

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MAY 24, 2011.

Meeting called to order at 9:00 a.m. by Chairman Karl Nelson with members Ken Oldenburger and Tom Heidenwirth present. Also present were Mark Reiher, New Hartford, Jon Klinkenborg, Parkersburg, and Staci Miller, Editor Butler County Tribune-Journal.

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

Board met with Parkersburg Economic Director Jan Johnson and Virgil Goodrich regarding the Parkersburg Park Plaza. Johnson updated the Board on remaining repairs needed to Unit A and requested the County release its interest in the accrued interest on the escrow account held at Iowa State Bank. Moved by Heidenwirth, second by Oldenburger to authorize PED to use the accrued interest through May 31, 2011 on the escrow account held by Iowa State Bank for upgrading Unit A. Motion carried.

Board held a Public Hearing on a request for approval of a Minor Subdivision Plat for Timber Creek Estate – 2nd Addition located in Section 35, Butler Township by Gerald Hobson. Zoning Administrator Steve Busse was present, as were Andrew Hobson, Gerald Hobson, Tom Hardy, Gary Koop, and James Norton. Busse reported that the City of Shell Rock (with which the County has a 2-mile Agreement) has no objection to the plat. He however indicated he had received several oral comments concerned with the location. He suggested that the current 50 ft. setback be waived in this situation and instead a 30 ft. setback be established for this proposed subdivision. Nelson read written comments from the County Sanitarian, Assessor, Auditor, Engineer, and Conservation Director in which only minor concerns were voiced and have subsequently been addressed to the Zoning Administrator's satisfaction. Gary Koop asked for and received reassurance that there would not be another driveway added, but instead the existing driveway would be utilized by all three lots. Upon the close of the Public Hearing, it was moved by Heidenwirth, second by Oldenburger to adopt Resolution Approving the Minor Plat of Timber Creek Estates 2nd Addition.

**RESOLUTION #730
RESOLUTION APPROVING THE MINOR PLAT OF
TIMBER CREEK ESTATES 2ND ADDITION
BUTLER COUNTY, IOWA**

WHEREAS, on the 24th day of May, 2011, at a regular meeting of the Butler County Board of Supervisors, Butler County, Iowa, a Minor Plat of Timber Creek Estates 2nd Addition located in Butler County, State of Iowa was submitted for approval.

WHEREAS, after consideration, the minor plat of Timber Creek Estates 2nd Addition in Section 35, Township 92 North, Range 15 West in Butler County, State of Iowa, is found to be approved.

NOW, THEREFORE, BE IT RESOLVED by the Butler County Board of Supervisors of Butler County, Iowa, that said minor plat be approved, and the Chairman of the Board of Supervisors and the County Auditor of Butler County, Iowa, are hereby directed to affix their signatures to said Resolution.

Upon Roll the vote thereon was as follows:

AYES: Ken Oldenburger NAYS: None
 Tom Heidenwirth

ABSTAIN: Karl Nelson

WHEREUPON, said Resolution was duly adopted this 24th day of May, 2011

ATTEST:

Holly A. Fokkena, County Auditor

Board acknowledged receipt of Manure Management Plan Annual Updates for Reeser Finisher Farm; Allison Finisher Farm; Kampman Site; Lindell Limited; and Hauser

Board approved claims as submitted.

The Chairperson announced that this was the time and place for the public hearing and meeting on the matter of the issuance of not to exceed \$1,800,000 General Obligation Bonds in order to provide funds to pay costs of acquisition, restoration and demolition of abandoned, dilapidated, or dangerous buildings, structures or properties, an essential county purpose, and that notice of the proposed action by the Board to institute proceedings for the issuance of bonds, had been published pursuant to the provisions of Section 331.443 of the Code of Iowa. Present were County Engineer John Riherd and Richard Corwin, New Hartford. The Chairperson then asked the Auditor whether any written objections had been filed by any county resident or property owner to the issuance of the bonds. The Auditor advised that no written objections had been filed. The Chairperson then called for oral objections to the issuance of the bonds and 3 were made. Whereupon, the Chairperson declared the time for receiving oral objections.

