

MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE BUTLER COUNTY BOARD OF SUPERVISORS HELD ON NOVEMBER 26, 2019.

Meeting called to order at 9:00 a.m. by Chairman Rusty Eddy with member Tom Heidenwirth present. Member Greg Barnett was absent. Also present were Engineer John Riherd, Kevin Blanshan, INRCOG, Zoning Administrator Misty Kroeze, Sheriff Jason Johnson and Bethany Carson, Mid-America Publishing.

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

Time and place for a public hearing on an application for an internet telecommunications tower to be located at 31591 Vail Avenue. Present were Engineer John Riherd, Kevin Blanshan, INRCOG, Zoning Administrator Misty Kroeze, Emergency Management Coordinator Chris Showalter, Sheriff Jason Johnson and Bethany Carson, Mid-America Publishing. Auditor reported no written or oral comments were received. Zoning Administrator Misty Kroeze commented that Planning and Zoning met last week and the below-grade ballasted foundation was the first option with an 11' x 11' concrete pad as a secondary option, depending on how the soil borings come out. At the close of the public hearing, it was moved by Heidenwirth, second by Eddy to approve the following Resolution. Barnett was absent.

RESOLUTION #948

BUTLER COUNTY BOARD OF SUPERVISORS

APPROVING "RISE BROADBAND INTERNET TRANSMISSION TOWER" 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 held a Public Hearing on November 21, 2019, to consider an application for an internet transmission tower submitted by Rise Broadband.
- Section 2. The area is located in the E 13 ¾ A. N½ NE SE of Section 21, Township 90 North, range 15 West of the 5th P.M. approximately 240' from the road right-of-way.
- Section 3. The Planning & Zoning Commission has made the recommendation that the internet transmission tower be approved with the below-grade ballasted foundation being the first structural option explored by Rise Broadband and the 11' x 11' concrete pad being a secondary option.
- Section 4. The Board of Supervisors held its own public hearing on this internet transmission tower on November 26, 2019.
- Section 5. The Board of Supervisors hereby approve the Rise Broadband internet transmission tower" with the below-grade ballasted foundation being the first option and 11' x 11' concrete pad as a secondary option.

Section 6. This resolution shall take effect immediately.

The vote thereon was as follows:

AYES: Rusty Eddy NAYS: None ABSENT: Barnett
Tom Heidenwirth

Passed and approved this 26th day of November, 2019.

ATTEST: *Lizbeth Williams*, County Auditor

Moved by Eddy, second by Heidenwirth to approve the following Resolution. Barnett was absent.

RESOLUTION #723-20

CONSTRUCTION EVALUATION RESOLUTION

WHEREAS, Iowa Code section 459.304(3) sets out the procedure if a board of supervisors wishes to adopt a "construction evaluation resolution" relating to the construction of a confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution can submit to the Department of Natural Resources (DNR) an adopted recommendation to approve or disapprove a construction permit application regarding a proposed confinement feeding operation structure; and

WHEREAS, only counties that have adopted a construction evaluation resolution and submitted an adopted recommendation may contest the DNR's decision regarding a specific application; and

WHEREAS, by adopting a construction evaluation resolution the board of supervisors agrees to evaluate every construction permit application for a proposed confinement feeding operation structure received by the board of supervisors between February 1, 2020 and January 31, 2021 and submit an adopted recommendation regarding that application to the DNR; and

WHEREAS, the board of supervisors must conduct an evaluation of every construction permit application using the master matrix created in Iowa Code section 459.305, but the board's recommendation to the DNR may be based on the final score on the master matrix or may be based on reasons other than the final score on the master matrix;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY that the Board of Supervisors hereby adopts this construction evaluation resolution pursuant to Iowa Code section 459.304(3). The vote thereon was as follows:

AYES: Tom Heidenwirth
Rusty Eddy

NAYS: None

ABSENT: Barnett

Passed and approved this 26th day of November, 2019.

ATTEST: *Lizbeth Williams*, County Auditor

Board met with Kevin Blanshan from INRCOG to discuss services offered. Also present was Recorder Janice Jacobs.

Moved by Eddy, second by Heidenwirth to approve the following Resolution. Barnett was absent.

RESOLUTION #949

WHEREAS, The Butler County Board of Supervisors is empowered under authority of the Code of Iowa to impose weight limitations on highway structures under their jurisdiction, and

WHEREAS, recent periodic inspections conforming to National Bridge Inspection Standards and Federal Highway Administration rules have been performed, and

WHEREAS, Federal Highway Administration rules require that bridges be reviewed and analyzed for Special Haul Vehicle configurations, and

WHEREAS, the results of these inspections and reviews indicate that the following structures have reduced load carrying capability and require load restrictions and

NOW THEREFORE BE IT RESOLVED by the Butler County Board of Supervisors that these structures be posted with the following signs indicating each bridge's respective load limits.

