

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON March 21, 2023.

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

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

During Public Comment, Jeff Reints commented that the City of Clarksville has moved forward with filing an objection with the IUB against the carbon pipeline. Misty Day, Planning and Zoning Administrator, stated that they are going to move forward with a public hearing to recommend adoption of their hazardous pipeline ordinance on April 20th. Additionally, during Public Comment, Eddy stated that he received a call from Sharon Schipper about an issue with her road. Schipper wanted to publicly thank the Engineer's office for helping her out with that situation.

Motioned by Dralle, second by Eddy to open a Public Hearing on a request by Tanner Fenneman to rezone 2 acres from A-1 to C-M for a welding shop located at 30582 Hwy 188 described as Parcel D in the NE1/4 of Section 28, Township 93 North, Range 15 West of the 5th P.M. Day, P & Z Administrator, described the area in question and the Planning & Zoning Commission recommended approval. Eddy moved to close the Public Hearing, Second by Dralle. All ayes. Motion carried.

Motioned by Eddy to approve Ordinance Title VI, Number 29 – An Ordinance Amending the Official Zoning Map, second by Dralle to approve the first reading. All ayes. Motion carried. Motioned by Eddy, second by Dralle to waive the second and third readings. All ayes. Motion carried and the ordinance adopted as follows:

ORDINANCE TITLE VI, NUMBER 29

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, WHICH IS CONSIDERED PART OF BUTLER COUNTY, IOWA ZONING ORDINANCE (ORDINANCE TITLE VI, NUMBER 28, ADOPTED ON NOVEMBER 1, 2022)

Section 1. RESCISSION. This Ordinance rescinds the current zoning designation, "A-1" Agriculture, on a parcel legally described as follows:

2 acres in the NE corner of a parcel described as Parcel D, located in the Northwest Quarter of the Northeast Quarter (NW¹/₄ NE¹/₄) of Section Twenty-eight (28), Township Ninety-three (93) North, Range Fifteen (15) West of the 5th P.M.

on the Official Zoning Map as was originally adopted.

Section 2. ADOPTION. This Ordinance adopts in lieu thereof a new zoning designation "C-M" for the property legally described above, on the Official Zoning Map.

Section 3. INTEGRATION WITH CODE. Each section, provision or part of this Ordinance which is followed by a section number shall be inserted in the Butler County Zoning Ordinance (Ordinance No. Title VI, Number 28, adopted on November 1, 2022) as indicated by said section number and hereafter shall be cited by reference to said section number.

Section 4. REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, in conflict with this Ordinance are hereby repealed.

Section 5. SEVERABILITY OF REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, not directly affected by this Ordinance shall remain in full force and effect.

Section 6. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such section, provision, or part shall be severable from the rest of the Ordinance, and such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part not adjudged invalid or unconstitutional.

Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its final passage and publication as provided by law.

PUBLIC HEARING AND FIRST PASSAGE (READING) on MARCH 21, 2023

SECOND PASSAGE (READING) WAIVED ON MARCH 21, 2023

THIRD AND FINAL PASSAGE (READING) WAIVED AND ADOPTION on MARCH 21, 2023

BUTLER COUNTY BOARD OF SUPERVISORS

BY: Greg Barnett, Chair

Leslie Groen, County Auditor

Moved by Dralle, second by Eddy to open a Public Hearing on a request by Norm & Jan Mulder to rezone 35 acres more or less from A-1 to C for a truck stop located in the W1/2 SE1/4 South of Hwy 3 of Section 34, Township 92 North, Range 15 West of the 5th P.M. Day explained the particulars with the request and stated that the commission ultimately recommended approval. Public comment concerns were received regarding the traffic associated with Hwy 3 between Shell Rock and the Butler County Logistics Park. John Riherd, Engineer, explained the process with the DOT and how traffic would be evaluated. It was mentioned that the truck stop would also offer food service and a diesel repair service employing approximate 12-14 full-time employees, and additional part-time employees. Moved by Eddy to close Public Hearing, second by Dralle. All ayes. Motion carried.

