote thereon was as follows:

AYES: Ken Oldenburger NAYS: None  
John Zimmerman  
ABSENT: Karl Nelson

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January 2010.

Ken Oldenburger ATTEST:  
Chairman, Board of Supervisors Holly A. Fokkena, County Auditor

Moved by Zimmerman, second by Oldenburger to authorize the County Engineer to temporarily reduce load limits.

**RESOLUTION # 438-10  
TEMPORARY WEIGHT EMBARGO**

BE IT RESOLVED the Butler County Supervisors hereby authorize the County Engineer to temporarily reduce allowable load limits on various stretches of county roads that could be damaged by allowing legal load limits.

The temporary weight embargo shall be formed in accordance with Chapter 321.471 and 321.474 of the Code of Iowa.

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman NAYS: None  
Ken Oldenburger  
ABSENT: Karl Nelson

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January 2010.

Ken Oldenburger ATTEST:  
Chairman, Board of Supervisors Holly A. Fokkena, County Auditor

Moved by Zimmerman, second by Oldenburger to provide funds for membership in ISAC and allow attendance at educational sessions.

**RESOLUTION #71-10  
ISAC ASSOC.**

BE IT RESOLVED that the Butler County Board of Supervisors appropriate from the County General Basic Fund necessary funds to provide membership in the Iowa State Association of Counties, and to authorize attendance at schools of instruction by County officers, appointees and employees as the schools are called by the Association and to authorize attendance at the annual meetings of the association.

UPON Roll Call the vote thereon was as follows:

AYES: Ken Oldenburger NAYS: None  
John Zimmerman  
ABSENT: Karl Nelson

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January 2010.

Ken Oldenburger ATTEST:  
Chairman, Board of Supervisors Holly A. Fokkena, County Auditor

Moved by Zimmerman, second by Oldenburger to allow for payment of certain bills prior to Board approval.

**RESOLUTION # 73-10  
PRIOR PAYMENT OF BILLS**

WHEREAS, at certain times it is necessary to pay bills prior to an official Board of Supervisors meeting in order to allow for the efficient operation of county government.

THEREFORE BE IT RESOLVED, that the following list of items can be paid for in advance of an official Board of Supervisors meeting. Items listed on previously approved contracts, items which would result in the loss of a discount or result in interest payments, utility bills, payroll, payroll benefit checks, postage or shipping charges, gas and diesel fuel and emergency law enforcement investigation funds.

UPON Roll Call the vote thereon was as follows:

AYES: John Zimmerman NAYS: None  
Ken Oldenburger  
ABSENT: Karl Nelson

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January 2010.

Ken Oldenburger ATTEST:  
Chairman, Board of Supervisors Holly A. Fokkena, County Auditor

Board considered Resolution Appointing Deputy County Officials for the 2010 Calendar Year. Moved by Zimmerman, second by Oldenburger to adopt said Resolution as follows:

**RESOLUTION # 554-10  
RESOLUTION APPOINTING DEPUTY COUNTY OFFICIALS  
FOR THE 2010 CALENDAR YEAR**

BE IT RESOLVED, that the following persons shall be appointed deputies for the following offices as recommended by the elected officials according to Chapter 331.903, Code of Iowa:

- |                                     |  |
|-------------------------------------|--|
| Gregory M. Lievens, County Attorney | Martin Petersen, Assistant Co Attorney   |
| Holly A. Fokkena, Auditor           | Mary Brouwer, Deputy Auditor<br>Dan Clark, Deputy Auditor<br>Amy Stanbrough, Deputy Auditor  |
| Louise Squires, Treasurer           | Sharlene Miller, Deputy Treasurer<br>Vicki Schoneman, Deputy Treasurer<br>Pamela Aukes, Deputy Treasurer   |
| Craig J. Franken, Recorder          | Janice Jacobs, Deputy Recorder<br>Connie Rottink, Deputy Recorder  |
| Jason Johnson, Sheriff              | Larry Crawford, Deputy Sheriff<br>Collin Freeseemann, Deputy Sheriff<br>Denise Junker, Civil Deputy<br>Mike Lammers, Deputy Sheriff<br>Curt Lubben, Deputy Sheriff<br>Shane Oldenburger, Deputy Sheriff<br>Steven Schmadeke, Chief Deputy Sheriff<br>Justin Trees, Deputy Sheriff<br>Kiley Winterberg, Deputy Sheriff<br>Lane Bass, Deputy Sheriff |

UPON Roll Call the vote thereon was as follows:

AYES: Ken Oldenburger NAYS: None  
John Zimmerman  
ABSENT: Karl Nelson

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January 2010.

Ken Oldenburger ATTEST:  
Chairman, Board of Supervisors Holly A. Fokkena, County Auditor

Board considered Resolution Naming Official Newspapers for 2010. Moved by Zimmerman, second by Oldenburger to adopt said resolution as follows:

**RESOLUTION #72-10  
OFFICIAL NEWSPAPERS**

There was presented to the Board of Supervisors the following written applications for appointment as official newspapers for Butler County for the year 2010:

Butler County Tribune-Journal, by Brad Hicks, Publisher  
The Clarksville Star, by Bard Hicks, Publisher  
Eclipse-News-Review, by Leon M. Thorne, Editor  
The Greene Recorder, by Ross Hawker, Editor

All of said newspapers are of general circulation in Butler County. There was also presented the application of the above named Butler County Tribune-Journal, The Clarksville, Star, Eclipse-News-Review and The Greene Recorder for appointment as official newspapers in Butler County, Iowa, for the year 2010, to be paid for compensation of three papers.

WHEREUPON The Following Resolution was introduced by John Zimmerman, seconded by Ken Oldenburger and moved its adoption:

BE IT RESOLVED by the Butler County Board of Supervisors that the above applications be accepted and that the Butler County Tribune-Journal, The Clarksville Star, Eclipse-News-Review, The Greene Recorder, be and the same are hereby declared the Official Newspaper in Butler County, Iowa, for the year 2010.

UPON Roll Call the vote thereon was as follows:

AYES:	John Zimmerman Ken Oldenburger	NAYS: None
ABSENT:	Karl Nelson	

WHEREUPON the Resolution was declared duly adopted this 5<sup>th</sup> day of January 2010.

Ken Oldenburger  
Chairman, Board of Supervisors

ATTEST:  
Holly A. Fokkena, County Auditor

Board acknowledged receipt of Manure Management Annual Updates for A-P Pork and Rottler Farms Finisher.

Board reviewed and approved claims on file with the County Auditor from December 29, 2009 to January 5, 2010.

Moved by Zimmerman, second by Oldenburger to adjourn to Tuesday, January 12, 2010 at 9:00 A.M. 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 January 5, 2010.