

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON AUGUST 10, 2010.**

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

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

Board met with County Weed Commissioner Dan Forry. Also present were Conservation Director Steve Brunisma and Engineer John Riherd. Forry asked that the Engineer and Board consider including the responsibilities of Weed Commissioner in the proposed Secondary Roads Roadside Manager position. Riherd indicated he believed the suggestion had merit and agreed to consider it when filling the Roadside Manager position.

Board heard request by Conservation Director Steve Brunisma for the Conservation Department's Fiscal Year 2010 Miscellaneous Receipts of \$60,249.85 to be transferred from General Basic to the Conservation Land Acquisition Fund. It was moved by Nelson, second by Zimmerman to approve said transfer and authorize the Auditor to make the transfer when appropriate. Motion carried.

Board met with Emergency Management Coordinator Mitch Nordmeyer, as well as Brunisma, Forry and Riherd to review the status of the Greene Dam Repair project.

Board met with Engineer John Riherd to hear status of removal of crossing on a portion of Newell Avenue over the Johnson Creek, in Sections 19 and 20 in Albion Township. Also present were area landowners Tim Kolder and Dennis Bartels. Riherd reported the crossing put in place by Croell Read Mix had been removed and the crossing was now very near the original condition with a Missouri crossing. Riherd reported that Croell Read Mix had inquired about the ability to place another type of crossing over the Johnson Creek at their expense and wondered if the Board would be receptive to such a proposal. Riherd stated he did not want to see a bridge (defined by the Federal Highway Administration as a structure with a span of more than 20 feet) built on a Level C road. Kolder, Bartels and Oldenburger opined that a span of 20 feet would be insufficient and felt a much longer span would be required. Alternatively, Riherd recommended "beefing" up the Missouri crossing by restoring the base at the streambed and improving the crossing's ability to accommodate the type of traffic utilizing it. Oldenburger, Kolder and Bartels all agreed that they would favor such a proposal. Riherd to discuss such a proposal with Croell and report back to the Board.

The Board of Supervisors of Butler County, State of Iowa, met in Regular session, in the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa, at 10:00 o'clock A.M., on the above date. There were present Chairperson Oldenburger, in the chair, and the following named Board Members:

Nelson & Zimmerman

Absent: None

Board Member Nelson introduced the following Resolution entitled "RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$2,200,000 GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2010," and moved its adoption. Board Member Zimmerman seconded the motion to adopt. The roll was called and the vote was,

AYES: Nelson, Zimmerman & Oldenburger

NAYS: None

Whereupon, the Chairperson declared the Resolution duly adopted as follows:

**RESOLUTION NO. 705**

**RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$2,200,000 GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2010**

WHEREAS, pursuant to notice published as required by Iowa Code Sections 331.443 and 403.9, this Board has held a public meeting and hearing on August 3, 2010, upon the proposal to institute proceedings for the issuance of the above described bonds, that no petition requesting an election was filed, and all objections, if any, to such Board action made by any resident or property owner of the County were received and considered by the Board; and it is the decision of the Board that additional action be taken for the issuance of the bonds, and that such action is considered to be in the best interests of the County and the residents thereof; and

WHEREAS, none of the bonds have been issued and it is deemed advisable and necessary by this Board that bonds to the extent of \$2,200,000 be now offered for sale for the aforesaid purpose.

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

Section 1. That \$2,200,000 General Obligation Urban Renewal Bonds, Series 2010, of Butler County, State of Iowa, in the amount of \$2,200,000, to be issued as referred to in the preamble of this Resolution, to be dated September 15, 2010, be offered for sale pursuant to the published advertisement.

Section 2. That the County Auditor be and is hereby authorized and directed to publish notice of the sale of bonds at least once, the last one of which shall be not less than four clear days nor more than twenty days before the date of the sale. Publication shall be made in the "Butler County Tribune - Journal", the "Clarksville Star", the "Greene Recorder" and the "Eclipse-News-Review, all legal newspapers, printed wholly in the English language, published within the County in which the bonds are to be offered for sale or an adjacent County. Sale notice is given pursuant to Chapter 75 of the Code of Iowa and shall state that this Board, on the 24<sup>th</sup> day of August, 2010, at 4:00 o'clock P.M., will hold a meeting to act upon bids for said bonds, which bids were received until 11:00 o'clock A.M., on the said date. The notice shall be in substantially the form attached hereto as Exhibit A.