Board considered Ordinance Title IV, Number 30 – An Ordinance Amending the Official Zoning Map. Eddy motioned to approve the first reading, second by Dralle. All ayes. Motion carried. A second public hearing was set for April 4th, 2023 at 9:00 A.M.

Board reviewed Edward's Minor Plat in the SW1/4 of Section 35, Township 90 North, Range 16 West of the 5th P.M. Day explained that they are looking to section off and rezone so that they can expand their business.

Board considered Resolution 1068-2023 Approving 'Edward's Minor Plat' with the recommendation of the Butler County Planning and Zoning Commission. Moved by Dralle, second by Eddy to approve Resolution 1068-2023. Roll was called as follows: AYES: Eddy, Barnett, Dralle NAYS: None and Resolution 1068-2023 was adopted as follows:

RESOLUTION NO. 1068-2023

**RESOLUTION APPROVING THE "EDWARDS MINOR PLAT",
BY BUTLER COUNTY, IOWA.**

WHEREAS, Edward's Minor Plat, containing 2 lots, has been submitted for approval to the Butler County Board of Supervisors, consisting of the following described real estate:

EDWARD'S MINOR PLAT

That part of the Southwest Quarter (SW 1/4) of Section 35, Township 90 North, Range 16 West of the Fifth Principal Meridian, Butler County, Iowa, described as follows:

Commencing at the Southwest corner of said Southwest Quarter, point being a found No. 6 rebar with aluminum cap #19957;

thence along the South line of said Southwest Quarter Due East 498.25 feet to the Southwest corner of Tract 1 as described in Plat of Survey recorded in Book I Page 265 in the Office of the Butler County Recorder, being the Point of Beginning;

thence along the Westerly line of said Tract 1 North 21 °26¾' West 527 .8 feet to a found No. 4 rebar; thence along said Westerly line North 00°13½' West 134.85 feet to a found No. 4 rebar;

thence along said Westerly line North 32°16¼' East 149.2 feet to a found No. 4 rebar;

thence along said Westerly line North 38°27¾' East 17 4.55 feet to the most Northerly corner of said

Tract 1, point being a found No. 4 rebar;

thence North 47°58¾' East 186.0 feet to a set No. 4 rebar with maroon plastic cap

#21096;

thence South 01 °371/2 East 504.0 feet to a set No. 4 rebar with maroon plastic cap

#21096;

thence South 45°54¾' East 128.85 feet to a set No. 4 rebar with maroon plastic cap

#21096;

thence Due East 491.0 feet to a set No. 4 rebar with maroon plastic cap #21096;

thence Due South 420.0 feet to the South line of said Southwest Quarter, point being a

set No. 4

rebar with maroon plastic cap #21096;

thence Due West 730. 75 feet to the Point of Beginning.

Containing 11.19 acres including 0.55 acres of right of way.

Subject to restrictions, easements, covenants, ordinances, and limited access provisions of record and not of record.

Note: The South line of said Southwest Quarter is assumed to bear Due West for this description.

WHEREAS, after consideration, the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa, and the ordinances of Butler County, Iowa and

WHEREAS, the Butler County Board of Supervisors find the Edward's Minor Plat would be advantageous to Butler County, Iowa and

NOW, THEREFORE BE IT RESOLVED by the Butler County Board of Supervisors that said Edward's Minor Plat, will be and the same hereby acknowledged and approved and accepted on the part of Butler County, Iowa,

The Butler County Auditor is hereby authorized and directed to certify a copy of this Resolution to the County Recorder of Butler County, Iowa, and affix the same to said Minor Plat as provided by law.

PASSED AND PASSED this 21st day of March, 2023.

Greg Barnett
Wayne Dralle
Rusty Eddy

ATTEST: Leslie Groen, County Auditor of Butler County, Iowa.

Motioned by Dralle, second by Eddy to open a Public Hearing on request by Scott Edwards to rezone 2.86 acres from A-1 to M for an existing fabrication shop located at 26151 Westbrook Rd described as Lot 2 of that part of the SW1/4 of Section 35, Township 90 North, Range 16 West of the 5th P.M. Day discussed the location in question. Dralle motioned to close the Public Hearing, second by Eddy. All ayes. Motion carried.

