

**MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON October 12, 2021.**

Meeting called to order at 9:00 A.M. by Chairman Greg Barnett with members Rusty Eddy and Tom Heidenwirth present. Moved by Barnett, second by Eddy to approve the agenda. All ayes. Motion carried.

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

During public comment Barnett shared a good conversation he had with a county citizen about possibly having quarterly or semiannual public meetings in the evening to allow more opportunity for the public to attend. Eddy explained he mostly has second shift hours through his other employment therefore evening meetings would be harder form him, but he was open to trying them a few times a year around budgeting time and around the end of the fiscal year. Heidenwirth shared that he would be willing to try it in 2022 let the amount of additional attendance at those meetings determine if they are continued.

Supervisor Eddy shared the request for deaf child warning signs to be placed on Union Ave. and that he has met with a family member to discuss their needs. Engineer John Riherd explained the family had initially inquired about the signs in May and after doing some research, he turned the request down. Riherd shared his research about the effects these signs have on both passersby and the children who are the subject of the signs. Barnett stated he heard about the situation on Facebook and his initial reaction was to put up the signs, but he understood Riherd' s position. Heidenwirth commented that he understands the situation personally, but feels the signs will not make a difference to traffic that they are hoping for. Eddy explained that after meeting with the family and this being a non-typical situation he is making an emotional decision and wants the signs installed. Motioned by Eddy, second by Barnett to put up two child deaf signs on Union Ave for the family and people who use that road. All ayes. Motion carried.

Barnett introduced the agenda item to authorize County Auditor to transfer funds from Capital Projects to Secondary Roads in the amount of \$951,935. Riherd explained the transfer was reimbursement for six construction payments to Cole Excavating for the continued T47 earth shouldering project. Riherd shared this transfer was considered 'old money' in Capital Projects which still retains a balance after the transfer. County Auditor, Leslie Groen, mentioned state auditors would like to see a resolution for all authorized transfers and introduced Transfer Resolution 1005 – Capital Projects to Secondary Roads. Moved by Eddy, second by Heidenwirth to approve Resolution 1005. All ayes. Motion carried. The roll was called and the vote was: AYES: Eddy, Barnett, Heidenwirth. NAYS: 0. Resolution adopted as follows:

**TRANSFER RESOLUTION 1005  
Capital Projects to Secondary Roads**

WHEREAS, the Butler County Board of Supervisors does hereby approve a FY22 transfer from Capital Projects Fund 1500 to Secondary Roads Fund 0020 in the amount of \$951,935.

WHEREAS, this is to reimburse for construction payments for T47 earth shouldering project.

THEREFORE, a motion was made by Eddy and seconded by Heidenwirth stating such transfer.

UPON Roll Call the vote thereon was as follows:

AYES:	Tom Heidenwirth	NAYS: None	ABSENT: None
	Greg Barnett		
	Rusty Eddy		

WHEREUPON, The Resolution was declared duly adopted this 12th day of October, 2021.

Greg Barnett  
Board of Supervisors, Chairperson

Leslie Groen  
ATTEST: Leslie Groen, County Auditor

County Sherriff, Jason Johnson, and County Recorder, Janice Jacobs, were present to discuss Resolution 908-21. Jacobs explained the DNR sticker for ATVs which the County Recorder's office issues and that the cities have their own ordinances which may include permit stickers for city limits usage. Additional discussions were held regarding some county road and city road usage scenarios. Sheriff Johnson did not see a need for any changes to the resolution. Motioned by Heidenwirth, second by Eddy to approve Resolution 908-21. All ayes. Motion carried. The roll was called and the vote was: AYES: Eddy, Barnett, Heidenwirth. NAYS: 0. Resolution adopted as follows:

**RESOLUTION NO. 908-21  
ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLE  
OPERATION IN BUTLER COUNTY, IOWA**

**WHEREAS** Iowa Code Sections 321.234A(1)(f) and 321I.10(2) allows counties to designate County roads on which all-terrain and off-road utility vehicles may be operated and,

**WHEREAS**, the County Board of Supervisors has evaluated the traffic conditions on the County highways and designated roadways and has determined that all-terrain and off-road utility vehicles can be operated without unduly interfering with or constituting and undue hazard to conventional motor vehicle traffic.

**NOW THEREFORE BE IT RESOLVED** by the Butler County Board of Supervisors, that a **currently registered** all-terrain vehicle or off-road utility vehicle:

may be operated on Butler County, Iowa graveled roadways with the exception of Level C roads;

may cross Butler County blacktops and may be operated on Butler County blacktops between the nearest gravel road intersection to an incorporated city's city limits;

in the event that a person residing on a county blacktop wishes to operate an all-terrain vehicle and/or an off-road utility vehicle on permissible county roads, then, and in that event, said person may so operate on the shoulder of the county blacktop, and the County blacktop to the extent needed for safe travel, but only so far as to reach the closest permissible county gravel road; and

may stop in the course of use upon the permissible county roads to obtain fuel for the vehicle or to obtain food or non-alcoholic beverage for the operator or lawful passengers;

may operate the vehicle only from sunrise to sunset;

**however, this permission does not grant authority to operate within an incorporated city's city limits unless so authorized by the city and operation is in compliance with any rules or regulations of the city; and**

this permission to operate shall cease October 31, 2022.

**PASSED AND ADOPTED** this 12th day of October, 2021.

Greg Barnett  
Greg Barnett, Chairman  
Board of Supervisors

**I HERBY CERTIFY** that the foregoing resolution was duly adopted by the Board of Supervisors of Butler County, Iowa, at a regular meeting held on October 12, 2021 by the following vote:

AYES: <u>3</u>	ABSTENTIONS: <u>N/A</u>
NAYS: <u>0</u>	ABSENT: <u>N/A</u>

ATTEST: Leslie Groen  
Auditor and Clerk to Board of Supervisors

County Auditor, Leslie Groen, explained the delay in the redistricting process. Groen mentioned she will send letters to the Temporary Redistricting Commission to inform them of the delay and that they will most likely meet in November and December.

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

Board acknowledged receipt of Manure Management Plan Annual Updates for Willow Finisher Farm, #69157, Retexe LLC #64529, Steve Schmidt #59347, Packard Poultry #69158, M&M Construction #64429, and Klingenberg Site #59616, Pop's Poultry Farm #69143, Henry's Finisher Farm #71513, and Hummel #71448

Motioned by Heidenwirth second by Barnett to adjourn the regular meeting at 9:36 A.M. to October 19, 2021 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 October 12, 2021.

Attest: Leslie Groen  
Butler County Auditor

Greg Barnett  
Chairman of the Board of Supervisors