Section 3. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

PASSED AND APPROVED this 10<sup>th</sup> day of August, 2010.

#### EXHIBIT A

#### NOTICE OF BOND SALE

**Time and Place of Sealed Bids:** Sealed bids for the sale of bonds of Butler County, State of Iowa (the "Issuer"), will be received at the office of the County Treasurer, County Courthouse, 428 - 6th Street, Allison, Iowa 50602; until 11:00 o'clock A.M., on the 24<sup>th</sup> day of August, 2010. The bids will then be publicly opened and referred for action to the meeting of the Board of Supervisors in conformance with the Terms of Offering.

**The Bonds.** The bonds to be offered are the following:

GENERAL OBLIGATION URBAN RENEWAL BONDS, SERIES 2010, in the amount of \$2,200,000, to be dated September 15, 2010 (the "Bonds").

**Manner of Bidding:** Open bids will not be received. Bids will be received in any of the following methods:

- **Sealed Bidding:** Sealed bids may be submitted and will be received at the office of the County Treasurer, County Courthouse, 428 - 6th Street, Allison, Iowa 50602.
- **Electronic Facsimile Bidding:** Electronic facsimile bids will be received at the office of the County Treasurer, County Courthouse, 428 - 6th Street, Allison, Iowa 50602 (Fax: 319-267-2980) or the Issuer's Financial Consultant, Speer Financial, 531 Commercial Street, Suite 608, Waterloo, Iowa 50701 (Fax: 319-291-8628). Electronic facsimile bids will be sealed and treated as sealed bids.

**Consideration of Bids:** After the time for receipt of bids has passed, the close of sealed bids will be announced. Sealed bids will then be publicly opened and announced.

**Sale and Award:** The sale and award of the bonds will be held at the Board Room, County Courthouse, 428 - 6th Street, Allison, Iowa at a meeting of the Board of Supervisors on the above date at 4:00 o'clock P.M.

**Official Statement:** The Issuer has issued an Official Statement of information pertaining to the Bonds to be offered, including a statement of the Terms of Offering and an Official Bid Form, which is incorporated by reference as a part of this notice. The Official Statement may be obtained by request addressed to the County Auditor, County Courthouse, 428 - 6th Street, Allison, Iowa 50602; Telephone: 319-267-2670 or the Issuer's Financial Consultant, Speer Financial, 531 Commercial Street, Suite 608, Waterloo, Iowa, 50701, Telephone: 319-291-2077.

**Terms of Offering:** All bids shall be in conformity with and the sale shall be in accord with the Terms of Offering as set forth in the Official Statement.

**Legal Opinion:** The bonds will be sold subject to the opinion of Ahlers & Cooney, P.C., Attorneys of Des Moines, Iowa, as to the legality and their opinion will be furnished together with the printed bonds without cost to the purchaser and all bids will be so conditioned. Except to the extent necessary to issue their opinion as to the legality of the bonds, the attorneys will not examine or review or express any opinion with respect to the accuracy or completeness of documents, materials or statements made or furnished in connection with the sale, issuance or marketing of the bonds.

**Rights Reserved:** The right is reserved to reject any or all bids, and to waive any irregularities as deemed to be in the best interests of the public.

By order of the Board of Supervisors of Butler County, State of Iowa.

Moved by Zimmerman, second by Nelson to rescind Resolution No. 699 (Revolving Loan to The Cooler, Shell Rock, Iowa) for reason that funds are no longer needed. Motion carried.

Board acknowledged receipt of Manure Management Annual Updates for RB Schragge 2 Finisher Farm; Jefferson Finisher Farm; Lovillia Finisher Farm; Jensen Finisher Farm; Kramer Finisher Farm; RB Knock Finisher Farm and L & M Greenfield LLC

Board reviewed request by Greg Schmitz for placement of a 12,000 gallon LP tank at 31328 310<sup>th</sup> Street, New Hartford, Iowa. Moved by Zimmerman, second by Nelson to approve said request. Motion carried.

Moved by Nelson, second by Zimmerman to approve Memorandum of Understanding between the Iowa Department of Public Health and Butler County Board of Supervisors for grant funding. Motion carried.

Approved County Social Services claims as submitted for August 10, 2010.

Moved by Nelson, second by Zimmerman to adjourn to Tuesday, August 17, 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 August 10, 2010.