

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON MARCH 19, 2019.

Meeting called to order at 9:00 a.m. by Chairman Rusty Eddy with members Greg Barnett and Tom Heidenwirth present. Also present were Engineer John Riherd, Zoning Administrator/Environmental Health Specialist Misty Kroeze, Lee Pries, Paul Niemann Construction, Sumner, Iowa and Bethany Carson, Mid-America Publishing.

Minutes of the previous meeting were read and approved as read.

Board held a public hearing on an application by Paul Niemann Construction to rezone 2 parcels of 121 acres into compliance with current zoning ordinance. Present were Engineer John Riherd, Zoning Administrator Misty Kroeze, Lee Pries, Paul Niemann Construction, Sumner, Iowa and Bethany Carson, Mid-America Publishing. Auditor and Zoning Administrator Misty Kroeze reported no written or oral comments received. At the close of the public hearing it was moved by Barnett, second by Heidenwirth to accept the recommendation of the Planning and Zoning Commission and approve zoning change of both parcels to A-2 Agricultural District. All ayes. Motion carried.

Board held a public hearing on a Construction Permit Application for Tjaden Finisher Farms, owned by Red Door Farms, LLC, for a new swine facility in the SW¹/₄ of the NW¹/₄ of Section 5-93-15 in Fremont Township. Present were Engineer John Riherd, Environmental Health Specialist Misty Kroeze, John Steere and Anna Mae Steere, Greene, Iowa and Nathan Steere, Nashua, Iowa. Auditor reported no written or oral comments received. Environmental Health Specialist Misty Kroeze received one comment from Janice Haskins, daughter of Eldon Hauser, whose acreage is 2080' from the facility, had concerns regarding the odor, increase in traffic and possible change in valuation. John Steere, Greene, Iowa asked why nobody had been notified about the facility. Environmental Health Specialist Misty Kroeze explained that no notifications are required, but that some letters had gone out to landowners that are located within a 1- mile radius of the facility. The County typically doesn't know about a new facility until we receive the Management Plan. John Steere believes that notification should be a requirement. He is also upset that a large hole was left on Terrace Avenue from soil testing. Nathan Steere challenged the permit in that a 1-mile radius map was not included, private wells, tiles, and a sink hole were also not identified and could be a potential problem. Nathan identified his concerns on the map. Misty noted that she had a concern with the sink hole, as well. Board asked that Jennifer Crall, Director of Public Affairs for Iowa Select Farms be on the agenda in the near future. Misty will follow up with the DNR regarding the concerns the public presented in this meeting. Chairman Eddy closed the public hearing.

Moved by Eddy, second by Heidenwirth to approve a Class C Liquor License with Outdoor Sales and Sunday Service for Beaver Meadows Golf and Country Club, Parkersburg, Iowa. All ayes. Motion carried.

Moved by Heidenwirth, second by Eddy declaring March 23, 2019 to be NIACC Trojans Day as follows:

PROCLAMATION

WHEREAS, North Iowa Area Community College (NIACC), and its predecessor, Mason City Junior College (MCJC), have been committed to the utilization of athletic programs as an extracurricular activity that fosters wellness, sportsmanship, and sound values since 1919; and

WHEREAS, The College has provided opportunities for student athletes from across our region, the nation, and the world; and

WHEREAS, MCJC and NIACC have been members in good standing with the National Junior College Athletic Association since its inception in 1938; and

WHEREAS, the student athletes have exhibited a work ethic, a dedication and commitment to each other, and a level of excellence that transcends the athletic field; and

WHEREAS, the coaches and athletes enhance our community through sporting events that bring the citizens of Butler County together and by providing youth sports camps, assisting at community events, and volunteering for local organizations; and

WHEREAS, the athletic commitment, community service, and academic achievements of the student athletes will enable them to graduate from NIACC with pride and will provide the foundation for success in future personal, educational and professional endeavors.

NOW THEREFORE, we, the Butler County Board of Supervisors, Butler County, Iowa do hereby proclaim March 23, 2019,

NIACC Trojans Day

in Butler County, Iowa, and encourage each citizen to join North Iowa Area Community College as they celebrate 100 years of excellence in athletic competition and encourage each to attend the Trojans Forever Program at the North Iowa Community Auditorium on the NIACC campus at 7:00 p.m.

WITNESS OUR HAND and the official Seal of Butler County, Iowa.

Board met with Engineer John Riherd to consider filing an opposition resolution to Senate File 184. Following discussion, it was moved by Barnett, second by Heidenwirth to approve the following:

**BUTLER COUNTY BOARD OF SUPERVISORS
RESOLUTION #2019-920**

**A RESOLUTION OPPOSING SENATE STUDY BILL 1045 AND SENATE FILE 184 PASSED BY
THE SENATE COMMITTEE ON TRANSPORTATION**

WHEREAS, the Transportation Committee in the Iowa Senate has passed Senate Study Bill 1045 (SF 184) which would amend and make changes to Iowa Code Chapter 321 related to transportation of indivisible loads and raw forestry products on primary and non-primary highways, and;

WHEREAS, Butler County owns and maintains non-primary highways, and is fiscally and legally responsible for the non-primary highways within the County, and;

WHEREAS, Butler County owns and maintains 246 structures classified as bridges by the National Bridge Inspection Standards, and;

WHEREAS, the non-primary roads and bridges owned by Butler County serve a critical need for residents, agricultural users, businesses, schools, post offices, and emergency responders, and;

WHEREAS, the proposed bill would allow the Iowa Department of Transportation to issue annual permits to forestry industry haulers for loads up to 130,000 pounds on non-primary highways throughout Iowa, without knowledge of or notice given to the agencies which own these highways and the structures thereon, and;

WHEREAS, load rating to ensure safe passage of loads greater than 80,000 pounds would be unique for each load on each individual bridge, and;

WHEREAS, bridges within Butler County have been designed for loads that were legal on Iowa roads at the time of their construction, and bridges have only been rated or posted with weight restrictions for loads that are currently legal on roads, and;

WHEREAS, each bridge within Butler County is unique based on its age, design, and current condition, and;

WHEREAS, the traversing of Butler County bridges by loads up to 130,000 pounds without the County being afforded the knowledge of or the ability to restrict each occurrence, would result in gradual and possibly sudden failure of bridges within the County, and;

WHEREAS, Butler County is not financially able to repair or replace bridges which would be subject to accelerated deterioration by increased loads, and;

WHEREAS, Butler County and its residents, farmers, businesses, schools, post offices, and emergency responders, would be subjected to undue operational and economic hardships by further degradation of its road system and the structures thereon;

THEREFORE BE IT RESOLVED that the Butler County Board of Supervisors strongly urges all Iowa lawmakers to vote in opposition to this legislation.

UPON Roll Call the vote thereon was as follows:

AYES: Tom Heidenwirth
Rusty Eddy
Greg Barnett

NAYS: None

WHEREUPON the Resolution was declared duly adopted this 19th day of March 2019.

ATTEST: *Lizbeth Williams*, County Auditor

No public comment received.

Board approved claims as submitted.

Board acknowledged receipt of Manure Management Plan Annual Updates for DJ Pork; PHD Site 2; PHD Site 1; F087 and Chris Fenneman.

Board acknowledged receipt of new Manure Management Plan Annual Updates for DCI Bennezette 2 and RIG 3 Bennezette. Public hearings to accept comments will be held.

Moved by Eddy, second by Heidenwirth to adjourn the meeting at 10:30 A.M. to Tuesday, March 26, 2019 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 March 19, 2019.