

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON APRIL 4, 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 Dralle, second by Eddy to approve the minutes as read. All ayes. Motion carried.

No public comment was received.

Motioned by Eddy, second by Dralle 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. Misty Day, Planning and Zoning, provided an update regarding the DOT completing a traffic impact analysis for HWY 3. The analysis will allow for making better informed decisions when preparing details for the truck stop. Moved by Eddy, second by Dralle to close Public Hearing.

Board considered Ordinance Title VI, Number 30 – An Ordinance Amending the Official Zoning Map. Motioned by Dralle to approve the second reading, second by Eddy. All ayes. Motion carried. Eddy moved to waive the third reading, second by Dralle. All ayes. Motion carried and the ordinance was adopted as follows:

ORDINANCE TITLE VI, NUMBER 30

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:

35 acres located in the west half of a parcel described as the West One-half of the Southeast Quarter (W¹/₂ SE¹/₄) of Section Thirty-four (34), in Township Ninety-two North, Range Fifteen (15) West of the Fifth P.M., except a strip Thirty-three (33) feet wide off the East side of the Northwest Quarter of the Southeast Quarter (NW¹/₄ SE¹/₄) and except a tract being described as: Parcel A in the Southwest Quarter of the Southeast Quarter (SW¹/₄ SE¹/₄) of Section Thirty-four (34) Township Ninety-two (92) North, Range Fifteen (15) West of the Fifth P.M., and except the North 17.00 feet of the South 50 feet of the West 745.70 feet of the SW¹/₄ SE¹/₄ of Sec. 34, Twp. 92 N, Rge 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” 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) on APRIL 4, 2023

THIRD AND FINAL PASSAGE (READING) WAIVED AND ADOPTION on APRIL 4, 2023

BUTLER COUNTY BOARD OF SUPERVISORS

BY: *Greg Barnett*, Chair
Leslie Groen, County Auditor

Board reviewed Purchase Agreement, Maintenance Agreement and Software License Agreement with Henry Adkins & Son, Inc. for new voting equipment. Moved by Barnett, second by Dralle to approve the purchase agreement. All ayes. Motion carried.

Board reviewed Legislative Updates. Leslie Groen, Auditor, mentioned current Senate files that have been discussed by county auditors and how they might affect Butler County. Board considered Resolution 1072-2023 regarding Local Option Sales Tax. Barnett motioned to approve Resolution 1072-2023, second by Eddy. The roll was called as Resolution 1072-2023 was approved as follows:

RESOLUTION 1072-2023

- WHEREAS, the voters of Butler County and cities within the county have voted to enact a 1 cent Local Option Sales Tax in accordance with Iowa Code 423B, and
- WHEREAS, the revenue derived from the tax is used for road and bridge improvements, public safety facilities, and property tax relief, and
- WHEREAS, the residents of Butler County have grown to rely on these revenues as a means to reduce property taxes, and
- WHEREAS, the 2023 legislative session has seen the introduction of SF 550, which proposes to convert the Local Option Sales Tax efforts into a statewide sales tax and impose the local option sales tax in every jurisdiction, thereby triggering the constitutional amendment to require an allocation of 3/8th of a cent to the Iowa Water and Land Legacy (IWLL) trust fund, and
- WHEREAS, SF 550 proposed to backfill revenues lost due to the proposal, there are concerns of the Legislature ability to continue backfilling revenues, and
- WHEREAS, voters across Iowa who have voted to either implement a local option sales tax or not to do so, and
- WHEREAS, voters across Iowa who have voted to utilize the local option sales tax have approved revenue purpose statements (RPS), and
- WHEREAS, SF 550 also sunsets these provisions on January 1, 2025, after which no jurisdiction will have the authority to take either a LOST proposal or revenue purpose statement to a vote, essentially deleting the local government's ability to have local option sales taxes.

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

Section 1: That the Butler County Board of Supervisors wish to express their support of the current Local Option Sales Tax. The current law best represents the interest of voters and furthers the reduction of property taxes, which is a common goal of the County and the Iowa Legislature.

Section 2: That the Butler County Board of Supervisors unanimously supports the Iowa Water and Land Legacy (IWLL) trust fund; however, SF 550 as currently written, would not only strip the County of control over Local Option Sales Tax (LOST) revenues, but would effectively disregard the will of the Voters.

UPON Roll Call the vote thereon was as follows:

AYES: Rusty Eddy
Greg Barnett
Wayne Dralle

NAYS: None

ABSENT: N/A

WHEREUPON the Resolution was passed and approved on this 4th day of April, 2023.

Greg Barnett
Chairman, Board of Supervisors

Wayne Dralle, member
Rusty Eddy, member

Leslie Groen, County Auditor

Board considered Resolution 1073-2023 approving opioid settlements with Teva, Allergan, Walgreens and Walmart. Dralle moved to approve Resolution 1073-2023, second by Barnett. The roll was called and Resolution 1073-2023 was approved as follows:

RESOLUTION NO.1073-2023

A RESOLUTION APPROVING OPIOID SETTLEMENTS WITH TEVA, ALLERGAN, CVS, WALGREENS AND WALMART

WHEREAS, negotiations to settle claims against several of the Opioid Defendants, specifically Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc (the "Settling Defendants") have been ongoing for several years;

WHEREAS, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims involved in the Litigation;

WHEREAS, the proposed terms of those proposed nationwide settlements are set forth in the Teva and Allergan Settlement Agreement and the Walmart, Walgreens, and CVS Settlement Agreement (collectively "Settlement Agreements");

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

Section 1: Approves the additional opioid settlements with Teva, Allergan, CVS, Walgreens, and Walmart – collectively as a second part of settlement of the national litigation.

Section 2: Authorizes the Board Chair to sign the Resolution for the same and designate the County Attorney and/or County Auditor as authorized signatories to complete the settlement documents.

UPON Roll Call the vote thereon was as follows:

AYES: Rusty Eddy
Greg Barnett
Wayne Dralle

NAYS: None

ABSENT: N/A

WHEREUPON the Resolution was passed and adopted on this 4th day of April, 2023.

Greg Barnett, Board Chair

ATTEST: *Leslie Groen*, County Auditor

A date and time was set for April 18th at 9:00 A.M. for FY24 Proposed Budget Public Hearing due to newspaper publication error.

Board considered an in-kind donation to Butler County Fairgrounds. Barnett motioned to approve the donation of two unused tables, second by Dralle. All ayes. Motion carried.

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

Board acknowledged receipt of Manure Management Plan Short Form Annual Updates for F087, #61531, Noelck Swine Farms #61371, Noelck Pork #59028, Frances Finisher Farm #63623, Barnett Finisher Farm #63626, Asche East Finisher Farm #58252, Fink Finisher Farm #65730, Debner Partners Farm #58831, Dralle #58148, and Mutschler 1 Finisher Farm #68443.

Motioned by Eddy, second by Dralle to adjourn the regular meeting at 9:29 A.M. to April 11, 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 April 4th, 2023.

Attest: Leslie Groen
Butler County Auditor

Greg Barnett
Chairman of the Board of Supervisors