

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON JANUARY 11, 2011.

Meeting called to order at 9:00 a.m. by Chairman Karl Nelson with members Ken Oldenburger and Tom Heidenwirth present.

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

Board met with Butler County Historical Society members Paul & Ruth Haan, Herb Freese and Judi Poppen to hear a request for renewed financial support from the county for their projects, including the Little Yellow Schoolhouse, Butler County Hall of Fame and the Anna Pals House. Said request to be considered during the upcoming Fiscal Year 2012 budget process.

Moved by Oldenburger, second by Heidenwirth to approve Cooperative Reimbursement Agreement for Regional Services of Department of Human Services. Motion carried.

Board met with Kim Dix, representing the Kesley Businessmen, to discuss the Kesley Cooperative Creamery property and their desire to demolish the building to eliminate safety concerns. Also present were Paul Haan, Zoning Administrator Steve Busse, Recorder Janice Jacobs, Treasurer Louise Squires, Attorney Greg Lievens, Assessor Deb McWhirter, and Butler County Development Director Jeff Kolb. Dix presented an estimate of \$11,010.00 in costs to demolish the building. Kolb reported that the Kesley Businessmen were planning to apply for a Butler County Community Foundation Grant, but before they could apply they needed to determine ownership of the property. Lievens indicated the County needed to take title to the property by Tax Sale Deed, and before demolition could begin, a written agreement should be entered into with the Kesley Businessmen outlining the demolition plan and the liabilities of each party. The Board directed Treasurer Louise Squires to proceed with a Tax Sale Deed to Butler County.

Time set for a Public Hearing on a Revolving Loan Fund Application by Teresa & Michael Negen, dba Clarksville Fit Club & Northern Iowa Therapy Clinic, Clarksville, Iowa. Butler County Development Director Jeff Kolb was present. No other taxpayers were present. No written or oral comments were received. Upon the close of the Public Hearing, it was moved by Heidenwirth, second by Oldenburger to approve a Resolution as follows:

RESOLUTION #722

WHEREAS, The Butler County Board of Supervisors (hereinafter referred to as **The Board**) has approved a Small Business Loan Plan by Motion on January 11, 2011 to be administered by **The Board** for the purposes of assisting small businesses; and

WHEREAS, Teresa & Michael Negen, dba Clarksville Fit Club & Northern Iowa Therapy Clinic, Clarksville, Iowa has applied for a small business loan from the Butler County Revolving Loan Fund in the amount of \$15,000.00, and

WHEREAS, the request has been approved by the Butler County Revolving Loan Fund Loan Review Committee.

NOW, THEREFORE **The Board** approves the loan request subject to the terms and conditions as follows:

1. That a loan of \$15,000.00 be approved for Teresa & Michael Negen, dba Clarksville Fit Club & Northern Iowa Therapy Clinic, Clarksville, Iowa, subject to proof of additional financing from a lead bank and proof of at least ten percent (10%) owner equity into the project.
2. That the interest rate should be fixed at five percent (5%) per annum.
3. That the loan shall be repaid into the Revolving Loan Fund inclusive of all interest realized thereon according to the schedule:
Term The term of the note should be five years.
Payments Monthly payments of interest and principal.
4. That Teresa & Michael Negen, dba Clarksville Fit Club & Northern Iowa Therapy Clinic, Clarksville, Iowa, enter into a Loan Agreement with Butler County.
5. Penalties for late payment:
 1. After delinquency of five (5) days, the borrower shall be charged a late penalty the greater of \$25.00 or one and one-half percent (1.5%) per month of the payment due.
 2. After ten (10) days, the borrower will be notified by certified mail. A meeting will be set up between **The Board** and the borrower to determine the degree of the problem and the steps needed for payment compliance.
 3. Non-payment after sixty (60) days following the meeting between **The Board** and borrower will cause Butler County to initiate foreclosure procedures unless a satisfactory repayment schedule is negotiated.
6. This loan shall be secured by exercise equipment and personal guarantees from Teresa & Michael Negen.

