

# MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON November 23, 2021.

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

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

Dean Bowen, Shell Rock, was present to discuss ongoing problems with trains blocking road crossings. Bowen shared the problem improved for awhile after he was expressed concern in August, but now it is back to the same problems. Barnett mentioned he would make another phone call after the meeting. County Engineer, John Riherd, shared information from a recent meeting with Iowa Northern regarding what a road blockage is and federal law vs. Iowa Code with federal law superseding and would side with rail authority. Riherd explained there is not much the county can do besides report the problems as we have been. Riherd shared that there are additional funding options to potentially realign some roads to eliminate some crossings and he would like to setup a workshop with the applicable entities affected by the railroad congestion to brainstorm the options to improve this situation. Barnett said he would make a phone call after today's meeting to voice another complaint.

Barnett mentioned a public hearing in Greene on December 16<sup>th</sup> for the potential carbon pipeline which he plans to attend. The board and all affected land owners received letters regarding this potential pipeline. Riherd explained some basics regarding the purpose and goal of the carbon pipeline and the public hearings that are required before they can apply for permits. Barnett shared that this potential pipeline will cut through a majority of Butler County. County Auditor, Leslie Groen, mentioned an environmental inspector is scheduled to attend next week's board meeting regarding this pipeline and could potentially answer some questions.

County Conservation Executive Director, Mike Miner, explained the Shell Rock Watershed is applying for a grant through Iowa DNR and if awarded the watershed would receive \$100,000 to do a two-year study to improve water quality, recreational opportunities and flooding issues along the Shell Rock River. The coalition would like to get a letter of support from all entities for the grant. Miner also explained they are looking for a monetary donation and mentioned the County Conservation Board is going to award \$500. A donation would go toward a \$5000 cash match and all entities in the coalition are being asked for a donation to meet the match. Miner explained Butler County has the second largest area of the watershed, but Butler County is affected most by flooding. Miner has meet with the City of Clarksville, will meet with Greene and has heard Shell Rock is providing a support letter and will meet next month regarding the donation. Motioned by Barnett, second by Heidenwirth to approve a letter of support and a monetary donation of \$500, if the watershed is awarded the grant. All ayes. Motion carried. Miner also shared the County Conservation's Christmas tree sale of thinned out, topped trees. The sale begins on Saturday morning at the nature center for free will donations going toward the new nature center project.

County Auditor Groen shared the FY21 Annual Financial Report (AFR) with the board and explained it is now balanced with help from state auditors. Groen explained when looking back, there was an error found in FY18, which means it has not balanced since then. Groen also mentioned the AFR will be published separately in the papers. Motioned by Eddy, second by Heidenwirth approve the FY21 Annual Financial Report. All ayes. Motion carried.

Riherd shared information regarding a road southwest of Dumont which is an unimproved Level B road and the County is interested in a gated road reclassified to a Level C. Riherd explained how the gated road would work and who would receive a key for access. Additional discussions were held regarding the location. Motioned by Eddy, second by Barnett to approve Resolution 1007 setting a public hearing for proposed reclassification of portion of 230<sup>th</sup> St and Cedar Ave in Madison Township for December 14, 2021 at 9:00 A.M. The roll was called and the vote was as follows: AYES: Eddy, Barnett, Heidenwirth NAYS: None, to approve Resolution 1007 as follows:

## Resolution #1007

### Resolution setting public hearing – proposed reclassification (230<sup>th</sup> St & Cedar Ave)

Moved by Eddy and seconded by Barnett to approve the following resolution:

**WHEREAS**, The Butler County Board of Supervisors desires to classify certain roads on the area service system in Butler County to provide for a minimal level of maintenance and access by means of a gate or barrier; and

**WHEREAS**, The Board is empowered under authority of the Code of Iowa Chapter 309.57 to specify level of maintenance and access to certain roads within the County as Area Level Service "C" roads; and

**WHEREAS**, The Board has received a petition, signed by all adjoining landowners, requesting that:

230th Street from the SW Corner of Section 4, T91N, R18W (Madison Twp) east a distance of 0.34 miles; and

Cedar Ave from the SW Corner of Section 4, T91N, R18W (Madison Twp) north a distance of 0.28 miles

be reclassified from an Area Level Service "B" to Area Level Service "C"

**NOW THEREFORE BE IT RESOLVED** by the Butler County Board of Supervisors that a hearing on the proposed reclassification be held in the Board Room, Butler County Courthouse, Allison, Iowa at 9:00 A.M., Tuesday, December 14, 2021.

Passed and Approved this 23<sup>rd</sup> day of November, 2021.

Greg Barnett  
Greg Barnett, Chairman  
Butler County Board of Supervisors  
Date: November 23, 2021

ATTEST:  
Leslie Groen  
Leslie Groen  
Butler County Auditor

Riherd shared information regarding a road on the southside of the river and north of an acreage on Pearl Ave. Land owners is cleaning a building trails noticed there is trash and vandalism happening on this unimproved road. The proposal is to vacate and quick claim the County's interest in this portion of Pearl Ave. Riherd explained approximately 10 years ago this was proposed, but not approved because of the river access being provided at that time; however, now there is now better access on the north end which is good access to the river. Motioned by Barnett, second by Eddy to approve Resolution 1008 setting a public hearing for proposed closure/vacation of a portion of Pearl Ave in Section 27 of Dayton Township for December 14, 2021 at 9:00 A.M. The roll was called and the vote was as follows: AYES: Eddy, Barnett, Heidenwirth. NAYS: None, to approve Resolution 1008 as follows:

**Resolution # 1008**

**Resolution setting public hearing – proposed road vacation (Pearl Avenue)**

Moved by Barnett and seconded by Eddy to approve the following resolution:

**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**, The Board has received a petition, signed by all adjoining landowners, requesting that a portion of Pearl Avenue be vacated and closed to the public; and

**WHEREAS**, an engineering review indicates that it is in the public's interest to vacate and close a portion of Pearl Avenue in Section 27 Dayton Township lying NORTH of the Northwest corner of Parcel "D" (Inst. No. 2011-2887) in Lot 2 of the Subdivision of W ½ SE ¼ and SE ¼ SE ¼ (Book A Pages 205-206), and SOUTH of the thread of the Shell Rock River; and

**NOW THEREFORE BE IT RESOLVED** by the Butler County Board of Supervisors that a hearing on the proposed road vacation be held in the Board Room, Butler County Courthouse, Allison, Iowa at 9:00 A.M., Tuesday, December 14, 2021.

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

Passed and Approved this 23<sup>rd</sup> day of November, 2021.

Greg Barnett  
Greg Barnett, Chairman  
Butler County Board of Supervisors  
Date: November 23, 2021

ATTEST:  
Leslie Groen  
Leslie Groen  
Butler County Auditor

Motioned by Barnett, second by Heidenwirth to approved the utility permit for Butler County REC new overhead line along Willow Ave north of 160<sup>th</sup> St. All ayes. Motion carried.

Motioned by Eddy, second by Heidenwirth to approve utility permit for Butler County REC underground work at Neal substation along 290<sup>th</sup> St and under Sinclair Ave. All ayes. Motion carried.

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

Board acknowledged receipt of Manure Management Plan Annual Updates for Rottler Farms #61166.

Motioned by Eddy, second by Barnett to adjourn the regular meeting at 9:39 A.M. to November 30, 2021 at 9:00 A.M. All ayes. 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 November 23, 2021.

Attest: Leslie Groen  
Butler County Auditor

Greg Barnett  
Chairman of the Board of Supervisors