Richard Corwin stated he felt \$1,800,000 for this building was extremely high and further indicated that with today's economic conditions it would not be a reasonable expenditure for the county when a smaller, less expensive remedy could be had. Mark Reiher asked if there was detailed information available on the condition of the present structure which made it a "dangerous building?" Engineer Riherd provided such information in the way of a report of Structural Engineer L. William Kehe, Cedar Valley Engineering Co. He further indicated that if additional supports were added it would severely limit the interior space for vehicle storage, thus making repair of the building less than desirable. Reiher inquired as to insurance coverage, to which Riherd indicated there was estimated approximately \$60,000 in coverage. Oldenburger stated for the record he was opposed to

issuing debt for this project. Heidenwirth indicated he felt that the county had no choice but to replace the building due to its present condition. Corwin suggested that there were more economic structures than pre-cast concrete. Riherd stressed that he wanted to build a building for the future and not something that would need repairs in another 20 years. Nelson stated he felt this was an opportunity to improve the present structure.

The Board then considered the proposed action and the extent of objections thereto.

WHEREUPON, Board Chairman Nelson introduced and delivered to the Auditor the Resolution hereinafter set out entitled "RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$1,800,000 GENERAL OBLIGATION BONDS", and moved its adoption. Board Member Heidenwirth seconded the motion to adopt said Resolution as follows:

**RESOLUTION INSTITUTING PROCEEDINGS TO TAKE
ADDITIONAL ACTION FOR THE ISSUANCE OF NOT TO EXCEED \$1,800,000
GENERAL OBLIGATION BONDS**

WHEREAS, pursuant to notice published as required by law, this Board has held a public meeting and hearing upon the proposal to institute proceedings for the issuance of not to exceed \$1,800,000 General Obligation Bonds for the essential county purpose of paying costs of acquisition, restoration and demolition of abandoned, dilapidated, or dangerous buildings, structures or properties, and has considered the extent of objections received from residents or property owners as to the proposed issuance of bonds; and, accordingly the following action is now considered to be in the best interests of the County and residents thereof:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY, STATE OF IOWA:

Section 1. That this Board does hereby institute proceedings and take additional action for the sale and issuance in the manner required by law of not to exceed \$1,800,000 General Obligation Bonds for the foregoing essential county purpose.

Section 2. The County Engineer has compiled data and prepared a report, a copy of which is attached hereto and incorporated herein by this reference, which demonstrates the dangerous nature of the building and structure to be restored. Having reviewed said report, this Board finds:

- (A) The Allison truck shop does not meet current safety load bearing requirement for occupied buildings; and
- (B) Reinforcement of the structure is not feasible, or advisable to remedy the safety conditions; and
- (C) Upon Cedar Valley Engineering Co.'s recommendation, the occupancy of the Allison truck shop has been limited; and

For the foregoing reasons, this Board finds the Allison truck shop constitutes an abandoned, dilapidated or dangerous building or structure in accordance with Iowa Code Section 331.441(2)(b)(9) (2011).

Section 3. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the general fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Bonds. The amounts so advanced shall be reimbursed from the proceeds of the Bonds not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

Section 4. The Treasurer is authorized and directed to proceed on behalf of the County with the sale of the bonds, to select a date for the sale thereof, to cause to be prepared such notice and sale information as may appear appropriate, to publish and distribute the same on behalf of the County and this Board and otherwise to take all action necessary to permit the sale of bonds on a basis favorable to the County and acceptable to the Board.

UPON Roll Call the vote thereon was as follows:

AYES: Tom Heidenwirth
Karl Nelson

NAYS: Ken Oldenburger

WHEREUPON, the Resolution was declared duly adopted this 24th day of May, 2011.

ATTEST: Holly A. Fokkena, County Auditor

Board met with Zoning Administrator Steve Busse to hear update on new flood plain maps for the county. He indicated the maps would have to be adopted and incorporated into the Butler County Flood Plain Ordinance prior to September 16, 2011 in order to assure continued participation in the federal Flood Insurance program.

Board considered a Right of Way Contract between Butler County, Iowa and Kevin M. and Annette M. Wilson for .28 acres located in Section 5, Shell Rock Township for \$1,960.00. Moved by Oldenburger, second by Heidenwirth to approve same. Motion carried.

Moved by Oldenburger, second by Heidenwirth to adjourn to Tuesday, June 7, 2011 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 May 24, 2011.