UPON Roll Call the vote thereon was as follows:

AYES: Ken Oldenburger
Tom Heidenwirth
Karl Nelson

NAYS: None

WHEREUPON the Resolution was declared duly adopted.

ATTEST: Holly A. Fokkena, Butler County Auditor

Board considered Construction Evaluation Resolution adopting the Master Matrix for a period of February 1, 2011 to January 31, 2012. Moved by Oldenburger, second by Heidenwirth to approve said Resolution as follows:

**RESOLUTION #723
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, 2011 and January 31, 2012 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: Karl Nelson
Ken Oldenburger
Tom Heidenwirth

NAYS: None

WHEREUPON the Resolution was declared duly adopted.

ATTEST: Holly A. Fokkena, Butler County Auditor

Following appointments of county officials were made and approved:

BOARD	APPOINTED	ALTERNATE
2 nd Judicial District Dept. of Correctional Services	Karl Nelson	Tom Heidenwirth
North Iowa Juvenile Detention Center	Karl Nelson	Ken Oldenburger
Butler County Zoning Administrator	Steve Busse	
Community Service/General Relief Director	Bob Lincoln	
Iowa Northland Regional Housing Authority	Ken Oldenburger	Karl Nelson
Iowa Northland Regional Housing Council	Ken Oldenburger	Karl Nelson
Mental Health Institute Citizens Advisory Board	Tom Heidenwirth	Ken Oldenburger
Regional Transit Commission Board	Tom Heidenwirth	Karl Nelson
Butler County Weed Commissioner	Not yet determined	
Mental Health Retardation Coordinator	Bob Lincoln	
HAZMAT Board	Ken Oldenburger	Mitch Nordmeyer

DECAT Board	Tom Heidenwirth	Holly Fokkena
Iowa Northland Regional Council of Governments (INRCOG)	Karl Nelson	Ken Oldenburger
Butler County Development	Karl Nelson	Tom Heidenwirth
Local Emergency Planning Commission	Karl Nelson	
North Iowa Community Action	Tom Heidenwirth	
Cedar Valley Resource, Conservation & Development	Tom Heidenwirth	
Pathways Behavioral Services	Karl Nelson	
Butler County Safety Committee	Tom Heidenwirth	Karl Nelson
Butler County Community Foundation	Karl Nelson	Holly Fokkena
Iowa Workforce Development	Ken Oldenburger	
County Social Services 28E Governing Board	Ken Oldenburger	
Butler County Board of Health	Ken Oldenburger	
Butler County Solid Waste Commission	Ken Oldenburger	John Zimmerman

Board reviewed Quarterly Reports of the Sheriff, Auditor and Recorder and ordered placed on file.

After discussion, it was moved by Oldenburger, second by Heidenwirth to set a Public Hearing for January 25, 2011 at 10:00 a.m. on request by Cedar-Wapsie Communication, Inc for placement of a cell phone tower in Section 29-91-15. Motion carried.

Board met with Engineer John Riherd and Zoning Administrator Steve Busse regarding the following:

1. Right of Way Contracts for bridge project south of Unverferth Manufacturing.
 - a) No action taken on Taylor Contract
 - b) Moved by Heidenwirth, second by Oldenburger to approve the Right of Way Contract with Unverferth Manufacturing for .78 acres in Section 32-91-15 for a total cost of \$3,900.00. Motion carried.
 - c) Moved by Oldenburger, second by Heidenwirth to approve the Right of Way Contract with New Hartford Camping Club Inc. for .3 acres in Section 5-90-15 for \$525.00 plus 6 rods of fence for \$132.00, all totaling \$657.00. Motion carried.

2. Board considered Resolution setting a Public Hearing on proposed road vacations. Moved by Oldenburger, second by Heidenwirth to set a Public Hearing on same for Tuesday, February 8, 2011 at 10:00 a.m.

