

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON April 19, 2022.

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

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

During Public Comment Barnett mentioned an email they received from CR3 Connect regarding the Carbon Pipeline indicating they will be in the area again soon. Sheriff Johnson also relayed that the Iowa Code states that the Sheriff’s office cannot remove them from landowners’ property.

Board reviewed a new appointment to the Board of Adjustment. Barnett motioned, second by Eddy, to approve Carla Mulder as seat on the Board of Adjustment. All ayes. Motion carried.

Board reviewed a county Emergency Medical Services System Advisory Council. Barnett commented that he wanted to continue the momentum and keep moving forward with the process. After attending the county EMS meeting the previous week, Barnett was provided a list of names from EMS services within the county. Discussion was had about the number of individuals on the Advisory Council and the type of citizens that would be good to have on the council. Heidenwirth motioned to approve the provided Advisory Council with the acknowledgement of Shell Rock needing an appointment, second by Eddy. All ayes. Motion carried.

EMS System Advisory Council

1	Keeling, Amy	Dumont EMS
2	Coates, Kari	New Hartford EMS
3	Miller Paul	Clarksville EMS
4	Luhring, Chris	Parkersburg EMS/City
5	Stirling, Jeff	Greene EMS
6	Jodi Bangasser	Allison EMS/ARNP @ Shell Rock/City
7	Will McCord	Aplington EMS
8		Shell Rock EMS
9	Greg Barnett	BOS per request of EMS Assoc.
10	Tammy Fleshner	Non-voting Secretary

A Fireworks Display Application for Unincorporated Areas of Butler County was reviewed. The board discussed providing some leeway in the application date in order to provide for changes due to the weather. Barnett motioned to approve, with changes to reflect a window for weather issues, a Fireworks Display Application for Unincorporated Areas of Butler County, second by Eddy. All ayes. Motion carried.

Resolution 1027 was reviewed To Fix a Date of Public Hearing at which it is Proposed to Take Action on the Sale of Unused Real Property owned by Butler County, IA. Barnett motioned to set a date and time for a Public Hearing for May 10, at 9:00 A.M., second by Eddy. All ayes. Motion carried to adopt Resolution 1027 as follows:

**RESOLUTION NO. 1027
TO FIX A DATE OF PUBLIC HEARING AT WHICH IT IS PROPOSED
TO TAKE ACTION ON THE SALE OF UNUSED REAL PROPERTY
OWNED BY BUTLER COUNTY, IA.**

WHEREAS, the Board of Supervisors of Butler County, Iowa, proposes to sell the following unused real property:

Lot Three Hundred Three (303) and the North Four Feet (N. 4 ft.) of Lot Three Hundred Four (304) in the Town of Allison, Butler County, Iowa.

WHEREAS, Iowa Code 331.361 requires proposals to dispose of interest in county-owned real property shall be set forth in a resolution;

WHEREAS, Iowa Code 331.361 further requires published notice of the time and place of a public hearing for any such proposals, in accordance with section 331.305;

WHEREAS, after the public hearing, the board may make a final determination on the proposal by resolution;

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of Butler County, Iowa, as follows:

Section 1. This Board will meet at the Butler County Courthouse, Allison, Iowa on TIME/DATE, at which time and place a public hearing will be held in which any and all interested persons may submit in writing, or appear, and file an objection to the proposed plan to sell unused real property.

Section 2. The County Auditor is hereby directed to give notice on the proposed action for sale of unused real property setting forth the time when and place where the said meeting will be held, by publication at least once weekly, and of general circulation in the County. The Notice shall be in substantially the following form:

**LEGAL NOTICE
NOTICE OF PROPOSED ACTION TO DISPOSE OF
UNUSED PROPERTY OWNED BY BUTLER COUNTY, IA**

The Board of Supervisors of Butler County, Iowa, will hold a public meeting at 9:00 A.M. on May 10, 2022, at the Butler County Courthouse, Allison, IA for the purpose of considering a proposal to dispose of unused real property:

Lot Three Hundred Three (303) and the North Four Feet (N. 4 ft.) of Lot Three Hundred Four (304) in the Town of Allison, Butler County, Iowa.

At that time and place, oral or written objections may be filed or made to the proposal to dispose of unused real property. After receiving objections, the County may determine to sell the unused real property.

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

Leslie Groen

Butler County Auditor

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This resolution shall be in full force and effect immediately upon its approval and adoption, as provided by law.

UPON Roll Call the vote thereon was as follows: AYES: Tom Heidenwirth NAYS: None
Rusty Eddy
Greg Barnett

WHEREUPON the Resolution was declared duly adopted this 19th day of April, 2022.

