

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON APRIL 23, 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 Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Environmental Health Specialist Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa.

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

Board held a public hearing on a Construction Permit Application for a new swine facility for Maximus Decimus Meridius, LLC, owner Jim Luebbers. Location of proposed facility is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7-90-18 in Washington Township. Present were Engineer John Riherd, Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Environmental Health Specialist Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa. Auditor reported no written or oral comments received. Environmental Health Specialist reported no written or oral comments received. Hearing no comments in the room, Chairman Eddy closed the public hearing.

Board held a public hearing on an application by Frank Reints to rezone approximately 75 acres located at 30047 – 220th St in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33, Township 92N, Range 15W from “A-1” Agriculture to “M” Manufacturing. Present were Engineer John Riherd, Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Zoning Administrator Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Keith Lovrien, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa. Auditor reported no written or oral comments received. Zoning Administrator 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 said zoning change. All ayes. Motion carried.

Board held a public hearing on the first reading of a proposed amendment to the Butler County Zoning Ordinance Title VI, No. 7. This Ordinance, Title VI, No. 17 will rezone approximately 75 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33 from “A-1” Agriculture to “M” Manufacturing. Present were Engineer John Riherd, Executive Director of Butler-Grundy Development Alliance Jeff Kolb, Zoning Administrator Misty Kroeze, Jeff Reints, Shell Rock, Iowa, Keith Lovrien, Larry Backer, Chris Backer, Will Backer and Sam Barnett, Clarksville, Iowa, Becky Sexton, Rockwell City, Iowa, Jim Luebbers, Aplington, Iowa, Virgil Goodrich, Parkersburg, Iowa and TJ Eden, New Hartford, Iowa. Auditor reported no written or oral comments received. Zoning Administrator reported no written or oral comments received. At the close of the public hearing it was moved by Heidenwirth, second by Barnett to approve said change to the Zoning Ordinance. All ayes. Motion carried.

It was further moved by Barnett, second by Heidenwirth to waive the second and third readings of said ordinance. All ayes. Motion carried. Amended Ordinance is as follows:

ORDINANCE TITLE VI, No. 17

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP, WHICH IS CONSIDERED PART OF BUTLER COUNTY, IOWA ZONING ORDINANCE (ORDINANCE TITLE VI, NUMBER 8, ADOPTED ON MAY 25, 2004)

Section 1. RESCISSION. This Ordinance rescinds the current zoning designation, “A-1” Agriculture, on the property legally described as:

The South half of the Southwest quarter in Section 33, Township 92 North, Range 15 West of the 5th P.M. in Butler County, Iowa. All subject easements of record and public highways, to

on the Official Zoning Map as was originally adopted.

Section 2. ADOPTION. This Ordinance adopts in lieu thereof a new zoning designation “M”, Manufacturing, 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 8, adopted on May 25, 2004) 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 April 23, 2019.

SECOND PASSAGE (READING) on WAIVED.

THIRD AND FINAL PASSAGE (READING) AND ADOPTION on April 23, 2019.

Board met with Treasurer Vicki Schoneman to review the Tax Suspension List. Moved by Eddy, second by Barnett to approve said Tax Suspension List for Fiscal Year 2020. All ayes. Motion carried.

Public comments received were centered on the conditions of secondary roads. Larry Backer, Clarksville, Iowa questioned the Board on what their plan was for repairing the damaged roads, why frost boils are not being pushed down and why more rock is not being applied. Chris Backer, Clarksville, Iowa stated that the frost boils are as bad as he's ever seen and the condition of the roads is crippling the agricultural business. Sam Barnett, Clarksville, Iowa stated that he has driven 10 to 12 miles into Floyd County and did not see one pot hole or frost boil in that County. Engineer Riherd reported that 1.1 million dollars is spent on rock, and with fuel and equipment costs added, there is a lot that goes into it. Generally, moisture and drainage issues are the cause. He stated further that the roads department's heavy equipment would only serve to make matters worse if they would try to repair or rock some of the roads at this point. Supervisor Heidenwirth stated that all counties are having the same moratorium on roads, and as the frost goes out, repair will continue. Supervisor Eddy questioned whether or not the increased size of the farm equipment driven on the roads compared to 30 to 40 years ago has anything to do with the level of damage the roads are seeing. Approximately 106,000 tons of rock is applied annually. Last year 128,000 tons were applied.

Board approved claims as submitted.

Moved by Barnett, second by Heidenwirth to adjourn the meeting at 9:45 A.M. to Tuesday, April 30, 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 April 23, 2019.