Resolution #724

WHEREAS, The Butler County Board of Supervisors is empowered under authority of the Code of Iowa Chapter 306.10 to establish, alter or vacate roads or highways under their jurisdiction, and

WHEREAS, An engineering review indicates that it is in the public's interest to vacate that part of 110th Street (originally established as Robinson Alteration) running between Section 6 and 7 in Township 93 North, Range 18 West of the 5th P.M., and

WHEREAS, An engineering review indicates that it is in the public's interest to vacate any and all remaining streets and alleys in the former Village of Eleanor, Section 15 Monroe Township more particularly described as follows:

Main Street lying South of Block 2, Village of Eleanor, Section 15, Township 90 North, Range 17 West of the 5th P.M.,

The alley running thru Block 2, Village of Eleanor, Section 15, Township 90 North, Range 17 West of the 5th P.M.,

Front Street lying West of a line running South from a point on the Southwesterly line of the old railroad right-of-way that is 466' Northwesterly, measured along said Southwesterly line, from the North extension of the line between lots 8 and 9 in Block 5, Village of Eleanor, Section 15, Township 90 North, Range 17 West of the 5th P.M.; and

WHEREAS, An engineering review indicates that it is in the public's interest to vacate any and all remaining streets and alleys located in the former Village of Butler Center, Section 18 Jefferson Township, more particularly described as follows:

Jackson Street lying between Blocks 58 and 59 and between Blocks 50 and 51, Village of Butler Center, Section 18, Township 91 North, Range 16 West of the 5th P.M.,

The East ½ of Jackson Street lying on the West side of Block 40, Village of Butler Center, Section 18, Township 91 North, Range 16 West of the 5th P.M.,

The West ½ of Exchange Street from the South line of Block 51 North to the North line of Block 40, Village of Butler Center, Section 18, Township 91 North, Range 16 West of the 5th P.M.,

Main Street from the West line of Block 50 East to the East line of Block 51, Village of Butler Center, Section 18, Township 91 North, Range 16 West of the 5th P.M.,

Jones Street from the centerline of Jackson Street to the centerline of Exchange Street, Village of Butler Center, Section 18, Township 91 North, Range 16 West of the 5th P.M.,

The alleys running thru Blocks 40, 50, 51, 58 and 59, Village of Butler Center, Section 18, Township 91 North, Range 16 West of the 5th P.M.,

NOW THEREFORE BE IT RESOLVED by the Butler County Board of Supervisors that a hearing on the proposed road vacations be held in the Board Room, Butler County Courthouse, Allison, Iowa at 10:00 A.M., Tuesday, February 8, 2011.

BE IT FURTHER RESOLVED that Notice of Hearing shall be published in the official county newspapers and be sent by Certified Mail to the Iowa Department of Transportation, all adjoining property owners and any utility companies with facilities along said roads.

UPON Roll Call the vote thereon was as follows:

AYES:	Ken Oldenburger	NAYS:	None
	Tom Heidenwirth		
	Karl Nelson		

WHEREUPON the Resolution was declared duly adopted.

ATTEST: Holly A. Fokkena, Butler County Auditor

Board considered wage increases for all non-deputy/non-union employees for Fiscal Year 2012. Present were Engineer John Riherd, Sheriff Jason Johnson, Recorder Janice Jacobs, Treasurer Louise Squires, and Assessor Deb McWhirter. Moved by Oldenburger, second by Heidenwirth to authorize up to a 3% wage increase for all non-deputy/non-union employees for Fiscal Year 2012. Motion carried.

Discussion of issues surrounding weapons on County property deferred to January 18, 2011 at 9:30 a.m.

Board met with Jim Willis and Amy Wilson, The ACCEL Group to review health insurance renewal proposals for March 2011. Also present were members of the Butler County Health Insurance Committee.

Board approved claims as submitted.

Moved by Heidenwirth, second by Oldenburger, to adjourn to Tuesday, January 18, 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 January 11, 2011.