Rusty Eddy

Chairman, Board of Supervisors

ATTEST: *Leslie Groen*

Leslie Groen, County Auditor

Resolution 1029 – Allocating American Rescue Plan Act Funds was reviewed. Auditor Groen explained the details of the resolution which allows for a one-time option to utilize a standard allowance for revenue loss of the county’s total ARPA allocation of \$2,804,606. Heidenwirth moved to approve Resolution 1029, second by Barnett. All ayes. Motion carried to approve Resolution 1029 as follows:

**RESOLUTION #1029
RESOLUTION ALLOCATING AMERICAN RESCUE PLAN ACT FUNDS**

WHEREAS, in March 2021, the federal government established the American Rescue Plan Act of 2021 (ARPA) which included the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide state, local and Tribal governments with the resources needed to respond to the pandemic and its economic effects; and

WHEREAS, the U.S. Department of the Treasury issued an Interim Final Rule (IFR) implementing the SLFRF program on May 10, 2021, which included a calculation for replacing lost revenue to County governments, and **WHEREAS**, on January 6, 2022, the Treasury issued a final rule for the SLFRF program, including a standard allowance for revenue loss of up to \$10,000,000, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients that select the standard allowance may use that amount for government services, with streamlined reporting requirements.

WHEREAS, the final rule takes effect on April 1, 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Butler County Board of Supervisors elects to use the standard allowance for identifying revenue loss for its total SLFRF allocation, in the expected amount of \$2,804,606, on government services.

Upon Roll Call the vote thereon was as follows: AYES: Rusty Eddy NAYS: None
Greg Barnett
Tom Heidenwirth

WHEREUPON, the Resolution was declared duly adopted this 19TH of April, 2022

Rusty Eddy

Chairman, Board of Supervisors

ATTEST: *Leslie Groen*

County Auditor

Resolution 1030 – Municipal Solid Waste Sanitary Landfill Local Government Guarantee was reviewed. Eddy briefly described the importance and reasoning of the resolution. Heidenwirth motioned to approve Resolution 1030, second by Barnett. All ayes. Motion carried. Upon Roll Call the vote was as follows: AYES: Barnett, Eddy, Heidenwirth, NAYS: None, adopting Resolution 1030.

**RESOLUTION #1030
MUNICIPAL SOLID WASTE SANITARY LANDFILL
LOCAL GOVERNMENT GUARANTEE**

Guarantee made this 19th day of April by Butler County, Iowa, herein referred to as “Guarantor”, which is a county organized under the laws of the State of Iowa. This guarantee is made by the Guarantor on behalf of the Rural Iowa Waste Management Association to the Iowa Department of Natural Resources, herein referred to as “IDNR”, in an amount not to exceed five hundred thousand and no/100 dollars (\$500,000.00) lawful money of the United States.

WHEREAS, Section 455B.306 of the Code of Iowa requires financial assurance instruments for all sanitary disposal projects; and

WHEREAS, the Rural Iowa Waste Management Association has applied to the IDNR to operate a sanitary disposal project located within the State of Iowa, and is required pursuant to IAC 567 Chapter 113.14 to maintain financial assurance for closure and/or postclosure care in connection therewith; and

WHEREAS, IAC 567 Chapter 113.14(6)“h” provides for the “Local Government Guarantee” mechanism to be an acceptable financial assurance instrument, and Guarantor meets or exceeds the financial test criteria and agrees to comply with the requirements of said sub rule; and

WHEREAS, the Rural Iowa Waste Management Association owns and/or operates the following municipal solid waste sanitary landfill facility covered by this Guarantee:

IDNR SDP Permit # 42-SDP-01-72P

Rural Iowa Sanitary Landfill

20488 M Avenue

Eldora, IA 50627

Closure Cost to be assured: \$171,755.00

Postclosure Cost to be assured: \$328,245.00

WHEREAS, the Guarantor guarantees to IDNR that in the event that the Rural Iowa Waste Management Association fails to perform closure and/or postclosure care of the above facility in accordance with the approved plan or other permit requirements, whenever required to do so, the Guarantor shall either perform closure and/or postclosure care, pay a third party to perform closure and/or postclosure care, establish a fully funded secured trust fund as specified in IAC 567 Chapter 113.14(6)“a”, or establish an alternate financial assurance instrument in the name of the Rural Iowa Waste Management Agency in the amount of the current closure and/or postclosure cost estimate, as required by Chapter 113.14(6).

WHEREAS, the Guarantor agrees to remain bound under this Guarantee for as long as the Rural Iowa Waste Management Association must comply with the applicable financial assurance requirements of Chapter 113, except when the Guarantor provides written notice, by certified mail, of intent to terminate Guarantee, at least 120 days prior to the date said Guarantee is to be terminated. When such notice is provided, the Rural Iowa Waste Management Association shall, within 90 days, provide IDNR proof of alternate financial assurance or the IDNR shall call upon the Local Government Guarantee.

WHEREAS, the Guarantor expressly waives notice of acceptance of this Guarantee by the Rural Iowa Waste Management Agency or by IDNR. Guarantor also expressly waives notice of amendments or modifications of the site closure plan and of amendments or modifications of the facility permit(s).

IN WITNESS THEREOF, the Guarantor executes this Local Government Guarantee under their respective hand and seal, this 19th day of April, 2022.

BUTLER COUNTY

Guarantor

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

Motioned by Heidenwirth, second by Barnett to adjourn the regular meeting at 9:33 A.M. to April 26, 2022 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 April 19, 2022.

Attest: Leslie Groen
Butler County Auditor

Rusty Eddy
Chairman of the Board of Supervisors