Moved by Dralle, second by Eddy to approve Ordinance Title VI, Number 31 – An Ordinance Amending the Official Zoning Map. All ayes. Motion carried. Motioned by Dralle, second by Eddy to waive the second and third hearings. All ayes. Motion carried and the ordinance was adopted as follows:

ORDINANCE TITLE VI, NUMBER 31

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, WHICH IS CONSIDERED PART OF BUTLER COUNTY, IOWA ZONING ORDINANCE (ORDINANCE TITLE VI, NUMBER 28, ADOPTED ON NOVEMBER 1, 2022)

Section 1. RESCISSION. This Ordinance rescinds the current zoning designation, "A-1" Agriculture, on a parcel legally described as follows:

Lot 2 of Edward's Minor Plat located in that part of the Southwest Quarter (SW¹/₄) of Section 35, Township 90 North, Range 16 West of the Fifth Principal Meridian, Butler County, Iowa, containing 3.10 acres including 0.24 acres of right of way.

on the Official Zoning Map as was originally adopted.

Section 2. ADOPTION. This Ordinance adopts in lieu thereof a new zoning designation "M" for the property legally described above, on the Official Zoning Map.

Section 3. INTEGRATION WITH CODE. Each section, provision or part of this Ordinance which is followed by a section number shall be inserted in the Butler County Zoning Ordinance (Ordinance No. Title VI, Number 28, adopted on November 1, 2022) as indicated by said section number and hereafter shall be cited by reference to said section number.

Section 4. REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, in conflict with this Ordinance are hereby repealed.

Section 5. SEVERABILITY OF REPEALER. All ordinances and resolutions, parts thereof or amendments thereto, not directly affected by this Ordinance shall remain in full force and effect.

Section 6. SEVERABILITY. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such section, provision, or part shall be severable from the rest of the Ordinance, and such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part not adjudged invalid or unconstitutional.

Section 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its final passage and publication as provided by law.

PUBLIC HEARING AND FIRST PASSAGE (READING) on MARCH 21, 2023

SECOND PASSAGE (READING) WAIVED ON MARCH 21, 2023

THIRD AND FINAL PASSAGE (READING) WAIVED AND ADOPTION on MARCH 21, 2023

BUTLER COUNTY BOARD OF SUPERVISORS

BY: *Greg Barnett*, Chair

Leslie Groen, County Auditor

Board reviewed J and E Corrigan Farm Minor Plat located in the NE1/4 of Section 26, Township 90 North, Range 15 West of the 5th P.M. Day commented that the Planning & Zoning Commission recommended approval.

Board considered Resolution 1067-2023 Approving ‘J and E Corrigan Farm Minor Plat’ with the recommendation of the Butler County Planning and Zoning Commission. Dralle moved to approve Resolution 1067-2023, second by Eddy. Roll was called as Resolution 1067-2023 was adopted as follows:

RESOLUTION # 1067-2023

BUTLER COUNTY BOARD OF SUPERVISORS
APPROVING “J AND E CORRIGAN FARM MINOR PLAT” WITH THE RECOMMENDATION OF THE
BUTLER COUNTY PLANNING AND ZONING COMMISSION

BE IT RESOLVED by the Butler County Board of Supervisors as follows:

Section 1. The Butler County Planning and Zoning Commission reviewed a Minor Subdivision Plat entitled “J AND E CORRIGAN FARM MINOR PLAT” at its regular meeting on March 16, 2023.