Bridge B14N10 – FHWA # 89391 – located on the north line of Section 14 T93N R16W, Dayton Twp ...
Post with "One Lane Bridge" signs

Bridge B27W10 – FHWA # 89500 – located on the west line of Section 27 T93N R16W, Dayton Twp ...
Post with "Weight Limit Truck Series 28T, 40T, 40T" and "All Vehicles" signs

Bridge C26W10 – FHWA # 89772 – located on the west line of Section 26 T93N R17W, Coldwater Twp ...
Post with "Weight Limit Truck Series 28T, 40T, 40T" and "All Vehicles" signs

Bridge C13T10 – FHWA # 89660 – located in Section 13 T93N R17W, Coldwater Twp ... Post with "Weight Limit 3 Tons" and "All Vehicles" signs

Bridge C14T10 – FHWA # 89670 – located in Section 14 T93N R17W, Coldwater Twp ... Post with "Weight Limit 5 Tons" and "All Vehicles" signs

Bridge E07W10 – FHWA # 88910 – located on the west line of Section 7 T92N R18W, Pittsford Twp ...
Post with "One Lane Bridge" signs

Bridge F22W10 – FHWA # 88800 – located on the west line of Section 22 T92N R17W, West Point Twp ...
Post with "Weight Limit Truck Series 25T, 40T, 40T" and "All Vehicles" signs

Bridge G17T10 – FHWA # 88585 – located in Section 17 T92N R16W, Jackson Twp ...
Post with "Weight Limit Truck Series 21T, 33T, 38T" and "All Vehicles" signs

Bridge G18W20 – FHWA # 88610 – located on the west line of Section 18 T92N R16W, Jackson Twp ...
Post with "Weight Limit Truck Series 26T, 40T, 40T" and "All Vehicles" signs

Bridge H16N10 – FHWA # 88361 – located on the north line of Section 16 T92N R15W, Dayton Twp ...
Post with "Weight Limit Truck Series 28T, 40T, 40T" and "All Vehicles" signs

Bridge I19T20 – FHWA # 87461 – located in Section 19 T91N R15W, Shell Rock Twp ...
Post with "One Lane Bridge" signs

Bridge I25W10 – FHWA # 87490 – located on the west line of Section 25 T91N R15W, Shell Rock Twp ...
Post with "Weight Limit Truck Series 28T, 40T, 40T" and "All Vehicles" signs

Bridge I32N20 – FHWA # 87520 – located on the north line of Section 32 T91N R15W, Shell Rock Twp ...
Post with "Weight Limit Truck Series 28T, 40T, 40T" and "All Vehicles" signs

Bridge J05N10 – FHWA # 87610 – located on the north line of Section 5 T91N R16W, Jefferson Twp ...
Post with "Weight Limit Truck Series 13T, 21T, 23T" and "All Vehicles" signs

Bridge J08N10 – FHWA # 87631 – located on the north line of Section 8 T91N R16W, Jefferson Twp ...
Post with "One Lane Bridge" signs

Bridge K17W10 – FHWA # 87900 – located on the west line of Section 17 T91N R17W, Ripley Twp ... Post with "One Lane Bridge" signs

Bridge L13W10 – FHWA # 88061 – located on the west line of Section 13 T91N R18W, Madison Twp ...
Post with “One Lane Bridge” signs

Bridge L18W10 – FHWA # 88110 – located on the west line of Section 18 T91N R18W, Madison Twp ...
Post with “Weight Limit Truck Series 25T, 40T, 40T” and “All Vehicles” signs

Bridge M07W10 – FHWA # 87180 – located on the west line of Section 7 T90N R18W, Washington Twp ...
Post with “Weight Limit Truck Series 25T, 40T, 40T” and “All Vehicles” signs

Bridge N03W10 – FHWA # 86970 – located on the west line of Section 3 T90N R17W, Monroe Twp ...
Post with “Weight Limit Truck Series 27T, 40T, 40T” and “All Vehicles” signs

Bridge N24W10 – FHWA # 87100 – located on the west line of Section 24 T90N R17W, Monroe Twp ...
Post with “Weight Limit Truck Series 23T, 35T, 40T” and “All Vehicles” signs

Bridge P05T20 FHWA # 86590 – located in Section 5 T90N R15W, Beaver Twp ...
Post with “Weight Limit Truck Series 26T, 39T, 39T” and “All Vehicles” signs

Bridge P11W20 – FHWA # 86640 – located on the west line of Section 11 T90N R15W, Beaver Twp ...
Post with “Weight Limit Truck Series 28T, 40T, 40T” and “All Vehicles” signs

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed, and that upon successful rehabilitation or replacement, as determined by the County Engineer, the bridge postings shall be removed without further action of this board.

The vote thereon was as follows:

AYES: Rusty Eddy

NAYS: None

ABSENT: Barnett

Tom Heidenwirth

Passed and approved this 26th day of November, 2019.

ATTEST: *Lizbeth Williams*, County Auditor

Board discussed Emergency Medical Services with Diane Buss and Joyce Fenneman, Bristow, Iowa and Merrill Meester, Iowa Department of Public Health. Also present was Emergency Management Coordinator Chris Showalter. No action taken.

No public comment received.

Board approved claims as submitted.

Board acknowledged receipt of Manure Management Plan Annual Updates for Freedom Farm Finisher.

Moved by Eddy, second by Heidenwirth to adjourn the meeting at 10:42 A.M. to Tuesday, December 3, 2019 at 9:00 A.M. Barnett was absent. 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 November 26, 2019.