Section 2. This Plat consists of one parcel legally described as Parcel F of that part of the Northeast (NE¼) of Section No. 26, Township No. 90 North, Range No. 15 West of the Fifth P.M., Butler County, Iowa, described as follows:

Commencing at the Southeast corner of said Northeast Quarter, point being a found ½”Ø iron rod in A.C.C. pavement; thence along the South line of said Northeast Quarter North 89°25¼’ West a distance of 956.95 feet to a set “mag” nail in A.C.C. pavement, also being the point of beginning; thence continuing along said South line North 89°25¼’ West a distance of 350.0 feet to the Southeast corner of Warranty Deed recorded in Instrument #2007-4577 dated 11/26/2007 in the Butler County Recorder Office, point being a set “mag” nail in A.C.C. pavement; thence along the East line of said Instrument #2007-4577 North 00°07¾’ West a distance of 361.5 feet to the Northeast corner of said Instrument #2007-4577, point being a set ½” rebar with license #16264; thence South 89°25¼’ East a distance of 350.0 feet to a set ½” rebar with license #16264; thence South 00°07¾’ East a distance of 361.5 feet to the point of beginning. Containing 2.90 acres including 0.48 acres right-of-way.

Section 3. The Planning & Zoning Commission has made the recommendation that the Minor Subdivision Plat entitled “J AND E CORRIGAN FARM MINOR PLAT” be approved.

Section 4. The Board of Supervisors hereby approve the Minor Subdivision Plat entitled “J AND E CORRIGAN MINOR PLAT” as legally described above.

Section 5. This resolution shall take effect immediately.

The vote thereon was as follows:

AYES: Greg Barnett NAYS: None ABSENT: None
 Rusty Eddy
 Wayne Dralle

Passed and approved this 21st day of March, 2023.

ATTEST: *Leslie Groen*, County Auditor

Dralle motioned to approve the appointment of Habbo Fokkena to the Board of Adjustment, second by Eddy. All ayes. Motion carried.

Riherd explained the 28E agreement with City of Greene – Traer St. Bridge Replacement. The project estimate is \$1,475,000 which would be paid to the county from the city of Greene. The City of Greene does have a \$1,000,000 grant for the project. The remaining \$475,000 would be repaid by the City of Greene over a period of 3-5 years. Dralle motioned to table, second by Eddy. All ayes. Motion carried.

Auditor, Leslie Groen, discussed the publication of FY24 Proposed Budget Public Hearing. Moved by Eddy, second by Dralle to approve. All ayes. Motion carried.

Board reviewed Resolution 1064-2023 granting financial assurance in conjunction with the Invitation to Qualify (ITQ) application administered by the OCIO. Eddy motioned approve Resolution 1064-2023 with \$10,000 stated as financial assurance toward the ITQ application, second by Barnett. Roll call: Eddy aye. Barnett aye. Dralle aye.

RESOLUTION NUMBER 1064-2023

A RESOLUTION OF THE BOARD OF SUPERVISORS OF BUTLER COUNTY, IOWA GRANTING THE OFFICE OF THE CHIEF INFORMATION OFFICER CERTAIN FINANCIAL ASSURANCES IN CONJUNCTION WITH THE INVITATION TO QUALIFY APPLICATION.

WHEREAS, the County of Butler, Iowa is submitting an Invitation to Qualify Application to support broadband development within the community;

WHEREAS, the County will match future broadband development with \$10,000 in local funds if selected;

WHEREAS, the Invitation to Qualify could potentially lead to Federal BEAD (Broadband, Equity, Access, and Deployment Program) funding;

WHEREAS, this project was identified as part of previous community discussion and identification of Broadband Intervention Zones;

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Butler County, Iowa that \$10,000 of local funding is herewith committed toward broadband development if selected.

Passed and adopted this 21st day of March, 2023.

Greg Barnett, Chairperson
Chairperson

ATTEST: Leslie Groen, County Auditor

Board reviewed Access Systems Agreement. Dralle motioned to approve, second by Barnett. All ayes. Motion carried.

Board completed the 2nd Tier Canvass results of the March 7, 2023 Special Election. Aplington Parkersburg School District's Public Measure 'CR' was adopted. North Butler School District's Public Measure 'CS' was not adopted.

Motioned by Dralle, second by Eddy to approve claims. All ayes. Motion carried.

Motioned by Eddy, second by Dralle to adjourn the regular meeting at 10:06 A.M. to March 28, 2023 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 March 21st, 2023.

Attest: Leslie Groen
Butler County Auditor

Greg Barnett
Chairman of the Board of Supervisors